



An  
Bord  
Pleanála

## Inspector's Report ABP-318454-23

<b>Development</b>	Demolition of existing structures and construction of a mixed commercial / residential development of 64 units in 3 blocks.
<b>Location</b>	52 & 54 Quarry Road, Cabra, Dublin 7
<b>Planning Authority</b>	Dublin City Council North
<b>Planning Authority Reg. Ref.</b>	4362/23
<b>Applicant(s)</b>	Patrick Goslin and Sons Limited.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse.
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Patrick Goslin and Sons Limited.
<b>Observer(s)</b>	Councillor Declan Meenagh (and others).
<b>Date of Site Inspection</b>	27 <sup>th</sup> May 2024.
<b>Inspector</b>	Terence McLellan

## 1.0 Site Location and Description

- 1.1. The irregularly shaped appeal site measures approximately 0.27 hectares and has a principal frontage onto Quarry Road. There are two vehicular access points, a main vehicular access formed by a gated laneway onto Quarry Road, and another secondary access onto the public road which runs along the northern edge of the site and connects to Quarry Road.
- 1.2. The main subject property at Nos. 52 and 54 Quarry Road is a two storey former building supplier with adjoining storage sheds to the rear where there is an open yard area and some ancillary storage buildings. There appears to be a vacant residential unit on the upper level. Nos. 52 and 54 Quarry Road are adjoined to the north by the three storey former Cabra Grand Cinema which is now in use as a bingo hall. This building is a Protected Structure (RPD Reg. 8741) and is listed on the National Inventory of Architectural Heritage (NIAH Ref. 50060178). To the south, the property is bounded by the two storey Homestead Public House which adjoins the gated access laneway. A smaller two storey building sits proud of the main commercial parade and is positioned to the front of nos. 52 and 54, incorporating a vacant pet shop and a bookmaker, with the pet shop half of this building also forming part of the appeal site. The bingo hall incorporates two commercial units at ground floor, a dog groomer and a barber. The adjoining two storey building to the north is in use as a hot food takeaway and sits adjacent to the northern access road.
- 1.3. The site is further bounded to the north, east and south by a mix of two storey terraced and semi-detached dwellings. The western boundary is marked by the part four/part five storey Homestead Court development of flatted dwellings arranged around a central courtyard which is open towards the appeal site. Further large scale flatted developments are located to the west on the other side of the railway line, such as Hamilton Gardens, which rises to eight storeys.
- 1.4. Quarry Road and the immediate surrounding streets are not subject to any permit or pay and display parking restrictions. Cabra Road, to the south of Quarry Road, is served by various Dublin Bus services, such as routes 38 (A, B, and D) and 122. Faussagh Road to the north is served by route 120. Cabra Luas is approximately 950m walk to the east, whilst Phibsborough Luas is slightly further away at 1km.

## 2.0 Proposed Development

- 2.1. Planning permission is sought for the demolition of all of the buildings on the site and redevelopment to provide a commercial premises in addition to 64 flatted dwellings across three separate blocks (A-C).
- 2.2. Block A would be located on the Quarry Road frontage with a commercial premises at ground floor level and 17 apartments on the upper levels (6 no. one bedroom and 11 no. two bedroom) all with private balconies. This block would rise to five storeys, with levels four and five set back from the main frontage.
- 2.3. Block B would be T shaped and located to the rear of the site along the west and south boundaries, accessed from the laneway. This block would be part four/part six storeys and would provide a total of 38 apartments (1 no. studio, 19 no. one bedroom, and 18 no. two bedroom) all with private balconies.
- 2.4. Block C would be a standalone block on the north west corner of the site with a frontage onto the northern access road. The main access would be from the northern access road, but access would also be possible from the central courtyard which in turn would be accessed from the laneway on Quarry Road. This block would rise to five storeys and would accommodate nine apartments (1 no. studio, 3 no. one bedroom, and 5 no. two bedroom) all with private balconies.
- 2.5. Blocks B and C would be positioned to maintain the open courtyard of the adjacent Homestead Court development. A total of five car parking spaces would be provided, four adjacent to the main entrance to Block C on the northern access road, and a single accessible bay located within the central part of the site between Block A and B and accessed from the laneway on Quarry Road. This laneway would also be the main servicing route. Three communal bin stores would be provided, one adjacent to each block. A total of 138 cycle parking spaces would be provided across five communal cycle parking areas dispersed throughout the site, with four Sheffield stands provided on Quarry Road adjacent to the commercial unit on Quarry Road. Public and communal open space would be provided across four main areas including two central courtyards (one between Blocks B and C and one between Blocks A and B) and two smaller areas adjacent to both Blocks B and C on the respective site edges.
- 2.6. The following table provides details of the main development statistics:

<b>Key Details</b>	
<b>Commercial Space</b>	115sqm (gross)
<b>Residential</b>	2 no. Studio 28 no. one bedroom 34 no. two bedroom Total: 64 Units
<b>Communal Open Space</b>	412sqm
<b>Private Open Space</b>	461sqm
<b>Public Open Space</b>	502sqm
<b>Cycle Parking</b>	138 spaces
<b>Car Parking</b>	5 spaces (including one accessible bay)
<b>Plot Ratio</b>	1.56 (planning statement), 1.9 (appeal statement)
<b>Site Coverage</b>	45%

### 3.0 Planning Authority Decision

#### 3.1. Decision

3.1.1. Notification of the Decision to Refuse Permission was issued by Dublin City Council on the 18<sup>th</sup> October 2023. Permission was refused for the following reasons:

1. The proposed development, by virtue of the high proportion of single aspect apartments, including north facing single aspect apartments, will result in a substandard form of development and provide a poor quality of residential amenity to future occupiers of the development and is therefore contrary to Section 15.9.3 Dual Aspect of the Dublin City Development Plan 2022-2028 and the proper and sustainable development of the area.
2. The proposed development would provide a poor quality of residential amenity to future occupiers of the development owing to the location, orientation and fragmented nature of the proposed communal areas of open space, in combination with the lack of robust compensatory measures and adequate or detailed justification for such impacts in the submitted Sunlight, Daylight & Shadow Assessment. Together with the siting of private amenity

spaces adjacent to or in close proximity to outdoor commercial areas which have the capacity to generate significant noise, the development would be likely to seriously injure the residential amenities of future occupants, contrary to the proper planning and sustainable development of the area.

3. The proposed development would cause serious injury to the residential amenities of the adjoining Homestead Court apartments through the unreasonable loss of daylight/sunlight to the communal amenity space serving this adjoining residential development and would, therefore, be contrary to the provisions of Dublin City Development Plan 2022-2028 and proper planning and sustainable development of the area.
4. The proposed development has failed to provide an appropriate level of car parking and high quality alternative mobility infrastructure, in particular bicycle parking to cater for the mobility needs of future residents of all ages, abilities and families living at the proposed development and as such there would be a likelihood of overspill car parking on a street which would be contrary to Policy SMT11 which aims to protect the pedestrian network, Policy SMT16 to prioritise the development of safe and connected walking and cycling facilities and prioritise a shift to active travel and Policy SMT27 to provide a sustainable level of car parking, and encourage new ways of addressing the transport needs of residents of the Dublin City Development Plan 2022-2028.
5. The proposed development would be detrimental to existing and future residential amenities, public roads and footpaths of the area due to the likelihood of overspill car parking on the street where there is no Pay & Display for safe parking and high levels of illegal footpath parking, creating obstruction to footpaths, while the lack of high quality alternative mobility infrastructure, in particular bicycle parking, for the development would further exacerbate existing parking issues. The proposed development would endanger public safety by reason of traffic hazard and obstruction to road users, setting an undesirable precedent, and would, therefore, be contrary to the proper planning and sustainable development of the area.

## **3.2. Planning Authority Reports**

### **3.2.1. The Planner's Report contains the following points of note:**

- Residential is permissible in Z3 areas. The proposed commercial use is limited but the constraints of developing the site for further commercial use is acknowledged due to the backland nature of the majority of the site. It is considered that the site can be considered for a more intensive residential use than would normally be expected in a neighbourhood centre.
- The general layout, scale, bulk, and massing is considered to be acceptable, and it is not considered that the development would have a significant and negative impact on the streetscape.
- Design and height are broadly considered to be acceptable. The report notes that the development complements the existing scale and character of the area and provides an appropriate transition in scale to adjoining developments, including the more traditional housing.
- The limited ability to provide permeability through the site, as well as the constraints on providing public open space are noted and accepted by the Planning Authority. A payment in lieu of public open space is considered to be appropriate in this instance.
- There are concerns regarding the quality of communal open spaces due to their segregation, orientation, and daylight/sunlight levels. Overall, 67% of the amenity spaces pass the BRE requirement which is of concern to the Planning Authority. The new homes comply with the target illuminance requirements, but concerns are raised regarding sunlight to apartments as 10 of the 64 would not comply. The report does not consider the proposed compensatory measures to justify the lack of compliance.
- A number of balconies within Block A and to a lesser extent within Block B are located close to the outdoor area of the adjoining public house and may suffer from adverse noise impacts and the consequent loss of residential amenities.
- It is not considered that there would be an adverse impact on the adjacent PS although the report notes that additional photo montages are required, including a more appropriate angle on View 1.

- It is noted that a Flood Risk Assessment has not been provided but the report notes that this could be secured by way of Further Information.
- Unit mix, unit size, private amenity spaces, and separation distances are considered to be acceptable.
- Daylight and sunlight to neighbouring homes is considered to be in compliance with the BRE guidelines but concerns are raised regarding the sun on ground impacts to the shared amenity space at the adjacent Homestead Court development. In all other respects (overlooking, overbearance, loss of privacy) amenity impacts on neighbours are considered to be acceptable.
- Plot ratio and site coverage are considered acceptable but there are concerns that the density is excessive having regard to the site constraints and the proximity and nature of adjacent uses.
- The Planner's Report expresses concerns regarding the number of dual aspect units. The report states that the Applicant has erroneously included units where an inset balcony contributes towards this figure. i.e. the second aspect is from the shorter side of the balcony window, (units 2, 4, 8, 12, 16, 24, 32, 40 and 48). The overall dual aspect figure is therefore reduced from the stated 50% to 36%. Concerns are raised regarding the quality of the single aspect units and the north facing living areas of some dual aspect units.
- The Applicant has submitted an audit of existing and surrounding community and social facilities. The audit demonstrates that there is access to a range of services in the area although the report does not consider capacity issues for facilities such as schools and childcare.
- The level of car parking is considered to be too low at 0.078, which is a 92.2% reduction on the maximum standards, particularly given the high proportion of units that may accommodate families. Concerns regarding existing parking issues, hazards, and overspill parking are noted in the report.
- Cycle parking is considered acceptable in terms of quantum, but the Planner's Report notes a preference for a more central bike store location as the proposed dispersed cycle parking could conflict with pedestrian and vehicular movement. The report considers that the development is not comprehensively equipped

with high quality cycle parking and storage facilities, to justify the reduction in car parking within Zone 2.

**3.2.2. Other Technical Reports**

**3.2.3. Air Quality Monitoring and Noise Control (20.09.2023):** The existing bar and bingo hall would be surrounded by apartments and the bar/beer garden would be overlooked. It is envisaged that complaints would be made from future residents in terms of noise disturbance associated with the bar given the proximity.

**3.2.4. Drainage Division (25.09.2023):** The response states that insufficient information has been submitted with regard to the management of surface water and additional information is required to address all issues in relation to surface water. It is requested that the developer submit a Flood Risk Assessment to identify and mitigate potential risks from all sources of flooding, to confirm that the development has been designed to reduce the risk of flooding as far as is reasonably practicable, and to confirm that the proposals do not increase the risk of flooding to any adjacent or nearby areas.

**3.2.5. Housing and Community Services (06.07.2023):** A Part V Validation letter has been provided by the Housing Development Team (dated 6<sup>th</sup> July 2023).

**3.2.6. Transportation Planning Division (05.10.2023):** The Transportation Planning Division made extensive and detailed comments on the proposed development, requesting Further Information which was ultimately not actioned due to the substantive reasons for refusal. In terms of site layout, concerns are raised at the potential retention of the gate at the access from Quarry Road and how this gate, as well as features of the site/layout, including car/cycle parking would interfere with the auto tracking and movement of pedestrians and vehicles.

**3.2.7.** Public transport in the vicinity is noted, including the absence of a QBC and potential congestion/capacity issues. However, the report notes the frequency of service and planned network changes and confirms that the Division is open to considering a reduced quantum of car parking, albeit that the level of parking proposed for the site is not considered to be appropriate and has not been fully justified or evidenced. It is considered that there is potential for overspill of car parking and hazardous parking taking place on the surrounding road network where there are already parking issues.

- 3.2.8. A Traffic and Transportation Impact Assessment (TTIA) has been provided and it is noted that the simulation results are based typical parking provision with no Residential Travel Plan. The Division therefore questions the appropriateness of the TTIA without understanding the Car Parking Management Plan and communication to future residents regarding the reduced car parking provision and the impact of the development is considered to be largely dependent on the management, control and provision of alternative mobility infrastructure.
- 3.2.9. Bicycle parking is broadly considered acceptable in terms of quantum, but it is considered that high quality bicycle parking and associated facilities are required in the context of the significantly reduced parking levels, including variation in the type of spaces being provided.
- 3.2.10. To address the main concerns summarised above, the Transportation Division recommended that the following points of Further Information be requested from the Applicant:
- Car/Motorcycle Parking – Revisit the proposed quantum of car parking, provision of a Car Parking Management Plan (operational management, visitor parking, EV charging infrastructure/standards, examination of surrounding parking provision to inform a Residential Travel Plan, communication measures), provision of compliant car parking design (dimensions/surfacing), provision of three motorcycle parking spaces.
  - Bicycle Parking – Submission of a Bicycle Management Plan and revised cycle infrastructure, including the provision of a centralised cycle parking facility that meets Section 6 of the National Cycle Manual, separation of spaces (commercial, long term residential, visitor), cycle parking specifications, provision of varied spaces (disabled, cargo, child), grouping of spaces, and details of cycle maintenance/repair infrastructure, ventilation and security/CCTV.
  - Servicing and Access – Provision of a service Delivery and Access Strategy, detailing how the site would be serviced without relying on the public road and how the adjacent Homestead Pub would be serviced and potential impacts of this servicing on the laneway.

- Clarifications – areas for Taking in Charge, the retention of the gate at the site access, rights of way/wayleaves and whether these would be impacted by structures or turning movements.
- Updated auto tracking drawings (refuse, fire, delivery trucks) including entry, exit and existing road markings. Drawings to include all lighting and landscaping features and not rely on vacant car parking spaces in order to achieve the required vehicle movements. An updated Road Safety Audit should accompany this submission.
- Provision of car sharing on site with a letter of intent from an operator to be provided.

### 3.3. Prescribed Bodies

- 3.3.1. **Transport Infrastructure Ireland (11.09.2023):** The proposed development falls within an area set out in a Section 49 Levy Scheme for Light Rail. Transport Infrastructure Ireland request that a condition be imposed for the Section 49 Supplementary Development Contribution Scheme - Luas Cross City (St. Stephen's Green to Broombridge Line) under S.49 of the Planning and Development Act 2000, as amended.
- 3.3.2. I note that Iarnród Éireann, the National Transport Authority, and Uisce Éireann were also consulted by the Planning Authority and that no response was received at the time of report writing.

### 3.4. Third Party Observations

- 3.4.1. A total of 16 observations were submitted to the Planning Authority in response to the planning application. The main points of these observations can be summarised as follows:

#### Amenity

- There would be amenity impacts as a result of a loss of daylight and sunlight, loss of views, reduced visibility of the sky, loss of privacy, noise disturbance, increased dust and dirt, and light pollution.

- The loss of daylight would affect the mental health of people with Seasonal Affective Disorder.
- There is a lack of facilities, jobs, and services in the area, and this will lead to increased anti-social behaviour.
- There will be increased pressure on infrastructure.
- The development would reduce property values.

#### Design and Heritage

- This is a historic area, having been built by the Irish Sailors and Soldiers Land Trust and the development is on the curtilage of buildings that are either on the RPS or will soon be added to the register.
- Removal of the shops/buildings would result in the loss of historical character. They should be retained and improved and could revitalise the area.
- It is not clear if part of the wall of No. 54 is being retained or how this would be supported. There is a lack of detail on how the demolition of No. 54 would affect No. 56 and how the party wall would be treated.
- The development is excessive in scale, out of character with the two storey nature of the area, and would be overbearing on its neighbours, including the Homestead pub and No. 56 Quarry Road.
- Townhouses or duplex units should be considered.
- The proposal would be overdevelopment.

#### Quality of Accommodation

- There is a lack of provision of recreational space.
- There is a lack of connection between existing and proposed public realm/open space.
- There is an insufficient number of dual aspect units and failure to comply with SPPR 4, there are north facing single aspect units, and the studio units are unattractive and unliveable.
- Several double bedrooms measure 12sqm or less without storage/wardrobe space. These rooms would fall below minimum floorspace standards when

accounting for storage/wardrobe space. Other bedrooms are shaped such that built in storage is not possible.

### Transport

- Reduced parking has not been justified and development does not comply with the CDP criteria on reduced parking levels, which refers to reduced parking as opposed to removal of all parking.
- Exacerbation of existing hazardous parking issues, lack of visitor parking, risk of additional overspill parking, blocking of driveways, reduced visibility and the creation of a traffic and pedestrian safety issue/hazard.
- Access to emergency services would be restricted.
- Increased traffic generation and congestion.
- There is a lack of cycling infrastructure in the area to justify the parking levels. And the site is located in a suburb, not the city centre, there is limited employment and services in the area.
- There is a lack of clarity regarding the gated access from Quarry Road and no footpath for pedestrians is shown.
- It is not clear if there is public access to car sharing spaces and electric vehicle charging facilities.
- It is not stated how car dependency would be reduced or how car parking would be managed.
- There is a long standing Right of Way on the laneway for properties that back onto it, it's unclear if this is a public road or not and this issue needs to be settled prior to any development taking place.

### Homestead Public House

- The bar has a Right of Way to the gated laneway which is important to the security of the premises and for deliveries. This must be retained.
- The bar has a music licence, and the proximity of the development is such that it would overlook the smoking area and the conservatory and would disrupt the business.

- The bar relies on the car parking (10) spaces outside. The lack of parking in the development is unrealistic and would cause serious disruption to the business.

#### Other Matters

- There are discrepancies on the drawings in terms of dimensions (between contiguous elevations and sections) and no lift overrun is shown for Block A.
- There is a lack of photomontages and those photomontages provided fail to show a front view of the development which makes it difficult to visualise the impact on Quarry Road.
- The Applicant has not established title to the land.

## 4.0 Planning History

### *Subject Site*

- 4.1.1. **Planning Authority Ref. 5400/03:** Permission was granted by Dublin City Council in February 2004 for the construction of extension of existing apartment at first floor level over the existing shop, including a roof decking area at rear of the existing apartment.
- 4.1.2. **Planning Authority Ref. 0661/03:** Permission was refused by Dublin City Council in May 2004 for the construction of a new two bedroom apartment at first floor level to the rear of the existing apartment.
- 4.1.3. **Planning Authority Ref. 1190/00:** Permission was granted by Dublin City Council in July 2000 for a single storey retail display and storage area over existing ground floor hardware shop.

### *Homestead Court (to the rear of the site)*

- 4.1.4. **ABP Ref. 214699/Planning Authority Ref. 2604/05:** Permission was granted by the Board in March 2006 for the demolition of the existing industrial unit, entrance pillars and access gate, and the construction of 64 dwellings in a 5 storey building.

### *Hamilton Gardens (to the rear of Homestead Court)*

- 4.1.5. **ABP Ref. 305979:** Permission was granted by the Board for a Strategic Housing Development in March 2020 comprising 485 no. residential units (484 no. apartments

and 1 no. house), creche and all associated site works in buildings rising to a maximum of eight storeys. This permission altered a previous permission granted by the Board as set out below.

- 4.1.6. **ABP Ref. 300492:** Permission was granted by the Board for a Strategic Housing Development in March 2018 for 420 no. residential units (419 no. apartments/ 1 no. house), a neighbourhood centre comprising 4 no. retail units, office, community centre, creche, associated car and bicycle parking spaces, open space and all associated site works.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The site is zoned Z3, the objective of which is to provide for and improve neighbourhood facilities. Residential is listed as a permissible use.

- 5.1.2. Chapter 3: Climate Action contains the Council's policies and objectives for addressing the challenges of climate change through mitigation and adaptation. The relevant policies from this section include:

- CA3: Climate Resilient Settlement Patterns, Urban Forms and Mobility
- CA8: Climate Mitigation Actions in the Built Environment
- CA9: Climate Adaptation Actions in the Built Environment
- CA24: Waste Management Plans for Construction and Demolition Projects
- CA27: Flood Risk Assessment and Adaptation

- 5.1.3. 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. The relevant policies from this chapter include:

- SC5: Urban Design and Architectural Principles
- SC8: Development of the Inner Suburbs
- SC9: Key Urban Villages, Urban Villages and Neighbourhood Centres
- SC10: Urban Density

- SC11: Compact Growth
- SC12: Housing Mix
- SC13: Green Infrastructure
- SC14: Building Height Strategy
- SC16: Building Height Locations
- SC19: High Quality Architecture
- SC20: Urban Design
- SC21: Architectural Design
- SC23: Design Statements

5.1.4. Chapter 5: Quality Housing and Sustainable Neighbourhoods, seeks the provision of quality, adaptable homes in sustainable locations that meet the needs of communities and the changing dynamics of the city. The delivery of quality homes and sustainable communities in the compact city is a key issue for citizens and ensuring that Dublin remains competitive as a place to live and invest in. The relevant policies from this chapter include:

- QHSN1: National and Regional Policy
- QHSN2: National Guidelines
- QHSN6: Urban Consolidation
- QHSN10: Urban Density
- QHSN17: Sustainable Neighbourhoods
- QHSN22: Adaptable and Flexible Housing
- QHSN34: Social, Affordable Purchase and Cost Rental Housing
- QHSN35: Diversity of Housing Type and Tenure
- QHSN36: High Quality Apartment Development
- QHSN37: Homes and Apartments
- QHSN38: Housing and Apartment Mix
- QHSN39: Management
- QHSN48: Community and Social Audit
- QHSNO11: Universal Design

5.1.5. Chapter 7: The City Centre, Urban Villages, and Retail, notes that Dublin's village and neighbourhood centres are the heart of their local communities, providing a focus for

local activities, allowing sustainable urban living and allowing people access to local shops, services, employment and facilities. The relevant policies of this chapter include:

- CCU23: Active Uses
- CCUV25: Neighbourhood Centres/Local Shopping

5.1.6. 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. The relevant policies of this chapter include:

- SMT7: Travel Plans for New and Existing Developments
- SMT25: On-street Parking
- SMT27: Car Parking in Residential and Mixed Use Developments

5.1.7. 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. The relevant policies of this section are:

- SI14: Strategic Flood Risk Assessment
- SI15: Site Specific Flood Risk Assessment
- SI22: Sustainable Drainage Systems
- SI25: Surface Water Management
- SI37 and SI38: Noise Sensitive Development

5.1.8. 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.

5.1.9. 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.

5.1.10. 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. The relevant policies of Chapter 15 include:

- 15.4: Key Design Principles
- 15.5: Site Characteristics and Design Parameters
- 15.6: Green Infrastructure and Landscaping
- 15.7: Climate Action
- 15.8: Residential Development
- 15.9: Apartment Standards

5.1.11. Relevant Appendices include:

- Appendix 3: Achieving Sustainable Growth sets out the height strategy for the city, with criteria for assessing higher buildings and provides indicative standards for density, plot ratio and site coverage.
- Appendix 16: Sunlight and Daylight provides direction on the technical approach for daylight and sunlight assessments.

## 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 and to drive the delivery of quality housing and employment choice for the Region's citizens. The RSES seeks to build a resilient economic base and promote innovation and entrepreneurship ecosystems that support smart specialisation, cluster development and sustained economic growth.

#### **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. Objective 3a is to deliver 40% of all new homes nationally, within the built-up footprint of existing settlements. Objective 11 is to prioritise development that can encourage more people to live or work in existing settlements whilst Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location. Objective 35 is to increase residential density in settlements through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

#### **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:
- 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.
  - Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (2023).
  - Urban Development and Building Heights, Guidelines for Planning Authorities (2018).

- 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.

## **5.6. Natural Heritage Designations**

5.6.1. The site is an urban brownfield site and is not located within any designated site. The nearest European Sites are as follows:

- South Dublin Bay and River Tolka Estuary SPA (site code 004024), 4km to the east.
- South Dublin Bay SAC (& pNHA) (site code 00210) 6km to the south east.
- North Dublin Bay SAC and pNHA (Site Code 000206), 7.5km and 4km respectively to the east.
- North Bull Island SPA (Site Code 004006), 7km to the east.

## **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 First Party appeal has been submitted by PMCA Architecture and Planning of 104 Francis Street, Dublin 8, for and on behalf of the Applicant, Patrick Goslin and Sons Ltd., C/O Glenbeigh Construction Ltd. of Damastown Way, Damastown Business Park, Dublin 15. The submission includes a response from RMDA Landscape Architects (specifically in relation to reasons for refusal 1, 2, and 3). The grounds of appeal can be summarised as follows:

### Reason for Refusal 1 – Dual Aspect

- The development plan states that 33% dual aspect may be accepted in locations adjoining or adjacent to high frequency public transport where there are site specific circumstances such as tight urban infill sites up to 0.25 hectares. Where single aspect units are proposed, south facing should be maximised and east/west facing units are also considered acceptable. The daylighting and orientation of living spaces is the most important objective. SPPR 4 also has a 33% minimum in accessible urban locations.
- The majority (58 no.) of units are south east or west facing and the small number of north facing units overlook a landscaped open space. The site design strategy ensures that all units would receive adequate daylight and sunlight in line with the BRE. The scheme is considered otherwise acceptable in terms of height, scale, impact on neighbours, and design quality.
- The calculation of dual aspect units in the Planner's Report is disputed, several more units meet the dual aspect criteria and do not have inset balconies. It is therefore considered that 42% of the units would be dual aspect and would not be contrary to the CDP.
- Concerns are raised regarding sunlight compliance. Not all rooms can face the sun as acknowledged by the CDP and given the constraints of the site and neighbouring buildings this should be accepted. The BRE implies a compliance rate of 80% being considered careful layout design and the 84% compliance rate of the development is an example of careful design.
- The Apartment Guidelines acknowledge that there may be site/location constraints, and these should be balanced against achieving wider planning objectives. Compensatory measures include north facing units in Block B having views over amenity space and north facing units in Block C being dual aspect. Furthermore, Phoenix Park is just a 20-minute walk away.

### Reason 2 – Quality of Accommodation/Internal Residential Amenity

- The second reason for refusal contradicts the positive assessment of the overall scheme. A site-specific strategy has been designed to provide light and air in

strategic locations on site in response to the site constraints and the design avoids monolithic and overbearing forms.

- A number of amenity spaces are provided, some of which comply with the BRE requirements for sunlight on the 21<sup>st</sup> March. The segregation of spaces provides the opportunity to achieve different landscape designs, which consider the sunlight levels and the space between Blocks B and C provides excellent, safe, and passively supervised play areas.
- There is a considerable overprovision of amenity space and combining the results of the overprovided space would result in 45% or 48% when tested against the minimum. These marginal results could be offset by the consideration of the overprovision.
- In terms of noise/proximity to the adjoining public house outdoor area, the site is zoned as a neighbourhood centre, including residential with different uses close to each other due to the urban character. It is unreasonable to reject the development of the site for this reason.
- An additional communal space is provided at fourth floor level in Block B as part of the appeal which is south facing and would make a significant contribution to the amenity of the development.

### Reason 3 – Neighbouring Residential Amenity

- The design responds to the adjacent Homestead Court development practically and reasonably by mirroring its form. The design of Homestead Court makes no attempt to provide light to its amenity space over its own land ownership.
- Sunlight is further limited due to the proximity of the old cinema. Site geometry and orientation of the site is highly sensitive to development on the specific test date (21<sup>st</sup> March) when the sun is low in the sky. When tested on the 21<sup>st</sup> April practically the full area would receive two hours of sunlight.
- The impact on the Homestead Court amenity space is therefore date sensitive and caused by external factors, including its design and overreliance on the Applicant's land for sunlight.
- The site design strategy was developed to integrate the development in a positive way, avoid negative impacts on adjoining property and it is argued that

there would be minimal impact on Homestead Court, which does not warrant a refusal of permission.

#### Reason 4 – Car Parking and Mobility Infrastructure

- A comprehensive Mobility Management Plan was submitted with the application and the proposal represents an appropriate solution to the new ways of addressing the transport needs of the city.
- The CDP states that a relaxation of maximum parking standards will be considered for highly accessible sites in Zones 1 and 2.
- The Apartment Guidelines state that the default policy is for car parking to be minimised, substantially reduced or wholly eliminated in certain circumstances. Suitable locations include places within a 15 minute walk of city centres or centrally located employment locations, within a 10 minute walk of DART, commuter rail or Luas, or within a five minute walk of high frequency bus services.
- The site is within a nine minute walk of Cabra Luas, as accepted in the Planner's Report (which states approx. 10 minutes).
- The Planner's Report states that the Transportation Planning Division have recommended refusal, but this is incorrect as the internal report recognises the reduced quantum of car parking and indicates a methodology supporting the car parking provision proposed and emphasises the need for high quality bicycle parking facilities. Further Information was requested in this regard.
- The Applicant therefore proposes amendments to meet the recommendations of the Transport Planning Division. This includes changing Unit 57 in Block C to a centrally located cycle store at ground level.
- Car parking spaces to the north of the site have been adjusted to provide a set back from the public footpath as recommended and it is now proposed that all of these spaces be allocated to a car sharing scheme that the developer would put into effect.
- Significant investment is currently being made on the provision of cycle routes throughout the city to resolve transport and traffic problems. This is the context within which the proposal should be assessed.

## Reason 5 – Public Roads and Footpaths

- Issues raised in reason for refusal 5 relate to external site factors that are outside the control of the Applicant and the traffic management of this area appears to have been ignored with a poor quality urban environment.
- The development of this neighbourhood site will animate and uplift the area in general and the Local Authority, not the Applicant, need to put a Traffic Management Plan in place to deal with the normal development of zoned lands in such urban areas.
- Reference is made in this reason also to the lack of high quality alternative mobility infrastructure, in particular bicycle parking as a reason for refusal. The response to reason no. 4 above addresses issues regarding bicycle parking and justifies the reduced car parking provision on this site, in this location.
- The default policy is for reduced car parking in accessible urban locations and taking account of the improved quantum of bicycle parking being proposed, it is considered that this development would meet all the criteria regarding transport on this urban infill site close to transport infrastructure.

## **6.2. Planning Authority Response**

6.2.1. The Planning Authority request that the Board uphold the decision to refuse permission and recommend the following conditions in the event that planning permission is granted:

- Payment of Section 48 and Section 49 development contributions, a payment in lieu of the provision of open space (if applicable), and the payment of a bond.
- Social housing.
- Street naming and numbering.
- Management Company.

### **6.3. Observations**

6.3.1. An observation has been submitted by Councillor Declan Meenagh which is supported by various parties from 10 local addresses. The observation makes the following substantive points:

- This is a historic area, having been built by the Irish Sailors and Soldiers Land Trust and the development is on the curtilage of buildings that are either on the RPS or will soon be added to the register.
- The proposal is overdevelopment that would damage residential amenity due to overlooking, overshadowing and under supply of car parking, which is clearly insufficient and would result in overspill parking, compromising the already problematic parking availability in the area.
- The number of dual aspect units is insufficient, and the development would result in a poor standard of amenity for future residents, particularly in terms of open space and noise.
- Minimum standards are a minimum and not a target, minimum standards should be exceeded.

### **6.4. Further Responses**

6.4.1. None.

## **7.0 Assessment**

7.1. The Applicant proposes a number of amendments as part of the appeal as follows:

- Provision of a roof terrace at fourth floor level on Block B
- Provision of a central bicycle store in place of Unit 57 in Block C
- Reconfiguration of car parking adjacent to Block C
- Amendments to high level glazing in Block B

7.1.1. These amendments are addressed where relevant in the assessment below.

7.2. Having examined the application 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 having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues to be considered in this appeal are as follows:

- Quality of Accommodation
- Heritage
- Quantum of Development and Density
- Residential Amenity
- Transport
- Other Matters

### **7.3. Quality of Accommodation**

- 7.3.1. The first reason for refusal considers the number of dual aspect units to be insufficient, leading to a poor quality of accommodation for future occupiers. The second reason for refusal also raises issue with the quality of accommodation on the basis that the proposed open spaces would be poor quality in terms of their location, nature, and sunlight levels, as well as raising concerns that the private amenity spaces are located in close proximity to outdoor commercial areas which have the capacity to generate significant noise. These issues were echoed in observations made on the appeal.

#### *Dual Aspect*

- 7.3.2. The CDP then clarifies that in the outer city (beyond the canal ring) and within the SDRA's, schemes with a minimum of 33% dual aspects units will only be considered in exceptional circumstances.
- 7.3.3. SPPR4 of the guidelines provide that at least 33% of the apartments must be dual aspect in central / accessible urban locations and 50% dual aspect in intermediate locations. Section 3.17 provides some discretion on this, stating that "it is a policy requirement that apartment schemes deliver at least 33% of the units as dual aspect in more central and accessible and some intermediate locations, i.e., on sites near to city or town centres, close to high quality public transport...'. Having regard to the public transport availability proximate to the site, I am satisfied that the 33% standard can apply in this instance.

- 7.3.4. The Planner's Report expresses concerns regarding the number of dual aspect units, and it is stated that the true percentage of dual aspect would be 36%, discounting those units where an inset balcony is used to create a dual aspect unit. The Applicant disputes this on the basis that several more units meet the dual aspect criteria and do not have inset balconies, concluding that 42% of units would be dual aspect.
- 7.3.5. I would have similar concerns to the Planning Authority with regards to the dual aspect nature of some of the apartments and in my opinion the development would provide 26 dual aspect apartments and 38 single aspect apartments which equates to 40.6% dual aspect provision.
- 7.3.6. In terms of the dual aspect units, the Board should note that 11 of these apartments rely on high level windows for their second aspect. Whilst high level windows technically make these apartments dual aspect by providing light and ventilation, their contribution to outlook is very limited in my opinion. Without the high level windows, the dual aspect provision would reduce to 23%.
- 7.3.7. Of the 38 single aspect apartments, 11 would have windows on the short balcony return/door, and whilst I note the Applicant's point that these are not inset balconies as referred to in the CDP guidance, in my opinion, windows/doors on returns to balconies do not qualify a unit as being dual aspect. The remaining 27 apartments would be fully single aspect and four of these would be north facing.
- 7.3.8. The development would therefore exceed the minimum 33% dual aspect provision however, as set out above, I have concerns on the reliance on high level windows to achieve this standard. The Applicant is of the view that the daylighting and orientation of living spaces is the most important objective, and this is echoed in SPPR4. Whilst I agree overall that the homes would be well lit and I accept that not all rooms can face the sun, dual aspect apartments should also provide for cross ventilation and enhanced outlook. In my opinion, whilst technically meeting the 33% provision requirement of SPPR4, the reliance on high level windows to achieve the minimum dual aspect provision is symptomatic of the significant density being proposed on this site, and this could be improved with a more balanced density, core layout and revised internal arrangement of homes.

*Amenity Space*

- 7.3.9. The Planning Authority consider that the proposed development would provide a poor quality of residential amenity to future occupiers of the development owing to the location, orientation, and fragmented nature of the proposed communal areas of open space, in combination with the lack of robust compensatory measures and adequate or detailed justification for such impacts in the submitted Sunlight, Daylight & Shadow Assessment.
- 7.3.10. The Apartment Guidelines set out the minimum space standards for communal amenity space at Appendix 1. Based on the provisions of the Guidelines and the proposed housing mix, the development would be required to provide 414sqm of communal amenity space.
- 7.3.11. Four main areas of amenity space are provided, two small communal amenity spaces adjacent to Blocks B and C as well as larger courtyard communal amenity spaces, one located between Block B and C, and one located between Block A and B. The courtyard space between Block A and B is split between communal amenity space and public open space. I would question the value of this particular location as public open space given the lack of permeability or desire lines through the site and there are clear impediments to how legible this would be as open space for the general public. On that basis I am satisfied that the entirety of the courtyard between Block A and B should be given over to communal amenity space and I would agree with the Planning Authority that a payment in lieu of public open space would be an acceptable approach. This should be conditioned in the event that the Board grant permission.
- 7.3.12. The remainder of the space indicated by the Applicant as being public open space/public realm is simply the access road and turning space for service vehicles and in my opinion has no value as a public open space and as such should be disregarded from the calculations. I therefore consider the total communal open space provided to be 615sqm which is well in excess of the minimum requirements. The smaller amenity spaces adjacent to Blocks B and C are of limited amenity value given their size, accessibility and location and would only be of value to residents within these particular blocks. The majority of the communal open space (482sqm) would be provided in the two courtyards between the three blocks and would be open to all residents. In quantitative terms, I am satisfied that the amenity spaces are acceptable.

- 7.3.13. I note the concerns raised by the Planning Authority in terms of the daylight levels reaching the communal amenity spaces. The courtyard between Blocks B and C and the amenity space to the north of Block C would not meet the BRE requirements on the 21<sup>st</sup> March that require at least 50% of the space to receive two hours of sunlight, with the courtyard between Blocks B and C being intensely overshadowed. The majority of the larger courtyard between Blocks A and B, as well as the smaller communal garden adjacent to Block B would receive BRE compliant sunlight on the 21<sup>st</sup> March. Additionally, the Applicant has proposed a 112sqm roof terrace amenity space at fourth floor level on Block B which would benefit from full sunlight. The principle of a terrace would be acceptable subject to conditions regarding the management of its use in order to protect amenity, in addition to some minor plan revisions to create defensible space around the adjoining window of unit 52. However, in my opinion, the instruction of a roof terrace would be a material change to the scheme as publicised and cannot be considered as part of the appeal.
- 7.3.14. The overshadowing of the courtyard between Blocks B and C is a result of the scale, massing and positioning/footprint of Block B. In my opinion, whilst the proposed site layout generally has some merit when taking into account the need to address the street frontages, the positioning of adjoining buildings, and the clear benefits in aligning with Homestead Court and keeping the open aspect to the existing Homestead Court amenity space, the scale and intensity of development on Block B is excessive and compromises the quality of the external amenity space.
- 7.3.15. The Applicant suggests that the segregation of spaces provides the opportunity to achieve different landscape designs, which consider sunlight levels, and that the space between Blocks B and C provides safe and passively supervised play areas. I agree that the proposed use and landscape design of amenity spaces should respond to their context and environmental conditions, however, I do not consider that this justifies level of overshadowing that would take place to the B/C courtyard, and I am of the view that this would place increased pressure on the other courtyard amenity space.
- 7.3.16. Further concerns raised by the Planning Authority are that the siting of private amenity spaces adjacent to or in close proximity to the Homestead Public House (and its small rear yard) would be likely to seriously injure the residential amenities of future occupants, as commercial use has the capacity to generate significant noise that could

potentially lead to complaints. The rear yard space referred to relates to an external smoking area.

- 7.3.17. There is an existing/former residential unit above the subject premises, as well as homes in very close proximity to the south. I am also mindful that the site is located within a predominantly residential area where homes and commercial use are located in close proximity to one another. Residential accommodation above and alongside shops and other commercial premises is a well established relationship in urban areas. I note that the balconies of Block A, and to a lesser extent, Block B, would be in fairly close proximity to the Homestead Public House and in particular the external smoking area. However, they would not be immediately adjacent to it, and it is my view that in order to develop the site for housing, it is inevitable that some of the proposed homes or amenity spaces would be close to the Public House and the rear yard in question, due to its location close to the central part of the site.
- 7.3.18. In my opinion, it would be unreasonable to withhold permission to redevelop the site for housing on the basis that there may be a limited degree of conflict of use between the proposed homes and the small external space of the Public House, and subject to the homes being designed to minimise noise transfer, which could be secured by condition, and the Public House operating within its established licencing regime, then I would be of the opinion on balance, that the provision of housing would not prejudice the ongoing commercial operation of the Homestead Public House, and that the amenity of future residential occupiers would not be compromised.

#### *Internal Arrangement and Floor to Ceiling Heights*

- 7.3.19. Although not raised as an issue by the Planning Authority, I have concerns regarding the layout and arrangement of some units within Block B, notably the relationship between units 19/20, 27/28, 35/36, and 43/44 whereby the balconies of the even numbered units are located adjacent to the bedroom windows of the odd numbered units at a distance of just 2.5 metres. In my opinion this would not be an appropriate relationship as it would result in mutual overlooking between the bedrooms and the balconies, compromising the amenity and enjoyment of both. I accept that the balconies would be fitted with privacy screens and that this would deal with the overlooking issue, however, it would then result in poor outlook from the bedroom windows as a result of having a screen just 2.5 metres away. In my opinion, this is

further evidence of an excessively dense scheme. I also note that some units within Block B would have balcony amenity spaces located solely off the bedrooms as opposed to the main living spaces, although I accept that this could be addressed by condition.

7.3.20. In terms of floor to ceiling heights I would draw the Boards attention to the frontage of Block A onto Quarry Road. The ground floor of Block A achieves a floor to ceiling height of at least 2.7 m which complies with SPPR5 with regard to ground floor residential. However, the ground floor frontage onto Quarry Road is commercial in nature and in my opinion the floor to ceiling height is insufficient, particularly when viewed in context with the existing commercial premises at the Homestead Public House and the adjoining bingo hall, where more generous floor to ceiling heights are provided at ground floor level. In my opinion the lower floor to ceiling height of the commercial premises on the Quarry Road frontage would be a discordant feature that would clearly be at odds with the established commercial context at ground floor on Quarry Road and would benefit from some additional height to match the adjoining premises.

7.3.21. The issues raised above with regard to internal arrangement and floor to ceiling heights are new issues and whilst I do not consider that they would warrant refusal of permission in their own right, the Board may wish to address the matter in a note, should permission be refused.

#### **7.4. Heritage**

7.4.1. Observations on the appeal state that this a historic area, having been built by the Irish Sailors and Soldiers Land Trust and that the development is on the curtilage of buildings that are either on the RPS or will soon be added to the register.

7.4.2. The site is not located within a Conservation Area or Architectural Conservation Area. The adjoining building to the north is the three storey former Cabra Grand Cinema which is now in use as a bingo hall. This building is a Protected Structure (RPD Reg. 8741) and listed on the National inventory of Architectural heritage (NIAH Ref. 50060178). There are no other neighbouring Protected Structure. No information has been provided from the Planning Authority with regards to potential future Protected Structures in the immediate area and the Planner's Report makes no reference to same.

7.4.3. In my opinion, the development would have minimal impact on the adjoining Protected Structure. The height of Block A generally corresponds to the ridge height of the Protected Structure and the two setbacks from the principal Quarry Road frontage assist in managing the scale and reducing the bulk of Block A, minimising its potential intrusion on the Protected Structure and allowing it to retain its prominence in views from Quarry Road. I note the comments in the Planner's Report that additional photomontages of the Protected Structure should be provided, but I am satisfied that this is not necessary and that the development, for the reasons outlined above, would not have any significant adverse impact on the character, setting, or heritage value of the Protected Structure.

## **7.5. Quantum of Development**

7.5.1. Observations made on the appeal state that the proposal represents overdevelopment and would result in various amenity impacts. The Planner's Report considers plot ratio and site coverage to be acceptable but raises concerns that the density is excessive having regard to the site constraints and the proximity and nature of adjacent uses.

7.5.2. The site is located within the 'Outer employment and residential area' where an indicative plot ratio of 1.0-2.5 and site coverage of 45%-60% is stated in the CDP. The proposed plot ratio is given as 1.56 in the application documents and 1.9 in the appeal submission. Using the higher figures presented in the appeal statement, a total floorspace figure of 5,254sqm on a site of 2,741sqm would generate a plot ratio of 1.9 and site coverage would equate to 45%. Both of these figures are well within the ranges set out in the CDP.

7.5.3. The proposed density equates to 237 dwellings per hectare (dph). The Compact Settlement Guidelines recognise that in order to achieve compact growth, there will be a need to support more intensive use of existing buildings and properties, including the re-use of existing buildings that are vacant and more intensive use of previously developed land and infill sites, in addition to the development of sites in locations served by existing facilities and public transport. In my opinion, the site would be considered to be in an Urban Neighbourhood as set out in table 3.1 of the Guidelines, having regard to its location and public transport availability and the density would be in alignment with the ranges set out in the Guidelines, which advocates for a density

between 50dph and 250dph. However, in my opinion, consideration of the site specific circumstances, context, and development quality need to be considered.

- 7.5.4. Appendix 3 of the CDP gives further guidance on density alongside appropriate heights, noting that where a scheme proposes buildings and density that are significantly higher and denser than the prevailing context, the performance criteria set out in Table 3 of the Appendix shall apply. These criteria generally reflect the requirements of the Building Height Guidelines (2018). Given that the proposed height and density would be significantly above the prevailing context, the aforementioned performance criteria should apply.

*To Promote Development with a Sense of Place and Character*

- 7.5.5. In my opinion the proposed development would complement the existing and established character and context, providing an appropriate and effective transition in scale towards Quarry Road. The buildings have been positioned rationally, having regard to the scale and form of neighbouring buildings and the site constraints. The overall design would be a positive addition to the area, which is highly accessible, and the material pallet proposed would provide cohesiveness between the three blocks. The provision of commercial use at ground floor on Quarry Road would maintain the commercial offering of the neighbourhood centre and provide street level activity. In my view, the overall scale of the proposed street facing building is acceptable, with a sufficient variety in scale and form, including appropriate use of setbacks to provide visual interest, ensure appropriate transitions in scale/massing and avoid overly monolithic or horizontal forms. Block B, however, is excessive in its scale and massing particularly with regard to its immediate context, rising to six storeys within the rear part of the site which would be excessive, incongruous, and compromises the quality of the proposed amenity spaces. Overall, I am of the view that the proposed density of the development would be excessive, out of character with the surrounding area and would constitute overdevelopment.

*To Provide Appropriate Legibility*

- 7.5.6. As noted in the Planner's Report, the majority backland nature of the site means it has limited ability to contribute to permeability. However, I am satisfied that Blocks A and C suitably reinforce the role and function of the streets and provide an appropriate and legible interface with public areas.

*To provide Appropriate Continuity and Enclosure of Streets and Spaces*

The proposed development appropriately continues the existing streetscape and building line of Quarry Road and the northern access road, noting my previous concerns regarding commercial floor to ceiling heights. The overall height on the street frontage is considered to be appropriate and would not be overbearing to the street or surrounding developments and the upper floors of Block A are suitably stepped back to minimise the impact of the building on the streetscape. Likewise, Block C is successful in managing the transition in scale between the rear of the bingo hall and the flatted dwellings to the west. Block B does not have a street frontage but in my opinion, it would be excessive in its height, scale and massing.

*To Provide Well Connected, High Quality and Active Public and Communal Spaces*

- 7.5.7. As set out previously, I accept the limitations of the site in its ability to provide meaningful and legible public open space and would agree with the Planning Authority that a payment in lieu of public open space would be an acceptable solution. As set out in Section 7.3.7, I am of the view that the intensity and scale of the development on Block B would be excessive, and this is demonstrated by the significant overshadowing of one of the main courtyard amenity spaces serving the development.

*To Provide High Quality, Attractive and Useable Private Spaces*

- 7.5.8. All residential units are provided with acceptable balcony spaces and whilst I have concerns that the balconies of some units are not located off of the main living area, this could be addressed by plan revision. I note the concerns of the planning Authority with regards to the proximity of some balconies within Block A (and to a lesser extent Block B) to the outdoor area of the adjoining Public House and potential impacts in terms of noise and disturbance, I consider that commercial adjacent to residential is an established urban relationship, including in this area and I am satisfied that the relationship would be broadly acceptable subject to conditions.

*To Promote Mix of Use and Diversity of Activities*

- 7.5.9. The site is located within a Neighbourhood Centre and the provision of commercial use at ground floor is welcomed. I am of the view that residential and commercial is a suitable mix of uses for this site.

*To Ensure High Quality and Environmentally Sustainable Buildings*

7.5.10. Whilst I accept that overall, the homes would be well lit, in my opinion, the quality of accommodation and amenity spaces is compromised by the proposed density. I consider the proposed materials to be acceptable given the surrounding context and the BER levels would be compliant with Part L of the building Regs. Whilst I note that a Flood Risk Assessment has not been submitted, I am satisfied that appropriate flood risk mitigation and surface water drainage provisions to comply with the requirements of the Planning Authority could be secured by condition.

*To Secure Sustainable Density, Intensity at Locations of High Accessibility*

7.5.11. The development is located in an area that benefits from high quality public transport. The Planning Authority have raised concerns regarding congestion and the Transport Assessment does not provide any detail on existing public transport capacity although I accept that planned improvements will result in increased frequency of service which is intrinsically linked to capacity. Whilst the site is within 1km of the Luas (Cabra), it is at the further extent of the threshold at 850m. As such, whilst I accept that the public transport provision would justify the principle of a higher density scheme, I am of the view that the proposed density of 237dph would be excessive and directly compromises the quality of accommodation and amenity spaces being proposed. These issues include the number of dual aspect units relying on high level windows, the overshadowed communal amenity spaces, and the internal arrangement of units and balconies, all of which I consider to be related in large part, to the need to configure the buildings to support the number of units being provided and leads me to the conclusion that the proposed development is too large and too dense for the subject site.

*To Protect Historic Environments from Insensitive Development*

7.5.12. As set out in Section 7.4, I am of the view that the development would have minimal impact on the adjoining Protected Structure. The height of Block A generally corresponds to the ridge height of the Protected Structure and the two setbacks from the principal Quarry Road frontage assist in managing the scale and reducing the bulk of Block A, minimising its potential intrusion on the Protected Structure and allowing it to retain its prominence in views from Quarry Road.

*To Ensure Appropriate Management and Maintenance*

- 7.5.13. I am satisfied that the construction and operational development could be effectively managed by a range of supporting documents and planning conditions, such as a Construction Management Plan, Delivery and Servicing Management Plan, Operational Waste Management Plan and the requirement for a Management Company to be appointed.

*Conclusions on Quantum of Development*

- 7.5.14. Whilst Blocks A and C are generally acceptable, I consider the scale, height and massing of Block B to be excessive and I consider the proposed density to be excessive for this site, as indicated by the compromised quality of accommodation in relation to the number of dual aspect units, quality of amenity spaces and internal arrangements. On that basis, I am of the view that the development would not be in accordance with the performance criteria of Appendix 3 of the CDP.

**7.6. Residential Amenity**

- 7.6.1. The Planning Authority consider that the proposed development would cause serious injury to the residential amenities of the adjoining Homestead Court apartments through the unreasonable loss of daylight/sunlight to the communal amenity space. Further concerns are raised in the observation made on the appeal that the development would damage residential amenity due to overlooking and overshadowing.

*Daylight and Sunlight to Homestead Court*

- 7.6.2. The Applicant has submitted a daylight and sunlight assessment to quantify the impact of the proposed development on adjoining homes and garden ground. In terms of daylight to the apartments and sunlight to private amenity spaces, I note that the assessed dwellings would meet the BRE standards. In terms of sunlight to windows I note that all of the assessed windows would meet the BRE guidance with the exception of one window that would fall below winter sun requirements by 0.7%. I note that no VSC assessment has been undertaken of the secondary windows serving the open plan kitchens on the flank elevations of Homestead Court and given the proximity of Blocks B and C, it is likely that there would be noticeable impacts. Whilst the Board could request additional information on this matter should it be minded to grant permission, I would be of the view that even with some VSC impacts to these windows, the open plan kitchen/living and dining areas would continue to be well lit by the more

substantial principal windows serving the open plan rooms that all have a southerly aspect. The impact on the dwellings and private amenity spaces is therefore acceptable in my opinion, on balance.

- 7.6.3. The Applicant considers that Homestead Court relies heavily on the appeal site in order to achieve sunlight levels to the shared courtyard amenity space. For that reason, the Applicant has undertaken a Mirror Image assessment to demonstrate what the baseline conditions would be when mirroring the mass and position of Homestead Court on the subject site. The results for the shared amenity space on the 21<sup>st</sup> March are given below:

Shared Amenity Space Homestead Court				
	2 Hour Sunlight 21 <sup>st</sup> March (>50% area or at least 0.8 ratio)			
	Existing	Proposed	Ratio	Result
Existing Baseline Scenario	75%	32%	43%	Fail
Mirror Image Baseline Scenario	54%	32%	0.59	Fail

- 7.6.4. The results above demonstrate that Homestead Court does rely on the appeal site to some extent for sunlight to the shared amenity space. However, when considering a Mirror Image baseline, the proposed development would still result in significant overshadowing and unlike Homestead Court which at least offers some setback from the common boundary, Blocks B and C would be built immediately on the boundary. The Applicant has therefore undertaken further reviews as part of the appeal and has tested a variety of other dates between the 21<sup>st</sup> March and the 21<sup>st</sup> April as set out below (all based on the existing baseline figures).

Shared Amenity Space Homestead Court	
	2 Hour Sunlight (>50% area or at least 0.8 ratio)

	Existing	Proposed	Ratio
21 <sup>st</sup> March	75%	32%	0.43
1 <sup>st</sup> April	83%	51%	0.61
15 <sup>th</sup> April	92%	75%	0.82
21 <sup>st</sup> April	96%	83%	0.86

- 7.6.5. The BRE test is date sensitive by its very nature, the reason being that if the space is well lit on the equinox, then it is likely to be well lit throughout the year. For that reason, the 21<sup>st</sup> of March is the date on which the test should be undertaken. However, the results detailed above show that just 11 days after the spring equinox, at least 50% of the shared amenity space would achieve two hours of sunlight, with further improvements on both the 15<sup>th</sup> and 21<sup>st</sup> April when 83% of the area would achieve two hours of sunlight.
- 7.6.6. I would highlight that the standards described in the BRE guidelines allow for flexibility in terms of their application, and it is stated that ‘Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design’. It notes that other factors that influence layout include considerations of privacy, security, access, enclosure, microclimate etc., and states that industry professionals would need to consider various factors in determining an acceptable layout, including orientation, efficient use of land and arrangement of open space, and these factors will vary from urban locations to more suburban ones.
- 7.6.7. I am satisfied that on balance, the proposed impact on the shared amenity space at Homestead Court would be acceptable, having regard to the location, form, orientation, and layout of Homestead Court in relation to the appeal site, the clear benefits of the proposed site layout in terms of aligning buildings to Homestead Court and keeping the shared courtyard amenity space open, the acceptable sunlight results just eleven days after the equinox, and the constraints posed by developing infill sites in urban areas and the need to promote compact growth.

*Daylight and Sunlight to Quarry Road*

- 7.6.8. The Daylight and Sunlight Assessment considers the impact of the proposed development on a range of dwellings and garden ground that surround the site on Quarry Road to the north, east, and south. All windows tested for VSC and sunlight meet or exceed the minimum standards recommended by the BRE, indicating that impacts would not be noticeable. Additionally, all private amenity spaces tested for sunlight would experience no change as a result of the development. I am therefore satisfied that the development would have no significant impact on adjacent dwellings and garden ground on Quarry Road.

*Overlooking and Loss of Privacy*

- 7.6.9. Blocks A and C reinforce the established street building line on Quarry Road and the northern access road respectively and would be located a sufficient distance from adjacent dwellings and garden ground to ensure that there would be no significant adverse impacts in terms of overlooking or a loss of privacy. Block B would have views to the south where the adjacent dwellings have fairly deep rear gardens. Whilst Block B would offer some views into the rearmost section of the gardens, I am of the view that the separation distances involved are sufficient to ensure that there would be no significant impact in terms of overlooking either to the gardens or the windows of the adjacent dwellings. The balconies of Block B that are located immediately on the boundary with the rear gardens on Quarry Road, could employ a screen on the balcony edge to direct views away from the rearmost section of the garden and I am satisfied that this could be secured by condition in the event that the Board grant permission.

**7.7. Transport**

- 7.7.1. The Planning Authority consider that the development has failed to provide an appropriate level of car parking and high quality alternative mobility infrastructure, in particular bicycle parking, to cater for the mobility needs of future residents of all ages, abilities and families living at the proposed development and that there would be a likelihood of overspill car parking. These issues are also raised in the observation made on the appeal.
- 7.7.2. The Applicant points to the Apartment Guidelines which state that in higher density developments in more central locations that are well served by public transport, the default policy is for car parking provision to be minimised, substantially reduced, or wholly eliminated in certain circumstances. The Compact Settlements Guidelines

(2024) now support a move away from full parking provision, and state at Section 4.4(i)(d) that the quantum of car parking in new developments should be minimised in order to manage travel demand, and to ensure that vehicular movement does not impede active modes of travel or have undue prominence within the public realm. Appendix 5 of the CDP states that a relaxation of maximum car parking standards will be considered in Zone 1 and Zone 2 for any site located within a highly accessible location subject to compliance with relevant criteria.

### *Car Parking*

- 7.7.3. The development proposes a total of five car parking spaces, one accessible space located internally within the site and four vehicular spaces located immediately adjacent to Block C on the northern access road that would be provided as car share spaces. In addition to raising concerns regarding the level of car parking, the Planning Authority have raised concerns that the car parking spaces are deficient due to overhanging the pavement, but I note that this has been addressed through revisions made as part of the appeal.
- 7.7.4. The Planning Authority appear to accept the principle of reduced car parking but do not support the very low level of parking that has been proposed. The thrust of national policy is to seek reduced levels of car parking, particularly on accessible urban sites. In my opinion, the subject site would qualify for a reduced level of car parking, given the proximity of the site to high quality and high frequency public transport.
- 7.7.5. The surrounding streets do not appear to be subject to any parking controls in terms of resident permits or pay and display. At the time of my site inspection, which was early afternoon on a Monday, it was clear that the surrounding streets are very intensively parked. Most available parking spaces were occupied and there were several vehicles either partly or entirely parked on the pavement, requiring pedestrians to step onto the road in order to pass. It would be reasonable to assume that this would be further exacerbated in the evenings when most people return from work, as well as during those times when the bingo hall is operating. It is therefore clear that there are significant parking issues in the immediate area and that pedestrian and cycle movement is compromised due to the hazardous parking of vehicles.
- 7.7.6. Whilst I am fully supportive of reduced car parking on this site, I would share the valid concerns of the Planning Authority and observers on the appeal that the proposed

level of car parking is excessively low and that there would be a significant impact in terms of additional overspill parking onto already heavily parked and compromised streets. I acknowledge that the introduction of on street parking controls and the provision of improved pedestrian and cyclist infrastructure on local streets are not within the Applicant's gift. I also accept that the Mobility Management Plan could be reinforced by way of condition to secure further clarity on how the reduced parking levels would be communicated to future residents in addition to the promotion of sustainable methods of transport, including the improved cycle parking offered as part of the appeal. However, in my view, having regard to the existing context and parking pressures, the provision of 64 apartments with 5 parking spaces, a ratio of just 0.07 spaces per unit, would undoubtedly lead to a further deterioration in local parking availability, disorderly car parking, and an obstruction of other road users resulting in the creation of a traffic hazard. In my opinion, the appeal should be refused on this basis.

#### *Cycle Parking*

- 7.7.7. The proposed development generates a requirement of 130 residential cycle parking spaces (98 long stay and 32 visitor). The proposal would provide 138 cycle parking spaces, 130 for the residential use and a further eight for the commercial use which would satisfy policy requirements in terms of quantum. Whilst the Planning Authority considered cycle parking to be acceptable in terms of quantum, it was considered that high quality bicycle parking and associated facilities would be required in the context of the significantly reduced parking levels and that this should include a centralised internal cycle parking area as well as appropriate variation in cycle parking spaces to account for cargo bikes and other non-standard cycles.
- 7.7.8. Revisions made as part of the appeal address the concerns raised by the Planning Authority with regards to cycle parking, converting a ground floor apartment in Block C to a centralised bicycle store. In my opinion, the issues raised by the Planning Authority with regards to cycle parking (location, form, accessibility) could be appropriately dealt with by condition. In any event, the improved cycle parking proposed by the Applicant, whilst welcomed, would not outweigh my concerns regarding the impacts of the excessively low car parking levels referred to previously and the impact that further overspill parking would have on the surrounding public roads and footpaths and the resultant impact on the amenities of the area.

- 7.7.9. The remaining transport issues raised by the Planning Authority, including the requests for Further Information, are matters that I consider could be suitably addressed by condition in the event that the Board grant permission.

## **7.8. Other Matters**

- 7.8.1. Observations made on the Planning Application raise concerns that the Applicant has not established title to the land, as well as concerns regarding the Right of Way on the gated laneway for both residents of Quarry Road and the Homestead Public House. In terms of the legal interest, I am satisfied that the Applicant has provided sufficient evidence of their legal interest for the purposes of the planning application and decision. Any further consents that may have to be obtained are essentially a subsequent matter and are outside the scope of the planning appeal. In any case, this is a matter to be resolved between the parties, having regard to the provisions of s.34(13) of the 2000 Planning and Development Act.
- 7.8.2. I note concerns that there is a discrepancy on the drawings in that no lift overrun is shown on the elevations for Block A. Given the minor nature of this issue, I am satisfied that this could be addressed by way of Further Information or a condition in the event that planning permission is granted.

## **8.0 AA Screening**

- 8.1.1. Article 6(3) of the Habitats Directive requires that any plan or project not directly connected with or necessary to the management of a European site, but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to Appropriate Assessment of its implications for the sites in view of the sites' Conservation Objectives. The Board is the competent authority in this regard and must be satisfied that the development in question would not adversely affect the integrity of the European sites having regard to their conservation objectives.
- 8.1.2. The Applicant has submitted an Appropriate Assessment Screening Report prepared by J. M. McConville and Associates (August 2023). This report considers the closest European sites to the appeal site (within a 15km radius) and evaluates and screens the proposed development to assess if full Appropriate Assessment is required. This assessment examines the implications of proceeding with the project in view of the conservation objectives for the protected habitats.

- 8.1.3. The Applicant's AA Screening Report concludes that the project would have no direct or measurable indirect impacts on any European sites in close proximity to the appeal site and that no significant impacts of the qualifying interests of any SPA or SAC is likely. Having reviewed the AA Screening Report, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European Sites. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects.
- 8.1.4. The proposed development is not located within or immediately adjacent to any European site. In my opinion the nearest European sites of relevance are the South Dublin Bay and River Tolka Estuary SPA (004024), South Dublin Bay SAC (000210), North Dublin Bay SAC (000206), and the North Bull Island SPA (004006). Whilst there are other European sites within a 15km radius of the appeal site, I do not consider that they fall within the zone of influence of the project, having regard to the nature and scale of the development, the distance from the development site, and the lack of an obvious pathway from the development site.
- 8.1.5. There are no watercourses running through the site and it is noted that the development would connect to public services in terms of water supply and wastewater/drainage. Therefore, there is an indirect pathway to a number of European sites via the Ringsend Waste Water Treatment Plant. I therefore acknowledge that there are potential connections to the European sites within Dublin Bay via the wider drainage network and the Ringsend WWTP. However, the existence of these potential pathways does not necessarily mean that potential significant effects will arise.
- 8.1.6. In terms of potential effects, habitat loss and fragmentation would not arise given the location and nature of the site. Given the site characteristics in terms of location and scale of development, I consider that surface water drainage and wastewater generation should be considered for examination in terms of implications for likely significant effects on European sites.
- 8.1.7. I note that surface water and foul water would discharge to the combined sewer for onward treatment at the Ringsend WWTP. In my opinion the increased loading would be insignificant in context and the proposal would not generate significant demands

on the existing municipal sewers for foul water. Whilst there would be a marginal increase in loadings to the sewer and the WWTP, upgrade works to the Ringsend WWTP extension have commenced and the facility is currently operating under the EPA licencing regime that is subject to separate AA Screening. I also note that evidence shows that negative effects to European sites are not arising.

- 8.1.8. Therefore, having regard to the location, nature and scale of the development, the dilution capacity of Dublin Bay and the insignificant additional loading on the Ringsend WWTP, I am satisfied that there is no potential for the development to result in significant effects on the Dublin Bay European sites, either on its own or in combination with other developments.
- 8.1.9. No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise. The measures to be employed at construction stage are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites.
- 8.1.10. The proposed development was considered in light of the requirements of section 177U of the Act of 2000. Having carried out screening for AA of the project, it has been concluded that the project individually or in combination with other plans or projects, would not have a significant effect on European sites, including (but not limited to) European Site No. 004024 (South Dublin Bay and River Tolka Estuary SPA), European Site No. 004006 (North Bull Island SPA), European Site No. 000206 (North Dublin Bay SAC) and European Site No. 000210 (South Dublin Bay SAC) in view of the sites' Conservation Objectives, and Stage II Appropriate Assessment is not, therefore, required.

## **9.0 Recommendation**

- 9.1.1. I recommend that the Board uphold the decision of Dublin City Council and refuse planning permission for the following reasons:

## 10.0 Reasons and Considerations

1. The proposed development, by reason of the excessive height, scale, and massing of Block B, in addition to the overall excessive density proposed, would constitute overdevelopment of the site that would be out of character with the pattern of development in the vicinity, and would result in a substandard form of development providing a poor quality of residential amenity to future occupiers. The development would therefore be contrary to the proper planning and sustainable development of the area.
2. The proposed development would endanger public safety by reason of a traffic hazard or obstruction of road users due to the lack of sufficient car parking to serve the development, resulting in increased demand for parking on the surrounding road network where parking supply is restricted and uncontrolled. The development would therefore be contrary to the proper planning and sustainable development of the area.

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.

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Terence McLellan  
Senior Planning Inspector

28<sup>th</sup> June 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	ABP-318454-23		
<b>Proposed Development Summary</b>	Demolition of existing structures and construction of a mixed commercial / residential development of 64 units in 3 blocks.		
<b>Development Address</b>	52 & 54 Quarry Road, Cabra, Dublin 7		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	X
		<b>No</b>	No further action required
<b>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?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<b>No</b>	X		Proceed to Q.3
<b>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]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
<b>No</b>		N/A	
<b>Yes</b>	X	Class 10 (b) (i), threshold >500 dwellings. Class 10 (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

<b>An Bord Pleanála Case Reference</b>	ABP-318454-23	
<b>Proposed Development Summary</b>	Demolition of existing structures and construction of a mixed commercial / residential development of 64 units in 3 blocks.	
<b>Development Address</b>	52 & 54 Quarry Road, Cabra, Dublin 7	
<p><b>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.</b></p>		
	<b>Examination</b>	<b>Yes/No/ Uncertain</b>
<p><b>Nature of the Development</b></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 residential, in an area that is largely characterised by residential use. 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><b>Size of the Development</b></p> <p>Is the size of the proposed development exceptional in the</p>	<p>The development would generally be consistent with the scale of surrounding developments and would not be exceptional in the context of the existing environment.</p>	No.

<p>context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	<p>There would be no significant cumulative considerations with regards to existing and permitted projects/developments.</p>	
<p><b>Location of the Development</b></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 residential 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 any 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. There would be no significant impact on the adjacent Protected Structure.</p>	<p>No.</p>
<p><b>Conclusion</b></p>		
<p><b>There is no real likelihood of significant effects on the environment.</b></p> <p>EIA not required.</p>		

**Inspector:** \_\_\_\_\_

**Date:** \_\_\_\_\_