



An
Bord
Pleanála

Inspector's Report ABP-319359-24

Development	Demolition of single storey light industrial buildings. Construction of 6 houses and all associated site works.
Location	1-2 Saint Joseph's Avenue, Drumcondra, Dublin 9, D09 YV00 & D09 EK46
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	5052/23
Applicant(s)	Pat Rooney
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party Appeal
Appellant(s)	Pat Rooney
Observer(s)	Iona and Residents Association
Date of Site Inspection	11 th October 2024
Inspector	Frank O'Donnell

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1.0 Site Location and Description

- 1.1. The subject appeal site is located at no. 1 and no. 2 Saint Joseph's Avenue, Drumcondra, Dublin 9. The site comprises a single storey light industrial building and has a stated site area of 415 sqm (0.0415 hectares) and measures 51.6 metres in length by a width/ depth ranging from 7.8 metres to 8.7 metres at the western site frontage onto St. Josephs Avenue. The existing building is positioned on the northern site of a narrow laneway (stated to be called Series Lane) which serves the rear of 10 no. residential properties (no's 1, 3, 5, 7, 9, 11, 13, 15, 17 & 19 St. Alphonsus Road Lower).

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
- Demolition of an existing single storey light industrial building (stated floor area 368.7 sqm).
 - The Construction of 6 no. 3 Storey, 2 Bedroom, Terraced Townhouses in a single block measuring 38.2 metres in length, 7.8 metres in width, a maximum height to roof level of 8.7 metres.
 - The construction of a semi-basement single storey building to the front of the site fronting onto St. Joseph's Avenue, comprising a garage containing 3 no. car lifts to accommodate 6 no. cars, shared bin stores, storage and a shared terrace over first floor level. (Balustrade height 5.7 metres).
 - The proposed new buildings are stated to have a combined floor area of 564.7 sqm. Each of the proposed 6 no. house units is stated to have a floor area of 71.2 sqm.
 - Additional works include the widening of the existing vehicular access to St. Josephs Avenue along with pedestrian and bicycle access onto St. Joseph's Avenue via the adjoining lane.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Local Authority issued a decision to REFUSE planning permission on 23rd February 2024 for the following reason:

1. *Having regard to the substandard, restricted and the narrow width of the existing laneway, the applicant has failed to demonstrate that the proposed development of 6 no. dwellings could be safely and conveniently accessed for essential and emergency services. The development would be contrary to Section 4.3.8 of Appendix 5 of the 2022-2028 Dublin City Development Plan and would endanger public safety by reason of traffic hazard. As such, the development would therefore be contrary to the proper planning and sustainable development of the area, and would set an undesirable precedent for similar developments in the area.*
2. *Having regard to the poor daylight penetration into the living spaces at ground floor level; the planning authority is not satisfied, based on the information submitted, that the proposed development would provide an adequate level of residential amenity for future occupiers, and it would therefore be contrary to the Dublin City Development Plan 2022-2028, in particular Section 15.11.2 (Daylight) and accordingly would therefore be contrary to the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The **Local Authority Planner** noted that although improvements had been made to the design and layout of the scheme in response to the previous refusal of permission, as planning reg. ref. no. 5466/22 refers and to certain items raised during the Pre-Planning Meeting held September 2023, the said changes do not satisfactorily address the fundamental concerns of the Local Authority in respect of future residential amenity and traffic hazard. The Local Authority Planner also considered there is a need to strike a balance between

the development of infill backland sites and the need to protect the residential amenities of existing and future occupants. The Planner concluded that the proposed development represented overdevelopment and would provide an unacceptable standard of residential amenity for future occupants. The Planner noted the recommendations from the Drainage Division and the Environmental Health Officer but nonetheless recommended permission be refused.

3.2.2. Other Technical Reports

- The **Environmental Health Office (EHO)** raised no objection to the proposed development subject to the attachment of Air Quality and Noise Conditions in the event of a **Grant** of Permission being issued.
- The **Drainage Division** recommended that **Further Information** be sought in relation to a surface water management plan to include drawings and a report, proposals to incorporate Sustainable Urban Drainage Systems (SuDS) measures in the management of surface water (the development shall incorporate a Green Blue roof designed in accordance with the requirements of the Dublin City Council Green & Blue Roof Guidance Document (2021), the submission of a Basement Impact Assessment and the carrying out of a Flood Risk Assessment.
- The **Transportation Planning Division** recommended that permission be **Refused** due to the substandard width of the laneway and the applicant's failure to demonstrate that essential and emergency access could be safely and conveniently provided for.

3.3. Prescribed Bodies

- **Uisce Eireann:** No report received.
- **Irish Rail:** No Report received.

3.4. Third Party Observations

- 6 no. Third Party Observations/ Submissions were received from the following:

- Dominic Cooney & Ruth Craggs; IDRA Committee; Dominic Cooney & Ruth Craggs c/o BPS Planning & Development Consultants; James and Suzanne Staines; Larry Kegan c/o Paul O'Toole; Cianan & Orlaith Brennan.
- The main issues raised in the above Third-Party Observations are covered in the Appeal Observation.

4.0 Planning History

4.1. Planning History on the Subject Appeal Site

- **1071/07 (Appeal Ref. No.PL29N.226302):** Permission for Demolition of existing buildings and construction of 7 houses, car parking, pedestrian and bicycle access and all associated works. Permission was GRANTED subject to 17 no. conditions.
- **5466/22:** Permission for demolition of existing buildings and construction of 6 no. 3 storey townhouses, a three-storey building comprising a basement garage and 2 no. one bedroom apartments. A revised wider vehicular access to St. Joseph's Avenue, pedestrian and bicycle access onto St. Joseph's Avenue via the adjoining mews lane and all associated site works. Permission was REFUSED on 17th February 2023 for 3 no. reasons as follows:
 1. *Having regard to the scale of the proposed development relative to the site size, the narrow width of the existing laneway, the proposed single aspect nature of the proposed townhouses and the poor quality and insufficient quantity of the private amenity space to serve the townhouses, the proposed development is considered to constitute overdevelopment of the site, would fail to provide an adequate level of residential amenity for future occupiers, and is contrary to the Dublin City Development Plan 2022-2028, in particular Section 15.11.3 Private Open Space and Section 15.9.16.1 Daylight and Sunlight, and accordingly would, therefore, be contrary to the proper planning and sustainable development of the area*
 2. *The proposed development would fail to provide an adequate standard of residential amenity for future occupants of the apartments as a result of design elements which fail to meet the minimum standards as set out in the Dublin City Development Plan 2022-2028 and the Sustainable Urban*

Housing: Design Standards for New Apartments Guidelines for Planning Authorities (December 2022). The proposal provides for apartment units with below minimum standards for internal storage areas and a lack of private amenity space for the proposed apartment units. The proposed development would result in an unsatisfactory level of residential amenity for future occupiers and would, therefore, be contrary to the provisions of Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (December 2022), the Dublin City Development Plan 2022 -2028 and to the proper planning and sustainable development of the area.

3. *Having regard to the substandard, restricted and the narrow width of the existing laneway, the applicant has failed to demonstrate that the development could be safely and conveniently accessed for essential and emergency services. The development would be contrary to Section 4.3.8 of Appendix 5 of the 2022-2028 Dublin City Development Plan and would endanger public safety by reason of traffic hazard. As such, the development would therefore be contrary to the proper planning and sustainable development of the area.*

4.2. Planning History on adjacent site to the south (southern side of adjacent laneway)

- **4904/22 (ABP-315330-22):** Permission to demolish garage and construct a mews dwelling with vehicular access off rear laneway and all ancillary siteworks. Permission was REFUSED by An Bord Pleanála on 17th January 2024 for the following reasons:

1. *Having regard to the scale of the proposed development relative to the site, the narrow width of the laneway, the quality and quantity of private open space to serve the mews, and the limited amenity space remaining for number 17 Saint Alphonsus Road Lower, it is considered that the proposed development would fail to provide an adequate level of residential amenity for existing and future residents. The proposed development would be contrary to the Dublin City Development Plan, 2022-2028 zoning objective for the area 'Sustainable Residential Neighbourhoods – Z1' which objective is to protect, provide, and improve*

residential amenities and Section 15.13.5, of the development plan in relation to Mews. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. *Having regard to the substandard, restricted and narrow width of the existing laneway, the applicant has failed to demonstrate that the mews building could be safely and conveniently accessed for essential and emergency services. Furthermore, the laneway is considered to be seriously deficient in width along its length and lacks sufficient capacity to safely accommodate the vehicle and pedestrian movements which the proposed development will generate. The proposed development would therefore be contrary to Section 4.3.8 Appendix 5 Volume 2 of the Dublin City Development Plan, 2022-2028, and would set an undesirable precedent for similar developments in the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

5.0 Policy Context

5.1. Development Plan

Dublin City Development Plan, 2022 to 2028

- 5.1.1. The Appeal site is zoned Z1 – Sustainable Residential Neighbourhoods in the Dublin City Council Development Plan, 2022 to 2028. The relevant zoning objective is: *‘To protect, provide and improve residential amenities.’* Residential is a use which is Permitted in Principle on lands zoned Z1 – Sustainable Residential Neighbourhoods.
- 5.1.2. Chapter 3 of the Plan relates to Climate Action. Section 3.5.2 relates to the Built Environment and includes the following relevant policies:

Policies

- CA6: Retrofitting and Reuse of Existing Buildings, CA7: Energy Efficiency in Existing Buildings, CA8: Climate Mitigation Actions in the Built environment, CA9: Climate Adaptation Actions in the Built Environment, CA10: Climate Action Energy Statements.

Section 3.5.4 of the Plan relates to Climate Action/ Waste and includes the following relevant policies:

- CA23: Waste Management Plans for Construction and Demolition Projects

5.1.3. Chapter 4 relates to the Shape and Structure of the City. Relevant Policies from this Chapter include the following:

- SC8: Development of the Inner Suburbs, SC10: Urban Density, SC11: Compact Growth, SC12: Housing Mix, SC13: Green Infrastructure, SC19: High Quality Architecture, SC20: Urban Design & SC21: Architectural Design

5.1.4. Chapter 5 relates to Quality Housing and Sustainable Neighbourhoods. Relevant Policies and Objectives from this Chapter include the following:

Policies:

- QHSN1: National and Regional Policy, QHSN2: National Guidelines, QHSN6: Urban Consolidation, QHSN8 Reduction of Vacancy, QHSN9: Active Land Management, QHSN10: Urban Density, QHSN11: 15-Minute City, QHSN12: Neighbourhood Development, QHSN14: High Quality Living Environment, QHSN16: Accessible Built Environment, QHSN17: Sustainable Neighbourhoods, QHSN22 Adaptable and Flexible Housing, QHSN36 High Quality Apartment Development, QHSN37: Houses and Apartments.

5.1.5. Chapter 8 of the Development Plan relates to Sustainable Movement and Transport.

5.1.6. Chapter 9 of the Development Plan relates to Sustainable Environmental Infrastructure and Flood Risk. Relevant policies include the following:

- SI22: Sustainable Drainage Systems

‘To require the use of Sustainable Drainage Systems (SuDS) in all new developments, where appropriate, as set out in the Greater Dublin Strategic Drainage Study (Vol 2: New Development)/ Greater Dublin Regional Code of Practice for Drainage Works and having regard to the guidance set out in Nature-based Solutions to the Management of Rainwater and Surface Water Runoff in Urban Areas, Water Sensitive Urban Design Best Practice Interim Guidance Document (DHLGH, 2021). Sustainable Drainage Systems (SuDS) should incorporate

nature-based solutions and be designed in accordance with the Dublin City Council Sustainable Drainage Design & Evaluation Guide (2021) which is summarised in Appendix 12. SuDS should protect and enhance water quality through treatment at source while enhancing biodiversity and amenity.'

- 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.'

- SI25: Surface Water Management:

'To require the preparation of a Surface Water Management Plan as part of all new developments in accordance with the requirements of Appendix 13 – the Council's Surface Water Management Guidance.'

5.1.7. Chapter 14 of the Plan relates to Land Use Zoning.

5.1.8. Chapter 15 relates to Development Standards. Relevant Sections include the following:

- Section 15.4: Key Design Principles
 - *Section 15.4.1: Healthy Placemaking, Section 15.4.2: Architectural Design Quality, Section 15.4.3: Sustainability and Climate Action, Section 15.4.4: Inclusivity & Accessibility, Section 15.4.5: Safe and Secure Design*
- Section 15.5: Site characteristics and Design Parameters
 - *Section 15.5.1 Brownfield, Regeneration Sites and Large-Scale Development, Section 15.5.2: Infill Development, Section 15.5.5: Density, Section 15.5.6: Plot Ratio and Site Coverage, Section 15.5.7: Materials and Finishes, Section 15.5.8 Architectural Design Statements*
- Section 15.6: Green Infrastructure and Landscaping,
- Section 15.7: Climate Action. Section 15.7.1 relates to Re-use of Existing Buildings and states:

- *‘Where development proposal comprises of existing buildings on the site, applicants are encouraged to reuse and repurpose the buildings for integration within the scheme, where possible in accordance with Policy CA6 and CA7. Where demolition is proposed, the applicant must submit a demolition justification report to set out the rational for the demolition having regard to the ‘embodied carbon’ of existing structures and demonstrate that all options other than demolition, such as refurbishment, extension or retrofitting are not possible; as well as the additional use of resources and energy arising from new construction relative to the reuse of existing structures.*
- *Existing building materials should be incorporated and utilised in the new design proposals where feasible and a clear strategy for the reuse and disposal of the materials should be included where demolition is proposed.’*
- Section 15.8: Residential Development, Section 15.9: Apartment Standards
- Section 15.11: House Developments
 - *Section 15.11.1: Floor Areas, Section 15.11.2: Aspect, Daylight / Sunlight and Ventilation, Section 15.11.3: Private Open Space, Section 15.11.4: Separation Distances (Houses).*
- Section 15.13: Other Residential Typologies
 - *Section 15.13.3: Infill /Side Garden Housing Developments*
 - *Section 15.13.4: Backland Housing*
 - *Section 15.13.5: Mews*
 - *Section 15.13.5.1: Design and Layout, Section 15.13.5.2 Height, Scale and Massing, Section 15.13.5.3 Roofs, Section 15.13.5.4: Access,*
- Appendix 1 – Housing Strategy, Appendix 3 - Achieving Sustainable Compact Growth Policy for Density and Building Height in the City, Appendix 4 – Development Plan Mandatory Requirements, Appendix 5: Transport and Mobility: Technical Requirements, Appendix 7 – Guidelines for Waste Storage

Facilities, Appendix 9: Basement Development Guidance, Appendix 11 – Technical Summary of Dublin City Council Green & Blue Roof Guide, Appendix 12 – Technical Summary of Dublin City Council Sustainable Drainage Design & Evaluation Guide (2021), Appendix 13 – Surface Water Management Guidance, Appendix 14 - Statement Demonstrating Compliance with Section 28 Guidelines, Appendix 16 - Sunlight and Daylight,

5.2. Guidelines

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2023
- Design Manual for Urban Streets (2019)
- Urban Development and Building Heights – Guidelines for Planning Authorities (2018)
- Urban Design Manual - A Best Practice Guide (DoEHLG, 2009)
- Quality Housing for Sustainable Communities - Best Practice Guidelines for delivering Homes, (DoEHLG, 2009)

5.3. Natural Heritage Designations

5.3.1. The site is not located within or adjacent to a Natura 2000 site. The nearest Natura 2000 sites are as follows:

- North Bull Island SPA (Site Code 004006), c. 5 km to the east;
- North Dublin Bay SAC (Site Code: 000206), c. 5 km to the east;
- South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024), c. 2 km to the east.

5.4. EIA Screening

5.4.1. Having regard to the nature and scale of the development proposed, the site location within an established built-up urban area and outside of any protected site or

heritage designation, the nature of the receiving environment, the existing pattern of development in the vicinity, and the separation distance from the nearest sensitive location, 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 and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The Grounds of Appeal can be summarised as follows:

- The Development has reduced in scope/ size and scale from previous refusal (5466/22) and is substantially the same as that permitted under Appeal Ref. no. PL29N.226302 (LA Ref. No. 1071/07).
- The site is not a Mews site, see Inspectors Conclusion on Appeal Ref. No. 226302.
- Visual Impact is acceptable, see Inspectors Report on Appeal Ref. No. 226302.
- Reason for Refusal 1:
 - The Local Authority Planner is reliant upon the Report from the Traffic Department which appears to fail to appreciate key elements of the proposed access and egress strategy for the site. A strategy fundamentally accepted and understood by the Board in their assessment of a previous proposal on site.
 - The relevance of Appeal Ref. No. 315330 (planning reg. ref. no. 4904/22) is extremely limited as it refers to a Mews Dwelling. The proposal is not for a Mews Dwelling and does not require vehicular access along 'Series Lane'.
 - No additional vehicular access is proposed along Series Lane. The Local Authority Planners Report is incorrect in this regard. Vehicular access is

proposed via St. Joseph's Avenue only which is wider and suitable for vehicle access.

- The previous An Bord Pleanála Inspector made a number of reasonable conclusions in respect of traffic safety and access.
- The application is augmented by additional drawings and associated reports presented by the Applicant as part of the Appeal.
- Reason for Refusal 2:
 - Daylighting Assessment and Appraisal was prepared for the development. See REVISED Report which has been amended to address the specific concerns raised by the Planner. All 24 no. spaces assessed exceed the target levels in the BS EN 17037:2018 standard, so the proposed apartments are considered to provide an acceptable standard of amenity from a daylight perspective.
 - Each house is multi-orientated in terms of daylight aspect and favourably orientated.
 - Hollybank Court is due north of the site. It does not provide any overshadowing of the site after 10am and before 8 pm in the summer months.
 - The ground and first floor house designs are predominantly southerly in aspect with the benefit of direct summer sun penetration from 11 am to 5 pm.
 - The vertical orientation of windows will allow light to penetrate deep into the plan of the houses for the majority of the year. Where the lower winter sun will penetrate deeper into the plan and less in the summer. This generally favourable orientation allows for the direct natural daylighting to the first-floor hall and bathroom from early morning in the summer months from 5am until 10 am at an angle of 45 degrees.
 - In the early to late evening the evening sun will illuminate the 2nd floor external terrace and conservatory until sunset, with the open nature of the

staircase allowing for light to penetrate to the lower areas of the first and ground floor plan.

- The courtyard to the rear of the houses, while maligned within the planning report, provides for 6 linear metres of external envelope over 2/3 floors of which 1m is predominantly northern orientated, which provides for light and much needed cross section ventilation in southerly facing spaces.
- And while the executive planners is concerned for the amenity of the future residents of these 3 person units it is submitted that the units will be bright and airy and where their use and occupation will reset the aspect of the lane to the ground floor as it faces the opposing garage elevations, in a manner consistent to any development of quality.
- Car Free Alternative for Consideration
 - The Local Authority Planner is reliant upon the Report from the Traffic Department which appears to fail to appreciate key elements of the proposed access and egress strategy for the site. A strategy fundamentally accepted and understood by the Board in their assessment of a previous proposal on site.
 - The proposed development can be easily modified to omit car parking.
 - Access and Cycle provision and green transport strategy
 - The Green Design of the proposed development favours cycle parking over car parking provision. 2 cycle spaces provided per dwelling. Could be argued that cycle parking is preferable.
 - Adequate communal parking available in the area, e.g. Go-Car and Yugo.
 - Removal of Car parking is environmentally sustainable/ contributes to a car free living environment.
 - Dublin City Transport Department accepted that reduced or no provision of on-site parking was reasonable in the context of the neighbourhood development and overall Dublin City Council Policy on long term car storage.

- Existing entrance is narrow at 3.5 metres. Proposed to provide for pedestrian and cycle access to St. Josephs Avenue only with the existing space to the individual houses retained for visitors provision.
- The location of the proposed dwellings proximate to the bus and future residents employment obviates the need for car parking.
- Such a proposal will generate less traffic than was previously generated by the traffic movement associated with the builders' offices and yard.
- The REVISED Plans 2211/PA/000-009/D illustrate a revised arrangement for bicycle parking, refuse and associated facilities onto St. Josephs Avenue thru a widened access and screen enclosure, maintaining access for essential services and emergency vehicles.
- The proposal for residential development is consistent with zoning objective and land use zoning. The LA acknowledge that the proposal is acceptable in principle.
- The Local Authority Planner notes
 - *The City Council is committed to promoting compact growth and ensuring the continued consolidation of the city, with sustainable patterns of development and the creation of a dynamic and vibrant city core complemented by well-serviced and integrated neighbourhoods.*
- The above is aligned with the concept of the 15-minute City. The Development plan envisages that the City will have to accommodate growth in population of 293,000 people by 2040. The NPF requires at least half of all future housing and employment growth in Dublin to be located within and close to the existing 'built up' area of the City. This growth strategy will allow better use of underutilised serviced land and buildings, including infill and brownfield land.

- Relevant Planning Precedent
 - 12-18 Grafton Court East, Dublin. Similar Development with no car parking provision.
 - The proposal is similar to the subject scheme in terms of demolition of redundant light industrial urban units, landlocked, shared parking provision, raised and shared external areas. All of which have proven successful in implementation in a similar example of urban generation.

6.2. Local Planning Authority Response

- The Local Planning Authority Response can be summarised as follows:
 - *The Planning Authority request the Board to uphold their decision to Refuse Permission.*
 - *The Planning Department would request that if permission is granted that the following condition(s) 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 (if applicable).*
 - *A naming & numbering condition.*
 - *A management company condition.*

6.3. Observations

6.3.1. 1 no. Observation was received from Iona and District Residents Association, which may be broadly summarised as follows:

- Traffic Concerns: – insufficient and narrow width of laneway to deal with vehicles and pedestrians causing a potential traffic hazard.

- Design and Aspect: The proposed dwellings are single aspect only. The small internal courtyard facing the northern boundary wall is insufficient to circumvent the dual aspect requirements.
- Overdevelopment: The proposal represents an overdevelopment of the site and would set an undesirable precedent for similar proposals into the future.
- Conflict with Policy QHSN37: The proposal does not provide for the needs of family accommodation with a satisfactory level of residential amenity. The proposal opens directly onto the public realm thereby reducing residential amenity.
- Reasons for Refusal: The Local Authority reasons for refusal are correct and are confirmed by a recent ABP judgement (Appeal Ref. no. 315330-22). The decision found the width of the laneway to be seriously deficient.
- Revised Plans:
 - The revised proposals remove car parking but appear to include 2 no. EV charging stations where it is unclear who they are for.
 - The applicant references the presence of communal car parking along St. Joseph's Avenue and St. Alphonsus Road. St. Joseph's Avenue is a narrow road with double yellow lines on both sides except to the front of a separate development. There is very little setback provided in this instance.
 - There is limited existing resident permit parking along St. Alphonsus Road. This parking is further restricted on match days at Croke Park. Additional pressure as a result of the proposed development would create an unacceptable strain on parking.

6.4. Further Responses

- None

7.0 Assessment

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

- Zoning
- Reason for Refusal 1
- Reason for Refusal 2
- Surface Water Management/ Drainage (New Issue)
- Other matters
 - *Proposed Demolition*
 - *Planning Precedent*

7.2. Zoning

7.2.1. The subject appeal site and the associated access laneway are zoned Z1 Sustainable Residential Neighbourhoods in the Dublin City Development Plan, 2022 to 2028. The relevant zoning objective for Z1 lands is *'to protect, provide and improve residential amenities.'* Residential use is permitted in principle on lands zoned Z1, subject to assessment against normal planning considerations. These matters are discussed in turn below.

7.3. Reason for Refusal no. 1

7.3.1. Reason for Refusal no. 1 is primarily concerned with traffic safety and particularly safe and convenient access for essential and emergency vehicles.

- *Fire Tender and Ambulance Access/ Egress*

7.3.2. The Applicant refers in the Appeal Response to a Fire Consultancy Report and to drawing ref no's: 2211/PA/11 and 2211/PA/010-13/A. I note the content of the said Report where reference is made to Autotrack drawing no. 2211/PA/010/A for Fire Tenders. This said Autotrack drawing shows that a fire tender can access St. Joseph's Avenue within a maximum of 50 metres from proposed house no. 6. Based

on the information received, I am satisfied that the Applicant has demonstrated that the site can be suitably accessed in the case of a fire.

- 7.3.3. The Applicant also refers to swept path analysis drawing no. 2211/PA/011 and states that this shows how an ambulance can safely access the proposed development site in the event of emergency. I note the relevant drawing is drawing PA/013/A (Autotracking for HSE Ambulance) as opposed to drawing no. 2211/PA/011 as referenced by the Applicant and that the said drawing is based upon a revised site layout drawing. I have reviewed the proposed site layout plan ref. no. PA/003/B, as initially presented to the Local Authority, and I am satisfied that there is insufficient space at the northern side of the junction of the laneway with St. Josephs Avenue for an ambulance, of the type shown on drawing ref. PA/013/A (Autotracking for HSE Ambulance), to fully access the laneway. I note in particular the height of the typical ambulance vehicle exceeds the proposed height of the car parking garage at 2.8 metres. Notwithstanding, the said Autotrack drawing shows that an Ambulance can access St. Joseph's Avenue within a maximum of 50 metres from proposed house no. 6. Based on the information received, I am satisfied that the Applicant has demonstrated that the proposed development site can be suitably served by Ambulance in the case of an emergency.

- *Refuse Truck*

- 7.3.4. I note the concerns of the Transportation Department regarding the proposed vehicle turning movements for a Refuse Truck which are based on drawing No. PA/007/B (Roof Plan – Vehicle Tracking Study) submitted as part of the planning application drawings. The Applicant has provided a revised Refuse Truck Autotrack analysis drawing (drg. Ref. no. PA/014/A) as part of the Appeal submission. Based on the information received, I am satisfied that the Applicant has demonstrated that the proposed development site can be suitably served by a Refuse Truck.

- *Mews Development*

- 7.3.5. The Applicant considers that the site is categorically not a mews site and that it is backland or infill site for which the Development Plan standards for mews housing are not applicable. The Applicant refers to a previous Inspectors Report attached to Appeal Ref. No. PL29N.226302 where under Section 12.0 under the heading of Mews Development Policies it stated that '*I am certain that the subject site does not*

constitute a mews development site for the purposes of Section 15.9.19' and that the site is 'clearly outside the normally accepted meaning of mews development.'

7.3.6. I note permission was more recently refused on the adjacent site to the southwest to the rear of no. 17 Alphonsus Road, as appeal ref. no. ABP-315330-22 refers, and that the Inspector in that case has considered that proposal to constitute a Mews development.

7.3.7. The Local Authority refer in the reason for refusal to Section 4.3.8 of Appendix 5 of the Development Plan which relates to Mews Parking. Having regard to the nature of the subject site positioned to the north of an existing Mews laneway and owing to the proposed car parking access arrangements direct from St. Joseph's Avenue, I do not consider this Section (Section 4.3.8 (Mews Parking) of Appendix 5) to be applicable in the circumstances.

- *Car Parking Access*

7.3.8. Unit no. 1 on the subject appeal site is served via an existing 3.3-metre-wide roller shutter garage door/ vehicular access directly onto St. Joseph's Avenue to the west. The proposed development, as initially presented to the Local Authority, sought to provide a new 7.4-metre-wide louvered garage door entrance for most of the western elevation and another separate 4.8-metre-wide louvered garage door along the southern elevation. Both louvered garage doors are proposed to serve the car parking garage which is shown to provide a total of 6 no. car parking space utilising a basement with a car lifting platform.

7.3.9. The Transportation Department raise serious concerns regarding the safety of the vehicular entrance *'in the context of safe access and egress for vehicles, as it appears they would be exiting in a reversing motion, which would not be acceptable.'* The Transportation Department is further concerned that there is insufficient information provided in respect of expected waiting times for the operation of the car lifting platform as well as a lack of supporting swept path analysis drawings which demonstrate how it is proposed for cars to safely access/egress the site at this location. I would share the same traffic safety concerns of the Transportation Department wherein egress traffic manoeuvres from the proposed car parking spaces, as presented to the Local Authority, cannot occur without the necessity for vehicles to reverse onto St. Joseph's Avenue.

7.3.10. The Applicant has presented revised proposals as part of the appeal submission.

The Board will note the revised drawings and plans propose to set back the front northwestern elevation of the proposed development by approximately 5.6 metres into the site. This will result in the omission of the previously proposed single storey garage element at this location and results in an open area to the front/ northwest of the proposed car parking garage. I note the 3 no. revised Autotrack drawings for car parking spaces 1, 2, & 3, submitted as part of the appeal, (drawing ref. no's PA/015/A, PA/016/A & PA/017/A). I am satisfied that the said drawings facilitate safe traffic manoeuvres which, in my opinion, serve to suitably address the previous concerns of the Transportation Department regarding reversing vehicle movements for vehicles exiting the proposed garage spaces.

7.3.11. In reference to the proposed Car Lift System, the Applicant proposes that the lifts will operate on a buddy system where the lift time is stated to equate to 30 to 40 seconds and where any waiting is stated to take place within the site and away from the public thoroughfare. I am satisfied that the proposed Car Lift System, the associated waiting times and both the initial and revised site layout car parking proposals are acceptable and serve to suitably address the concerns of the Local Authority in respect of vehicle cueing on the public thoroughfare (St. Joseph's Avenue).

- *Car Parking*

7.3.12. As shown on Map J (Existing and Future Strategic Transport and Parking Areas) of the Development Plan, the subject appeal site is located within Parking Zone 2 (alongside key public transport corridors). As per the Car Parking Standards set out in Appendix 5, Table 2 of the Development Plan, the maximum car parking demand within Zone 2 is 1 no. car parking space per dwelling. The Applicant is proposing to provide on-site car parking at this maximum rate of 1 no. car parking space per dwelling. Further guidance is set out in Appendix 5 regarding a relaxation of the maximum car parking standards in Zones 1 and 2 for any site located within a highly accessible location where the onus is upon the applicant to make a clear case based on a set of criteria. The Applicant has presented a Car Free Alternative for consideration but has not provided any specific/ detailed justification for such an arrangement.

- 7.3.13. As per recommendations set out in the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024, the subject appeal site is in a location proximate to a High-Capacity Public Transport Node or Interchange¹. I note the site is within 300 metres (5 minutes walking distance) of a planned Bus Connects Bus Stop (Bus Connects Swords to City Centre Bus Corridor Scheme, See Appeal Ref. no. 317121-23) located along Drumcondra Road Lower, to the southeast of the subject appeal site, and within 350 metres (4 minutes Walking Distance) of Drumcondra Train Station, located to the south of the subject appeal site, where future High Frequency Public Transport links are planned (DART+ West Railway Order - Dublin City to Maynooth and M3 Parkway, See Appeal. Ref. No. 314232-22).
- 7.3.14. As per SPPR 3 (Car Parking) of the Guidelines, it is stated that *‘(i) In city centres and urban neighbourhoods of the five cities, defined in Chapter 3 (Table 3.1 and Table 3.2) car-parking provision should be minimised, substantially reduced or wholly eliminated. The maximum rate of car parking provision for residential development at these locations, where such provision is justified to the satisfaction of the planning authority, shall be 1 no. space per dwelling.’*
- 7.3.15. In my opinion, a reduction in the maximum car parking provision of 1 space per dwelling has not been suitably justified in this instance. In this regard I note the site location and context is such that a shortfall in the provision of on-site car parking has the potential to result in a negative impact to the amenities of surrounding properties by means of overspill parking. Such an impact, in my view, would not be in accordance with the proper planning and sustainable development of the area. I therefore consider the Applicants initial proposal to provide 6 no. car parking spaces

¹ High Capacity Public Transport Node or Interchange: Lands within 1,000 metres (1km) walking distance of an existing or planned high capacity urban public transport node or interchange, namely an interchange or node that includes DART, high frequency Commuter Rail¹¹, light rail or Metro Link services; or locations within 500 metres walking distance of an existing or planned Bus Connects ‘Core Bus Corridor’ stop (10-15 minute peak frequency). Highest densities should be applied at the node or interchange and decrease with distance. ‘Planned public transport’ in these Guidelines refers to transport infrastructure and services identified in a Metropolitan Area Transport Strategy for the five cities and where a public authority (e.g. National Transport Authority, Transport Infrastructure Ireland or Irish Rail) has published the preferred route option and stop locations for the planned public transport. (See Table 3.8 of Section 3.4.1 of the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024).

on the subject site to be appropriate as opposed to the alternative proposal presented by the Applicant which omits any car parking on site.

- *Revised Proposals*

7.3.16. I have considered the revised proposals presented by the applicant as part of the Appeal response. I am satisfied that the revised design and layout, as shown on the said revised drawings, which includes the provision of 6 no. car parking spaces and sets back the northwestern front elevation onto St. Joseph's Avenue by approximately 5.6 metres into the site, to be acceptable on traffic safety grounds.

7.3.17. I note the provisions of Section 131 of the Planning and Development Act, 2000, where the Board has the power to request submissions or observations from any party to the appeal or any persons who has made submissions or observations to the Board in relation to the appeal or any other person or body. The Board may therefore wish to seek the views of the parties. However, I note that the proposed changes form part of the First Party Appeal submission and that this has already been circulated to the Local Authority for comment and that the 1 no. Observation submission makes specific reference to revised plans. Therefore, I do not consider it to be necessary to invite further submissions in this regard.

- *Conclusion*

7.3.18. In conclusion, I am satisfied that the revised proposals, as presented, are acceptable in terms of traffic safety and access.

7.4. Reason for Refusal no. 2

7.4.1. The second reason for refusal relates to poor daylight penetration into the living spaces at ground floor level. The Local Authority is concerned that the proposed development would not provide an adequate level of residential amenity for future occupiers and would therefore be contrary to Section 15.11.2 (Daylight) of the Development Plan.

7.4.2. The application is accompanied by a Daylight Analysis and Overshadowing Report dated 20th November 2023 which concludes in Section 7.0 in relation to Daylight that *'all 24 no. spaces assessed exceed the target levels in the BS EN 17037:2018 standard so the proposed apartments are considered to provide an acceptable standard of amenity from a daylight perspective.'*

- 7.4.3. I note the assessment of the Local Authority Planner in relation to the issue of Daylight and I also note the updated Daylight Analysis and Overshadowing Report submitted as part of the Appeal Response. I note that the same conclusion is reached in Section 7.0 in relation to Daylight as quoted above and that no significant design changes have been made to the 6 no. townhouses.
- 7.4.4. The Daylight Analysis and Overshadowing Report states that BR 209 (3rd Edition) has been updated to reference the latest standard BS EN 17037:2018. As shown in table 4 of the Report, each of the 6 no. units (24 no. spaces in total (4 no. per dwelling)) exceed the target levels set out in BS EN 17037:2018. I am therefore satisfied that the findings of the Applicants' Daylight Analysis clearly demonstrates that the residential units have an acceptable standard of amenity from a daylight perspective.
- 7.4.5. The issue of single aspect units is raised by the Observer. I note, in the first instance, that the proposed 6 no. dwelling units are presented as townhouses as opposed to apartments and that all units have a south/ southwest orientation. As noted above, the proposed units are considered to be acceptable from a daylight perspective. I note the recommendations set out in Section 15.11.2 of the Development Plan in respect of Aspect, Daylighting and Ventilation and I am satisfied that the proposed 6 no. townhouses, as presented, suitably adhere to the aforementioned recommendations.
- *Overdevelopment*
- 7.4.6. The issue of Overdevelopment is raised by the Observer. The stated site coverage of 97% relates to the original proposal as presented to the Local Authority. I estimate that the revised proposals presented as part of this appeal response, which show the front western elevation set back 5.6 metres from St. Joseph's Avenue and include 6 no. car parking spaces, result in a reduced site coverage of 86%. Similarly, the stated plot ratio of 1:1.58 is also reduced under the same revised proposals. I estimate the revised plot ratio to be 1.1.23. Having regard to recommendations set out in the Sustainable Residential Development Guidelines, 2024 and the location and setting of the subject site, proximate to planned High Frequency Public Transport Links, it is my opinion that the proposed development, as presented, is acceptable and does not represent an overdevelopment of the subject site.

7.4.7. I note the concerns of the Observer in relation to the issue policy QHSN37 of the Development Plan. I am satisfied that the proposed development, as presented, will provide a satisfactory level of residential amenity in accordance with the standards for residential accommodation.

7.5. Surface Water Management/ Drainage (New Issue)

7.5.1. I note the Report of the Drainage Department dated 2nd February 2024 where it is recommended that a Request for Further Information be sought in relation to a surface water management plan to include drawings and a report and proposals to incorporate Sustainable Urban Drainage Systems (SuDS) measures in the management of surface water (including a Green Blue roof designed in accordance with the requirements of the Dublin City Council Green & Blue Roof Guidance Document (2021)), the submission of a Basement Impact Assessment and the carrying out of a Flood Risk Assessment.

7.5.2. In response, and as part of the Appeal submission, the Applicant has prepared both a Flood Risk Assessment and a Basement Impact Assessment. The Applicant has not however provided a surface water management plan (including revised drawings and a report) and proposals to incorporate SuDs measures in the management of surface water.

- *Flood Risk Assessment*

7.5.3. The Applicant has submitted a Flood Risk Assessment as part of the Appeal submission. The Flood Risk Assessment finds the site to be in Flood Zone C, i.e. at low risk of flooding. I am satisfied that the Applicant has suitably demonstrated that the proposed development is acceptable from a Flood Risk perspective.

- *Basement Impact Assessment*

7.5.4. The Applicant has submitted a Basement Impact Assessment (BIA) as part of the Appeal submission. The BIA has been prepared in accordance with recommendations set out in Section 4.0, Appendix 9 of the Development Plan. The conclusions reached in the BIA are as follows:

- The site is at a very low risk of flooding from rivers or the sea.

- The use of small diameter low impact low vibration rotary core Secant Piled (CFA) forming the semi-basement walls is anticipated to mitigate against potential damage to adjoining structures or below ground services.
- Ground movements and resultant structural distortions will be within acceptable limits by using best working practices when installing the CFA semi-basement piles (including the use of full-face support and high-stiffness temporary support systems).
- The proposed semi-basement level will be formed above the recorded groundwater level and will therefore not adversely obstruct any seepage flows. Low scale sump pumping would be sufficient to deal with any minor groundwater entries from any perched groundwater.
- As black boulder clay has low permeability there is no perceived risk to Groundwater Vulnerability or Contamination.
- There are no concerns as to the overall stability/ ground stability of the site.

7.5.5. I am satisfied that the Applicant has suitably addressed the potential impacts of the proposed basement in the form of a Basement Impact Assessment.

- *Surface Water Management*

7.5.6. The Applicant submitted 3 no. Drainage Layout Plans to the Local Authority as part of the initial planning application drawings, namely, a Ground Floor Drainage Plan (Drg. Ref. No. PA/201/B), a First Floor Drainage Plan (Drg. Ref. No. PA/202/B) and a Roof Plan Drainage Plan (Drg. Ref. No. PA/202/B). I note the proposed roof plan drawing (Drg. Ref. No. PA/006/B) shows green and blue roofs within the scheme and that Section 16 of the Architectural Design Statement refers to a series of green/ blue roofs throughout the scheme for roof-based attenuation and specifically refers to Drawing no's 2211/PA/006-009/B which includes the proposed roof plan and section drawings.

7.5.7. As noted above, the Drainage Department, as per the Report dated 2nd February 2024, sought a comprehensive surface water drainage design submission including drawings and a report in addition to a Basement Management Plan and a Flood Risk Assessment. As noted further above, the submitted Basement Management Plan and Flood Risk Assessment are both considered to be acceptable and serve to

suitably address the issues raised. I note the guidance and recommendations set out in Appendix 11 (Technical Summary of Dublin City Council Green & Blue Roof Guide), Appendix 12 (Technical Summary of Dublin City Council Sustainable Drainage Design & Evaluation Guide (2021)) and Appendix 13 (Surface Water Management Guidance). I also note Dublin City Council's (DCC) Green & Blue Roof Guide (2021) and Development Plan Policy SI23. In the event of a Grant of permission being issued, a condition should be attached whereby final surface water arrangements can be agreed with the Planning Authority prior to the commencement of any work on site.

7.6. Other Matters

- *Proposed Demolition*

- 7.6.1. The existing single storey light industrial building proposed for demolition has a stated floor area of 369 sqm and comprises a portal steel frame structure with block walls and a part galvanised/ part asbestos sheet roof. I note policy CA6 of the development plan seeks to promote and support the retrofitting and reuse of existing buildings rather than their demolition and reconstruction, where possible. Section 15.7.1 of the Plan, as quoted above in Section 5.1.8 of this Report, relates to the Re-Use of Existing Buildings. The Applicant in this case has not submitted a demolition justification report.
- 7.6.2. In my opinion, owing to the scale, nature, use and format of the existing single storey light industrial building, together with the limited extent of building materials used in the construction of the building, I do not consider a demolition justification report is warranted in this case. Furthermore, I consider that the existing building, by reason of the extent of existing asbestos roof sheeting, presents limited opportunity for the reuse of existing building materials.
- 7.6.3. In the event of a Grant of permission being issued, a specific prior to commencement condition should be attached which places the onus upon the Applicant to prepare a Resource & Waste Management Plan in accordance with Best Practice Guidelines for the preparation of Resource & Waste Management Plans for Construction & Demolition Projects, (EPA, 2021).

- *Planning Precedent*

7.6.4. The Applicant refers to a precedent planning case at Grafton Court East on the south side of Dublin City. While it is accepted that this said development shares similar characteristics, its setting and context is not, in my opinion, directly comparable to the subject proposal.

8.0 AA Screening

8.1.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.

8.1.2. The subject site is located in an urban area. South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024) is located c. 2 km to the east and North Bull Island SPA (Site Code 004006) and North Dublin Bay SAC (Site Code: 000206) are located c. 5 km to the east.

8.1.3. The proposed development comprises the demolition of existing single storey light industrial buildings and the construction of 6 no. houses and all associated site works.

8.1.4. No nature conservation concerns were raised in the planning appeal.

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

- Small scale and nature of the development
- Location-distance from nearest European site and lack of connections
- Taking into account the AA Screening determination by the Planning Authority

8.1.6. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

8.1.7. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

9.1. I recommend that permission be GRANTED.

10.0 Reasons and Considerations

10.1. Having regard to the Z1 (Sustainable Residential Neighbourhoods) zoning objective of the site, which seeks 'to protect, provide and improve residential amenities' as set out in the Dublin City Development Plan, 2022 to 2028, to the established vehicular access to the front of the site from St. Josephs' Avenue, to the limited scale of the proposed development on an infill site surrounded by existing residential development, it is considered that the proposed development, subject to compliance with the conditions set out below, would be in accordance with the zoning objective for the site, would be acceptable in terms of traffic safety and would provide an acceptable level of daylight penetration and residential amenity for future occupants and would not seriously injure the residential amenities of existing properties. It is considered that the proposed development would be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the plans and particulars received by An Bord Pleanála with the appeal on 21st March 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interests of clarity.

2. The Applicant shall provide a total of 6 no. car parking spaces on site as shown on the revised Basement Floor Plan (Drg. No. PA/002/C) and the

revised Ground Floor Plan (Drg. No. PA/003/C) received by An Bord Pleanála on 21st March 2023.

Reason: In the interests of clarity.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

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

Reason: To safeguard the amenities of property in the vicinity.

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

Reason: In the interests of visual and residential amenity.

6. Prior to the commencement of development the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

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

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

Reason: In the interest of public health.

8. Final arrangements for the collection of waste from the subject site shall be agreed with the planning authority, in writing, prior to the commencement of any work on site.

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

9. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including management of construction traffic, noise management measures and off-site disposal of construction/demolition waste.

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

10. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

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

11. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. [The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority]. No advertisements/marketing signage relating to the

name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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

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

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

13. (a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant residential units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in

which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

14. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site upon cessation of the project coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure satisfactory reinstatement of the site.

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

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

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

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

Frank O'Donnell
Planning Inspector

29th November 2024

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-319359-24		
Proposed Development Summary	Demolition of single storey light industrial buildings. Construction of 6 houses and all associated site works.		
Development Address	1-2 Saint Joseph's Avenue, Drumcondra, Dublin 9, D09 YV00 & D09 EK46		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	X	Class 10 b) (iv) Urban Development	Proceed to Q3.
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No	X	Class 10 b) (iv) Urban Development. (Threshold is Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.)	Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes		Class 10 b) (iv) Urban Development. (Threshold is Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.)	Preliminary examination required (Form 2)

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

Inspector: _____ Date: _____