



An
Bord
Pleanála

Inspector's Report

ABP-317902-23

Development	PROTECTED STRUCTURE: Demolition of two storey retreat building and construction of part two/part three storey hospice extension
Location	St. Francis Hospice, Station Road, Raheny, Dublin 5, D05 E392
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	3377/23
Applicant	St Francis Hospice Dublin.
Type of Application	Permission.
Planning Authority Decision	Grant, subject to conditions.
Type of Appeal	Third Party
Appellants	Aisling O' Sullivan and others, see Section 6.0.
Observer(s)	None.
Date of Site Inspection	7 th May 2024.

1.0 Site Location and Description

- 1.1. The appeal site relates to the St Francis Hospice campus, which is located in Raheny, Dublin. The site measures approximately 1.57 hectares and includes the part single/part two storey St Francis Hospice (incorporating an Order of Malta Unit), a vacant two storey retreat building known as the St Francis Day Centre, and the two storey Walmer Villa, which is a Protected Structure and listed on the National Inventory of Architectural Heritage (RPS Ref. 6919, NIAH Ref. 50030006).
- 1.2. The site is bounde0d to the north by a Capuchin Friary with associated grounds and car park, to the east by the rear garden ground of the adjacent two storey terraced dwellings on Belmont Square, to the south by the rear garden ground of the two storey terraced dwellings on Tuscany Downs, and to the west by Raheny Road and the adjacent single storey/1.5 storey dwellings. Also located to the north of the site is the small, two storey Hilltop Shopping Centre which sites on the corner of Raheny Road and Belmont Park.
- 1.3. Access to the site is from Raheny Road via Belmont Park, with a spur connecting to the Capuchin Friary site. The majority of the buildings on the site are located in the north, south, and west sections of the site. The eastern section of the site is currently occupied by surface level car parks. Site levels decrease from west to east as well as from north to south and there are substantial boundary walls marking the north and east boundaries. There are some trees at the southern end of the site in addition to some trees in planters along the boundary with Belmont Square. Bus services are available from Raheny Road, and Raheny DART Station is approximately 500m to the south.

2.0 Proposed Development

- 2.1. Planning permission is sought for the demolition of the existing two-storey retreat building and redevelopment of the retreat building site and eastern car parks in order to provide a new part two/part three storey hospice extension accommodating a total of 24 no. patient bedrooms units in lieu of the existing 19 no. shared patient bedrooms

(net uplift of five bed spaces). The new extension would include a bridge link to the existing hospice building in addition to the provision of associated ancillary services including a chapel, therapy areas, treatment rooms, and clinical stores.

- 2.2. The proposed building would be part two storey/part three storey in height, accounting for the change in levels, with car parking (75 no. spaces) and cycle parking (38no. spaces) provided at lower ground floor area, in addition to plant and mortuary services. Patient accommodation and facilities would be provided on the upper levels. The building would be flat roofed in design and would incorporate materials such as brickwork, render, and grey/bronze aluminium cladding. The building would be arranged in an 'L' shape, enclosing a landscaped podium garden, and access would be taken from the existing internal access road.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Notification of the Decision to Grant Permission was issued by Dublin City Council on 3rd August 2023, subject to 13 conditions as follows:

1. Compliance with plans and particulars.
2. Development contributions.
3. Compliance with Codes of Practice (water, drainage, traffic, noise, air, and pollution).
4. Amendments to glazing and materials (provision of obscure glazing and use of brick).
5. Drainage requirements.
6. Transport requirements, including compliance with the Mobility Management Plan and submission of a Construction Management Plan.
7. Archaeology.
8. Orderly development.
9. Hours of work.
10. Landscaping, including tree protection measures.

11. Conservation and works to Protected Structures.
12. Compliance with the requirements of the Air Quality Monitoring and Noise Control Unit.
13. Bat Survey.

3.2. Planning Authority Reports

- 3.2.1. The first Planner's Report was issued on the 9th May 2023 and confirmed that the principle of the development would be acceptable in terms of land use, given the Z15 Zoning objective. The report notes that the Planning Authority had concerns regarding potential overlooking of the rear gardens on Belmont Square, that an 11 metre setback had not been achieved, but that mitigation could be applied to relieve potential impacts.
- 3.2.2. The report considered the height and design of the proposal to be acceptable, subject to agreement on materials, and that the scale would be an appropriate transition in height considering the height of surrounding properties. Issues related to daylight/sunlight, light pollution, and noise were considered to be acceptable. The loss of the existing building was considered to be acceptable, and no conservation issues were raised regarding Walmer Villa (PS) or the Capuchin Friary, although archaeology conditions were recommended.
- 3.2.3. In transport terms, clarity was sought on the capacity of the hospice (no. of patient rooms and existing hospice building) and amendments were required to the site access to provide a pedestrian entrance gate. Auto track diagrams were required for a turnabout space at the entrance in addition to providing clarity regarding the purpose of the vehicular ramp to the mortuary. Car parking was considered acceptable, but the report notes that a breakdown of the spaces (visitor/staff/set down) should be provided, in addition to a Mobility Management Plan.
- 3.2.4. The report concluded that Further Information was required, and the following information was requested by the Planning Authority:
 - Submission of a Basement Impact Assessment
 - Provision of green/blue roofs and attenuation.
 - Clarity on the ongoing use of the existing hospice building.

- Clarity on staff numbers and maximum capacity.
- Provision of a pedestrian entrance gate.
- Auto track information for the entrance area.
- Submission of a Mobility Management Plan.
- Details of mitigation to overcome overlooking from ground and first floor windows on the eastern elevation.

3.2.5. The second Planner's Report was issued on the 2nd August 2023, and assessed the Further Information submitted by the applicant on 7th July 2023. The report noted that the overall quantum of development remained unchanged, that the pedestrian gate had been widened, that the green/blue roof design had been expanded, and that opaque glazing should be applied to select windows on the east elevation. The report concluded that the Further Information satisfied the Planning Authority's request, and that permission should be granted subject to conditions. It was subsequently confirmed that development contributions would not apply given the charitable status of the hospice.

3.2.6. **Other Technical Reports**

3.2.7. **Archaeology (26.04.2023):** The response noted the location of the site within the Zone of Archaeological Constraint for the Recorded Monument (DU015-085), the various archaeological reports submitted with the application which relate to adjacent sites, and the test trench excavations undertaken on a previous permission on the site. Given the previous archaeological testing undertaken within the site boundary and environs, potential archaeological impacts are considered to be low. A condition is recommended regarding archaeological material discovered during site works.

3.2.8. **Conservation (09.05.2023):** The conservation report is summarised in the Planner's Report which concludes that there would be no direct significant visual impact on the Walmer Villa Protected Structure (RPS Ref. 6919). The structure proposed for demolition is not considered to be of architectural significance. Standard conservation conditions are recommended.

3.2.9. **Drainage Division (13.04.2023 and 28.07.2023):** Recommended Further Information to secure a Basement Impact Assessment and provision of green/blue roofs and

attenuation. Following the receipt of Further Information, no objections were raised, subject to the inclusion of standard conditions.

- 3.2.10. **Environmental Health (03.04.2023):** No objections. The development must comply with the Good Practice Guide for construction sites and make reference to this in the Construction Management Plan should be updated and approved by the EHO. Conditions are recommended regarding operational phase noise, extraction and ventilation, and air pollution control.
- 3.2.11. **Transportation Planning (25.04.2023 and 27.07.2023):** Access, cycle parking and car parking were all generally considered acceptable. Further Information was required regarding the ongoing use of the existing hospice building, clarity on staff numbers and maximum capacity, provision of a 2m wide pedestrian entrance gate, provision of auto track information for the entrance area, and submission of a Mobility Management Plan. The majority of this information was submitted to the satisfaction of the Transportation Planning Division. However, concerns were raised that the Mobility Management Plan contained no initial survey of current staff trip patterns to establish a baseline. Nonetheless, the Transportation planning Division considered that this could be dealt with by condition.

3.3. Prescribed Bodies

- 3.3.1. **Department of Housing, Local Government, and Heritage (08.05.2023):** The Department consider that the development has the potential to disturb the roosting habitat of a population of bat species and nesting birds, as a result of the removal of mature trees and changes to the building structure. Conditions are recommended regarding a bat survey (and derogation license if required) and restrictions on the removal of trees between 1st March and 31st August.
- 3.3.2. Uisce Éireann did not respond to the planning application consultation, however, the applicant has provided correspondence from Uisce Éireann confirming that waste and water connections are feasible without infrastructural upgrades.
- 3.3.3. No response was received from Iarnród Éireann, Fáilte Ireland, An Taisce, or An Chomhairle Ealaíon.

3.4. Third Party Observations

- 3.4.1. A total of six observations were made on the planning application. These observations generally raise similar issues to the grounds of appeal which are set out in detail in Section 6 below.
- 3.4.2. The application was accompanied by a letter of consent (dated 18.08.2022) confirming that the neighbouring Capuchin Friary consents to a transfer of ownership of a strip of land along the northern boundary of the site. This is to allow trees to be removed if necessary, subject to replacement with mature native trees of the Friary's choice.

4.0 Planning History

Subject Site

- 4.1.1. There is an extensive planning history for the subject site. Recent decisions of relevance include:
- 4.1.2. **Planning Authority Ref. 4757/19:** Permission was granted in April 2020 for a new generator with screened enclosure of plan area 26.9 square metres.
- 4.1.3. **Planning Authority Ref. 0091/14:** A Split Decision was issued in May 2014 to determine that a number of the works proposed for Walmer Villa would or would not be Exempted Development under the Planning and Development Regulations 2001 (as amended).
- 4.1.4. **Planning Authority Ref. 5667/07:** Permission was granted in October 2007 for the construction of a new 1.8m high masonry boundary wall between St Francis Hospice lands and the Capuchin Friary, and the removal of a section of railing and 5m of wall to accommodate new driveway access and car park for 23 spaces to the existing retreat house.

Planning Authority Ref. 1921/06: Permission was granted in May 2006 for renovation works to be carried out to Walmer Villa (Protected Structure). The villa will be used as an additional Day Care facility to the adjacent hospice. Internal works comprised the removal of modern 20th century timber stud walls, installation of platform type lift on ground and lower ground floors, and reinstatement of the structure. External works comprised the removal of all UPVC windows, the reinstatement of traditional timber

sash windows, the reinstatement of badly affected roof slating, repairs to wall render and the reinstatement of the timber veranda on north elevation.

Adjacent Sites

- 4.1.5. **Belmont Square: ABP Reference 109842/Planning Authority Ref. 2766/98:** Permission was granted by the Board in August 1999 for 27 no. terraced houses and 28 no. duplex apartments.
- 4.1.6. **Capuchin Friary: Planning Authority Ref. 3561/09:** Permission was granted in October 2009 for the demolition of the existing 12 no. bedroom, three storey dormitory and 4 no. out-buildings, renovation and alteration of the remaining dwelling, and construction of a new two storey 11 no. bedroom wing to incorporate new private entrance, lobby, communal accommodation, and garage.

5.0 Policy Context

5.1. Development Plan

Dublin City Development Plan 2022-2028

- 5.1.1. The site is zoned Z15, the stated objective of which is “to protect and provide for community uses and social infrastructure.”. The site is considered to be in a Transitional Zone Area where it is important to avoid abrupt transitions in scale and land-use between zones. In dealing with development proposals in these areas, it is necessary to avoid developments that would be detrimental to the amenities of the more environmentally sensitive zones.
- 5.1.2. Chapter 2: Core Strategy, the purpose of the core strategy is to guide the spatial direction of future development and regeneration in the city in line with the principles of compact growth.
- 5.1.3. Chapter 3: Climate Action contains the Council’s policies and objectives for addressing the challenges of climate change through mitigation and adaptation. Relevant policies include:
- CA6: Retrofitting and Reuse of Existing Buildings
 - CA24: Waste Management Plans for Construction and Demolition Projects.

5.1.4. Chapter 4: Shape and Structure of the City, sets out the Council's strategy to guide the future sustainable development of the city. The objective is to ensure that growth is directed to, and prioritised in, the right locations to enable continued targeted investment in infrastructure and services and the optimal use of public transport. Policies from this chapter that are of specific relevance include:

- SC5: Urban Design and Architectural Principles.
- SC11: Compact Growth - In alignment with the Metropolitan Area Strategic Plan, to promote compact growth and sustainable densities through the consolidation and intensification of infill and brownfield lands, particularly on public transport corridors.
- SC19: High Quality Architecture.

5.1.5. Chapter 5: Quality Housing and Sustainable Neighbourhoods, notes that the Council will seek to facilitate healthcare authorities in the provision, consolidation, co-location and enhancement of hospitals/healthcare facilities. Relevant policies from this chapter include:

- QHSN17: Sustainable Neighbourhoods - To promote sustainable neighbourhoods which cater to the needs of persons in all stages of their lifecycle, e.g. children, people of working age, older people, people living with dementia and people with disabilities.
- QHSN52: Sláintecare Plan - To support the Health Service Executive and other statutory, voluntary, private agencies and community based services in the provision of appropriate healthcare facilities - including the system of hospital care and the provision of community-based primary care facilities, mental health, drug and alcohol services and wellbeing facilities including Men's Sheds - and to encourage the integration of healthcare facilities in accessible locations within new and existing communities in accordance with the government Sláintecare Plan.

5.1.6. Chapter 6: City Economy and Enterprise:

- CEE30: Hospitals and Healthcare - To recognise that hospitals and the wider healthcare sector are crucial to the wellbeing of the city, including as major

sources of employment, economic development and innovation; and to promote and facilitate their development and expansion.

- 5.1.7. Chapter 8: Sustainable Movement and Transport, seeks to promote ease of movement within and around the city and an increased shift towards sustainable modes of travel and an increased focus on public realm and healthy placemaking, while tackling congestion and reducing transport related CO2 emissions. Policies of specific relevance from this chapter include:
- SMT1: Modal Shift and Compact Growth.
- 5.1.8. Chapter 9: Sustainable Environmental Infrastructure and Flood Risk, aims to address a broad range of supporting infrastructure and services including water, waste, energy, digital connectivity, and flood risk/surface water management.
- 5.1.9. Chapter 10: Green Infrastructure and Recreation, recognises that the city's natural assets are an essential resource for conserving biodiversity and for creating a healthy, low carbon, resilient and connected city. They include our parks, open spaces, landscapes, watercourses, coastline, and urban tree canopy. Protecting and enhancing the quality of Dublin City's natural assets and ensuring green, sustainable and climate resilient development will be central to ensuring the liveability of the city and its attractiveness as a place to live, work and visit into the future.
- 5.1.10. Chapter 11: Built Heritage and Archaeology, recognises that the city's heritage contributes significantly to the collective memory of its communities and to the richness and diversity of its urban fabric. It is key to the city's character, identity and authenticity and is a vital social, cultural, and economic asset for the development of the city. The Development Plan plays a key role in valuing and safeguarding built heritage and archaeology for future generations. The plan guides decision-making through policies and objectives and the implementation of national legislation to conserve, protect and enhance our built heritage and archaeology.
- 5.1.11. Chapter 15: Development Standards contains the Council's Development Management policies and criteria to be considered in the development management process so that development proposals can be assessed both in terms of how they contribute to the achievement of the core strategy and related policies and objectives. Sections of this chapter that are of specific relevance include:

- 15.4.2: Architectural Design Quality
- 15.4.3: Sustainability and Climate Action
- 15.5.4: Height
- 15.5.6: Plot Ratio and Site Coverage
- 15.6: Green Infrastructure and Landscaping
- 15.7.1: Re-use of Existing Buildings
- 15.14.6: Medical and Related Uses
- 15.18: Environmental Management

5.1.12. Appendices

- Appendix 3: Achieving Sustainable Compact Growth

5.2. Regional Policy

Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031

5.3. The primary statutory objective of the Strategy is to support implementation of Project Ireland 2040 - which links planning and investment through the National Planning Framework (NPF) and ten year National Development Plan (NDP), and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the Region. The RSES seeks to promote compact urban growth by making better use of under-used land and buildings within the existing built-up urban footprint.

5.4. National Policy

The National Planning Framework - Project Ireland 2040

5.4.1. The government published the National Planning Framework (NPF) in February 2018. National Strategic Outcomes of the of the NPF include compact growth, transition to a low carbon and climate resilient society, and access to quality health services.

5.5. Section 28 Ministerial Guidelines

5.5.1. Having considered the nature of the proposal, I consider that the directly relevant section 28 Ministerial Guidelines and other national policy documents are:

- Architectural Heritage Protection Guidelines for Planning Authorities (Department of Arts, Heritage and the Gaeltacht 2011). Section 13.8 of the guidelines relates to development affecting the setting of a Protected Structure or an architectural conservation area.
- Sustainable Residential Development and Compact Settlement - Guidelines for Planning Authorities (2024). The guidelines allow greater flexibility in residential design standards and cover issues such as open space, car and cycle parking, and separation distances.

5.6. Natural Heritage Designations

5.6.1. The nearest European sites are located in Dublin Bay, approximately 200m to the south of the site, including:

- North Dublin Bay SAC (& pNHA) (Site Code 000206)(1.32km).
- North Bull Island SPA (Site Code 004006)(1.32km).
- South Dublin Bay and River Tolka Estuary SPA (site code 004024)(2.8km).
- Baldoyle Bay SPA (& pNHA)(Site Code 004016) (3.5km).
- Baldoyle Bay SAC (Site Code 000199)(3.5km).

5.7. EIA Screening

5.7.1. 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

6.1.1. A Third Party appeal has been submitted by BPS Planning and Development Consultants, for and on behalf of the following residents who live immediately to the east of the appeal site:

- Aisling O’Sullivan and Shane Galvin of 12 Belmont Square, Raheny, Dublin 5
- Gerard and Aideen Lawlor of 13 Belmont Square, Raheny, Dublin 5
- Una Collins of 14 Belmont Square, Raheny, Dublin 5
- Gale Murphy of 15 Belmont Square, Raheny, Dublin 5
- Deirdre Duffy and Vincent Brennan of 18 Belmont Square, Raheny, Dublin 5

6.1.2. The grounds of appeal can be summarised as follows:

Previous Objections

- Each representative in the appeal requests that the Board consider their previous concerns/representations made on the planning application.
- Concerns raised at pre-planning stage have not been taken into account.
- There is capacity for expansion on other hospice sites, such as at Blanchardstown.

Climate, Demolition and Excavation

- The existing retreat building is a substantial structure, a local landmark and the loss to the community would be considerable.
- The loss of the existing building would be contrary to the National Climate Plan 2023, the National Energy and Climate Plan 2021-2030, and is potentially a material contravention of the CDP (Section 3.2).
- Demolition has not been justified, the ongoing/reuse of the existing building has not been considered and the demolition would create significant waste and the waste of embodied energy. This would be contrary to the CDP.

- The extent of excavation required is excessive, would fail to avoid unnecessary emissions, and would be contrary to climate policies and the CDP.
- The extent of excavation has not been assessed by Dublin City Council. A revised scheme with less cutting would be preferred.
- The applicant has failed to submit a Climate Action Energy Statement as required by Table 15.1 of the CDP.

Design and Quantum of Development

- The siting of the proposed development is unacceptable, and it represents overdevelopment, particularly along the eastern boundary. This would be contrary to the Z15 zoning objective.
- The height, scale, massing, bulk, length, and density of the development is excessive and would be contrary to the CDP building heights policies (including Appendix 3).
- The proposal fails to have regard to prevailing heights/character/density and results in an abrupt transition in scale. The development would be visually overbearing and both visually obtrusive and intrusive.
- The DCC Planner's Report indicated concerns of overdevelopment of the eastern end of the site (pre-planning and Further Information), but this was not addressed.
- The scheme fails to consider the slope of the site, no attempt is made to stagger the building or provide a split level design. The building would appear monolithic.
- The need for mitigation to avoid amenity impacts (such as obscure glazing) is indicative of the overdevelopment of the site.
- Heights need to be staggered, maximum of two storeys, and separation distances/setbacks need to be significantly increased. Provision of parking is not a justification for the height.
- The scheme provides landscaped open space but none of this is provided along the boundary with Belmont Square where no screening or tree planting is proposed. This should be reconsidered.

- The setback area between the development and the boundary with Belmont Square is being treated as a service area (parking, road, heat pumps) rather than a landscaped setback. There are concerns regarding the level of excavation required, the need for retaining walls, the provision of car parking/service road and the lack of acoustic screening.

Residential Amenity

- The proposal fails to comply with the Dublin CDP and the Sustainable Residential Development Guidelines, including Section 5.9 (i) Infill Residential Development, and fails to strike an acceptable balance between protection of amenity and the provision of residential infill.
- There would be adverse amenity impacts to adjacent homes and garden ground on Belmont Square in terms of overlooking/loss of privacy, noise impacts, loss of daylight/sunlight, creation of overshadowing, the loss of visual amenity, loss of outlook, creation of a sense of enclosure, and the development would be visually overbearing and dominant.
- Shadow impacts are not properly assessed by the BRE as the BRE are not concerned about when sunlight is lost. Daylight and sunlight impacts would be worse in the late afternoons and evening when the appellants most want to enjoy the sun to the rear of the properties.
- The Daylight and Sunlight Assessment is flawed, not all windows are assessed, and the baseline figures for ground floor windows are inconsistent and disproportionately low. The baseline Sun on Ground results are not accepted and appear to be flawed. The DCC assessment of overshadowing is not accepted.
- The BRE is not suited to assessing the proposed development in this context and the applicant's figures do not offer a credible basis for assessing VSC.
- The development would result in noise impacts due to demolition, construction and operation (car parking and heat pumps). The heat pumps were not listed on the public notices and as such should be removed from the scheme. There should be no development in the setback area and car park/access road should be located internally within a building.

- The noise from the heat pumps would impact on residents, DCC's assessment of noise from the heat pumps is not accepted, they are located in an unneighbourly fashion and should be relocated.
- The development would result in disturbance due to light pollution.
- The hospice use does not justify the adverse impacts on Belmont Square properties and the applicant fails to justify the development in light of the CDP vision for the area, where a one and two storey scheme would be more appropriate.
- CDP policy regarding separation distances is not applicable in this instance as institutional windows are different to residential windows. The proposed use is 24/7 and there would be a different kind of overlooking due to the intensity and type of use of these windows. Movement at these windows will occur more frequently and would be more noticeable.
- Separation distances to Belmont Square homes are less than 20m when considering the ground floor rear returns which contain glazed doors. The separation distances are unacceptable in this established, low density area.
- Mitigation measures proposed to address overlooking are insufficient and not acceptable. It fails to address overlooking from non-obscure glazed windows, overlooking when windows are opened, perception of overlooking and quality of space within rooms with obscure glazed windows.
- The justification provided for overlooking and the DCC assessment of the matter are not accepted. Adverse direct overlooking and perceived overlooking would continue to arise. The design should be revised with the building stepped back at 3rd storey and windows reoriented north and south.
- Previous quashed SHD permissions (ABP Ref 311287) confirms the need to protect the amenity of nearby properties.
- There would be a depreciation in property values as a result of the amenity impacts from the proposed development.
- The development would set a poor precedent for overdevelopment; an abrupt transition in scale on Z15 land adjoining residential communities; excessive

height, length, and bulk; and allowing unbalanced relationships between new and existing development.

- Public notices are unacceptably sited.
- There would only be a net uplift of 5 beds, this raises concerns over the impact of the current proposal.

Visual Impacts

- Neither a Landscape and Visual Impact Assessment nor Photomontages were submitted with the application, the permitted scheme has therefore not been assessed in this regard and there would be significant visual impacts for Belmont Square residents. The impact on visual amenity, views and visual intrusion has not been assessed.
- Belmont Square properties should be considered visual receptors and private viewpoints and views should be fully assessed in line with Landscape Institute Guidance as residents may be particularly susceptible to changes in their visual amenity. A Landscape and Visual Impact Assessment and Photomontages should have been requested by DCC.
- Photomontages provided at FI stage are not based on survey of adjacent property, not site visit was undertaken and no details have been provided of the lens used.
- The applicant was asked to propose additional mitigation measures and offered no increase setback, reduction in height, no breakup of massing, and no reduction in overbearing and adverse visual impact.

Trees

- The mature trees located on the G9 zoned part of the site are a significant ecological feature in the local landscape and support significant local wildlife. The loss of trees to enable the development is not acceptable and would be contrary to the CDP.

Ecology and Environment

- No Appropriate Assessment Screening Report has been submitted despite this being a large scheme, and insufficient information is provided to allow consideration of the likely impacts.
- No EIA Screening has been provided or undertaken.
- No Ecologist Report has been submitted and there is no way to know if there would be any impacts on flora, fauna or protected species.
- The Department of Housing, Local Government, and Heritage raised concerns regarding bats, but no bat survey is provided. DCC applied a condition to cover this which is not acceptable.
- Trees are proposed to be felled but no arboricultural report has been submitted and it is not clear that the removal of trees can be justified, nor can it be confirmed that the trees are not used as bird and bat roosts.
- Matters pertaining to environmental or ecological concerns are directed to the Landscape Report which is not acceptable and contains no justifying basis for any environmental impacts.

Construction

- There would be significant impacts on Belmont Square during the construction phase due to the excavation works, retaining walls, and potential subsidence and vibration.
- There would be significant noise impacts during construction due to the proximity of the site to Belmont Square and the lack of appropriate and sufficient mitigation.
- There would be disturbance due to construction traffic in terms of noise, increased traffic, congestion, and delay.
- No Demolition Waste Plan has been submitted.
- The applicant has failed to provide a detailed Construction Environmental Management Plan. The proposed working hours are unacceptable and should be limited to 8am-6pm on weekdays and no flexibility should be permitted.
- A baseline noise assessment has not been conducted on which noise conditions can be applied. The only noise assessment undertaken was for the

heat pumps. The Board should not make a decision until it is fully informed of additional noise the development would cause over baseline levels. If this is significant and cannot be mitigated, then the scheme should not go ahead.

- Vibration and subsidence could occur during construction, this has not been assessed properly, a baseline vibration survey needs to be established and a structural engineers assessment undertaken of the likely impacts on the appellants' properties.
- No ground investigations have been completed.
- Continuous monitoring of noise and vibration is required as well as establishing a complaints procedure for excessive noise and how the appellants' will be indemnified against potential structural impacts on their properties due to vibration.
- There would be impacts as a result of light spillage, dust and dirt. A Dust Minimisation and Mitigation Strategy should be put in place alongside other appropriate mitigation such as road sweeping, spraying and use of dust deposition gauges.
- The boundary bank and wall should not be damaged during construction and vibrograph monitoring should be conducted.

6.2. Applicant Response

6.2.1. A response to the grounds of appeal was submitted by Tom Phillips and Associates, for and on behalf of the applicant, St Francis Hospice. The response is accompanied by the following documents that I have considered in my assessment:

- AWN Technical Note Re: Noise Summary and Plant Noise Assessment.
- Bat Survey (July 2023).
- HIQA Report of an Inspection of a Designated Centre for Older People (February 2022).
- HIQA National End of Life Survey and Questionnaire.

6.2.2. The response to the grounds of appeal can be summarised as follows.

Need

- The hospice currently has shared accommodation for patients which is challenging. HSE recommendations are for individual rooms to ensure patient privacy, dignity, and quality end of life care.
- The new extension combined with the refurbished existing facility will provide the necessary environment for the provision of specialist palliative care to the people of north Dublin.
- The expansion of the hospice is consistent with government policy, HSE policy and HIQA standards. This will ensure the hospice can continue to provide care that reflects the needs of patients and their families.
- Construction work can cause disturbance, and this will need to be managed. The hospice experienced disruption when the Belmont Park estate was being constructed.
- 1,465 people have died at the hospice since 2017, 953 of whom (63%) have died in shared accommodation. The argument cannot be simply dismissed as five houses on Belmont Square versus five hospice beds.

Policy, Zoning, Scale, and Quantum of Development

- Section 14.7.14 of the CDP addresses Z15 zoning. The development does not relate to residential or commercial development and the criteria do not apply. The development would enhance/maintain the existing function and is aligned to the policy.
- The proposal is not residential infill but the provision of critical end of life medical care.
- The applicant has clearly demonstrated the significant healthcare services offered to the communities of north Dublin and further afield.
- Definitive density cannot be applied to the development due to the nature of the use, but plot ratio and site coverage are 0.55 and 32% respectively, two low figures. The proposal is neither overdevelopment nor urban intensification.
- The proposal is compliant in terms of prevailing building heights and separation distances and also meets the requirements of the Compact Settlement

Guidelines (draft). The applicant accepts the opaque glass requirement imposed by condition.

Previous Objections

- There is no Planning Authority receipt for the objection of 15 Belmont Square, the appeal may therefore be invalid.

Demolition

- It would not be possible to retrofit the retreat building to the appropriate HIQA standards. The development is for palliative care, and this cannot be undertaken in a sub-standard structure.
- The scheme has been designed to reconcile levels to facilitate movement across the site, the existing building does not have any features of note, is not a Protected Structure and is not in a Conservation Area or Architectural Conservation Area.
- Regarding the extent of cut/excavation, a Basement Impact Assessment and Construction Management Plan were submitted as part of FI.

Amenity

- Separation distances are compliant and opaque glazing and materials are conditioned to mitigate any potential overlooking and overbearing impacts.
- The AWN noise study confirms that with mitigation in place, noise levels would be within the acceptable limits of BS412 and concludes that the location of the proposed plant and output would not cause adverse impacts. The mortuary and associated rooms are located on the east elevation, this will not be a noisy location.
- Trees are considered in the Landscape Report. Two trees are being removed and these would be replaced with mature native species as part of a landscaping plan that includes a number of additional trees and hedgerows. Tree replacement and protection is secured by condition and the development would assist with the aims of policy GI40 and GI43 of the CDP.

- The objections on daylight and sunlight are unsubstantiated and not based on a study or survey. Properties on Belmont Square are not located on the same elevation which explains the differing baseline.
- In terms of visual impact, CGI's were submitted as part of FI and focused drawings submitted in the response to the appeal. Conducting photomontages from private gardens would be unusual in a planning context.
- It has not been demonstrated that the development would reduce property values.

Environmental Issues

- The Planning Authority screened the development for AA, concluding that AA is not required. The applicant is not obliged to submit an Appropriate Assessment.
- The application does not meet the thresholds requiring an EIAR and the applicant is not obliged to submit an EIAR as part of the application. The Planning Authority concluded at preliminary examination stage that a screening determination is not required.
- A Bat Survey has been submitted as part of the appeal and its findings are decisive in that bat activity was low, no bat was seen entering any building or exhibiting swarming behaviours, and that no bat activity was seen close to any of the trees on site.
- The Landscape Report details landscaping, planting and biodiversity and raises no environmental concerns in relation to the basement.

Construction Concerns

- Existing services provided by the hospice will be maintained during the construction phase and measures will be put in place to ensure that patients, staff, and neighbours will not be exposed to significant impacts during the works and noisy works such as demolition will be kept to the shortest duration possible.
- Construction has taken place on site five times since the construction of Belmont Square with minimal noise issues raised.

- A Construction Management Plan will be required to be approved by the Planning Authority prior to development and this will assist in addressing concerns and providing mitigation where possible.
- Working hours have been conditioned in alignment with the Development Plan requirements.
- The Construction Management Plan will address matters related to noise, vibration, dust, light overspill, and damage to boundary walls/banks.

6.3. Planning Authority Response

6.3.1. No response.

6.4. Observations

6.4.1. None.

6.5. Further Responses

6.5.1. None.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report/s of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Zoning and Location
- Demolition and Excavation
- Quantum of Development and Design
- Residential Amenity
- Construction Impacts and Transport
- Environmental Issues

- Other Matters

7.2. Zoning and Location

- 7.2.1. The appeal raises concerns that the development would not comply with the Z15 zoning designation for the site on the basis that, contrary to the zoning requirement, the development fails to give consideration to prevailing heights and does not offer meaningful green space or landscaping at the east end of the site, to offer an acceptable interface with Belmont Square. The appellants consider that the development does not comply with the criteria of the Z15 zoning designation and the appeal report quotes section 14.8.14 of the CDP which requires development of Z15 lands to contribute to the development of a strategic green network, as well as having regard to the prevailing height of existing residential development and to standards in Section 16.10 (standards for residential accommodation) and in Section 14.7 in relation to the avoidance of abrupt transitions of scale between zonings.
- 7.2.2. The Zoning designation and references quoted in the appellants' report relate to the 2016-2022 CDP which has been superseded. The Dublin City Development Plan 2022-2028 is now the operative plan for the city and the plan against which the application was assessed. I note that the requirements of the Z15 zoning objective are different from the 2016-2022 plan.
- 7.2.3. The applicable Z15 zoning designation sets out various criteria that should be applied for development on Z15 lands, but this relates to residential or commercial development. The proposed development is neither residential nor commercial and is instead the continued and enhanced operation of the existing hospice, which is a permissible use on Z15 lands and as such the criteria set out for residential/commercial development does not apply.
- 7.2.4. I acknowledge that the specific development area is a Transitional Zonal Area and as such Section 14.6 of the 2022-2028 CDP should apply in relation to use, scale, density, and design of development proposals, and to landscaping and screening proposals, in order to protect the amenities of residential properties as well as the need to comply with the development management standards of the CDP (Chapter 15). I am fully satisfied that the proposed use is compliant with the current zoning designation, and I will address matters relating to scale, density, and design in the relevant sections of the report below.

7.3. Demolition and Excavation

- 7.3.1. It is argued by the appellants that the existing retreat building is a local landmark and that its loss would be detrimental to the community. It is further stated that the demolition of the retreat building would be contrary to the climate objectives of national guidance and CDP policy, which seek to reuse and repurpose existing buildings, and that the demolition of the building would release embodied carbon. Additional concerns raised relate to the extent of excavation, which is considered to be excessive and would also be contrary to climate policies and the CDP.
- 7.3.2. The appellants' objection to the demolition of the existing retreat building is therefore related to potential heritage impacts and climate impacts. With regard to the perceived heritage impacts, the applicant has provided a Heritage Impact Assessment which notes that the retreat building is of local importance for architectural, historical, and social interest. Policy BHA11 of the CDP seeks to promote the rehabilitation and reuse of existing older buildings that make a positive contribution to the character and appearance of the area and streetscape.
- 7.3.3. The existing retreat building dates from the early to mid 20th century and the applicant argues that the layout/form/condition of the building would not lend itself to refurbishment to the appropriate HIQA standards. I accept that there would be significant impediments to altering and extending the building in order to meet modern medical facility and palliative care standards, including the need to connect to the existing hospice building. From my site inspection, the retreat building appears to be in reasonable condition but in my opinion, it is of limited architectural value and appeal, with limited visibility from the surrounding streets. Whilst I accept that it is visible from within the Capuchin Friary site and within the rear gardens of the dwellings on Belmont Square, its overall contribution to the streetscene and surrounding area is limited.
- 7.3.4. I therefore agree with the conclusions of the Heritage Impact Assessment that its removal would not constitute a loss of historic fabric and it is my considered opinion that the removal of the retreat building would not have a detrimental impact on the local area in terms of heritage and conservation. Although I accept that it is of some local importance, the benefits of bringing forward a much improved hospice facility that meets modern care standards would, in my view, outweigh the very limited local impacts arising from its demolition.

Additionally, it should also be noted that the Heritage Assessment confirms that the development would have no impact on either the Capuchin Friary or the Walmer Villa (Protected Structure) and I fully agree with these conclusions, particularly with regard to the Walmer Villa, which is located well away from the development site with a lack of any meaningful visual connection. Given that the retreat building is being demolished and the development would have no impact on the Protected Structure, it is my opinion that the Conservation condition applied by the Planning Authority is unnecessary.

- 7.3.5. With regard to climate concerns related to the demolition of the retreat building, the appellants specifically refer to the need to provide a Climate Action and Energy Statement as set out in Section 15.7.3 of the CDP. Section 15.7.3 requires a Climate Action and Energy Statement to be submitted for all developments of 30 or more residential units or 1,000sqm of commercial floorspace, or as otherwise requested by the Planning Authority. I note that the Planning Authority did not request this document. In any event, the proposed development would not meet either of the thresholds set out in the CDP as it is neither a residential nor a commercial development.
- 7.3.6. Policy CA6 seeks to promote and support the retrofitting and reuse of existing buildings rather than their demolition and reconstruction where possible, and makes reference to section 15.7.1 of the CDP which states that where demolition is proposed, the applicant must submit a demolition justification report to set out the rationale for the demolition, having regard to the 'embodied carbon' of existing structures and demonstrate that all options other than demolition have been pursued.
- 7.3.7. At the outset I acknowledge that the applicant has not provided information regarding the embodied carbon of the existing structure or information regarding the additional use of resources relating to new construction relative to the re-use of the existing building. In this respect, the proposed development does not comply with the requirements of Section 15.7.1. It is of course open to the Board to request this information. However, the issues raised by the appellants need to be balanced against the requirements of modern health/palliative care facilities and the benefits of the proposed development. In my opinion, there would be significant impediments to retrofitting and extending the existing building in order to meet HIQA standards, due to the existing building fabric and the restrictive layout. It is unclear if the existing

building could be linked to the existing hospice building to ensure continuity of operation and access. Consequently, whilst I accept that justification and information has not been provided with regards to embodied carbon and that this would be at odds with section 15.7.1 of the CDP, it is my opinion that this is outweighed by the significant benefits that would be brought forward by providing a modern, sustainable, energy efficient facility, providing end of life care in a high quality environment.

7.3.8. In terms of excavation, it is clear that there is a need to rationalise the levels of this site in order to provide a coherent, practical, and accessible layout for the proposed use, and I am of the view that a stepped building retaining the current levels would not be feasible for the hospice operations. In my opinion, the level of excavation is not excessive when balanced against the requirements and benefits of the proposed development and would not be significantly detrimental to the climate objectives of the CDP.

7.3.9. Subject to a condition securing a Resource Waste Management Plan in line with the Environmental Protection Agency's best practice guidelines, I am satisfied that the demolition and excavation proposed as part of the development would be acceptable.

7.4. Quantum of Development and Design

7.4.1. The primary issue raised by the appellants is that the scale, massing and density of the proposed development is excessive, that the location of the development close to the boundary with Belmont Square is inappropriate and that the proposal has no regard for prevailing heights or the slope of the site. The appellants contend that the proposal represents overdevelopment, and that the proposal would be contrary to the Z15 zoning objective and other CDP policies, including the Building Height Strategy set out in Appendix 3.

Quantum of Development

7.4.2. I would agree with the applicant that it is difficult to assign a density to the proposed development given that it is not a residential scheme where the unit/dwelling per hectare approach would not apply. Appendix 3 of the CDP sets out the plot ratio and site coverage parameters for different areas of the city. The appeal site is located in an Outer Residential Area where indicative plot ratio and site coverage figures are given as 1.0-2.5 and 45%-60% respectively. The proposed development would have a plot ratio of 55 and a site coverage of 32% which is well below the indicative ranges

given in the CDP and taking these figures together with the prevailing density in the area, I am of the view that the proposal would not represent overdevelopment with regard to these markers, subject to the scale and massing of the development being acceptable.

Height, Scale, and Massing

- 7.4.3. The appellants argue that the height, scale, massing, bulk, length, and density of the development is excessive, and that the proposal fails to have regard to prevailing height and character, resulting in an abrupt transition in scale.
- 7.4.4. The Building Height Guidelines state that general building heights of at least three to four storeys, coupled with appropriate density in locations outside the city centre, and which would include suburban areas, must be supported in principle at development plan level and this is echoed in the Building Height Strategy of the CDP (appendix 3). The Building Height Strategy states that all schemes must have regard to the local prevailing context within which they are situated. Particularly in the lower scaled areas of the city where broader consideration must be given to potential impacts such as overshadowing and overlooking, as well as the visual, functional, environmental, and cumulative impacts of increased building height.
- 7.4.5. The proposed development seeks a maximum of three storeys and would appear as two and a half/three storeys when viewed from Belmont Square. Prevailing building heights in the area are generally two storeys with pitched roof, with some three storey buildings in Belmont Square as well as on the Capuchin Friary site. Although the proposed development is for three storeys, it should be noted that it is lower in height than the existing retreat building and would only be marginally above the ridge height of the adjacent two storey dwellings to the east, approximately 7.4cm at the northern end when compared to 19 Belmont Square, and approximately 1.57m at the southern end compared to 12 Belmont Square, when accounting for the change in levels. I am therefore satisfied that the development would not be significantly above the prevailing heights in the area and would not be discordant in terms of height, when viewed within the surrounding context.
- 7.4.6. I accept that the development would result in a much altered outlook when viewed from within the rear gardens of Belmont Square due to the undeveloped nature of the adjoining surface car parks, however, I do not share the view that the scale and

massing would be excessive. I am satisfied that there is an appropriate separation distance to ensure that the development would not be overbearing, obtrusive or overly dominant on the dwellings at Belmont Square and that the gardens would not be subjected to inappropriate levels of enclosure.

7.4.7. I note the view of the appellants that the scheme fails to consider the slope of the site and that no attempt is made to stagger the building or provide a split level design. However, I am cognisant of the fact that the hospice requires a practical, accessible, and functional layout and that a stepped building would significantly hinder accessibility and would not be appropriate given the nature of the use. In any event the change in levels in relation to the height of the building from north to south is not so significant that it would warrant such a design intervention in my view.

7.4.8. In design terms I am satisfied that the facades are of an appropriate quality and that the open spaces and layout of the scheme would be acceptable. As originally submitted, the eastern and northern elevations of the proposed development are clad in alternating brickwork and render bays. I note that Condition 4(b) requires the eastern and northern elevations of the proposed structure to be finished entirely in brick. In my opinion, using a singular material for the entire facade would increase the perception of bulk and the use of both render and brickwork provides variation that helps articulate and alleviate the massing. This is particularly important as the appellants are of the view that the building would appear monolithic. On that basis, I consider that Condition 4(b) should be removed.

7.5. **Residential Amenity**

The grounds of appeal state that there would be adverse amenity impacts to adjacent homes and garden ground on Belmont Square in terms of overlooking/loss of privacy, noise impacts, loss of daylight/sunlight, creation of overshadowing, the loss of visual amenity, loss of outlook, creation of a sense of enclosure, and that the development would be visually overbearing and overly dominant.

Daylight, Sunlight, and Overshadowing

7.5.1. The appeal states that the BRE is not suited to assessing development in the specific context of the appeal site and the appellants' properties on the basis that shadow impacts are not properly assessed by the BRE which is not concerned about when sunlight is lost. The appellants contend that daylight and sunlight impacts would be

worse in the late afternoons and evening when they most want to enjoy the sun in the rear gardens. Further concerns are raised that the Daylight and Sunlight Assessment is flawed as not all windows are assessed, and that the baseline figures for ground floor windows are inconsistent and disproportionately low. Additionally, the baseline sun on ground results are not accepted by the appellants as they consider the results to be flawed. The applicant considers that the objections on daylight/sunlight are unsubstantiated and not based on a study or survey and notes that properties on Belmont Square are not located on the same elevation, which explains the differing baseline.

- 7.5.2. Whilst I note the appellants' view that the BRE does not consider the timing of overshadowing, I am of the view that BRE gives a clear indication of proportionality of overshadowing, and I consider it to be directly applicable in this instance. The BRE is guidance as opposed to an absolute standard and I do not consider there to be anything unique about the setting or context that would indicate that the BRE guidance should not be applied. I also note the appellants' concerns regarding the disparity on baseline figures for some windows and gardens in terms of VSC and overshadowing, but I am of the view that these are clearly a result of existing and differing obstructions between each of the properties considered. I therefore have no reason to believe that the results are flawed.
- 7.5.3. The Daylight and Sunlight Assessment indicates that all of the assessed windows would meet BRE guidance with regards to Vertical Sky Component and that all gardens would align with overshadowing guidance. Although the overshadowing diagrams do indicate an increase in overshadowing in the late afternoon/evening, this is expected due to the orientation of the subject properties and the survey results indicate that the guideline standards would be met.
- 7.5.4. I acknowledge concerns raised by the appellants that the ground floor patio doors have not been assessed for VSC. It is unclear why these windows were not included in the survey or requested by the Planning Authority at Further Information stage and the applicant could reasonably have taken steps to address this issue as part of the response to the appeal. Nevertheless, I am satisfied that the patio doors would all pass the 25 degree test and as such the development is unlikely to have a substantial effect on the diffuse skylight enjoyed by the rooms served by these patio doors. I am

therefore satisfied that the development would not result in any significant adverse amenity impacts with regard to daylight/sunlight or overshadowing.

Overlooking

- 7.5.5. Significant concerns are raised in the appeal regarding overlooking, largely on the basis that the separation distance is considered to be insufficient and that due to the proposed use, which would operate on a 24-hour basis, overlooking would be different from and more intense than a typical residential relationship. It is stated in the appeal that there is no justification for the proposed level of overlooking and that the mitigation would be both insufficient and indicative of overdevelopment.
- 7.5.6. I note the precedent examples provided by the appellants however in my view these are not directly comparable to the current appeal. The separation distances between the upper floor windows on Belmont Square and the eastern façade of the proposed development would all be in excess of 22m as required by the CDP. I note that the Compact Settlement Guidelines indicate that a minimum distance of 16m should be achieved, and that the development would comply with this. I am of the view that the separation distances are acceptable and that there would be no significant adverse overlooking impacts to the dwellings on Belmont Square.
- 7.5.7. I acknowledge the concerns of the appellants regarding the use of the development and that the intensity of overlooking could be higher than that typically associated with back to back residential and that there could be overlooking impacts to the rear garden ground. The rooms on the east façade of the development include a nurse team room, treatment room, clinical store and utility rooms, meeting rooms, store rooms, and a family room. The separation distance from the rear façade to the rear gardens on Belmont Square would be between 9.3m and 9.6m and whilst the applicant confirmed at FI stage that some of these windows would be obscure glazed, the Planning Authority have imposed a condition requiring all of the windows to be obscure glazed.
- 7.5.8. The applicant's agent in their response to the appeal has indicated that although the applicant accepts the condition, they had initially recommended that the condition be appealed. I further note the applicant's response indicating that the nurse team room, treatment room, clinical room, meeting rooms, and family room should have clear glass. Whilst I agree that the family room should be clear glazed, as this will function in a similar manner and intensity to residential use, I am of the view that the remainder

of the rooms on the eastern façade should have obscure glazed windows to a height of at least 1.8m in order to prevent both perceived and actual overlooking of the rear garden ground of the dwellings on Belmont Square. I am therefore of the view that condition 4(a) should be amended to remove the family room from the obligation to be obscure glazed.

Noise

- 7.5.9. The grounds of appeal state that the operation of the development would result in noise impacts as a result of the car park and the location of the heat pumps, which is considered to be unneighbourly. The appellants consider that there should be no development in the setback area and that all car parking and access roads should be located internally within the building.
- 7.5.10. The Technical Note submitted by AWN Consultants confirms that with mitigation in place, noise levels would be within the acceptable limits of BS412 and concludes that the location of the proposed plant and output would not cause adverse impacts. This relates to noise levels calculated at the top floor of the neighbouring house on Belmont Square and demonstrates that the noise levels emitting from the heat pumps would be well below the background noise levels. In my opinion the noise concerns raised by the appellants are reasonable and I in my view it has not been demonstrated that the rear gardens would not experience a loss of amenity as a result of noise from the heat pumps. Whilst the Board could impose a condition requiring the heat pump enclosures to be relocated elsewhere within the lower ground floor area of the building, I am of the view that the level of noise reduction provided by the proposed mitigation (measured at the façade of the dwellings) is such that the majority of the garden ground is also likely to benefit from the mitigation. On that basis, I consider that a noise condition setting maximum noise levels for the operational phase of the development inclusive of the heat pumps, and measured at the site boundary, as opposed to the building facade, would be sufficient to mitigate any potential impacts to the rear gardens on Belmont Square.

Light Pollution

- 7.5.11. Light pollution has been raised in the appeal, specifically that light spillage from construction as well as the operational development would cause undue disturbance to the appellants' homes due to the 24 hour nature of the hospice. Even though I

accept that a hospice is a 24 hour operation, activity would diminish somewhat in the evenings and many of the supporting facilities located on the east façade would see a reduction in their use overnight. I note that the Planning Authority considered that this issue could be dealt with by condition, however, I am of the opinion that specific restrictions on internal lighting are not required. It is generally standard practice that movement sensors are used that automatically turn off lighting in unused rooms and subject to standard lighting strategy condition, I am satisfied that the development would not cause undue disturbance due to light pollution.

Visual Impact

- 7.5.12. The appeal raises concerns regarding the visual impact of the proposed development for Belmont Square residents (the appellants), stating that the scheme has not been fully assessed in this regard as neither a Landscape and Visual Impact Assessment nor Photomontages were submitted with the application. It is further stated that the photomontages provided at FI stage are not based on survey of adjacent property, that no site visit was undertaken, and that no details have been provided of the lens used.
- 7.5.13. In my opinion, the proposed development is not of a scale that would warrant a Landscape and Visual Impact Assessment and the development would not affect any protected views or prospects. I note the photomontages submitted as part of the appeal by the appellants in addition to the photomontages submitted by the applicant as part of FI. Neither set of photomontages are verified and as such their accuracy cannot be confirmed. That being said, they do indicate the visibility of the development from Belmont Square and in my opinion, whilst the outlook would undoubtedly change due to the current undeveloped nature of the car park, the impacts on outlook would not be harmful and I do not consider that the development would be overbearing. In my opinion, the east façade of the development is akin to a residential development in scale and appearance, and I do not consider that it would have a significant adverse impact on the surrounding townscape or visual amenity.

Property Values

- 7.5.14. I note the concerns raised in the grounds of appeal in respect of the devaluation of neighbouring property. However, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the

amenities of the area to such an extent that it would adversely affect the value of property in the vicinity.

7.6. Construction Impacts and Transport

- 7.6.1. The appeal raises concerns that that there would be significant disturbance due to noise, vibration and dust from construction and the operational development, as well as disturbance due to construction traffic in terms of noise, increased traffic, congestion, and delay. Further issues raised are that the applicant has failed to provide a detailed Construction Environmental Management Plan and that the proposed working hours are unacceptable. Additional concerns are raised that no Demolition Waste Management Plan, Baseline Noise Assessment, Baseline Vibration Assessment, or details of ground investigations have been submitted.
- 7.6.2. I note that the weekday working hours given in the Outline Construction Management Plan would be 07:00-19:00 which is in excess of the working hours that have been applied by the Planning Authority (07:00-18:00) and secured by condition. These hours can be updated as part of the detailed Construction Management Plan required by condition. I note the view of the appellants that the working hours should be further reduced, but in my opinion, this would just prolong the length of the construction phase unnecessarily.
- 7.6.3. The Outline Construction Management Plan details preliminary measures and requirements with regards to noise, vibration, air quality, dust control, surface water, excavations, and groundwork. I am satisfied that the development would be acceptable subject to a detailed Construction Management Plan being secured by condition, setting out the detailed mitigation and monitoring of these construction related impacts.
- 7.6.4. Traffic associated with the construction phase would be managed in accordance with a Construction Traffic Management Plan which would be secured as part of the Construction Management Plan. The trip generation associated with the construction phase would equate to eight two way trips per hour and in my view this would not have any significant measurable impact on the local road network.
- 7.6.5. In my view, the Outline Construction and Demolition Waste Management Plan is broadly acceptable in terms of scope and methodology and would be supplemented

by a detailed Resource Waste Management Plan that I recommend be secured by condition.

7.6.6. I acknowledge that a baseline noise survey has not been submitted and that the appellants are of the view that without this, it is unclear how noise conditions can be applied. Whilst this concern is reasonable, I consider that a baseline noise assessment can be secured by condition prior to any development taking place and that subject to standard conditions, construction and operational noise would be appropriately mitigated, notwithstanding my earlier comments regarding the heat pumps.

7.6.7. I do not consider that a Baseline Vibration Survey is required given the scale of the development. Vibration monitoring and mitigation would be set out in detail in the Construction Management Plan and I consider this sufficient to manage this aspect of the construction phase. I also note the concerns regarding potential structural impacts on boundary walls, but I consider that with appropriate mitigation, these impacts are unlikely. In any event structural issues are civil matters to be resolved between the parties, having regard to the provisions of s.34(13) of the 2000 Planning and Development Act.

7.7. Environmental Issues

7.7.1. The grounds of appeal raise several environmental issues, including objections to the fact that an Appropriate Assessment Screening Report and Environmental Impact Assessment Screening Report were not submitted with the application. The Planning Authority screened the development for Appropriate Assessment and concluded that significant effects are unlikely to arise. Additionally, the Planning Authority excluded the need for Environmental Impact Assessment at preliminary examination, concluding that a screening determination is not required.

7.7.2. It is important to note that there is no obligation to submit an Appropriate Assessment Screening Report. The Board is the competent authority for carrying out Appropriate Assessment Screening and a screening exercise has been undertaken, as detailed in Section 8.0 below, concluding that an Appropriate Assessment is not required. Likewise, the proposed development is well below the thresholds specified for Environmental Impact Assessment and as detailed in section 5.7.1 (and in more detail in Appendix 1), 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.

- 7.7.3. The development would result in the loss of two mature trees on the Capuchin Friary site in addition to the potential loss of some less mature trees located in narrow planters along the eastern boundary. The grounds of appeal raise concerns that no arboricultural report was submitted, and it is stated that the trees are a significant ecological feature that support a significant local wildlife population. Further concerns raised relate to the absence of an Ecologist Report quantifying any impacts on flora, fauna or protected species, such as bats, noting the concerns of the Department of Housing, Local Government, and Heritage.
- 7.7.4. From my site inspection it is clear that the majority of the site area to be developed is hardstanding and even though there are trees at the southern end of the site, some trees within narrow planters along the eastern boundary, and some mature trees at to the northern end at the Capuchin Friary, the remainder of the car park development site has very little ecological or biodiversity value.
- 7.7.5. I accept that the trees are beneficial for visual amenity and screening, in addition to being of some ecological value. However, the trees outlined for removal are not protected and the trees in planters have a very constrained growing environment. Therefore, on balance, I have no objections to their removal in order to facilitate the development, subject to conditions timing their removal to avoid nesting/breeding season and requiring their replacement with suitably mature native species, in addition to the wider tree planting proposals as part of the landscaping scheme which would be beneficial overall.
- 7.7.6. The Bat Survey submitted by the applicant confirms that neither the trees nor the existing building appear to be in use as a bat roost and that bat activity was generally low. I note the submission from the Department and agree with their recommendation that conditions be applied regarding an additional bat survey (and derogation license if required) and restrictions on the removal of trees between 1st March and 31st August. Subject to compliance with the recommended conditions, I am satisfied that the development would not have a significant adverse impact on the environment, ecology or biodiversity.

7.8. Other Matters

- 7.8.1. The appellants contend that the public notices were inadequate in terms of their siting and as a result of the development description not including a reference to heat pumps. In this regard, I note that the development description and location of the public notices were considered to be acceptable by the Planning Authority and the application was deemed valid. In the context of the development description, I note that Article 18 of the Planning and Development Regulations, 2001 (as amended) requires that public notices should give “a brief description” of the nature and extent of a proposed development. The Development Management Guidelines for Planning Authorities, 2007, notes that they are not required to go into excessive detail. I am satisfied that the applicable legislation was complied with in this instance. With regard to the development description and location of the site notices, based on the quantity of observations made on the planning application that the local public were well informed of the development and have not been discommoded from taking part in the planning process. I do not consider the development description utilised inadequate so as to warrant invalidation of the application or for the purposes of determining the proposal before the Board.

8.0 AA Screening

- 8.1.1. I have considered the St Francis Hospice development in light of the requirements of S177U of the Planning and Development Act 2000 as amended. The subject site is located in Raheny, on a serviced, urban, brownfield site. The nearest European Sites are the North Bull Island SPA and the North Dublin Bay SAC, both of which are located approximately 1.32km to the east and south east of the site.
- 8.1.2. The proposed development comprises the demolition of an existing building and extension of the current hospice with a part two/part three storey building as set out in section 2.0 of the report. The appeal raises concerns that an Appropriate Assessment Screening Report was not submitted and whilst some nature conservation issues were raised in the appeal, as set out in section 7.7 above, these did not relate to European Sites.

8.1.3. Having considered the nature, scale, and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- The limited scale of the development and its location on a serviced, urban, brownfield site.
- The lack of any direct hydrological connection to any European Sites, the nearest of which is 1.32km away (North Bull Island SPA and North Dublin Bay SAC).
- The availability of services, the development would be served by the existing municipal sewer network.
- The Planning Authority Screening Determination which concluded that Appropriate Assessment would not be required.

8.1.4. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

9.1.1. From my assessment above, I recommend that the Board should uphold the decision of the Dublin City Council and grant planning permission for the proposed development, based on the reasons and considerations set out below.

10.0 Reasons and Considerations

10.1.1. Having regard to the zoning objective relating to the site and the nature and extent of the proposed development, it is considered that the proposal, subject to the conditions set out below, would not seriously injure the amenities of the area or property in the vicinity. The design and form of the proposed development would be suitable given the surrounding townscape. The scale, massing, and density of the development (site coverage and plot ratio) would be acceptable and would not be significantly above the prevailing context. Residential amenity impacts associated with the development can

be appropriately mitigated by conditions as can issues regarding disturbance and orderly development during the course of construction. The development would not have any significant environmental impacts and the loss of trees would be appropriately mitigated by replanting and the proposed extensive landscaping scheme which I consider to be acceptable. The development would bring forward significant improvements to the facilities and operation of St Francis Hospice, the development would not be prejudicial to public health or the environment and would generally be acceptable in terms of design, traffic safety, ecology, and amenity.

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 submitted on 7th July 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) With the exception of the Family Rooms, windows on the east facing elevation shall be fitted with opaque glazing and fixed shut to at least 1.8m above finished floor level.

Reason: In the interests of the protection residential and visual amenity

3. Prior to the commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann.

Reason: In the interests of public health.

4. In the event that any archaeological material is discovered during site works, the City Archaeologist shall be notified immediately. Further, it is obligatory under the National Monuments Act that the National Monuments Service,

Department of Housing, Heritage, and Local Government, and the National Museum of Ireland are notified.

Reason: In the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed in the course of development.

5. The developer shall comply with the transport requirements of the Planning Authority including implementation of the measures contained within the Mobility Management Plan, appointment of a Mobility Manager/Travel Coordinator, cycle parking management, compliance with the code of practice, and orderly development.

Reason: In the interest of sustainable development.

6. Water supply and drainage arrangements, including surface water management, implementation of the measures contained within the Basement Impact Assessment, and compliance with the Code of Practice, shall comply with the requirements of the planning authority for such works and services, with details submitted and approved in writing prior to commencement of development.

Reason: In the interest of public health.

7. 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. Existing trees and hedgerows which are proposed for retention and the measures to be put in place for their protection during the construction period.
 - ii. The species, variety, number, size and locations of all proposed trees and shrubs [which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine,

- oak, hawthorn, holly, hazel, beech or alder and which shall not include *prunus* species].
- iii. Details of boundary/screen planting [which shall not include *cupressocyparis x leylandii*]
 - iv. Details of replacement planting for the two trees removed from the Capuchin Friary site.
 - v. 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 5 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 interests of residential and visual amenity.

8. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare 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) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the Planning Authority for written agreement prior to the commencement of development. 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.

Response: In the interests of sustainable waste management.

9. Prior to the commencement of the proposed development, a baseline noise survey shall be conducted by an independent qualified technician during a

representative time-period and approved in writing by the Planning Authority.

Reason: In the interest of residential amenity and public health.

10. The development shall comply with the following:

- a) During the operational phase of the proposed development, the noise level arising from the development (with all plant operating) at any point along the boundary of the site shall not exceed:
 - (i) An L_{AeqT} value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive. [The T value shall be 30 minutes]
 - (ii) An L_{AeqT} value of 45 dB(A) at any other time. [The T value shall be 15 minutes]. The noise at such time shall not contain a tonal component.
- b) All sound measurement shall be carried out in accordance with ISO Recommendation R 1996-2:2017: Acoustics – Description, measurement, and assessment of Environmental Noise.
- c) A validation report shall be submitted to and approved in writing by the Planning Authority within 6 months of the facility hereby approved coming into operation, confirming that the standards set out above have been met.

Reason: To protect the residential amenities of property in the vicinity of the site.

11. Site development and building works shall be carried only out between the hours of [08.00] to [18.00] Mondays to Fridays inclusive, between [08.00] to [14.00] on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

12. The demolition and construction of the development shall be managed in accordance with a Demolition and Construction Environmental 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 the intended demolition and construction practice for the development; noise, dust and vibration monitoring and management measures; waste management and recycling of materials; environmental protection measures; welfare facilities; site deliveries; complaints procedure and public liaison; air pollution control and mitigation, pest control measures; and traffic management arrangements.

Reason: In the interest of public safety, environmental protection, and residential amenity.

13. The site development and construction works shall be carried out such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.

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

14. The proposed development shall adhere to the following:

- a) Prior to commencement of development a bat survey shall be conducted by a suitably qualified bat ecologist and according to Best Practice guidelines. This shall include both a winter hibernation survey and a summer survey. If any potential bat roosts are identified, the Developer shall apply for a Derogation License in accordance with Regulation 54(2) of European Communities (Birds and Natural Habitats) Regulations, 2011.
- b) Subject to any requirement to obtain a Felling Licence from the Forest Service of the Department of Agriculture, Food and the Marine, any removal of mature trees to take place, shall not occur within the period of March 1st to August 31st.

Reason: In the interest of the protection of Flora and Fauna and the proper planning and sustainable development.

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.

Terence McLellan
Senior Planning Inspector

16th May 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-317902-23		
Proposed Development Summary	PROTECTED STRUCTURE: Demolition of two storey retreat building and construction of two storey hospice extension.		
Development Address	St. Francis Hospice, Station Road, Raheny, Dublin 5, D05 E392		
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		
	No	No further action required	
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			EIA Mandatory EIAR required
No			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		No EIAR or Preliminary Examination required
Yes	Class 10 (b) (iv) Urban Development >10 hectares		Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____

Appendix 2

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-317902-23	
Proposed Development Summary	PROTECTED STRUCTURE: Demolition of two storey retreat building and construction of two storey hospice extension.	
Development Address	St. Francis Hospice, Station Road, Raheny, Dublin 5, D05 E392	
<p>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The proposed development is for extended hospice facilities on an existing hospice campus. The wider surrounding area is largely residential. The proposed development would therefore not be exceptional in the context of the existing environment in terms of its nature.</p> <p>The development would not result in the production of any significant waste, emissions, or pollutants.</p>	No.
<p>Size of the Development</p> <p>Is the size of the proposed development</p>	<p>The development would be maximum of three storeys and the prevailing context is two and three storeys. The development would only be marginally above adjacent building heights. Therefore, the size of the development would</p>	No.

<p>exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	<p>not be exceptional in the context of the existing environment.</p> <p>There would be no significant cumulative considerations with regards to existing and permitted projects/developments.</p>	
<p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>The development would be located in a serviced built up area and would not have the potential to significantly impact on an ecologically sensitive site or location. There is no hydrological connection present such as would give rise to significant impacts on nearby water courses (whether linked to any European site or other sensitive receptors). The proposed development would not give rise to waste, pollution or nuisances that differ significantly from that arising from other urban developments.</p> <p>Given the nature of the development and the site/surroundings, it would not have the potential to significantly affect other significant environmental sensitivities in the area. It is noted that the site is not designated for the protection of the landscape or natural heritage and is not within an Architectural Conservation Area.</p>	<p>No.</p>
<p>Conclusion</p>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p>		

Inspector: _____

Date: _____