



An
Bord
Pleanála

Inspector's Report

ABP-316294-23

Development

The development will consist of: (i) demolition of the single storey function room to the rear of the site; (ii) development of a residential scheme totalling 36 residential units and (iii) all associated site development works.

Location

60 Main Street, Howth, Co. Dublin,
D13 N8K3.

Planning Authority

Fingal County Council

Planning Authority Reg. Ref.

F22A/0477

Applicant(s)

JM Dunluce Ltd

Type of Application

Permission.

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant

Howth Sutton Community Council.

Observers

Siobhan and Brendan Clifford
Maria Doyle
Hillwatch.

Date of Site Inspection

20th June 2024.

Inspector

Lucy Roche

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1.0 Site Location and Description

- 1.1. The appeal site is located to the west of Main Street, Howth, c350m south of Howth Harbour and c750m southeast of Howth Train station (as the crow flies). The site lies to the south and west of Howth library, a detached single storey structure that fronts onto Main Street. Lands to the north of the site and the library, once occupied by the Bailey Court Hotel, are currently under construction for a strategic housing development (SHD) permitted under ABP-313133-22. A detached house bounds the site to the south, while Asgard Park, a low-density residential development lies above to the east. The Church of the Assumption, a protected structure, is situated to the southwest of the site, on lands enclosed by Main Street, Thormanby Road and Saint Mary's Road.
- 1.2. The site itself comprises no.60 Main Street, a former residential building that has been converted into offices; a former function room once associated with the Bailey Court Hotel, also in office use, an asphalt car park and rough grassland. The site has an 'L' shaped configuration and benefits from approximately 23m of road frontage onto Main Street. The site slopes steeply above the level of the public road with levels varying from c23m AOD at the southwestern corner near Main Street to c32 AOD at the northwestern section.
- 1.3. The site has a stated area of 0.29ha.

2.0 Proposed Development

- 2.1. The proposed development as originally presented to the Planning Authority comprised:
 - (i) The demolition of the existing single-storey function room (376sqm as stated) currently in office use, to the rear of the site
 - (ii) The construction of a residential scheme, totalling 36 no. residential units (comprising 14 no. 1 bed units and 22 no. 2 bed units) and consisting of:
 - (a) The construction of a 3 - 4 storey over-basement building, containing 32 no. residential apartments (12 no. 1 bed units and 20 no. 2-bed units). Each unit is provided with private open space in the form of a balcony or terrace. The structure incorporates solar panels at rooftop

level. The apartment building is to be constructed into the site, with a rear landscaped deck aligned with the topography of the site.

(b) The change of use of the existing 2-storey office building fronting onto Main Street to residential use consisting of 2 no. 1-bed apartments and 2 no. 2 bed apartments.

(iii) The development will be served by a total of 68 no. bicycle parking spaces, consisting of 56 no. internal bicycle parking spaces to be provided at basement level and 12 no. bicycle parking spaces to be provided at surface level. The development will provide for a total of 37 no. car parking spaces (including 2 no. mobility impaired user parking spaces).

(iv) A communal landscaped area for all apartments at ground floor level.

(v) Associated site and infrastructural works are also proposed, which include foul and surface water drainage, landscaping, boundary treatments, and all associated site development works necessary to facilitate the development.

2.2. The development proposal was amended that RFI stage as follows:

- The overall ridge height of the proposed apartment block reduced by c.500mm.
- Omission of one two-bedroom apartment at third floor level (southern end)
- The existing 2-storey office building fronting onto Main Street to be converted to 4no one-bedroom apartments in lieu of 2 no. 1-bed apartments and 2 no. 2 bed apartments as previously proposed. Works include extensions and alterations to existing building.
- The incorporation of Blue Roof as part of the surface water strategy.

2.3. Table 2.1 below provides a summary of the key aspects of the proposed development as originally presented and as amended:

Table 2.1	
Site Area	0.29ha
No. Of Residential Units	35 apartments <i>(revised from 36 at RFI stage)</i>

Housing Mix	16no one-bedroom apartments (46%) and 19no two-bedroom apartments (54%) <i>(Revised from 14no one-bedroom apartments (39%) 22no Two-bedroom apartments (61%) at RFI stage)</i>
Density	120.6dph <i>(revised from 124dph at RFI stage)</i>
Height	13.755m <i>(reduced by 500mm at RFI stage)</i>
Dual Aspect	100%
Material Finishes	Brick and Black Metal Balustrades.
Access	Existing entrance off Main Street
Car Parking	35 spaces in basement car park. <i>(Decreased from 37no. spaces at RFI Stage)</i>
Cycle Parking	80 spaces. 70 resident spaces (50 in the basement and 20 at podium level) and 10 for visit (podium level) <i>(Increased from a total of 68spaces at RFI stage)</i>
Open Space	c650sqm Communal open space
Water Services	Public Mains

2.6. The application is accompanied by (inter alia):

- Planning Report
- Basement Impact Assessment
- Updated Architectural and Planning Report
- Energy Statement
- Flood Risk Assessment
- Engineering Report (updated at FRI Stage)
- Screening for Appropriate Assessment (updated at FRI Stage)
- Daylight Analysis and Overshadowing Report (updated at FRI Stage)

- Arboriculture Report (received at FRI Stage)
- Photomontages

3.0 Planning Authority Decision

3.1. Decision

Following an initial request for further information, Fingal County Council decided to grant permission subject to 26no conditions. The following of which are of note:

- Condition 5: Requires that windows serving bedrooms on the northern elevation be amended to clerestory style windows with an internal cill level of 1.7m above floor level.
- Condition 7 Relates to the use of Brick as an external finish.
- Condition 8: Requires privacy screens to be provided to the southern side of balconies.
- Condition 11: Relates to various items raised by the Transport Department (entrance design, parking, drainage, taking in charge, surface water, construction management etc)
- Condition 13: Requires that an Ecologist monitor the impact of site works on wildlife.
- Condition 14: Requires that all works relating to the stability of the slope shall be designed and supervised by a suitably qualified engineer.
- Condition 19: Requires the submission of a Construction and Demolition Resource Waste Management Plan.
- Condition 24: Contribution towards open space shortfall
- Condition 25: Security bond
- Condition 26: Section 48 Development Contribution

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The initial report of the Planning Officer (Oct.2022) has regard to the locational context and planning history of the site / surrounding area; to local and national planning policy and guidance and to the third-party submissions and departmental reports received.
- The report considers the application under various headings including: - compliance with the zoning objective, density, design, conservation, integration and impact on the visual and residential amenities of the area, water services, transportation, open space, landscaping, ecology, stability, EIAR and Appropriate Assessment Screening.
- The proposed development is considered acceptable in principle and an improvement on the design from that previously proposed and rejected under FCC Reg. Ref: F21A/0425.
- The assessment raises a number of issues relating, inter alia, to the height of the development, the design of the apartment block in particular the two-storey flat roofed apartment at third floor level, the extent of development proposed within the existing structure and the level of residential amenity that would be afforded to occupants of same, overshadowing, overlooking, surface water drainage, water services, access, internal roads layout and parking, landscaping and boundary treatment. The report concludes with a request for further information on the issues raised.
- The second and final report of the case planner considers the further information received on the 24th of February 2023, the third-party submissions and departmental reports received.
- It is considered that subject to condition the proposed development accords with the policies and objectives of the Fingal Development Plan 2017-2023 and would integrate appropriately within this sensitive historic setting without undue impact to the residential or visual amenities of the area. The proposed development would be consistent with the proper planning and sustainable development of the area.
- The report concludes with a recommendation to grant permission, substantially in accordance with the grant of permission.

3.2.2. Other Technical Reports

- Water Services: The initial report (Oct 2022) requests further information in relation to proposals for surface water drainage. Second report (Mar.2023) states no objection subject to condition re: surface water drainage and flood risk.
- Transportation: Report (Oct 2022) requests further information in relation to Access and sightlines; swept path analysis; cycle parking; cycle access to car-park; EV charging and taking in charge.
- Parks: Initial report (Oct 2022) recommends further information in relation to the retention of trees and boundary treatment. Conditions are recommended in relation to landscaping, ecology, and public open space provision (financial contribution to address shortfall). Second report (Mar 2023) recommends conditions in relation to landscaping, tree protection and ecology.
- Conservation: Initial report (Oct 2022) requests measures to reduce the parapet and ridge height of the apartment block, the omission of two-bed flat roof apartment at third floor level, the retention of trees and samples of brick finish. The second report (Mar.2023) recommends conditions in relation to external finishes.

3.3. Prescribed Bodies

Uisce Eireann: No objection subject to condition

3.4. Third Party Observations

The planning authority received a number of objections during the course of their assessment of the application. The issues raised are similar to those raised in the grounds of appeal and in the observations received. These are summarised in section 6.0 below.

4.0 Planning History

4.1. Appeal site:

F21A/0425 Permission refused (2021) for (1) Demolition of existing function room, and existing house on site and the construction of two new buildings consisting of 38 residential apartments and 1 commercial unit etc. 5 reasons cited for refusal: (1) demolition of existing building within ACA, (2) inappropriate design within ACA, (3) overdevelopment of the site, (4) lack of AA screening assessment and (5) contravene of Objective DMS32 which prohibits the creation of gated communities.

F04A/1071 Permission granted (2004) for the demolition of existing function room and existing house on site and the construction of a three storey over basement residential development comprising of 28 apartments and 2 retail/commercial units etc.

4.2. Neighbouring Lands to the North:

ABP Ref: 313133 (SHD/009/21) permission granted (2023) for demolition of existing structures on site, construction of 180 no. apartments and associated site works. This application was subject to EIA and NIA.

4.3. Other

ABP-306102-19 Permission granted (2020) for SHD of 512 units. This application was subject to EIA and NIA.

ABP-310413-21 Permission granted (2021) for SHD of 162 units. Decision Quashed by Order of the high court, 2023

5.0 Policy Context

5.1. Development Plan

The application was assessed by Fingal County Council in accordance with the policies and objectives of the Fingal Development Plan 2017-2023. The Fingal Development Plan 2023-2029 was made on the 22nd of February 2023 and came

into effect on the 5th of April 2023. I have assessed the proposal under the provisions of the operative Development Plan, namely the Fingal Development Plan 2023-2029

Fingal Development Plan 2023-2029 (FDP 2023-2029)

5.1.1. **Zoning:** The appeal site is zoned TC - Town and District Centre under the FDP 2023-2029 with an objective *to protect and enhance the special physical and social character of town and district centres and provide and/ or improve urban facilities.* The vision for this area is to *maintain and build on the accessibility, vitality, and viability of the existing Urban Centres in the County. Develop and consolidate these Centres with an appropriate mix of commercial, recreational, cultural, leisure and residential uses, and to enhance and develop the urban fabric of these Centres in accordance with the principles of urban design, conservation, and sustainable development.*

5.1.2. **Settlement Hierarchy:** Metropolitan Area - Dublin City and Suburbs Consolidation Area. Table 2.20 describes this area as an international business core with a highly concentrated and diversified employment base and higher order retail, arts, culture and leisure offer. Acts as national transport hub with strong inter and intra-regional connections and an extensive commuter catchment.

It is envisaged that Howth along with Sutton and Baldoyle will develop through the provision of a range of facilities to support existing and new populations. For this to be achieved, it is vital that the role of Baldoyle, Howth are strengthened, and development consolidated within the original villages.

5.1.3. **Core Strategy:** Table 2.14 notes that Howth had a population of 8,294 in 2016 with an estimated population of 9,800 by 2029 and a projected housing demand of 500 no. units. A total of 20ha of land are zoned in Howth for residential uses with a predicted yield of 1,006 no. units.

5.1.4. **Designations:**

- The site is partly located within the Howth Historic Core ACA. Appendix 5 describes the ACA as follows: *The ACA for Howth Historic Core*

encompasses the original route into Howth along Church Street leading to the current centre on Main Street formed around the 19th century Catholic church and the streets radiating out from this. It also takes in roads fronting onto the historic piers of Harbour Road and East Pier. There is a mix of grand landmark structures and modest vernacular structures within the ACA that mark the evolution of Howth from a small fishing community to a popular seaside resort. Most of the structures within the Historic Core ACA are terraced but they fit well into the changing contours of the village, with three- to four-storey buildings generally along the harbour front and lower sections of Abbey Street, stepping down in scale and height to single- and two-storey as the village extends uphill. The special character of Howth village derives from range of buildings with medieval buildings such as The Old College forming a streetscape with 19th century houses and 20th century infill. The coastal setting of Howth also adds to the character providing dramatic sea views of the northern coastline of County Dublin and of Ireland's Eye

- The site is within a 'Highly Sensitive Landscape' and within the Coastal Landscape Character Area.
- The site is located within Noise Zone D associated with Dublin Airport

5.1.5. Policies and Objectives of note:

- **Policy CSP1 – Core Strategy** Promote and facilitate housing and population growth in accordance with the overarching Core Strategy to meet the needs of current and future citizens of Fingal
- **Policy CSP2 – Compact Growth and Regeneration** Support the implementation of and promote development consistent with the National Strategic Outcome of Compact Growth as outlined in the NPF and the Regional Strategic Outcome of Compact Growth and Regeneration as set out in the RSES.
- **Objective CSO2 – Monitoring Process for Housing Delivery** Implement a robust monitoring process for all housing delivery including the performance of large-scale housing developments (Schemes for 100 units+) for each town,

village and urban settlement within the County to allow for ongoing assessment of delivery targets whilst ensuring overdevelopment does not occur in any particular area and to ensure that the delivery of necessary infrastructure is provided in a timely manner with the delivery of housing to ensure the sustainability of communities

- **Policy CSP12 – NPF and RSES** Promote compact growth in line with the NPF and RSES through the inclusion of specific policies and targeted and measurable implementation measures that: “ Encourage infill / brownfield development, “ Focus growth on the County’s designated strategic development areas identified in the Metropolitan Area Strategic Plan (MASP), “ Promote increased densities along public transport corridors
- **Policy HCAP14 – Architectural Conservation Areas** Protect the special interest and character of all areas which have been designated as an Architectural Conservation Area (ACA). Development within or affecting an ACA must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting wherever possible. Development shall not harm buildings, spaces, original street patterns, archaeological sites, historic boundaries or features, which contribute positively to the ACA.
- **Policy HCAP15 – Character of Architectural Conservation Areas** Support and encourage the sympathetic and appropriate adaptive reuse, refurbishment, and upgrading of protected structures and buildings or structures that contribute to the character of an Architectural Conservation Area ensuring that their special interest, character and setting is retained. Prohibit development that seeks the demolition of a Protected Structure or buildings that contribute to the character of an ACA in almost all circumstances

5.2. **National Planning Framework (NPF)**

The NPF is the Government’s high level strategic plan for shaping the future growth and development of the country to 2040. Compact growth is a key strategic objective of the Plan and there is a particular focus on Dublin, with the NPF advocating an approach of consolidation and densification across the City Region. The NPF provides

a series of National Policy Objectives (NPOs), including NPO 3a, b and c which seek the delivery of new homes within the footprint of existing settlements as follows.

- NPO 3a: - Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.
- NPO 3b: - Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs within their existing built-up footprints.
- NPO 3: - Deliver at least 30% of all new homes that are targeted in settlements, within their existing built-up footprints. "

5.3. ***Eastern and Midland Regional Assembly – Regional Spatial and Economic Strategy (RSES) 2019.***

The RSES gives effect to the NPF at regional level. The RSES further endorses the NPF's principles of consolidation, brownfield development, densification and compact growth. The RSES sets out a new regional plan providing a long-term spatial planning direction for the region in which Dublin is categorised as a Global Gateway in recognition of the international role it plays for the country. Included in the RSES is the 12–20-year Metropolitan Area Strategic Plan (MASP) for Dublin. The MASP identifies a regional framework which aligns population and employment growth with associated transport and infrastructure investment priorities.

5.4. ***Section 28 Ministerial Guidelines***

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024 (*Compact Settlement Guidelines*)
- Design Standards for New Apartments, Guidelines for Planning Authorities - July 2023 (*Apartment Guidelines*)

5.5. **Natural Heritage Designations**

The appeal site is not designated for any nature conservation purposes. The coast at Balscadden Bay c90m northeast of the appeal site, comprises part of Howth Head

SAC (000202) and Howth Head pNHA. The Northwest Irish Sea SPA (004236) extends along the coast c135m to the northeast. Howth Head Coast SPA (004113) extends around the coastline to within approx. 540m east of the appeal site. Other sites in the wider area include Baldoyle Bay SAC (000199), Rockabill to Dalkey Island SAC (003000) and Irelands Eye SPA (004117) and SAC (002193).

5.6. EIA Screening

See completed Form 2 on file. Having regard to the nature, size, and location of the proposed development and to the criteria set out in schedule 7 of the regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

This is a third-party appeal lodged on behalf of the Howth Sutton Community Council against the decision of Fingal County Council to grant permission for the redevelopment of lands at No.60 Main Street, Howth. The issues raised in the appeal can be summarised as follows:

- The proposed development would contravene the core strategy for Howth and contravene Objective CS02 and Policy CSP22 of the FDP 2023-2029.
- The proposal is contrary to FDP 2023-2029 Objective HCAP14 as it relates to Architectural Conservation Areas. The proposed apartment complex by reason of its scale, height, proportions, design and elevational treatment results in a form of development that does not respect the historic and architectural character of the area.
- The density of development is at odds with the prevailing pattern of development in the area.
- Traffic Congestion: - The vehicular access to the site is proposed at an already heavily congested part of the main street. The proposed development

in conjunction with the Ballscadden SHD on neighbouring lands to the north will result in a very serious traffic congestion on the main street and on the Howth Peninsula in general, particular at commuting times.

- Construction traffic will result in further congestion and in traffic related nuisance i.e. noise, dust, and emissions.
- The proposed development, which includes a basement car park will necessitate significant **excavation** the impact of same on neighbouring properties (on Thormanby Road and Asgard Park) has not been adequately considered.

6.2. Applicant Response

- The proposed development for the construction of 35no residential units is in keeping with the projected housing demand for Howth.
- The proposed development is the result of an extensive design process having been informed by the pattern of development established within Howth, the protection of the visual and residential amenity and the provision of a development which ensures no significant impacts on the ACA.
- The proposed development includes the retention of the existing two-storey structure on site, incorporating it into the overall development. It is considered that the retention of this structure and the siting of the proposed development to the rear of the site ensures a proposal that does not have a significant impact on the streetscape.
- The density of development is appropriate for this well serviced site.
- The quantum of parking proposed was deemed acceptable by the planning authority. However, the applicant would welcome a condition reducing the number of parking spaces in line with the revised standards set out in the FDP 2023-2029.
- Applying the commuter trends for Howth from the 2016 census, there will be minimal traffic impact from the proposed development.

- The site is located within 750m of the Howth DART station which offers high frequency and high-capacity connection to Dublin city.
- A basement Impact Assessment was submitted with the application. the construction of the basement will have no significant impacts on surrounding structures.
- As per the conditions attached to Fingal's grant of permission, a Construction Management Plan is to be submitted ensuring no significant impacts on neighbouring properties.

6.3. Planning Authority Response

The response of the planning authority to the issues raised in the grounds of appeal can be summarised as follows:

- The application was assessed against the policies and objectives of the Fingal Development Plan 2017 to 2023 and existing government policy and guidelines.
- The development was assessed having regard to the development plan zoning objectives as well as the impact on adjoining neighbours and the character of the area including that of the ACA. Concerns set out in the third-party objections were acknowledged and considered.
- The development is considered a sustainable and appropriate infill development on a site within an urban core of Howth.
- The development was reviewed by the Transportation Planning Section, Water Services Section, Parks and Green Infrastructure Division and the Conservation office. Reports received stated no objection subject to condition.
- The Planning Authority requests that the board uphold their decision to grant permission and request that conditions no. 12(d) tree bond, no.24 open space shortfall, no.25 security and no.26 section 48 levy, be included in the determination,

6.4. Observations

Observations have been received from the

- Siobhan and Brendan Clifford
- Maria Doyle
- Hillwatch
- Christian Morris
- Cllr. David Healy
- Howth Peninsula Heritage Society

The issues raised can be summarised as follows:

- Traffic Generation
- Lack of infrastructure, including parking and cycle infrastructure, in Howth to cater for the increased population.
- The quantum of parking proposed within the scheme (37) exceeds the minimum permitted under the current FDP. A reduction in the quantum of parking will help with traffic generation challenges associated with additional development on the peninsula.
- The proposal would contravene the Core Strategy for Howth. The area is becoming overdeveloped.
- The proposed scheme in terms of design, height and density would be contrary to the ACA designation and if permitted would detract from the historic streetscape and the character of the village. The proposals would be contrary to Objective HCAP14 of the FDP 2023-2029.
- The presentation of the proposed development in all figures and photomontages is too dark thus obscuring the true impact of the development.
- Lack of information on the amount of excavation required.
- Impacts during construction: - construction related traffic, dust, and noise
- Poor quality landscape design- too much hard landscaping

- No guarantee that the development will remain BTS.
- The proposed development does not address the reasons for refusal associated with FCC Reg. Ref: F21A/0425.
- Lack of consultation with residents.

7.0 Assessment

7.1. Preliminary Points:

- 7.1.1. This is a third-party appeal against the decision of Fingal County Council (FCC) to grant permission for a residential scheme in Howth. The scheme as originally presented to the Planning Authority comprised 36 residential units in the form of 14no one bedroom and 22no two-bedroom apartments. The scheme was amended that RFI stage to provide for a total of 35 residential units (16no. one-bedroom apartments and 19no two-bedroom apartments). In the interests of clarity my assessment will be based on the amended scheme as granted by the planning authority.
- 7.1.2. The application was assessed by Fingal County Council in accordance with the policies and objectives of the Fingal Development Plan 2017-2023. The Fingal Development Plan 2023-2029 came into effect on the 5th of April 2023 and is now the operative plan for the area. My assessment is therefore based on the provisions of the Fingal County Development Plan 2023-2029 (FCP 2023-2029).
- 7.1.3. Having examined the appeal details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:
- Principle of Residential Development
 - Density
 - Residential Capacity - Howth
 - Built Heritage

- Residential Amenity:
- Construction Related Impacts
- Traffic / Parking

7.2. Principle of Residential Development:

- 7.2.1. The appeal site comprises an infill site in the centre of Howth, which itself is located within the ‘Dublin City and Suburbs Consolidation Area’ as per the RSES and FDP 2023-2029. Development in the immediate vicinity comprises a general mix of town centre uses (commercial, residential, community etc) fronting onto the street and low density residential to the south and east. Lands to the north are currently under construction for a strategic housing development (ABP-313133-22), which incorporates a commercial element (retail/café) fronting onto Main Street.
- 7.2.2. The appeal site is zoned ‘TC - Town and District Centre’ under the FDP 2023-2029 with an objective to *protect and enhance the special physical and social character of town and district centres and provide and/ or improve urban facilities*. Residential is listed as a use that is permitted in principle with this zoning. Having regard to the zoning objective, the infill nature and configuration of the site, its limited street frontage which is occupied by the site entrance and an existing two-story building and having regard to the prevailing pattern of development in the vicinity, the development of this site for residential purposes is acceptable in principle.

7.3. Density

- 7.3.1. The FDP 2023-2029 does not set out blanket density standards, instead the plan states in section 14.6.3, that density should be determined with reference to Section 28 Guidelines on ‘Sustainable Residential Development in Urban Areas, 2009’ and the policies and objectives set out under Chapter 3. The 2009 Guidelines have been superseded by the ‘Sustainable Residential Development and Compact Settlement Guidelines, 2024’. The 2024 Guidelines state that “where there are differences between these Guidelines and Section 28 Guidelines issued prior to these guidelines, it is intended that the policies and objectives and specific planning policy requirements of these Guidelines will take precedence”.

- 7.3.2. The 2024 Guidelines set out a tiered approach to residential density that is designed to reflect the variety of settlements and settlement contexts where residential development takes place, while prioritising Compact Growth. With respect to the appeal site, given the nature of the location, I would consider such constitutes a City-Urban Neighbourhood under Table 3.1 of the guidelines. This area type includes “(i) the compact medium density residential neighbourhoods around the city centre that have evolved overtime to include a greater range of land uses, (ii) strategic and sustainable development locations, (iii) town centres designated in a statutory development plan, and (iv) lands around existing or planned high-capacity public transport nodes or interchanges (defined in Table 3.8) – all within the city and suburbs area. These are highly accessible urban locations with good access to employment, education and institutional uses and public transport. It is a policy and objective of these Guidelines that residential densities in the range 50dph to 250dph (net) shall generally be applied in urban neighbourhoods of Dublin and Cork”.
- 7.3.3. The density of the proposed development equates to c120.6dph which falls within the acceptable density range for an urban neighbourhood of Dublin. While I would acknowledge that the density proposed is higher than that of the existing residential development to the south and east, it is in line with that of the permitted SHD development to the north. I consider that the density proposed is acceptable in terms of ensuring the efficient use of zoned and serviced town centre land, that it is in compliance with local, regional and national policy and guidance and that it would not constitute overdevelopment of the site.

7.4. Residential Capacity – Howth

- 7.4.1. The third-party appellants have raised concerns regarding the quantum of residential development that has been permitted in Howth over the last five years. They contend that Howth has already seen overdevelopment under the previous FDP 2017-2023 with a total of 1049 units (as stated) granted planning permission, more than double the housing target for the settlement (498). They further contend, with reference to the populations targets set out in Table 2.14 of the current FDP, that the proposed development of 35 units would result in said targets being further exceeded, and that this exceedance would be contrary to FDP Objective CS02 (Monitoring Process for

Housing Delivery) and Policy CSP22 (re: the development of Howth, Sutton and Baldoyle).

- 7.4.2. Table 2.14 sets out the Core Strategy figures for each settlement in Fingal and includes figures on projected populations and housing demand, available zoned land, potential housing yield and extent permissions. It is stated in the plan (Section 2.2.12- Analysis) that these figures serve as a benchmark for monitoring to ensure compliance with National and Regional figures. As per the details provided, Howth had a population of 8,294 in 2016. The population is expected to increase to 9,800 by 2029 with a projected housing demand of 500 no. units. A total of 20ha of land is zoned in Howth for residential uses with a predicted yield of 1,006 no. units. The plan recognises that there is extant permission for c710 within the settlement. Based on these figures, I consider that the appellants are correct in that the proposed development has the potential, in conjunction with extant permissions, to exceed the projected housing demand for Howth; however, I do not agree with the contention that this would contravene the Core Strategy or the objectives of the FDP.
- 7.4.3. The core strategy for Fingal is set out in Section 2.2 of the Plan. As stated, the purpose of the Core strategy is to guide the spatial direction of future development and regeneration in the County in line with the principles of compact growth, with the key objective of ensuring that the quantum and location of development is consistent with National and Regional policy.
- 7.4.4. The Core Strategy is depicted diagrammatically in Figure 2.1. This shows Howth within 'Dublin City and Suburbs' where it is a National Policy Objective (NPO 3b of the NPF), to deliver at least half (50%) of all new homes within the existing built-up footprints. The characteristics of the appeal site in terms of its town centre location and proximity to public transport, identify it as an obvious site to aid in the delivery of compact growth in Howth. In my opinion the development of the appeal site for residential purposes as proposed would help to consolidate the development of Howth in line with National and Regional policy and in a manner that is consistent with the Core strategy and objectives of the FDP2023-2029.

- 7.4.5. The current FDP identifies a need for approximately 16,245 new housing units to meet the needs of current and future population over the plan period. To meet this demand, the plan adopts a flexibility approach to the distribution of the housing and population targets. This flexibility requires monitoring to ensure that overdevelopment does not occur in any particular area (FDP Objective CS02 relates). The Plans states under Section 2.2.12 – Analysis, that for the purpose of monitoring, ‘it is the policy of this plan to monitor each settlement, with Dublin City and Suburbs settlement as one area with options to transfer a portion of the allocated units from one neighbourhood area to another’.
- 7.4.6. In respect of Howth, while the number of housing units permitted (710 as stated) exceeds the projected housing demand (500), delivery on the majority of these units has yet to be realised and no evidence has been presented to suggest that the projected housing demand has been reached. Therefore, it cannot be said that overdevelopment has occurred. In this regard I note that the Planning Authority in their assessment of the application raised no issue regarding the potential overdevelopment of Howth or its ability to cater for the additional 35no residential units proposed. FDP Objective CS02 places any onus on the Planning Authority to Implement a robust monitoring process for housing delivery, I am satisfied that the granting of planning permission in this case would not contravene this objective.
- 7.4.7. In relation to the ability of Howth to cater for the quantum of development proposed and the concerns raised by third parties regarding overdevelopment. I would note that the two major extent planning permissions in Howth, the SHD developments permitted under ABP-306102-19 (512 Units) and ABP313133-22 (180 units) were both subject to EIA and the detailed assessment associated with same. In both cases the Board was satisfied that there was sufficient capacity in public and social infrastructure in the area to meet the demands of the development proposed, with cumulative impacts also considered. The proposed scheme of 35no units would not in my opinion result in a significant increased demand on existing services / facilities.
- 7.4.8. In conclusion, I am satisfied that Howth as part of the Dublin City and Suburbs Consolidation Area, can accommodate the quantum and scale of development proposed, in accordance with National Policy and in a manner that is consistent with

the Core Strategy and objectives of the FDP 2023-2029. The proposal would not result in the overdevelopment of Howth.

7.5. Built Heritage

- 7.5.1. The appeal site is (partially) located within the historic core of Howth, designated an Architectural Conservation Area (ACA) in the Fingal Development Plan 2023-2029. The Church of the Assumption, a protected structure lies to the southwest of the site. As noted by Fingal's Conservation Officer in their report to the Planning Authority (21/10/2022), the ACA designation places a level of protection on the exterior of buildings which positively contribute to the character of the area, and controls on how new build addresses the streetscape.
- 7.5.2. The proposal comprises the demolition of an existing structure and the construction of a new 3 to 4 storey (over-basement) apartment building. The existing 20th century two-storey house fronting onto Main Street is to be retained and converted into apartments. Third parties are concerned that the proposed apartment scheme would, due to its height, scale, design and elevational treatment, detract from the historic streetscape and the character of the village and in doing so would contravene FDP Objective HCAP14 which seeks to protect the special interest and character of Architectural Conservation Areas (ACA).
- 7.5.3. The application was accompanied by a Design Statement, an Architectural and Planning Assessment and photomontages. I have considered these documents and visited the site and surrounding area.

Demolition:

- 7.5.4. Objective HCAP15 of the FDP 2023-2029, prohibits the demolition of buildings that contribute to the character of an ACA. In this case, the structure for demolition comprises a detached single-storey building (376sq.m) to the rear of the site. This building, once a function room of the former Baily Court Hotel, and currently in office use, appears to be of recent construction and has no notable architectural merit or

conservation value. Its removal would not in my opinion represent any loss or diminution of character in the ACA.

No. 60 Main Street:

7.5.5. The proposed scheme includes for the retention, refurbishment and reuse of No.60 Main Street, an early 20th century two-storey former dwelling, now in office use. No. 60 and its curtilage occupies the southern section of the site. Its design incorporates a projecting, two-storey gable, with two-storey canted bay to its front elevation, painted render with raised quoins, pitched slate roof and vertically proportioned openings. No.60, forms part of the established streetscape along Main Street, and it is considered to positively contribute to the character of the ACA. As per the requirements of FDO Objective HCAP 15, the sympathetic and appropriate adaptive reuse and refurbishment of this structure is, I consider, necessary for the success of the proposed scheme and protection of the ACA.

7.5.6. It is proposed to convert No.60 back to residential use in the form of 4no apartments, which I consider represents an appropriate use for this structure. The proposed works include the replacement of existing uPVC windows with timber sliding sash windows and the renewal of external finishes. These works would have a positive impact on the character and appearance of this structure. The scheme as amend at RFI stage includes amendments to the structures northern elevation to facilitate the provision of private amenity areas for apartments at ground and first floor levels. While these works would alter the appearance of the northern elevation, they would not in my opinion detract to any significant degree from the character of the structure or the ACA in general. Overall, I have no objection to the proposed development as it relates to the refurbishment and reuse of No.60 Main Street.

New Apartment Building:

7.5.7. The greatest potential impact on the character of the ACA arises from the proposed 3-4 story apartment building to the rear of the site. How this structure 'fits' with the character of the ACA, particularly in terms of its impact on the streetscape, is I consider a key consideration in the assessment of the scheme.

- 7.5.8. Photomontages were submitted with the application to illustrate this impact. I refer the Board to 'View 1' (view south towards the appeal site from Main Street), which illustrates the proposed apartment block concealed by the former Baily Court Hotel. At the time of inspection, the hotel structure had been demolished and works commenced on the SHD permitted under ABP-313133-22. Therefore, this image is redundant; however, I note that additional imagery included as part of the 'Design Statement' submitted with the application, illustrates the proposed development in context with the SHD development, now under construction.
- 7.5.9. Having considered all imagery submitted in support of the scheme and having visited the site and surrounding area, it is evident that the proposed apartment block will be visible, in part, from Main Street / surrounding road network, particularly on approach from the south. However, as highlighted by Fingal's Conservation Officer and the Planning Authority in their assessment of the application, there are key mitigating factors which reduce the impact of the development on the streetscape and the character of the ACA.
- 7.5.10. The apartment block will be set against a steeply raised backdrop and below the level of neighbouring houses in Asgard Park, which themselves are partially visible in views from the main street. This ensures that the block will be nestled into the landscape without breaking the skyline. The structure is to be set back within the site and to the rear of existing / permitted buildings on Main Street, thereby reducing the mass and scale of the structure as viewed from the public road network. While the block will not be entirely screened in views from the public road, I am satisfied that the design concept presented is of sufficient quality to ensure that it contributes to, rather than detracts from the streetscape and the overall character of the ACA.
- 7.5.11. Existing development within the vicinity of the site comprises a variety of buildings of differing heights, style, design, architectural detailing and material finishes. In my opinion the appeal site can accommodate the contemporary style of architecture proposed. The primary elevation of the apartment building is the front (west) elevation which will be visible (in part) from adjoining road network. This elevation has been broken down to vertical sections of alternate heights (3 and 4 story), which together with the amendments proposed at RFI stage i.e. the omission of the flat

roofed apartment at the southern end, and the reduction in both parapet and ridge height of 500mm, help reduce the perceived height, mass and scale of the structure. The higher, four storey elements incorporate a gable which is a feature of some existing buildings along Main Street, while the asymmetrical pitched roof design is reflective of neighbouring dwellings in Asgard Park. The use of brick as a material finish is also a feature of some buildings within the ACA. I agree with the opinion expressed by the Conservation Officer in their report to the Planning Authority (March 2023), that the choice of brick colour, detailing and finish is essential to the design quality of the build.

7.5.12. In this regard I refer the Board to Condition 7 of the Planning Authorities grant of permission which requires that the treatment of brick accord with that detailed on drawing no. 2020-34-P-07, submitted on the 8th of September 2022 and I recommend a similar condition in the event of a grant of permission.

7.5.13. In conclusion, I am satisfied that the proposed apartment building, as amended and subject to condition on material finishes, can be adequately assimilated into the appeal site with no significant adverse impacts on the street scape or the ACA. Furthermore, given the proposed retention of No.60 Main Street and the separation distances available between the proposed apartment building and the Church of the Assumption, I envisage no significant adverse impacts on the character or setting of the protected structure.

7.6. Residential Amenity

7.6.1. The proposed residential scheme (as amended) comprises a total of 35no. residential units in the form of 16no. one-bedroom apartments and 19no two-bedroom apartments. 31no. apartments are proposed in a new 3-4 storey block which occupies the eastern portion of the site. The remaining 4no apartments are proposed within the existing two-storey building fronting onto the street (former dwelling converted into office use).

7.6.2. A Housing Quality assessment was submitted with the application to demonstrated compliance with the standards of Sustainable Urban Housing: Design Standards for

New Apartments. Following consideration of these guidelines (updated 2023) and the plans and particulars received with the application I am satisfied that all relevant SPPR's in terms of housing mix, floor area, dual aspect ratio, ceiling heights and lift and stair core are met.

- 7.6.3. Each apartment is provided with dedicated storage areas, which in the case of the two-bedroom apartments includes areas off the combined kitchen / living room which exceed the recommended upper limit of 3.5sq.m. (Section 3.31 of the Guidelines). In considering this deviation from the recommended standard, the Planning Authority where satisfied that the overall layout of the units would be conducive to a good amenity value. I would agree and as such I do not consider an amendment to the design/internal layout of the units concerned by way of condition necessary in this instance; however, this opinion is open to the Board should they see fit.
- 7.6.4. Each apartment is provided with an area of private open space in the form of a terrace (at ground and third floor level) or balcony, most of the private amenity areas exceed the required quantitative standard set out in the guidelines and all spaces adjoin the main living areas.
- 7.6.5. The scheme provides a total of 650sqm (as stated) of communal open space; this area exceeds the minimum required standard of 213sqm. While I would question the 'usability' of much of this space, particularly in terms of active play / recreation, I note that the scheme provides several areas suitable for passive recreation which should help to ensure an adequate level of amenity for future occupants. I also note the proximity of the site to Howth Harbour and coastline which offer a high amenity value. A landscaping scheme was submitted with the application. This scheme was not updated at RFI stage to reflect changes made to the layout, I would therefore recommend, in the event of a grant of permission, the attachment of a condition requiring the submission of a revised landscaping scheme for approval by the Parks Department / Planning Authority.
- 7.6.6. In terms of public open space provision, the Planning Authority identify a shortfall of c1,060sqm from the required FDP standard; however, they are satisfied that this

shortfall can be addressed by way of a financial contribution in accordance with Section 48 of the Planning and Development Act 2000 and FCD Objective DMSO53.

- 7.6.7. The application was accompanied by a 'Daylight Analysis and Overshadowing Report' which concludes that all proposed apartments will be provided with an acceptable standard of amenity from a daylight perspective and that future occupants will enjoy good levels of daylight along with access to amenity areas that can receive excellent levels of sunlight. In terms of overlooking between blocks, I refer the Board to Condition 8 of the Planning Authority's grant of permission which requires the provision of privacy screens on the southern side of balconies at first and second floor levels. I would recommend a similar condition in the event of a grant of permission.
- 7.6.8. Potential impacts of the proposed development on the amenities of adjoining properties by way of overlooking, overshadowing and overbearing were considered by the planning authority in their assessment of the application and in their decision. Regard was had to the contours and configuration of the site and the separation distances available. No adverse impacts in terms of overbearing or overshadowing from the scheme (as amended) were identified. In terms of overlooking, the grant of permission requires, in addition to the provision of privacy screens to balconies, that all bedroom windows on the northern elevation be provided with high level clerestory windows to mitigate potential undue impacts on the permitted development to the north. Given the proximity of said windows to the opposing boundary and the fact that the rooms effected are served by additional on either the east or west elevation, I recommend a similar condition in the event of a grant of permission.
- 7.6.9. Overall, I am satisfied that if permitted the proposed scheme would provide for an adequate level of privacy and amenity for future occupants and would not seriously detract from the residential amenities of existing residential properties in the vicinity. The proposed scheme would accord with the objectives of the FDP 2023-2029, relevant Section 28 Guidelines and the proper planning and development of the area.

7.7. **Construction Related Impacts**

7.7.1. Concerns have been raised in relation to the impacts that may arise during the construction phase of the development on the amenities of adjoining properties. While I accept that construction phase of this development has the potential to give rise to nuisances (noise, vibration, dust and emissions etc), any such impact would be for a limited duration, and it is standard practice to impose conditions that seek to ensure that such nuisances are controlled / mitigated to lessen amenity impact.

7.7.2. The potential impact of grounds works (excavation) on the structural integrity of other buildings in the area is also raised as concern. The proposal involves the demolition of an existing building and the construction of a new 3-4 story over basement apartment building. The basement is noted to cover the footprint of the proposed building and will be generally constructed to a depth of 3.00m below ground level. The proposed attenuation tank to serve the development, is to be constructed to a depth of c4.0m. A Basement Impact Assessment (BIA) was submitted with the application. The purpose of this assessment was to consider the effects of the proposed basement on the local hydrology, geology and hydrogeology underlying and surrounding the site. A screening exercise was carried out for the site and the information used to assess potential impacts associated with the development. The BIA also includes an indicative structural solution for the excavation / construction works. The report recommends that the following be undertaken prior to construction:

- An independently checked and comprehensive site investigation
- Comprehensive ground movement assessments
- Slope stability analysis
- A detailed construction method statement including program of monitoring.

Subject to the above, the report concludes that the proposed development is unlikely to have any impact on surrounding structures.

7.7.3. The information contained in the Basement Impact Assessment is I considered sufficient for planning assessment purposes, and I am satisfied, based on the information provided, that the proposed development can be carried out safely without undue impacts on surrounding structures.

7.8. Traffic and Parking

- 7.8.1. Third parties are concerned that the proposed development would, in conjunction with other permitted residential developments in the area (notably the Strategic Housing Development to the north (ABP 313133-22)), result in additional movements that would contribute to congestion on the Main Street and on the wider Howth Peninsula.
- 7.8.2. As previously noted, the extant SHD permissions granted under ABP 313133-22 and ABP306102-19 were both subject to EIA. This involved a detailed assessment of the potential impacts of the development, alone and in combination with other such projects, on traffic and transportation. No significant adverse impacts were identified, with planning permission being granted in both cases. The proposed development due to its limited scale (35 units), town centre location and proximity to high frequency transport is I consider unlikely to generate significant traffic movements beyond the capacity of the existing road network.
- 7.8.3. Access to the site is proposed via the existing entrance of Main Street. The entrance is to be upgraded (widened) to facilitate both vehicular and pedestrian access. The proposed works will result in the loss of one dedicated age-friendly, on-street parking space. This is not a pay and display space. Condition 11(b) of the Planning Authorities decision requires the developer to provide road markings for an alternative designated age friendly space to replace the one being removed. However, in my opinion, the works required under Condition 11(b), could be carried out by the Local Authority with the benefit of the Section 48 Development Contributions payable in respect of the proposed development. On this basis, I do not recommend that this condition be included in the event of a grant of permission.

Parking

- 7.8.4. The development granted by Fingal County Council includes for the provision of 35no car parking spaces at basement level to serve the development. The quantum of parking proposed, while below the standard set in the FDP 2017-2023 (c52 spaces), was deemed acceptable by both the planning authority and FCC's Transportation Department. The FDP 2023-2029 is now the operative plan for the

area. Under this plan the appeal site, due to its location within 1600m of Howth Train station, would fall within Parking Zone 1, where a maximum of 24.5no car parking spaces would be permitted to serve the proposed development. Therefore, while the quantum of parking proposed within this scheme is below the standard set out in the FDP 2017, which was in effect at the time the of the planning authority's decision; it would now exceed the parking standards set out in the current FDP.

7.8.5. On consideration of this issue, I refer the Board to the 2024 Compact Settlement Guidelines, and I note that in accordance with the provisions of Section 34 of the Act, the planning authority, when making a decision in relation to an application that includes a residential element, is required to have regard to the policies and objectives of these Guidelines and to apply the specific planning policy requirements (SPPRs).

7.8.6. SPPR 3 of the 2024 guidelines relates to parking provision and allows for a maximum parking rate of 1 no. spaces per dwelling in urban neighbourhoods of Dublin. SPPR3 would therefore allow for a maximum of 35 spaces to serve the proposed residential scheme. The quantum of parking proposed would accord with SPPR3 and is I consider acceptable in this case. Notwithstanding my conclusions on this matter, I note that the applicants have stated in their response to the grounds of appeal that they are willing to accept a reduction in parking provision should the Board see fit.

8.0 **AA Screening**

8.1.1. Having carried out Screening for Appropriate Assessment In accordance with Section 177U of the Planning and Development Act 2000 (as amended), (See Appendix 2), I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Site and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The nature, scale and location of the project

- Distance from European Sites, intervening land uses and the dilution effect.
- Standard best practice construction methods and pollution controls that would be employed regardless of proximity to a European site and effectiveness of same

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

9.0 Recommendation

I recommend that permission be granted subject to condition.

10.0 Reasons and Considerations

Having regard to

- (a) National and local policy objectives which support the development of infill sites in achieving compact growth,
- (b) Section 28 Ministerial Guidelines on Sustainable Residential Development and Compact Settlements (2024) and Design Standards for New Apartments (2023)
- (c) The 'TC - Town and District Centre' zoning objective pertaining to the site, as set out in the Fingal Development Plan 2023-2029, where residential is listed as a use that is permitted in principle
- (d) The location of the site in the centre of Howth and in proximity to public transport
- (e) The nature, scale and design of the proposed development which is consistent with the provisions of the Fingal County Development Plan 2023 – 2029
- (f) The pattern of existing and permitted development in the area, and

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not detract from the character of the Architectural Conservation Area, would be acceptable in terms of urban design, height and quantum of development, 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.

11.0 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 24th day of February 2023, 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. The proposed development shall be amended as follows:
 - a. The windows serving bedrooms on the northern elevation of the apartment block shall be replaced with high level clerestory style windows with an internal cill level of not less than 1.7m above the floor level.
 - b. All windows serving bathrooms, en-suite and as otherwise indicated shall be fitted and permanently maintained with obscure glass.
 - c. Privacy screens with a height of c. 1.8m shall be provided to the southern side of the balconies at first and second floor level of the apartment block and converted structure.

Reason: In the interest of residential amenity.

3.
 - a. Details of the materials, colours and textures of all the external finishes to the proposed buildings, including privacy screens to balcony's, shall

be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

- b. The treatment of the front (west) elevation shall include 2 colours of selected brick and brick detailing as detailed on Drawing No. 2020-34-P-107, submitted with the application on the 8th of September 2022. A revised front (west) elevation detailing compliance with the requirements of this condition along with samples of the proposed brick shall be submitted to the Planning Authority for written agreement prior to the commencement of the development.

Reason: In the interest of visual amenity.

4. Before any other development commences, the recommendations of the Basement Impact Assessment shall be implemented in full and to the satisfaction of the Planning Authority.

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

5. All works to ensure the stability of the slope shall be designed, supervised and certified by a suitably qualified engineer with adequate professional indemnity. Any damage resulting from work to the slope by the applicant shall be remediated at the applicant's expense.

Reason: In the interest of safety and of the proper planning and sustainable development of the area.

6. The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the

planning authority.

Reason: In the interest of public health.

7. Prior to the commencement of development, the developer shall enter into a Connection Agreements with Uisce Éireann (**Irish Water**) to provide for a service connections to the public water supply and wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

8. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

9. Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of amenity and public safety.

10. Any alterations to the public road or footpath shall be carried out in accordance with the requirements of the Planning Authority and where required all repairs to the public road and / or footpath shall be carried out at the applicants own expense and to the satisfaction of the Planning Authority.

Reason: in the interests of public safety and the proper planning and development of the area.

11. The internal road and pedestrian network serving the proposed development and the underground car park shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS).

Reason: In the interest of amenity and of traffic and pedestrian safety.

12. A minimum of 10% of all car parking spaces should be provided with functioning EV charging stations/ points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.

Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.

13.

- a. 80 no. safe and secure bicycle parking spaces shall be provided within the site. Provision should be made for a mix of bicycle types including cargo bicycles and individual lockers. Details of the design layout and marking demarcation of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- b. Details of the operation and maintenance of the cycle storage facilities shall be submitted to and agreed in writing with the planning authority prior to commencement of development
- c. Electric charging points to be provided at an accessible location for charging cycles/scooters/mobility scooters. Details to be submitted to and agreed in writing with the planning authority.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

14. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with,

the planning authority prior to commencement of development. This scheme shall include the following:

- a. A plan to scale of not less than [1:500] showing –
 - (i) The species, variety, number, size and locations of all proposed trees and shrubs, which shall comprise predominantly native species,
 - (ii) Hard landscaping works, specifying surfacing materials, furniture and finished levels.

- b. A timescale for implementation, including details of phasing. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

15. An ecologist shall be engaged to monitor the impact of site works on wildlife including checking vegetation and structures proposed to be removed for wildlife such as bats, nesting birds and mammals. Any wildlife present shall be managed to best practice standards and where necessary notification shall be made to the NPWS of the presence of any protected species.

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

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

- a. Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse.
- b. Location of areas for construction site offices and staff facilities.
- c. Details of site security fencing and hoardings.
- d. Details of on-site car parking facilities for site workers during the course of construction.
- e. Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- f. Measures to obviate queuing of construction traffic on the adjoining road network.
- g. Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
- h. Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- i. Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels.
- j. Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater.
- k. Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil.
- l. Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains
- m. A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety and environmental protection

17. Site development and building works shall be carried out only between the hours of 07.00 to 19.00 Mondays to Friday inclusive, between 08.00 to 14.00 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.

18. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of reducing waste and encouraging recycling.

19. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials [within each house plot and/or for each apartment unit] shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained, and waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment

20. Proposals for an estate/street name, apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the

planning authority prior to commencement of development. Thereafter, all estate and street signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

21. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

22. 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.

23. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

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

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the

Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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.

Lucy Roche
Planning Inspector

29th July 2024

Appendix 1

EIA Pre-Screening and Preliminary Examination

[EIAR not submitted]

An Bord Pleanála Case Reference	316294-23		
Proposed Development Summary	Construction of a residential development consisting of 35 residential units and all associated ancillary works, including excavation.		
Development Address	60 Main Street Howth		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
			Conclusion
No		N/A	
Yes	X	10 (b)(i): Construction of more than 500 dwelling units 10 (b)(iv): Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other	Proceed to Q.4

		parts of a built-up area and 20 hectares elsewhere		
4. Has Schedule 7A information been submitted?				
No	X		Preliminary Examination required	
Yes			Screening Determination required	
5. Preliminary Examination				
				Yes / No / Uncertain
1. Is the size or nature of the proposed development exceptional in the context of the existing environment?				No
2. Will the development result in the production of any significant waste, or result in significant emissions or pollutants?				No
3. Is the proposed development located on, in, adjoining or have the potential to impact on an ecologically sensitive site or location*?				No
4. Does the proposed development have the potential to affect other significant environmental sensitivities in the area?				No
Comment (if relevant)				
Conclusion				
Based on a preliminary examination of the nature, size or location of the development, is there a real likelihood of significant effects on the environment **?				
There is no real likelihood of significant effects on the environment		EIAR not required	X	
There is significant and realistic doubt in regard to the likelihood of significant effects on the environment		Screening Determination required		
		Sch 7A information submitted?		
There is a real likelihood of significant effects on the environment		EIAR is required (Issue notification)		

Inspector _____ **Date:** _____

DP/ADP _____ **Date:** _____

Inspector: _____ **Date:** _____

Appendix 2

Screening for Appropriate Assessment

Appropriate Assessment : Screening Determination (Stage 1, Article 6(3) of Habitats Directive)

I have considered the [title of project] in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

A Screening Report for Appropriate Assessment was submitted with the application. The Board will note that this document was prepared in advance of the designation of the North-West Irish Sea SPA. The report includes a description of the project on pages 5-6.

The subject site is located at in an urban area off Main Street in Howth. The proposed development will include the demolition of a function room associated with the former Bailey Court Hotel, the change of use, extension and alteration of an existing two-story building to accommodate 4no. apartments and the construction of a new 3-4 story over basement apartment block. The proposal involves works of demolition and excavation. Foul water is to be discharged to a foul sewer on Main Street, which conveys to the Ringsend Wastewater Treatment Works. Rainwater is to be attenuated in a 'blue roof' system to the east and west of the apartment building and subsequently discharged to a surface water culvert on the main street.

There are no watercourses or other ecological features of note on the site that would connect it directly to European Sites in the wider area.

European Sites

The proposed development site is not located within or immediately adjacent to any site designated as a European Site, comprising a Special Area of Conservation (SAC) or Special Protection Area (SPA). The coast at Balcadden Bay c90m northeast of the appeal site, comprises part of Howth Head SAC (000202). The North-west Irish Sea SPA (004236) extends along the coast c115m to the northeast. Howth Head Coast SPA (004113) extends around the coastline to within approx. 540m east of the appeal site. Other sites in the wider area include Baldoyle Bay SAC (000199), Rockabill to Dalkey Island SAC (003000) and Irelands Eye SPA (004117) and SAC (002193).

European Site	Qualifying Interests (summary)	Distance	Connections
Howth Head SAC (000202).	<p>Habitats:</p> <ul style="list-style-type: none"> • Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] • European dry heaths [4030] <p>Species: None</p>	85m	No direct
North-west Irish Sea SPA (004236)	<p>Species:</p> <ul style="list-style-type: none"> • Red-throated Diver (<i>Gavia stellata</i>) [A001] • Great Northern Diver (<i>Gavia immer</i>) [A003] • Fulmar (<i>Fulmarus glacialis</i>) [A009] • Manx Shearwater (<i>Puffinus puffinus</i>) [A013] • Cormorant (<i>Phalacrocorax carbo</i>) [A017] • Shag (<i>Phalacrocorax aristotelis</i>) [A018] • Common Scoter (<i>Melanitta nigra</i>) [A065] • Little Gull (<i>Larus minutus</i>) [A177] • Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] • Common Gull (<i>Larus canus</i>) [A182] • Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183] • Herring Gull (<i>Larus argentatus</i>) [A184] • Great Black-backed Gull (<i>Larus marinus</i>) [A187] • Kittiwake (<i>Rissa tridactyla</i>) [A188] • Roseate Tern (<i>Sterna dougallii</i>) [A192] • Common Tern (<i>Sterna hirundo</i>) [A193] • Arctic Tern (<i>Sterna paradisaea</i>) [A194] • Little Tern (<i>Sterna albifrons</i>) [A195] • Guillemot (<i>Uria aalge</i>) [A199] • Razorbill (<i>Alca torda</i>) [A200] • Puffin (<i>Fratercula arctica</i>) [A204] 	110m	No direct
Howth Head Coast SPA (004113)	<p>Species: Kittiwake (<i>Rissa tridactyla</i>) [A188]</p>	520m W	No direct
Baldoyle Bay SAC (000199)	<p>Habitats:</p> <ul style="list-style-type: none"> • Mudflats and sandflats not covered by seawater at low tide [1140] • Salicornia and other annuals colonising mud and sand [1310] 	820m NW	No direct

	<ul style="list-style-type: none"> • Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) [1330] • Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] 		
Rockabill to Dalkey Island SAC	<p>Habitats: Reefs [1170]</p> <p>Species: <i>Phocoena phocoena</i> (Harbour Porpoise) [1351]</p>	1km W	No direct
Irelands Eye SPA (004117)	<p>Species:</p> <ul style="list-style-type: none"> • Cormorant (<i>Phalacrocorax carbo</i>) [A017] • Herring Gull (<i>Larus argentatus</i>) [A184] • Kittiwake (<i>Rissa tridactyla</i>) [A188] • Guillemot (<i>Uria aalge</i>) [A199] • Razorbill (<i>Alca torda</i>) [A200] 	1.1km N	No Direct
Irelands Eye SAC (002193)	<p>Habitats:</p> <ul style="list-style-type: none"> • Perennial vegetation of stony banks [1220] • Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] 	1.6km N	No direct

Likely impacts of the project (alone or in combination)

The site is not located within or adjacent to any European Site so there is no risk or habitat loss, fragmentation, or any other direct impact.

Given the nature, scale and location of the project, any potential indirect impacts on European Sites from the development would be restricted to the discharge of surface or foul water from the site.

Construction works generate fine sediment and may result in accidental spills of oil or other toxic chemicals that may enter the surface water system. However, no direct surface water pathways have been identified between the site and any European Sites. During the operational phase, rainwater is to be attenuated in a 'blue roof' system to the east and west of the apartment building and subsequently discharged to a surface water culvert on the main street. It is understood that this culvert discharges to Howth Harbour, c300m to the north of the site. There is therefore a potential hydrological connection between the subject site and the designated sites in the Irish Sea, during both the

construction and operational phases via the surface water network. However, any waterborne pollutants that reach the culverted stream would flow north into Howth Harbour, before mixing with other coastal waters outside the harbour. This means that any pollutants would flow through c0.5km of coastal waters within the harbour before reaching the closest designated site (North-West Irish Sea SPA). Consequently, the risk that pollutants from the site could cause significant negative impacts on any European site is negligible, even in a worst-case scenario and in the absence of standard management measures.

The foul discharge from the proposed development would drain via the public sewer to the wastewater treatment plant at Ringsend for treatment and ultimately discharge to the Irish Sea. There is potential for an interrupted and distant hydrological connection between the subject site and the designated sites in the Irish Sea due to the wastewater pathway. The Ringsend WWTP is currently being upgraded; the first stage of the upgrade works was completed in December 2021 facilitating an additional population equivalent of 400,000 persons. The facility is currently operating under an EPA licencing regime that was subject to AA Screening. While further upgrade of the plant is planned / underway, the additional discharge from the proposed development would equate to a very small percentage of the overall licenced discharge and would not therefore have a significant impact on the water quality within Dublin Bay.

Pathways via groundwater, land or air can be ruled out due to the nature and scale of the development proposed and the distance to designated sites.

Regarding in-combination effects, I note that all extant planning permissions in the area would have been subject to AA screening. The most significant application for development in the area relates to the redevelopment of the Baily Court site, which was granted permission for an SHD development under ref. ABP-313133-22. That development was subject to AA (the site is closer to designated sites and clear pathways to coastal waters were identified). The Board in their determination concluded that it would not, adversely affect the integrity of European Site in view of the sites' conservation objectives, either individually or in combination with any other plan or project. In light of the above and given that there are no anticipated significant risks from the proposed development, I am satisfied that there would be no likely significant effects

in combination with other plans and projects on the qualifying features of any European sites.

No further assessment is required for the project. No mitigation measures are required to come to these conclusions.

Overall Conclusion

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Site [or name relevant site] and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The nature, scale and location of the project
- Distance from European Sites, intervening land uses and the dilution effect.
- Standard best practice construction methods and pollution controls that would be employed regardless of proximity to a European site and effectiveness of same

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

Inspector: _____

Date: _____