



An
Bord
Pleanála

Inspector's Report

ABP-319148-24

Development

PROTECTED STRUCTURE:

Construction of 12 no. residential units in a three-storey building and associated works.

Location

Lands at the former Mount Argus Monastery, Mount Argus, Kimmage Road Lower, Dublin 6W, within the curtilage of a protected structure (Mount Argus Church).

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

4906/23

Applicant

Mount Argus Monastery Ventures Limited

Type of Application

Planning Permission

Planning Authority Decision

Refuse

Type of Appeal

First Party

Appellant

Mount Argus Monastery Ventures Limited

Observer

Philip O'Reilly

Date of Site Inspection

12th February 2025

Inspector

Conor Crowther

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1.0 Site Location and Description

- 1.1.1. The subject site, which is irregular in shape, has a stated area of 3,372m². The site comprises the northern part of the church grounds associated with Mount Argus Church, a designated Protected Structure located adjacent to the eastern boundary of the site. This part of the site originally formed part of the formal garden that was attached to the Mount Argus Monastery and Church. The site is primarily accessed from Mount Argus Avenue but can also be accessed from Mount Argus Park. An additional closed access from Church Park Avenue exists, however, this is not proposed to be utilised as part of the proposed development. The central and eastern elements of the site are devoid of buildings and include a hardstanding area informally used for parking alongside a fenced off construction area wherein lies a site compound and scattered building material. The western portion of the site features single storey pitched roof outbuildings and a car parking area with an electrically operated gated entrance from Mount Argus Avenue. The northern boundary of the site includes a concrete wall and a collection of mature trees which screens views of the site from Mount Argus Green/Crescent. This is reflected along the eastern and western boundaries of the site to some extent, providing for further screening of views from Mount Argus Green/Crescent and Church Park Way. The southern boundary of the site features Mount Argus Church and its associated former monastic buildings which include an existing family hub emergency accommodation unit (Houben House) catering for approximately 62 families.
- 1.1.2. The site is bounded to the north, south and west by 2-storey pitched roof terraced houses/public open space areas associated with the Mount Argus and Church Park Residential Estates and to the east by Mount Argus Church/St. Paul's Retreat Building and associated buildings. An onsite single storey pitched roof neighbouring building is located adjacent to the entrance from Mount Argus Avenue.
- 1.1.3. The area surrounding the subject site features mainly residential uses interspersed with liturgical and community uses. The Mount Argus and Church Park Residential Estates which feature in the immediate surrounds are generally characterised by 2-storey pitched roof terraced and semi-detached dwellings. Further to the south of the site, within the church grounds, lies a 2-storey contemporary monastic building recently constructed as part of 3427/06 (ABP Ref. PL29S.222546). Further to the

east of the site lies the Mount Argus Mill Apartments featuring a collection of modern 3-5 storey apartment blocks adjacent to a landscaped park (Mount Argus & Church Park) which previously formed the attendant grounds of Mount Argus Church and is intersected by the River Poddle. Kimmage Road Lower (R817) provides access to this area and indirectly to the subject site, functioning as an arterial route to the city centre. Further to the north of the site lies Eamonn Ceannt Park and Mount Jerome Cemetery both of which are significant recreational and ecclesiastical spaces.

2.0 Proposed Development

2.1.1. The proposed development is described as follows:

- Construction of 12 no. residential accommodation units within a 3-storey building.
- 6 no. 1 bed own-door apartments at ground floor level.
- 6 no. 2 bed duplex apartments at 1st and 2nd floor level.
- 10 no. car parking spaces and 38 no. cycle parking spaces. Landscaping, boundary treatment, bin store and all associated works.

The proposed development represents Phase 3 of the development of a family accommodation hub, of which, phases 1 and 2 consisted of the construction of 21 no. family accommodation units and the conversion of the former monastery building to family accommodation and support facilities.

Information/Documentation:

2.1.2. Along with the standard drawings and information, the application was accompanied by:

- Drainage Policy Document.
- Soakaway Test Report.
- Flood Risk Assessment.
- Drainage Manhole Details & Specifications.
- Aquacell Attenuation Tank Product Information.
- Conservation Method Statement.

- AA Screening Statement.
- 3D Perspectives.

2.1.3. The following table outlines the key characteristics of the proposed development:

Key Characteristics	
Site Area	3,372m ² (0.3372 Ha)
No. of Residential Units	12 (6 no. 1 bed/6 no. 2 bed duplex)
Total Gross Floor Area	880.83m ²
Density	35.58 dpha
Plot ratio	0.26
Site coverage	0.11%
Height	3 storeys
Public Open Space	0
Residential Amenity Space	Balconies & ground floor terraces
Communal Open Space	1,373m ² (40.7%)
Dual Aspect Apartments	100%
Car parking	10 no. spaces, including 3 no. wheelchair spaces.
Cycle parking	38 no. spaces

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Dublin City Council (the Planning Authority) issued a notification of its decision to REFUSE permission for the above-described proposed development on the 2nd February 2024 for the following reason:

- Scale, bulk, form, materiality and siting, and planning history and pattern of development on the wider site seriously injure the setting and curtilage of the protected structure, which contribute to its special architectural character. Contrary to Policy BHA2 (b), (d) and (e) of the Development Plan.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. The Planning Officer's report concluded that permission for the proposed development should be refused for the reason set out above. The Planning Officer concluded that:

- There is no requirement to produce a masterplan for the site as it is under 1 hectare.
- The proposed 12 no. residential units are completely independent housing units and would not come under the definition of assisted living units.
- The proposed units are for homeless/family hub accommodation.
- Not clear if the proposed development would serve a local or regional demand.
- No statement submitted regarding security and operational management or an assessment of the public realm and quality environment, in accordance with Section 15.13.9 of the Development Plan.
- No documentation submitted to show support for the proposed homeless/family hub accommodation from the Planning Authority, Dublin Regional Housing Executive or the Salvation Army.
- No justification provided showing how this type of accommodation complies with the Z15 zoning.
- The proposed development complies with the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (2023).
- A comparison of the permitted (2559/20 (ABP Ref. 308482-20)) and proposed car parking layout results in a loss of 2 no. car parking spaces and not an

additional 10 no. spaces. Likewise, it is not clear if the 38 no. cycle spaces are in addition to the 24 no. cycle spaces permitted.

- Servicing access, including emergency and suitable turning facilities should be demonstrated.
- The number of car and cycle parking spaces proposed is in excess of the standards set out in Appendix 5 of the Development Plan.
- The proposed cycle parking does not appear to be sheltered or secure.
- The design and siting of the proposed development should be reconsidered.
- 25% of public open space not provided, as required for Z15 lands.

3.2.3. Other Technical Reports

3.2.4. The following internal sections issued reports in response to the application:

- Archaeological Section – no objection, subject to various conditions.
- Drainage Section – Further Information requested on compliance with Policy SI23 of the Development Plan requiring a green/blue roof and reuse of rainwater within the development for non-potable uses in accordance with Section 7.3 of the Development Plan.
- Conservation Section – Refusal recommended on the grounds of the reason for refusal. Not supportive of car parking adjacent to existing monastery walls.
- Transportation Planning Section – Further Information requested on access and servicing in the context of the permitted development (2559/20 (ABP Ref. 308482-20)), the internal street from Mount Argus Avenue should be designed with regard to DMURS (2019) as per condition 3 of 2559/20, drawings clarifying what has been implemented onsite, justification for varied car and cycle parking, car parking layout should be reviewed, cycle parking design and layout should be reviewed and construction access arrangement should be clarified by way of a plan and site layout drawing.
- Environmental Health – no objection, subject to various conditions.

3.3. Prescribed Bodies

3.3.1. None received.

3.4. Third Party Observations

3.4.1. 1 no. 3rd party observation was received in response to the application submitted to the Planning Authority. The observation is summarised as follows:

- Elevational drawings show a different finish to the visualisations.
- Within the curtilage of a protected structure.
- Condition should be attached requiring a stone clad finish or permission should be refused.

4.0 Planning History

Subject Site:

4.1.1. 2643/21 - ABP Ref. 312274-21 – Permission REFUSED by the Board in 2022 for development of lands within the curtilage of a protected structure (Mount Argus Church), comprising: 19 apartments with landscaping, boundary treatment, and associated site development works.

Reasons for refusal include detracting from the architectural character and setting of the protected structure, Mount Argus Church, the associated buildings within its curtilage and the graveyard due to siting, layout, scale, form, appearance, planning history and pattern of development, contrary to Policy CHC2 of the Dublin City Development Plan (2016-2022).

4.1.2. 2559/20 (ABP Ref. 308482-20) – Permission GRANTED by the Board in 2021 for conversion of attic space to accommodate 9 family accommodation units and creation of a new three-storey residential accommodation wing accommodating 12 family accommodation units in courtyard wings at the former Mount Argus Monastery, within the curtilage of a protected structure (Mount Argus Church). The subject land parcel was to be maintained as grass area as part of this proposal.

4.1.3. EXPP0369/19 - Exempted development declaration issued in 2019 indicating that use of the residential accommodation wing at Mount Argus Monastery for supported living accommodation constitutes exempted development.

4.1.4. 3792/13 (ABP Ref. PL29S.243181) – Permission GRANTED by the Board in 2014 for change of use, alterations and extension of the existing former monastery and detached outbuilding to develop 32 apartments within the existing monastery building.

This permission was not implemented and has subsequently lapsed.

4.1.5. 2375/11 – Permission GRANTED in 2011 for change of use of existing former Mount Argus Monastery to a nursing home comprising 92 no. en-suite bedrooms. The subject land parcel was to accommodate a 3-storey over basement extension, which was omitted by way of planning condition, and a car parking area as part of this proposal.

This permission was not implemented and has subsequently lapsed.

4.1.6. 2106/09 (ABP Ref. PL29S.233369) – Permission REFUSED by the Board in 2010 for demolition of northern wing of the monastery building and the construction of a new 4-storey extension, refurbishment of the southern and western wings, to provide 55 residential units plus a single storey crèche building and the construction of seven new 3-storey townhouses to the north of the quadrant building.

Reasons for refusal include insufficient regard to the impact on the context and integrity of the Protected Structure and its curtilage, not of high design quality or of exceptional circumstance, would seriously injure the amenities of the area, contrary to Variation number 21 and Sections 14.6.0 & 15.10.02 of the Dublin City Development Plan (2005-2011) and the provisions of the Department of Environment, Heritage and Local Government Architectural Heritage Protection Guidelines for Planning Authorities, contrary to the zoning objective for the site which requires 25% of the site to be set aside for accessible public space.

4.1.7. 3427/06 (ABP Ref. PL29S.222546) – Permission GRANTED in 2007 for development of a new 1 to 2 storey Monastery Building featuring 17 bedrooms on the grounds of St. Paul of the Cross Church (a protected structure), St. Pauls

Retreat, Mount Argus, Lower Kimmage Road, Dublin 6W. More specifically, the new building will be located to the south of the existing monastery and public car park.

Condition 9 (pertaining to financial contributions) of the Planning Authority's decision was appealed to the Board who saw fit to permit its deletion in 2007.

Neighbouring Sites of Relevance:

- 4.1.8. ABP Ref. 317660-23 – Live application for Bus Connects Kimmage to City Centre core bus corridor scheme approximately 226m to the south of the site.
- 4.1.9. 2641/21 (ABP Ref. 310813-21) – Permission REFUSED by the Board in 2022 for construction of a 666m² part 2-storey part 3-storey apartment building, providing 8 no. apartments (consisting of 4 no. 1-bed units, 1 no. 2-bed unit and 3 no. 3-bed units) and served by 7 no. car parking spaces and 23 no. cycle parking spaces accessed from Church Park Avenue. The site comprises part of the Lands at the former Mount Argus Monastery and is located immediately east of the current application.

Reasons for refusal include detracting from the architectural character and setting of the Protected Structure, Mount Argus Church, the associated buildings within its curtilage and the graveyard due to siting, layout, scale, form, appearance, planning history and pattern of development, contrary to Policy CHC2 of the Dublin City Development Plan (2016-2022).

5.0 Policy Context

5.1. National Planning Framework 2018-2040

- 5.1.1. The National Planning Framework – Project Ireland 2040 was published in February 2018. The following policies and objectives of the Framework apply to the proposed development:

- National Strategic Outcome 1 – Compact Growth - Recognises the need to deliver a greater proportion of residential development within existing built-up areas.
- National Policy Objective 2A identifies a target of half of future population growth occurring in the cities or their suburbs.

- National Policy Objective 3A directs delivery of at least 40% of all new housing to existing built-up areas on infill and/or brownfield sites.

5.2. Eastern & Midland Regional Spatial & Economic Strategy 2019-2031

5.2.1. This regional strategy for the eastern and midland region covers the Dublin area and the site of the proposed development. The strategy supports the implementation of the National Planning Framework and the National Development Plan through the application of the following policies and objectives of relevance to the proposed development:

- RPO 3.2 – *‘Local authorities, in their core strategies shall set out measures to achieve compact urban development targets of at least 50% of all new homes within or contiguous to the built-up area of Dublin city and suburbs and a target of at least 30% for other urban areas’.*
- RPO 5.5 – *‘Future residential development supporting the right housing and tenure mix within the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs’....’ Identification of suitable residential development sites shall be supported by a quality site selection process that addresses environmental concerns’.*

5.3. Design Standards for New Apartments – Section 28 Guidelines (2023)

5.3.1. The latest version of the design standards for new apartments was published in 2023. The standards set out preferred unit ratios, minimum floor areas, minimum floor to ceiling heights, dual aspect ratios, minimum balcony depths, minimum communal and private amenity space requirements and communal storage requirements.

5.4. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024

5.4.1. These ministerial guidelines serve to implement the principles of sustainable residential development in urban areas. The following guidelines can be applied to the proposed development:

- SPPR 1 – Separation Distances – *‘minimum separation distances that exceed 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units or apartment units above ground floor level’.*
- Policy and Objective 5.1 - Public Open Space – *‘In some circumstances a planning authority might decide to set aside (in part or whole) the public open space requirement arising under the development plan’.....’In such circumstances, the planning authority may seek a financial contribution within the terms of Section 48 of the Planning and Development Act 2000 (as amended) in lieu of provision within an application site’.*
- SPPR 3 - Car Parking – *‘In accessible locations, defined in Chapter 3 (Table 3.8) car- parking provision should be substantially reduced. The maximum rate of car parking provision for residential development, where such provision is justified to the satisfaction of the planning authority, shall be 1.5 no. spaces per dwelling.’*
- Section 5.2.5 - Bicycle Parking and Storage - *‘In areas of high and medium accessibility, planning authorities must ensure that new residential developments have high quality cycle parking and cycle storage facilities for both residents and visitors’.*
- SPPR 4 - Cycle Parking and Storage – *‘all new housing schemes (including mixed-use schemes that include housing) include safe and secure cycle storage facilities to meet the needs of residents and visitors’.*

5.5. Architectural Heritage Protection Guidelines for Local Authorities

5.5.1. These guidelines were initially issued in 2004 and have since been re-issued in 2011 by the Department of Arts, Heritage & Gaeltacht. The following guidance relates to development within the setting of a protected structure:

- Section 13.8 Other Development Affecting the Setting of a Protected Structure – *‘The extent of the potential impact of proposals will depend on the location of the new works, the character and quality of the protected structure, its designed landscape and its setting’....’ Proposals should not have an adverse effect on the special interest of the protected structure’.*

5.6. Design Manual for Urban Streets (2019)

- 5.6.1. The need to balance the needs of 'Place' and 'Movement' in relation to roads and streets informs the document. Section 4.2.3 notes that designers should seek to promote active street edges to provide passive surveillance of the street and promote pedestrian activity. Increased pedestrian activity has a traffic-calming effect as it causes people to drive more cautiously.

5.7. Dublin City Development Plan 2022-2028

- 5.7.1. The following sections, policies and objectives of the Development Plan are of relevance to the proposed development:
- Map H - Zoning Objective Z15 (Community and Social Infrastructure) - *'To protect and provide for community uses and social infrastructure'*.
 - The following protections apply to the site:
 - Record of Protected Structures (RPS) No.4260– Mount Argus Church.
 - Record of Monuments & Places relating to named watercourses to the south, north and east of the site.
 - Chapter 4 – Shape & Structure of the City:
 - Policy SC11 – Compact Growth – *'In alignment with the Metropolitan Area Strategic Plan, to promote compact growth and sustainable densities through the consolidation and intensification of infill and brownfield lands, particularly on public transport corridors'*.
 - Chapter 5 – Quality Housing & Sustainable Neighbourhoods:
 - Policy QHSN28 - Temporary Homeless Accommodation and Support Services – *'To ensure that all proposals to provide or extend temporary homeless accommodation or support services shall be supported by information demonstrating that the proposal would not result in an undue concentration of such uses nor undermine the existing local economy, resident community or regeneration of an area. All such applications shall include: a map of all homeless services within a 750 metre radius of the application site, a statement on the catchment area*

identifying whether the proposal is to serve local or regional demand; and a statement regarding management of the service/facility’.

- Chapter 9 – Sustainable Environmental Infrastructure & Flood Risk:
 - Policy SI23 – Green Blue Roofs – *‘To require all new developments with roof areas in excess of 100 sq. metres to provide for a green blue roof designed in accordance with the requirements of Dublin City Council’s Green & Blue Roof Guide (2021) which is summarised in Appendix 11’.*
- Chapter 11 - Built Heritage and Archaeology:
 - Policy BHA2 - Development of Protected Structures – *‘That development will conserve and enhance protected structures and their curtilage and will:*
 - (a) Ensure that any development proposals to protected structures, their curtilage and setting shall have regard to the Architectural Heritage Protection Guidelines for Planning Authorities (2011).*
 - (b) Protect structures included on the RPS from any works that would negatively impact their special character and appearance.*
 - (c) Ensure that works are carried out in line with best conservation practice as advised by a suitably qualified person with expertise in architectural conservation.*
 - (d) Ensure that any development, modification, alteration, or extension affecting a protected structure and/or its setting is sensitively sited and designed, and is appropriate in terms of the proposed scale, mass, height, density, layout and materials.*
 - (e) Ensure that the form and structural integrity of the protected structure is retained in any redevelopment and ensure that new development does not adversely impact the curtilage or the special character of the protected structure.*

(f) Respect the historic fabric and the special interest of the interior, including its plan form, hierarchy of spaces, structure and architectural detail, fixtures and fittings and materials’.

- Chapter 14 – Land-use Zoning:

- Section 14.7.14 - Community and Social Infrastructure – Zone Z15 – *‘In recent years, Z15 lands have come under increased pressure for residential development. However, protecting and facilitating the ongoing use of these lands for community and social infrastructure, as well as their use in some instances for charitable purposes, is a key objective of the Council. The Council are committed to strengthening the role of Z15 lands and will actively discourage the piecemeal erosion and fragmentation of such lands’.*

- Chapter 15 – Development Standards:

- Section 15.8.6 – Public Open Space – *‘In the case of residential developments on Z12 and Z15 zoned lands, additional open space is required in order to retain the existing open character of the lands. A total of 25% public open space will be required within these zones’.*
- Section 15.9.2 – Unit Size/Layout – *‘The majority of all apartments in any proposed scheme of 10 or more apartments (excluding Build to Rent accommodation) shall exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types, by a minimum of 10%’.....’50% of the apartments that are in excess of the minimum sizes should be designed in accordance with the guidance set out in Universal Design Guidelines for Homes in Ireland 2015 to ensure that they are suitable for older people, mobility impaired people, people living with dementia and people with disabilities’.*

Table 15-5: Minimum Floor Area Requirements for Apartments

Unit Type	Bedspace	Floor Area Requirement (min)
Studio	1 bedspace	37 sq. m.
1 bed	2 bedspaces	45 sq. m.
2 bed	4 bedspaces	73 sq. m.

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- Section 15.9.7 – Private Amenity Space – *‘Private amenity space shall be provided in the form of terrace, balcony or private garden and should be located off the main living area in the apartment’.*
- Section 15.9.8 – Communal Amenity Space - *‘The communal amenity areas should be of high landscape quality and provide for adequate daylight and sunlight access throughout the year. The communal amenity area should be functional and usable to a range of activities’....‘Communal amenity space should be located in areas that are overlooked and passively supervised’.*
- Section 15.13.9 - Hostels / Sheltered Accommodation / Family Hubs – *‘Family hubs are emergency accommodation facilities for families who become homeless and who have no alternative other than commercial hotels. Family hubs are not long-term facilities and will act only as temporary accommodation until housing can be provided under social housing supports, as supply becomes available. Family hubs can comprise of either purpose-built accommodation or conversion of existing residential accommodation for the use as shared living environments. Family hubs shall provide appropriate high quality play spaces for children, cooking and laundry facilities and communal recreational spaces’.... ‘An over-concentration of non-tourist hostel accommodation, homeless accommodation, social support institutions and family hubs can potentially undermine the sustainability of a neighbourhood and so there must be an appropriate balance in the further provision of such developments and/or expansion of such existing uses in electoral wards which already accommodate a disproportionate quantum. Accordingly, there shall be an onus on all*

applicants to indicate that any such development will not result in an undue concentration of such uses, nor undermine the existing local economy, the resident community, the residential amenity, or the regeneration of the area’.

‘All such applications for such uses shall include the following:

- *A map of all homeless and other social support services within a 750m radius of application site.*
- *A statement on catchment area, i.e. whether proposal is to serve local or regional demand and estimation of expected daily clients.*
- *A statement regarding security and operational management of the service/facility including hours of operation.*
- *Assessment of the impact on the public realm and quality environment.*

Conditions may be attached to a grant of permission limiting the duration of the permission and the use on a temporary basis’.

- Appendix 3 - Achieving Sustainable Compact Growth Policy for Density and Building Height in the City –

Table 1: Density Ranges

Location	Net Density Range (units per ha)
City Centre and Canal Belt	100-250
SDRA	100-250
SDZ/LAP	As per SDZ Planning Scheme/LAP
Key Urban Village	60-150
Former Z6	100-150
Outer Suburbs	60-120

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Table 2: Indicative Plot Ratio and Site Coverage

Area	Indicative Plot Ratio	Indicative Site Coverage
Central Area	2.5-3.0	60-90%
Regeneration Area	1.5-3.0	50-60%
Conservation Area	1.5-2.0	45-50%
Outer Employment and Residential Area	1.0-2.5	45-60%

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- Appendix 5 – Transport & Mobility – Bicycle & Car Parking Standards
 - Cycle Parking - Nursing Home Elderly Persons Accommodation/ Sheltered Housing – 1 per 5 staff and 1 per 5 residents (long term) – 1 per 10 residents (Short stay/visitor).
 - Car Parking - Elderly Persons Housing Sheltered Housing (Zone 2) - 1 per 2 dwellings.
- Appendix 15 – Land Use Definitions
 - Assisted Living/ Retirement Home – ‘*Semi-independent housing accommodation specifically designed to meet the needs of older people and persons with disabilities in which dining, recreation, hygiene and health care facilities can be shared on a communal basis*’.
 - Residential Institution – ‘*A building, or part thereof, or land used as a residential institution and includes a monasteries and convents*’.

5.8. Natural Heritage Designations

5.8.1. The closest site of natural heritage interest to the proposed development is the Grand Canal proposed Natural Heritage Area (002104) which is located approximately 973m to the north of the proposed development. Other sites of relevance include:

- Royal Canal proposed Natural Heritage Area (002103) located approximately 4.2km to the northeast of the proposed development.

- Dodder Valley proposed Natural Heritage Area (000991) located approximately 4.6km to the southwest of the proposed development.

5.9. EIA Screening

- 5.9.1. Having regard to the limited nature and scale of the proposed development, the location of the site within a serviced suburban area at a remove from areas of environmental sensitivity, and the criterion set out in Schedule 7 of the Regulations, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination stage (see Appendix 2) and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A 1st party appeal was submitted by Mount Argus Monastery Ventures Limited on the 27th February 2024 opposing the decision of the Planning Authority to REFUSE permission. The grounds of appeal are summarised as follows:

- The proposed development continues and compliments the historical institutional use of the monastery grounds, in accordance with Zoning Objective Z15.
- A previous onsite refusal by the Board for a similar development (DCC Ref. 2643/21 - ABP Ref. 312274-21) acknowledged the need for the type of accommodation and that there would be a functional relationship between the residential units onsite and the proposed units.
- Regarding ABP Ref. 312274-21, the Inspector recommended a grant of planning permission and determined that an overprovision of 4 no. car parking spaces would be acceptable.
- The proposed step-up accommodation has been redesigned and reduced based on the recent onsite refusal and the provisions of the Development Plan enacted since the refusal was issued.

- The proposed development represents Phase 3 of an established supported living complex that has a detailed and accepted planning history.
- Submitted historical information demonstrates the acceptability of supported living onsite and that residential accommodation will be rented to the Planning Authority and the Dublin Regional Housing Executive (DRHE), with the Salvation Army as the service provider.
- The Planning Authority Officer's Report assesses the proposed development differently to a previous similar application that was permitted by the Planning Authority.
- The refuse storage for the proposed development is logically located.
- Sufficient communal and public open space is provided within the recently extended and expanded Mount Argus Parklands.
- The proposed development does not contravene the provisions of the Development Plan cited in the reasons for refusal.
- The Planning Authority Conservation Officer's conclusion that the proposed development would damage the setting of the church is unclear, as it appears that the immediate setting to the rear of the church has been misunderstood.
- The Planning Authority Conservation Officer did not consider the submitted Conservation Method Statement.
- The Planning Authority Conservation Officer's suggestion that the proposed development incorporate domestic architecture such as a pitched roof is not merited as it would not be in keeping with the existing institutional scale of architecture or the setting of the protected structure.
- Conflicting suggestions arise within the Planning Authority's Reports whereby one internal section suggested pitched roofs and another section suggested green/blue roofs which must be flat.
- The proposed development seeks to address the homelessness crisis which is supported by policies within the Development Plan.
- The proposed development would improve the setting of the protected structure as it would introduce landscaped gardens to the rear of the site.

6.2. Planning Authority Response

6.2.1. The Planning Authority requests that the Board upholds the decision of the Planning Authority to refuse permission. In the event of a grant of permission, the Planning Authority request that the following conditions be applied:

- A condition requiring the payment of a Section 48 development contribution.
- A condition requiring the payment of a bond.
- A condition requiring the payment of a contribution in lieu of the open space requirement not being met.
- A social housing condition.
- A naming & numbering condition.
- A management company condition.

6.3. Observations

6.3.1. 1 no. observation was received by the Board on the 22nd March 2024 from Philip O'Reilly, 68 Gandon Close, Harold's Cross. The issues raised by the observer are summarised as follows:

- The Planning Authority's decision was both reasonable and correct and should be upheld.
- The area of Mount Argus contains significant protected structures.
- Overdevelopment.
- Detracts from the protected structure by way of its size, proximity and design.

7.0 Assessment

7.1.1. 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 in this appeal to be considered are as follows:

- Principle of Proposed Development
- Impact on Architectural Heritage
- Parking & Access – New Issue
- Residential Amenity
- Height & Density
- Other Matters

7.2. Principle of Proposed Development

7.2.1. The site is zoned Z15 for community and social infrastructure. Permissible uses within this zoning include assisted living and residential institution. Appendix 15 of the Development Plan defines assisted living as *‘semi-independent housing accommodation specifically designed to meet the needs of older people and persons with disabilities’*, and defines residential institution as *‘a building, or part thereof, or land used as a residential institution and includes a monasteries and convents’*. The 1st party appellant states that the proposed development is for assisted living and that it continues the historical institutional use of the site. However, the 1st party appellant appears to have misinterpreted the term assisted living as the appellant goes on to clarify that the proposed development is for homeless accommodation attached to the established adjacent Houben House family hub. It is also evident from the submitted drawings that the proposed development is not targeted at older people or persons with a disability as there is no associated health care facilities included. I therefore consider the proposed development to be a residential institution use for homeless accommodation purposes as the site of the proposed development is located within the church and monastery grounds which are situated within the wider site but not owned or operated by the applicant. As stated below, I consider that the operation of the proposed development can be linked to the operation of the permitted onsite development and that it would not be operated independently of the existing development. In any case, I am of the view that the secure access to the site would prevent the subdivision of the operation of the site, which I consider to be inappropriate in any event. Thus, I consider it appropriate to assess the principle of the proposed development on the basis of a residential institution use.

- 7.2.2. I note that the Board, in refusing a previous onsite application for planning permission (2643/21 - ABP Ref. 312274-21), acknowledged the need for the proposed development type and its functional relationship with the existing residential units. I consider that the policy support still exists for such residential accommodation given the dual ongoing crises consisting of the homelessness crisis and the increased migration of immigrants into the country from war torn countries. I am therefore satisfied that there is a need for the proposed development and that it would functionally relate to the adjacent Houben House family hub, as it is described by the applicant as phase 3 of the established Houben House family hub.
- 7.2.3. Section 14.7.14 of the Development Plan seeks to strengthen the role of Z15 lands and to discourage their piecemeal development and erosion. Given that the proposed development constitutes a permissible use within a part of the church grounds which is currently unused and underutilised, I consider that the proposed development would strengthen the role of these lands by utilising the lands for emergency family accommodation purposes as part of an established residential institution use.
- 7.2.4. Given the nature of the proposed development use, I consider the provisions of Policy QHSN28 and Section 15.13.9 of the Development Plan to be of most relevance to the assessment of the principle of the proposed development. This section of the Development Plan relates to family hub accommodation which the proposed development is expanding as part of phase 3 of a family hub accommodation unit that has been developed on a phased basis (Houben House). Policy QHSN28 and Section 15.13.9 are assessed as follows:

- A map of all homeless and other social support services within a 750m radius of application site:

The appellant, as part of their application to the Planning Authority, included a map of all homeless and other social support services within a 750m radius of the application site. Apart from the existing and proposed onsite emergency homeless accommodation (Houben House), I am satisfied that the appellant has demonstrated that there are no other existing support services within 750m of the site. I therefore consider that the proposed development would not result in an undue concentration of such uses.

- A statement on catchment area, i.e. whether proposal is to serve local or regional demand and estimation of expected daily clients:

I note that the appellant has not outlined the catchment area for the proposed emergency residential accommodation. Previous applications on this site (2643/21 - ABP Ref. 312274-21 & 2559/20 - ABP Ref. 308482-20) have indicated that the residential accommodation would serve families from the Dublin Region. The appellant contends that the previously submitted documentation applies to the proposed development. Whilst I would normally not consider it acceptable to rely on information submitted as part of previously permitted applications in this regard, I am satisfied that the proposed development relates to the existing residential accommodation and would therefore serve to address the same catchment area. In the event that the Board decides to grant planning permission, I consider it appropriate to include a condition requiring the proposed development to serve the same catchment area as the existing phase 1 and 2 residential accommodation development (Houben House).

- A statement regarding security and operational management of the service/facility including hours of operation:

The Planning Authority have stated that the appellant has not provided the necessary supporting documentation to clarify the operational management of the proposed development. The appellant contends, as above, that this information has been submitted as part of previous applications relating to phase 2 of the residential accommodation development (Houben House). Previously submitted information (under 2559/20 - ABP Ref. 308482-20) includes a lease arrangement with Dublin City Council and the Dublin Region Homeless Executive indicating that they intend to rent all residential accommodation units and to appoint an NGO to operate the service. This is supported by further previously submitted information (under 2643/21 - ABP Ref. 312274-21) including a letter from the Salvation Army stating that they have been appointed as the operator of the Houben House residential accommodation. The appellant, in their 1st party appeal, has indicated that this arrangement still applies and that the site is securely gated and that no private owners are allowed within the complex. Given the established use of

residential accommodation onsite, the enclosed nature of the site and the fact that the proposed development represents phase 3 of the development of Houben House, I am satisfied that the proposed development would be managed and operated by the Salvation Army on behalf of Dublin City Council and the Dublin Region Homeless Executive. In the event that the Board decides to grant planning permission, I consider it appropriate to include a condition restricting the operation of the proposed development to the same operator as phase 1 and 2 of the Houben House development, in the interests of consistency.

- Assessment of the impact on the public realm and quality environment:

I am satisfied that the submitted drawings and documentation adequately demonstrate the minimal impact of the proposed development on the public realm. The location of the proposed development within an enclosed area to the rear of Mount Argus Church and monastery further supports the minimal impact as the proposed development would not be readily accessible to the public or viewable from the public realm.

7.2.5. Having regard to the above, I consider the principle of the proposed development to be acceptable. I also consider the associated operation and management of the proposed development to be acceptable, subject to conditions.

7.3. Impact on Architectural Heritage

7.3.1. Given the proximity of Mount Argus Church, a protected structure, to the subject site and the focus of the Planning Authority reason for refusal on the impact of the proposed development on its setting and curtilage, I consider the impact on Mount Argus Church to be of most relevance to this assessment. The Architectural Heritage Protection Guidelines encourage the protection of the principal elevations of protected structures and their special interest. I note that both the Planning Authority Conservation Officer and the appellant's Conservation Method Statement consider the principal elevations of Mount Argus Church to be those facing towards Kimmage Road Lower (R817) to the south of the site. Both parties also agree that the principal elevations of the protected structure would not be impacted by the proposed development. However, the Planning Authority's Conservation Section contends that the proposed development would have a negative cumulative impact on the

character and setting of the protected structure, when considered in combination with other recent developments within the curtilage of the protected structure. The Conservation Section further contends that the form of the proposed development would not respond to the protected structure or its setting, the access stairs to the front would appear overly dominant, the roof profile should be of a pitched form and that the materials specification is unclear. This informed the Planning Authority's refusal of planning permission on the grounds of non-compliance with Sections (b), (d) and (e) of Policy BHA2 of the Development Plan. Thus, I assess the proposed development against these sections of Policy BHA2 as follows:

- (b) Protect structures included on the RPS from any works that would negatively impact their special character and appearance:

As stated above, I consider the principal elevations of the protected structure to be those facing away from the proposed development towards the vista from Mount Argus Park and Kimmage Road Lower (R817). The appellant's Conservation Method Statement, undertaken by Cathal Crimmins Architects, states that the central components of the church reflect its original form and that the apse to the rear, adjacent to the proposed development site, was a later addition. This, in my view, infers that the special character and appearance of the protected structure consists of the elements fronting onto Mount Argus Park, away from the site. These elements would remain untouched and unaltered if the development were undertaken as proposed, and their visual prominence within the wider area would not be impacted by the proposed development. I therefore do not consider that the proposed development would negatively impact the special character and appearance of the protected structure - Mount Argus Church, in line with Section 13.8 of the Architectural Heritage Protection Guidelines.

- (d) Ensure that any development, modification, alteration, or extension affecting a protected structure and/or its setting is sensitively sited and designed, and is appropriate in terms of the proposed scale, mass, height, density, layout and materials:

I note that the proposed development consists of development within the curtilage of Mount Argus Church (the protected structure). Whilst I accept that

it is not clear what external finishes would be applied to the proposed development, I consider that this could be appropriately addressed by way of condition, in the event that the Board decides to grant permission. This is addressed further in Section 7.7.2 of this report. The layout and positioning of the proposed development is such that it is located as far away as possible from the protected structure and adjacent to the existing residential hub to which it relates. This would facilitate a buffer of approximately 20m, consisting of a landscaped area, between the proposed development and the protected structure. The proposed development is also orientated towards the former monastery building, which has been converted into a residential family hub, and therefore does not front onto the rear of the protected structure. I therefore consider the layout, orientation and positioning of the proposed development to be acceptable. In this respect, I do not consider the access stairs to the front of the proposed development to be overly dominant in the context of the setting of the protected structure as I consider that it would not significantly disrupt any existing open views of the protected structure. I note that the east facing elevation displayed in Drawing MA/PL2/B1/17 shows an element of disruption to the view of the protected structure from the proposed courtyard area. However, this area would not be publicly accessible and is located to the rear of the protected structure which I consider to be less visually prominent. I am therefore satisfied that the proposed development would be sensitively sited in this respect.

I consider the height and density of the proposed development to be acceptable, which is discussed in further detail in Section 7.6 of this report. Regarding the scale and massing of the proposed development, it is evident from the submitted 3D perspectives and elevational drawings that the proposed development would be subservient to the protected structure as it appears visually modest (8.8m in height), reflecting its architectural importance and value in comparison to the protected structure (11.5m in height). I consider the flat roof profile of the proposed development to positively contribute to this subservience as it limits the height and scale of the proposed development. I therefore do not agree with the Planning Authority's Conservation Section's suggestion of incorporating a pitched roof into the

proposed development as this would lead to a development that would be less subservient to the protected structure. I also consider that a pitched roof profile would not be architecturally or visually beneficial as it would appear as pastiche in the context of the surrounding residential development. Overall, I am satisfied that the proposed development would not negatively impact the protected structure or its setting and would be sensitively sited and designed.

- (e) Ensure that the form and structural integrity of the protected structure is retained in any redevelopment and ensure that new development does not adversely impact the curtilage or the special character of the protected structure:

As stated above, I consider that the proposed development would not impact the protected structure itself and would not adversely impact its curtilage or special character.

- 7.3.2. In addition to the above, the Planning Authority's Conservation Section raised an issue with the location of car parking spaces directly adjacent to the walls of the former monastery building and suggested that these parking spaces be swapped with the proposed cycle parking spaces which are located adjacent to the proposed development. I consider this concern to be merited given the likely visual discordance that would be introduced by the proposed parking layout to the courtyard area within the curtilage of the protected structure. Notwithstanding this, I do not consider the Conservation Section's suggestion of interchanging the cycle and car parking spaces to be achievable as I have reservations regarding the general access and parking layout which I consider further in Section 7.4 below.

7.4. Parking & Access – New Issue

- 7.4.1. Given its accessible location proximate to a planned BusConnects Corridor and an arterial route to the City Centre (R817), the proposed development, when considered in isolation, provides for an overprovision of car parking and cycle parking spaces, in accordance with Appendix 5 of the Development Plan. I note that SPPR 3 of the Compact Settlement Guidelines would allow for a maximum of 18 no. car parking spaces. However, I consider the parking standards set out in Appendix 5 of the Development Plan to be of greater relevance to the proposed development as it refers to parking standards relative to uses that are more reflective of the homeless

accommodation use of the site, such as sheltered housing, which is not reflected in the Compact Settlement Guidelines. Notwithstanding this, I consider that the parking layout overlaps with and contradicts the parking layout of previously permitted onsite development under 2559/20 - ABP Ref. 308482-20. The Planning Authority's Transportation Section raised concerns with the access and parking layout of the proposed development which they considered to differ to that of a previously permitted onsite development (2559/20 - ABP Ref. 308482-20). The appellant has not addressed this matter.

- 7.4.2. From analysis of the site layout plans of the proposed development and the previously permitted development, the proposed development would result in the loss of 12 no. permitted parking spaces and a number of permitted cycle parking spaces. The proposed development incorporates 10 no. car parking spaces, including 1 no. space within what appears to be a landscaped area, and 38 no. cycle parking spaces. In the context of the proposed and permitted development, I consider that the proposed development would provide for sufficient cycle parking spaces but would reduce the number of car parking spaces by 2 and would not provide for 10 no. additional car parking spaces.
- 7.4.3. I note that the proposed development includes 12 no. residential accommodation units and that previously permitted development under 2559/20 - ABP Ref. 308482-20 included 21 no. residential accommodation units. No information has been made available relating to the number of units associated with the refurbishment of the former monastery buildings under EXPP0369/19. However, I consider the number of units within this element of the existing development to be comparable to both the proposed and previously permitted development given the scale of the former monastery buildings and their former function as seminary residential accommodation. Notwithstanding this, I cannot definitively determine the potential parking demands arising from the proposed development when considered in combination with the existing onsite development. Additionally, no justification for the parking approach has been provided by the appellant and it is not clear as to how any additional parking demands would be facilitated by the proposed development. This raises concerns about the potential for the proposed development to lead to on-street parking, thereby creating a traffic hazard. In this respect, I note that the existing car parking spaces onsite were occupied during my site visit and appeared

to be well-utilised. This indicates that parking demand arising from the proposed development would not be significantly reduced by the homeless accommodation use of the site. Conversely, I note the location of the site in a highly accessible location and the provisions of SPPR 3 of the Compact Settlement Guidelines which encourage a substantial reduction in the provision of car parking spaces in such locations.

7.4.4. Having regard to the above, in light of the gap in knowledge of the overall number of units onsite, I consider the parking layout of the proposed development to be unsatisfactory and unjustified. I also consider the proposed parking layout to be inconsistent with the previously permitted onsite development and the car parking standards set out in Appendix 5 of the Development Plan. In my view, this represents grounds for refusal considering the lack of information relating to the overall number of units onsite, the extent of the difference in the parking layout and the lack of justification for the overall loss of 2 no. car parking spaces.

7.4.5. Although I consider the cycle parking layout to be acceptable, I do not consider the open nature and design of the cycle parking facilities to be optimal. Despite the enclosed and secure nature of the site, I consider that the design of the cycle parking spaces would not provide for safe and secure cycle storage facilities, in line with SPPR 4 of the Compact Settlement Guidelines. However, I consider that this could be addressed by way of condition, in the event that the Board decides to grant planning permission, requiring a revised design of the cycle parking facilities. In the event that the Board consider it acceptable to interchange the cycle parking spaces with the car parking spaces adjacent to the walls of the former monastery, I consider that the cycle parking facilities would need to be sensitively designed to reflect the architectural value of the former monastery walls. I consider that this could be addressed by way of condition, in the event that the Board decides to grant planning permission.

7.4.6. The appellant, in their 1st party appeal, refers to the refuse storage being in the most logical location adjacent to the entrance of the site. This differs to the location of the refuse storage area as part of the previously granted onsite permission (2559/20 - ABP Ref. 308482-20) which was more centrally located to the rear of the outbuildings. Whilst I consider the relocation of the refuse storage area, as part of the proposed development, to represent an improvement as it removes the need for

refuse vehicles to enter the site, I do not consider that sufficient justification has been provided for the loss of 3 no. car parking spaces that are currently located in this area. This is compounded by the fact that, as stated above, the appellant has not provided justification for the proposed parking approach and has not clarified the overall number of units onsite.

- 7.4.7. Having regard to the above, I do not consider the proposed development parking layout to be acceptable or justified. I therefore recommend refusal of permission on these grounds. This is a new issue, and the Board may wish to seek the views of the parties.
- 7.4.8. I note that the proposed development does not alter or change the access arrangement for the site, and I consider that access to the site from Mount Argus Avenue would remain compliant with the Design Manual for Urban Streets (DMURS). In the event that the Board decides to grant planning permission, I consider it appropriate to attach a condition requiring internal streets and footpaths to comply with DMURS.

7.5. Residential Amenity

- 7.5.1. The proposed 12 no. residential units within a 3-storey building would be located in an established residential area on a site with an established residential institutional use. Notwithstanding this, the only residential unit within 16 metres of the proposed development would be no.27 Mount Argus Green/Crescent (10 metres). This dwelling is a 2-storey end of terrace dwelling with a pitched roof and does not include any directly opposing windows above ground floor level serving habitable rooms, as set out in SPPR 1 of the Compact Settlement Guidelines. The boundary between no.27 and the proposed development also includes mature trees which would provide for natural screening along this elevation. Additionally, the fenestration within the proposed development above ground floor level facing towards no.27 is proposed to be glazed with opaque glazing. I am therefore satisfied that the proposed development would not lead to overlooking of neighbouring dwellings. Despite the 3-storey nature of the proposed development, I do not consider that it would appear overbearing on the surrounding 2 storey dwellings due to its positioning and orientation at an acceptable distance from the nearest dwelling. This is further supported by the buffer of existing mature trees which provide natural

screening and are proposed to be retained along the boundaries of the site. Having regard to the positioning, orientation, setback nature and flat roof profile of the proposed development, I do not consider that neighbouring dwellings would be significantly overshadowed by the proposed development. In conclusion, I do not consider that the proposed development would significantly impact the residential amenity of existing dwellings or residential units within the vicinity.

- 7.5.2. Regarding the residential amenity of future residents, I consider that the internal layout and the provision of private and communal amenity space aligns with the standards set out in the Design Standards for New Apartments. However, I have concerns about the access to daylight and sunlight of future residents given the north facing nature of the private amenity spaces directly adjacent to mature trees which would potentially overshadow this area and some of the bedrooms and living areas to the rear of the residential units. I do not consider the residential units on the eastern elevation to be significantly impacted due to the provision of corner and side windows facing east along this elevation. I note that the adjacent mature trees are of a deciduous nature and would therefore shed their foliage during the winter period when access to daylight and sunlight would be of most value. I can confirm that I observed many of the mature trees in this part of the site to be without foliage during my site visit. In addition, the proposed development includes a large area of communal open space (1,373m²), in line with Section 15.9.8 of the Development Plan, to the east of the proposed building which would provide open amenity space in addition to the private amenity space. Moreover, I note the temporary nature of the use of the proposed development and its function as a support hub to allow homeless persons to progress to an independent housing scenario within general society. This indicates that the proposed development would not be permanently occupied by the same individual or family unit. In this regard, I do not consider that the residential amenities of future residents would be adversely impacted by the proposed development due to the likely transient nature of its occupants and the mitigating factors outlined above.

7.6. Height & Density

- 7.6.1. The proposed development consists of a standalone flat roofed 3 storey building with an overall height of 8.8m. This differs to the previously refused onsite residential accommodation which consisted of 19 no. units within a standalone flat roofed part 3

storey/part 4 storey building 11.99m in height orientated on an east west basis (2643/21 - ABP Ref. 312274-21), demonstrating the evolution of the design of the proposed development and the resulting impact on the height and density as follows. The submitted elevational drawings show the proposed development to project above the surrounding 2 storey pitched roof dwellings (7m in height) but well below the Mount Argus Church and former monastery buildings (up to 11.5m in height). Overall, I consider that the height of the proposed development largely aligns with the prevailing height of the surrounding context, in what is an accessible location given its proximity to an arterial route to the city centre (R817) and a planned BusConnects Corridor (ABP Ref. 317660-23). I do not consider it necessary to alter the roof profile from a flat roof to a pitched roof, as suggested by the Planning Authority's Conservation Section, as I am of the view that the flat roof profile appropriately restricts the height and scale of the proposed development.

- 7.6.2. The density of the proposed development amounts to approximately 35 dwellings per hectare. This is well below the density ranges set out in Appendix 3 of the Development Plan for such outer suburb locations. This is also reflected in the plot ratio and site coverage of the proposed development which are both well below the ranges set out in Appendix 3 of the Development Plan. I consider the density of the proposed development to be acceptable given the constraints of the site and the temporal nature of the use. Whilst the proposed development may appear denser than the low density suburban residential development in the vicinity of the site, it would have a lower density than the former monastery building which has been repurposed to provide for more residential units than the proposed development. I therefore consider that the proposed development provides for an appropriate transition in density between the residential housing and the repurposed former monastery building. In any case, I note that the provisions of the National Planning Framework and the Regional Spatial & Economic Strategy support more compact growth. Policy SC11 of the Development Plan also specifically supports compact growth and sustainable densities through the intensification of infill lands adjacent to public transport corridors. I therefore consider the density of the proposed development to be acceptable in light of the accessible location of the site and its infill nature.

7.6.3. In conclusion, I consider the height and density of the proposed development to be acceptable due to the constraints of the site and the surrounding context, its assimilation into the surrounding area, its infill nature and its accessible location. I also do not consider that the proposed development would result in overdevelopment of the site, and this is reflected in its low density, plot ratio and site coverage. I do not consider it necessary to apply the criteria set out in Table 3 of Appendix 3 of the Development Plan as I consider the height and density of the proposed development to be consistent with its environs.

7.7. Other Matters

Design & Layout:

7.7.1. I consider that the appellant's Housing Quality Assessment – Schedule of Accommodation demonstrates compliance with the requirements of the Design Standards for New Apartments – Section 28 Guidelines (2023). The Planning Authority, in their assessment, also considered the proposed development to be compliant with these standards and with the requirements of Chapter 15 of the Development Plan relating to unit size/layout and private amenity space. I am therefore satisfied that the design and layout of the proposed development would be compliant with the Design Standards for New Apartments and the provisions of the Development Plan.

7.7.2. Regarding the external finish of the proposed development, I note that there is a discrepancy between the 3D perspectives and the drawings and Conservation Method Statement. The drawings and Conservation Method Statement detail a brick finish, whereas the 3D perspectives detail a rendered finish. This issue is also referenced by the observer at the application stage. I consider that this issue could be appropriately addressed by way of planning condition detailing the preferred external finish, in the event that the Board decides to grant planning permission.

Drainage:

7.7.3. I note that the Planning Authority Drainage Section sought further information relating to compliance with Policy SI23 of the Development Plan. This policy requires green blue roofs for all new developments with roof areas in excess of 100m². I note that drawing no. MA/PL2/B1/08 (Roof Plan) shows a rooftop area of approximately 297m². I therefore consider that the proposed development should provide a green

blue roof. I do not agree with the appellant's contention that this would conflict with the recommendation of the Planning Authority's Conservation Section to incorporate a pitched roof into the proposed development as I consider that angled blue green roofs could be utilised to satisfy both recommendations. Nevertheless, as stated above in Section 7.6.1 of this report, I do not consider it necessary to incorporate a pitched roof profile into the proposed development. In any case, in the event that the Board decide to grant planning permission, I consider it appropriate to impose a condition requiring the provision of a blue green roof. This could either be flat or pitched at a low angle.

7.7.4. Regarding the proposed surface water drainage, I consider the proposed drainage measures to be acceptable in light of the site's poor drainage, as demonstrated in the appellant's Soakaway Test Report, undertaken by Declan Kearns & Associates. I note, however, that Irish Water have not provided input on the capacity of the water supply and wastewater network to cater for the proposed development and I consider that detail in relation to the capacity of the water supply and wastewater network is therefore lacking. Notwithstanding this, I note that the proposed development would be utilising existing connections to the water supply and wastewater network and the Planning Authority's Drainage Section did not raise any issue with this approach. I am therefore satisfied with the water supply and wastewater drainage proposal for the proposed development.

7.7.5. I note that the Planning Authority's Drainage Section also requested that the proposed development consider the use of SuDS measures to allow for the re-use of rainwater within the development for non-potable uses. The proposed development does not include SuDS measures that could facilitate such reuse; However, I consider that this could be addressed by way of condition requiring the implementation of SuDS measures to allow for the re-use of rainwater for non-potable uses, in the event that the Board decides to grant planning permission.

Flood Risk:

7.7.6. Both the appellant's Flood Risk Assessment, undertaken by Mulhall Consulting, and the Planning Authority Officer's assessment conclude that the proposed development would not be at risk of flooding. Having analysed the documentation, the flooding history of the site and the relevant official flood risk information, I

consider that the proposed development would not be at risk of flooding or result in an increased risk of flooding. The site of the proposed development, although located within 155m of the River Poddle, is located on an elevated area (finished floor level of 34.74m) which serves to decrease any risk of flooding. Furthermore, I consider that the standard surface water drainage measures associated with the proposed development would further minimise any risk of flooding onsite.

Public Open Space:

- 7.7.7. I note that the proposed development does not provide 25% public open space, as required by Section 15.8.6 of the Development Plan. The Planning Authority have highlighted this and have also suggested imposing a condition requiring the payment of a contribution in lieu of open space, in the event that the 25% target is not achieved. Given the constraints of the site and the proximity of significant public open spaces in the form of Mount Argus Park and Eamonn Ceannt Park, I consider this to be an acceptable condition to attach, in the event that the Board decides to grant planning permission. I also consider that the Planning Authority's Development Contribution Scheme allows for this, and I note that Policy and Objective 5.1 of the Compact Settlement Guidelines allows for contributions in lieu of public open space.

Tree Loss:

- 7.7.8. I note that the appellant states that the proposed development would result in the loss of 2 no. trees previously surveyed as part of an Arboricultural Assessment undertaken by CMK Arborists for a previous onsite application (2643/21 - ABP Ref. 312274-21). This assessment indicates that the trees to be lost would be category B2 and C2. No replacement planting is indicated; However, as the proposed tree loss would be minimal, I consider that replacement planting could be secured by way of condition, in the event that the Board decides to grant planning permission.

Part V:

- 7.7.9. The appellant submitted a Part V Validation Letter in their application to the Planning Authority indicating that the Planning Authority's preferred option would be to acquire units on site, post-completion, to comply with the provisions of Part V of the Planning & Development Act, 2000 (as amended). Part V of the Act allows for the transfer of units, upon completion, to the Planning Authority to facilitate the provision of social and affordable housing. In the event that the Board decides to grant planning

permission, I consider it appropriate to attach a condition to ensure compliance with Part V of the Act.

8.0 AA Screening

- 8.1.1. I have considered the proposed development of 12 no. residential accommodation units in light of the requirements of S 177S and 177U of the Planning and Development Act 2000 as amended.
- 8.1.2. I note that the Application was accompanied by a Screening Report which concluded that *'there is no likelihood of significant effects on Natura 2000 sites arising from the proposed development, either alone or in combination with other plans or projects'*. I also note that the Planning Authority undertook Appropriate Assessment Screening and concluded that the proposed development would not significantly impact upon a Natura 2000 site.
- 8.1.3. A detailed description of the proposed development is presented in Section 2.0 of my report. In summary, the proposed development site is an infill site within a mixed use/suburban environment, surrounded by housing, open space, community and liturgical uses. The development will comprise the construction of a 3-storey residential accommodation unit, including associated car parking, cycle parking and refuse storage. The development includes SuDS measures such as permeable paving, hydro brake and an attenuation tank.
- 8.1.4. There are no watercourses or other ecological features of note on the site that would connect it directly to European Sites in the wider area. An area of amenity green space lies to the south of the site (Mount Argus & Church Park) and the River Poddle runs through the center of this green space approximately 155m from the site. The river discharges into the River Liffey.
- 8.1.5. The proposed development site is not located within or immediately adjacent to any site designated as a European Site, comprising a Special Area of Conservation (SAC) or Special Protection Area (SPA). Two of European sites are located within 5.5 Kilometers of the potential development site:
- South Dublin Bay Special Area of Conservation (000210)
 - South Dublin Bay and River Tolka Estuary Special Protection Area (004024)

- 8.1.6. The South Dublin Bay and River Tolka Estuary SPA comprises a substantial part of Dublin Bay and is located 3km northeast of the site. It includes the intertidal area between the River Liffey and Dún Laoghaire, and the estuary of the River Tolka to the north of the River Liffey, as well as Booterstown Marsh. A portion of the shallow marine waters of the bay is also included. The site is a Special Protection Area (SPA) under the E.U. Birds Directive, of special conservation interest.
- 8.1.7. The South Dublin Bay SAC lies south of the River Liffey and extends from the South Wall to the west pier at Dun Laoghaire. It is an intertidal site with extensive areas of sand and mudflats. The sediments are predominantly sands but grade to sandy muds near the shore at Merrion Gates. The main channel which drains the area is Cockle Lake. The site is a Special Area of Conservation under the EU Habitats Directive and is located 3.9km to the southeast of the site.
- 8.1.8. Given the nature and limited scale of the proposal, I do not consider it necessary to examine the potential for significant effects on any European Sites beyond those of South Dublin Bay and River Tolka Estuary.

European Site	Qualifying Interests (summary)	Distance	Connections
South Dublin Bay and River Tolka Estuary Special Protection Area (004024)	Wintering water birds (13 x species) Wetland and waterbirds	3km	No direct
South Dublin Bay Special Area of Conservation (000210)	[1140] Tidal Mudflats and Sandflats [1210] Annual vegetation of drift lines [1310] Salicornia and other annuals colonising mud and sand [2110] Embryonic shifting dunes	3.9km	No direct

- 8.1.9. Due to the enclosed nature of the development site and the presence of a significant buffer area (existing open spaces and buildings) between the subject site, the River Poddle and the River Liffey, I consider that the proposed development would not be expected generate impacts that could affect anything but the immediate area of the development site, thus having a very limited potential zone of influence on any ecological receptors.

- 8.1.10. The proposed development would not have direct impacts on any European site. During site clearance and construction of the proposed residential unit and site works, possible impact mechanisms of a temporary nature include generation of noise, dust and construction related emissions to surface water.
- 8.1.11. The contained nature of the site (serviced, defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to South Dublin Bay SAC and South Dublin Bay & River Tolka Estuary SPA make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect European Sites.

Likely significant effects on the European sites in view of the conservation objectives

- 8.1.12. The construction or operation of the proposed development will not result in impacts that could affect the conservation objectives of the SAC or SPA. Due to distance and lack of meaningful ecological connections there will be no changes in ecological functions due to any construction related emissions or disturbance. There will be no direct or ex-situ effects from disturbance on mobile species including otter during construction or operation of the proposed development.

In combination effects

- 8.1.13. The proposed development will not result in any effects that could contribute to an additive effect with other developments in the area.
- 8.1.14. No mitigation measures are required to come to these conclusions. I consider the provision of a hydro brake, attenuation tank and permeable paving to be standard surface water drainage measures and are not mitigation measures for the purpose of avoiding or preventing impacts to the SAC or SPA.

Overall Conclusion

Screening Determination

- 8.1.15. Having carried out Screening for Appropriate Assessment of the project in accordance with Section 177U of the Planning and Development Act 2000 (as amended), I conclude that that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Sites within Dublin Bay namely South Dublin Bay SAC and South Dublin Bay & River

Tolka Estuary SPA or any other European site, in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

8.1.16. This determination is based on:

- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site
- The location of the development in a serviced urban area, distance from European Sites and urban nature of intervening habitats, absence of ecological pathways to any European Site.
- The determination of the Local Planning Authority that there is no real likelihood of significant effects on Natura 2000 sites arising from the proposed development either in isolation or in combination with other plans or projects, and that a Stage 2 Appropriate Assessment is not required.

9.0 Recommendation

I recommend that planning permission be REFUSED for the reasons and considerations as set out below.

10.0 Reasons and Considerations

1. Having regard to the overall quantum of existing development onsite, the proposed development would likely result in a deficiency of car parking spaces onsite and would therefore be contrary to the provisions of Appendix 5 of the Dublin City Development Plan 2022-2028. The parking layout also has not been appropriately justified in light of a previously permitted parking layout for the site which would result in an overall loss of 2 no. car parking spaces instead of the addition of 10 no. car parking spaces. The proposed development, would, therefore, result in on-street parking and tend to create serious traffic congestion on the adjoining streets. The proposed 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.

Conor Crowther
Planning Inspector

24th February 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-319148-24		
Proposed Development Summary	PROTECTED STRUCTURE: Construction of 12 no. residential units in a three-storey building and associated works.		
Development Address	Lands at the former Mount Argus Monastery, Mount Argus, Kimmage Road Lower, Dublin 6W, within the curtilage of a protected structure (Mount Argus Church).		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	<input checked="" type="checkbox"/>
		No	Tick if relevant. No further action required
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	<input checked="" type="checkbox"/>	Class 10(b)(i) and (iv).	Proceed to Q3.
No	<input type="checkbox"/>		Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes	<input type="checkbox"/>		EIA Mandatory EIAR required

No	✓	Min. 500 dwelling units and/or an area greater than 10 ha	Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	✓	500 dwelling units (12 residential units)/10 ha (0.33ha).	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	✓	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: Conor Crowther Date: 24th February 2025

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-319148-24
Proposed Development Summary	PROTECTED STRUCTURE: Construction of 12 no. residential units in a three-storey building and associated works.
Development Address	Lands at the former Mount Argus Monastery, Mount Argus, Kimmage Road Lower, Dublin 6W, within the curtilage of a protected structure (Mount Argus Church).
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The development has a modest footprint, comes forward as a minor addition to an existing residential scheme, does not require demolition works, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources,	The development is situated in a suburban area on a brownfield site located within an existing housing area zoned for community use and social infrastructure in the City Development Plan. The development is removed from sensitive natural habitats,

absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).		designated sites and landscapes of identified significance in the City Development Plan.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).		Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	Yes
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	
There is a real likelihood of significant effects on the environment.	EIAR required.	

Inspector:

Date:

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)