



An  
Coimisiún  
Pleanála

## Inspector's Report

### ABP-322340-25

<b>Development</b>	Demolition of buildings, construction of 4 storey building with medical centre and 9 apartments with all associated site works
<b>Location</b>	The existing commercial premises Church Road, East Wall, Dublin 3, (bounded by Church Road) D03 XY06
<b>Planning Authority</b>	Dublin City Council North
<b>Planning Authority Reg. Ref.</b>	WEB2329/24
<b>Applicant</b>	EWD3 Developments Ltd
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant</b>	Steve O Connor
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	27 <sup>th</sup> June 2025
<b>Inspector</b>	Matthew O Connor

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## **1.0 Site Location and Description**

- 1.1. The appeal site is 0.39ha and located on a corner plot at the southern end of Church Road and its junction with Blythe Avenue in the East Wall area of Dublin City. The site is largely occupied by an existing single storey building - the former East Wall Credit Union, which is currently idle. The boundaries of the appeal site are mainly composed of a high level dashed wall on the southern, western and part-northern boundaries with only a low-level wall and gated access to the building fronting on Church Road. The east (side) of the site adjoins No. 45 Blythe Avenue which is the end of a terraced row of established two-storey dwellings. These dwellings face south with their rear gardens and back entrances facing Church Road. To the south of the site, adjacent to Blythe Avenue, is a railway line which serves the old docklands area/Dublin Port. To the west of the site there is a small cul-de-sac, Malachi Place, which contains a vehicle services/repair garage and single storey cottages.
- 1.2. The character of the surrounding area is predominantly residential with the majority of houses comprising two storey terraced dwellings intermixed with some single storey cottages. There are a number of shops and local services on Church Road some 350 metres from the site. Further retail and café/food outlets are also situated around the junction of Church Road and East Wall Road some 580 metres from the appeal site. In terms of public transport, Church is served by Dublin Bus with a stop some 40 metres to the east of the site and there are further routes from bus stops at East Road some 500 metres to the east. The Spencer Dock Luas stop is approximately 800 metres walking distance from the site. It is also approximately 800 metres walking distance to the Docklands Rail Station. There are no protected structures on or adjoining the appeal site and it is indicated as being within a located within a defended Flood Zone.

## **2.0 Proposed Development**

- 2.1. The proposed development comprises:
- Demolition of existing single storey commercial premises.
  - Construction of a four-storey block (ranging in height between two and four storeys) consisting of a ground floor level Medical Centre and 9 no. apartments

across the upper floors (1 no. studio, 4 no. 1-bed/2-person apartments, 1 no. 2-bed/3-person apartment and 3 no. 2-bed/4-person apartments).

- Communal open space at third floor level.
- Pedestrian and cyclist access from Church Road.
- Emergency exit to Medical Centre from Blythe Avenue.
- Refuse storage/plant areas; bicycle parking, elevational signage and P.V. panels.
- All associated site works.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

3.1.1. Grant permission for the development, subject to 18 no. conditions. Whilst many of the conditions are generally standard, I make reference to the following conditions of note:

- Condition 1: Development carried out in accordance with plans and particulars.
- Condition 2: Payment of a Section 48 Development Contribution.
- Condition 3: Payment of a Section 49 Supplementary Development Contribution.
- Condition 6: Requirements of Transportation Planning Division.
- Condition 7: Drainage specifications.
- Condition 8: Requirements of Iarnrod Eireann.
- Conditions 10 & 11: Noise and Air Pollution control.
- Condition 13: Taking in Charge
- Condition 14: Construction & Demolition Waste Management Plan

#### **3.2. Planning Authority Reports**

##### **3.2.1. Planning Reports**

##### **3.2.2. First Planner's Report**

- The first Planner's Report had regard to the submitted documentation, locational context of the site, planning history on site, relevant sections of the Development Plan and inter departmental/referral reports.
- It noted the 'Z1' (Sustainable Residential Neighbourhoods) zoning under the Development Plan and the proposed mixed-use development would be permissible.

- It noted that the principle of the demolition of existing buildings had been considered previously and deemed acceptable.
- The design and layout of the medical centre and apartments and the building itself are welcome on the infill site.
- The Plot Ratio is within the indicative standard of the Development Plan and the Site Coverage is marginally outside the indicative standard. Overall, it is deemed acceptable for an infill site in city.
- The Planning Authority deemed that the proposed height of the building creates a prominent corner at the junction between Church Road and Blythe Avenue and that the provision of a four-storey structure was generally considered as appropriate under a previous planning application.
- It was considered the proposal is unlikely to negatively detract from the visual amenities of the area and unlikely the proposal would negatively impact on adjoining properties in terms of loss of daylight/sunlight and overshadowing.
- All proposed units were deemed to comply with the apartment standards.
- It noted that the Transportation Planning Division requested Further Information to allow the applicant to address bicycle parking concerns.
- In relation to services and drainage, the Drainage Planning Policy and Development Control Section raised concerns regarding the management of surface water and requests Further Information.
- No issues raised with respect to Appropriate Assessment (AA) or Environmental Impact Assessment (EIA).

Further Information was sought in relation to 2 no. items which are summarised as follows:

1. (a) Proposals for the management of surface water as the underground attenuation tanks are not favourable. alternative storage mechanisms throughout the site are recommended.
- (b) New developments with roof areas in excess of 100 sq. metres shall provide for a green blue roof with attenuation provided at roof level.

(c) Applicant shall consult with Drainage Planning Policy and Development Control Section (DPPDC) prior to submission of response.

2. (a) Outline intentions for communicate to future occupiers that there will be zero car parking spaces on site.

(b) Submit revised plans for the bicycle parking areas to ensure it is of a high quality. This shall include: revised drawings of proposed bicycle parking areas; relocation of bicycle parking to within the site footprint; resident bicycle parking should include provision for alternative bicycle types to ensure high quality sustainable transport options in lieu of zero car parking; bicycle parking plans should have consideration to assigning additional space to differing bicycle types; demonstrate compliance with Section 6 of the NTA's Cycle Design Manual (2023); and, cycle parking should be secure, conveniently located, sheltered and well lit. key/fob access required to compounds.

### 3.2.3. Second Planner's Report

- The second Planner's Report provides an analysis of the applicant's Further Information response and forms the basis to grant permission with conditions.
- In relation to Item No. 1 of the Request for Further Information regarding the management of surface water, the Planning Authority noted that the response was reviewed by the Drainage Planning Policy and Development Control Section who indicated no further objection, subject to conditions.
- In relation to Item No. 2 of the Request for Further Information regarding parking details and arrangements, the Planning Authority noted that the Transportation Planning Division reviewed the response received and recommended a grant of permission with conditions.

### 3.2.4. Other Technical Reports

- Transportation Planning Division: Further information was initially requested. The section sought detail as to how the applicant intends to communicate to future occupants that the site has zero car parking spaces; and, revised bicycle parking details. A subsequent report received had no objection subject to conditions.
- Drainage Planning Policy and Development Control Section: Further Information initially requested. The section was not in favour of the proposed underground

attenuation tanks and noted that a green blue roof should also be provided. A subsequent report had no objection, subject to a number of condition(s).

### **3.3. Prescribed Bodies**

- Uisce Éireann – No response received.
- Iarnrod Eireann – Observations only. The observations relate to construction and operation considerations so that the development does not conflict with railway operations or the residents.
- Transport Infrastructure Ireland (TII) – No objection, subject to condition(s) applying a Section 49 Supplementary Development Contribution levy in relation to the Luas Red Line Docklands Extension (Luas C1).
- National Transport Authority (NTA) – No response received.

### **3.4. Third Party Observations**

3.4.1. 2 no. third party observations were submitted in relation to the subject development. The main issues raised in both observations are summarised as follows:

- Application should be declared invalid due to false/misleading answers on application form in relation to flooding history, planning history and pre-planning consultations.
- The proposed four storey development is considerably higher than existing properties and is not similar in scale and proportion.
- The provision 9 no. apartments is considered to very dense in a small area.
- The development would not be appropriate as no car parking is proposed for apartments or medical centre. Parking is currently hard to find on Blythe Avenue and Church Road.
- Residential amenity concerns such as encroachment, loss of privacy, overlooking overshadowing and loss of light.
- Depreciation of property value in the vicinity of the site.
- The type of medical centre queried in terms of intended use; type of patients; and, proposed opening hours.
- Construction and site traffic could result in blocked footpaths and dangerous conditions at an already hazardous junction.

- The development would strain on sewerage and drainage systems and effect water pressure in the area. Construction debris could clog-up drains.
- Construction Impacts from noise and disruption during building works and potential damage to older buildings from vibrations during digging and drilling.
- 1 no. objection includes names and addresses of 26 no. properties on Church Road, Blythe Avenue and Malachi Place who are indicated as being in agreement with the observations of the submission.

## 4.0 Planning History

- 4.1. There have been a number of proposals for the redevelopment of the subject site with the following planning history noted:

**ABP Ref. 315256-22 (3283/22):** Permission REFUSED by An Bord Pleanála who overturned the decision of Dublin City Council to grant permission for the demolition of the existing single storey commercial premises and the construction of a two to four-storey apartment block with the upper floors set back, to provide for 13 no. apartments (1 no. studio, 7 no. 1-bed/2-person apartments, 1x 2-bed/3-person apartment and 4 no. 2-bed/4-person apartments) with balconies to the west and south elevations and a communal open space at third floor level. The proposed development will also provide for pedestrian and cyclist access from Church Road, a separate access to Unit 4 from Blythe Avenue, associated internal refuse and storage for 34 no. bikes at ground floor level, associated signage to the northern elevation of the development along Church Road, plant, P.V. solar panels at roof level and all associated site and engineering works necessary to facilitate the development. Applicant: EWD3 Developments Ltd.

An Bord Pleanála's reason for refusal states as follows:

*The proposed development, which is located within a (defended) high-risk flood zone, proposes a residential use at ground floor level, which is considered to be a highly vulnerable use in a flood risk area. The Board considers that such a use poses an unacceptable risk to future occupants of the ground floor residential units. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

*In deciding not to accept the Inspector's recommendation to grant permission, subject to conditions, the Board agreed with, and accepted, the Inspector's*



*recommendation with regard to scale, height and massing of the proposed development, and also agreed with the Inspector's assessment as to an alternative, less vulnerable use, at ground floor level. However, the Board considered that such a use at ground floor level was a significant material alteration to the proposed development, as originally described in the public notices, and the Board considered that this matter could not be addressed by way of condition.*

**ABP Ref. 307987-20 (2773/20):** Permission REFUSED by An Bord Pleanála who upheld the decision of Dublin City Council to refuse permission for the demolition of the existing single storey commercial premises and the construction of a two to four-storey apartment block with the upper floors set back, to provide for 13 no. apartments (6 no. 1-bed apartments and 7 no. 2 bed apartments) with balconies to the north, west and south elevations. The proposed development will also provide for pedestrian and cyclist access from Church Road and emergency pedestrian access onto Blythe Avenue, associated internal refuse and bike storage at ground floor level, associated signage to the northern elevation of the development, along Church Road, plant, P.V. solar panels at roof level and all associated site and engineering works necessary to facilitate the development. Applicant: MKN Property Group.

An Bord Pleanála's reason for refusal states as follows:

*Having regard to the restricted size of the site, it is considered that the proposed development represents an overdevelopment of the site by reason of an excessive number of apartment units, in particular of units with a single aspect facing generally north, which, in conjunction with the absence of communal open space and a minimal provision of other facilities within the proposed development would result in a substandard level of amenity and services for future residents. The proposed development would, therefore, seriously injure the residential amenities of the area, would represent overdevelopment of the site, and would not be in accordance with the proper planning and sustainable development of the area.*

**2675/21:** The development will consist of the demolition of the existing single storey commercial premises and the construction of a two to four-storey apartment block with the upper floors set back, to provide for 13 no. apartments (1 no. studio, 7 no. 1-bed/2-

person apartments, 1 x 2-bed/3-person apartment and 4 no. 2-bed/4-person apartments) with balconies to the west and south elevations and a communal open space at third floor level. The proposed development will also provide for pedestrian and cyclist access from Church Road, a separate access to Unit 4 from Blythe Avenue, associated internal refuse and storage for 34 no. bikes at ground floor level, associated signage to the northern elevation of the development along Church Road, plant, P.V. solar panels at roof level and all associated site and engineering works necessary to facilitate the development. Status: WITHDRAWN. Applicant: EWD3 Developments Ltd.

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1. The Dublin City Development Plan 2022-2028 is the relevant Development Plan for the subject site. The site is zoned 'Z1' - Sustainable Residential Neighbourhoods with an objective *'to protect, provide and improve residential amenities'*. Permissible uses include residential, medical and related consultants and buildings for the health, safety and welfare of the public. It is noted that the row of houses along Blythe Avenue which adjoin the appeal site to the immediate east are zoned 'Z2' – Residential Neighbourhoods (Conservation Areas).

5.1.2. Chapter 3 relates to 'Climate Action' and contains various policies and objectives for addressing climate change challenges through mitigation and adaptation. I consider the following policies to be of relevance:

- *Policy CA3: Climate Resilient Settlement patterns, Urban Forms and Mobility.*
- *Policy CA9: Climate Adaptation Actions in the Built Environment.*

5.1.3. Chapter 4 relates to 'Shape and Structure of the City' and it is the aim for Dublin City's future development to achieve a high quality, sustainable urban environment, which is attractive to residents, workers and visitors. Compact growth is encouraged by promoting appropriate infill development (developing vacant or underused land), and the use of brownfield lands and sites. There will be targeted growth along important transport corridors and the inner city is indicated as a priority area. The relevant policies from this section are:

- *Policy SC1: Consolidation of the Inner City.*
- *Policy SC2: City's Character.*
- *Policy SC3: Mixed Use Development.*
- *Policy SC5: Urban Design and Architectural Principles.*
- *Policy SC8: Development of the Inner Suburbs.*
- *Policy SC10: Urban Density.*
- *Policy SC11: Compact Growth.*
- *Policy SC12: Housing Mix.*
- *Policy SC20: Urban Design.*

5.1.4. Chapter 5 relates to 'Quality Housing and Sustainable Neighbourhoods' and the aim to create a compact city with sustainable neighbourhood. It is deemed fundamental that quality housing is provided which is suitable for citizens throughout their lives and adaptable to people's changing circumstances. I consider the following policies/objectives to be of relevance:

- *Policy QHSN6: Urban Consolidation.*
- *Policy QHSN10: Urban Density.*
- *Policy QHSN22: Adaptable and Flexible Housing.*
- *Policy QHSN36: High Quality Apartment Development.*
- *Policy QHSN37: Homes and Apartments.*
- *Policy QHSN38: Housing and Apartment Mix.*

5.1.5. Chapter 8 relates to 'Sustainable Movement and Transport'. The Development Plan states that sustainable and efficient movement of people and goods is crucial for the success and vitality of the city. The Plan seeks to promote ease of movement within and around the city and play a key role in safeguarding the environment and adapting to climate change impacts. The policy approach promotes integration of land use and transportation, and improved public transport and active travel infrastructure such as walking and cycling. The relevant policies and objectives of this chapter include:

- *Policy SMT1: Modal Shift and Compact Growth.*
- *Objective SMT01: Transition to More Sustainable Travel Modes.*
- *Policy SMT27: Car Parking in Residential and Mixed Use Developments.*

5.1.6. Chapter 9 relates to 'Sustainable Environmental Infrastructure and Flood Risk'. The Plan acknowledges that for Dublin to continue to grow and develop, sustainability of energy, water, waste management and resource efficiency needs to be improved. The policies and objectives in the Development Plan are intended to provide for a more holistic and nature-based approach to flood risk and surface water management. I consider the relevant policies/objectives to be as follows:

- *Policy SI13: Minimising Flood Risk.*
- *Policy SI14: Strategic Flood Risk Assessment.*
- *Policy SI15: Site-Specific Flood Risk Assessment.*

5.1.7. Chapter 15 relates to 'Development Standards' and sets out the standards and criteria to be considered in the development management process. This chapter is wholly relevant in relation to the assessment of developments, however the following sections are considered to be of particular note:

- *Section 15.4: Key Design Principles*
- *Section 15.5: Site Characteristics and Design Parameters*
- *Section 15.5.2: Infill Development*
- *Section 15.6: Green Infrastructure and Landscaping*
- *Section 15.8: Residential Development*
- *Section 15.9: Apartment Standards*
- *Section 15.14 : Commercial Development/Miscellaneous*
- *Section 15.14.6 : Medical and Related Uses*
- *Section 15.16: Sustainable Movement and Transport*
- *Section 15.18: Environmental Management*
- *Section 15.18.14: Flood Risk Management*

5.1.8. Volume 2 of the Development Plan contains a number of appendices containing notes and standards for various development types. Appendix 5 - 'Transport and Mobility:

Technical Requirements' is particularly relevant to the subject appeal and sets out car/bicycle parking.

### 5.3. National and Regional Plans

5.3.1. The following regional and national planning documents are relevant:

- *Project Ireland 2040 - National Planning Framework (NPF), 2018-2040*
- *Eastern & Midland Regional Assembly: Regional Spatial & Economic Strategy (RSES) 2019 to 2031.*

### 5.4. National Guidance

5.4.1. The following national planning guidance are relevant:

- *National Planning Framework - First Revision (2025)*
- *Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024).*
- *Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2023).*
- *Urban Development and Building Height: Guidelines for Planning Authorities (2018).*
- *Development Management: Guidelines for Planning Authorities (2007).*
- *Quality Housing for Sustainable Communities: Design Guidelines (2007).*

### 5.5. Natural Heritage Designations

5.5.1. The appeal site is located within a built-up urban area and is not located on or within any designated Natura 2000 sites. The nearest designated sites are indicated as the South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024) approximately 0.92km to the northeast; the South Dublin Bay Special Area of Conservation (Site Code: 000210) approximately 2.51km to the southeast; the North Bull Island Special Protection Area (Site Code: 004006) approximately 3.8km to the northeast; the North Dublin Bay Special Area of Conservation (Site Code: 000206) approximately 3.81km to the northeast; the North-west Irish Sea Special Protection Area (Site Code: 004236) approximately 5.92km to the east; the Baldoyle Bay Special Area of Conservation (Site Code: 000206) approximately 8.88km to the northeast; and, the Baldoyle Bay Special Protection Area (Site Code: 004016) approximately

8.95km to the northeast; and, the Royal Canal Proposed Natural Heritage Area (Site Code:002103) is approximately 0.14km to the west.

## **6.0 EIA Screening**

- 6.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

The Third Party appeal has been received in relation to the Planning Authority's decision to grant permission for the subject development. The grounds of appeal can be summarised as follows:

#### *Validity of Application and Further Information*

- The Further Information provided by applicant should have been made available for public to make observations.
- The application should have been declared invalid.
- The Drainage Planning Policy and Development Control Section were not in favour of the underground attenuation tanks. It is queried whether the applicant provided alternative proposals or not and how the Planning Authority deemed the feasibility of the plans.
- It is queried whether plans been provided for a green blue roof.
- It is queried if the applicant consulted with the Drainage Planning Policy and Development Control Section as requested under Item 1(c) of the Further Information Request.
- It is queried if the applicant submitted revised bicycle parking details and why the information was not made available to view and no observations allowed.
- In relation to Item 2(b)(ii) of the Further Information Request, the application should have been declined as parking on the public footpath is not allowed.

- This is the fifth application on the site and the applicant has not addressed the bicycle situation.
- Bicycle parking is being proposed as the applicant knows that there is no parking available in the area. Doctors, nurses and patients require car parking. Patients arriving for medical attention do not normally arrive on bicycles.

#### Flood Risk

- The applicant was required to provide a Flood Risk Assessment for every application made since 2020. No Flood Risk Assessment was provided with current application and so the Planning Authority should not have granted permission.
- The applicant stated 'No' on application forms regarding knowledge of previous site flooding. However, they would be aware that the Planning Authority have asked for reports on safety measures from future flooding.
- Permission was not granted under Reg. Ref. 3283/22 because of possible flooding on the ground floor.

#### Height and Loss of Value

- The four storey building will not blend in with the neighbouring properties as it is not of similar scale and proportion.
- The development would be seriously injurious to the amenity of existing neighbouring residents and depreciate value of property in the vicinity.

#### Car Spaces

- The development would not be appropriate for purpose as there are no car parking facilities. The Medical Centre will have doctors, nurses and patients and most will arrive by car. The people in the apartments will have visitors and a percentage will arrive by car.

#### Privacy, Encroachment and Overshadowing.

- The proposal will encroach on neighbouring properties as the development is attached to a row of terraced houses.
- The four storey block will overshadow and block natural sunlight of the surrounding houses and gardens.

- Balconies and probable roof access will have a major impact on the privacy of neighbours from overlooking.

#### Construction Site & Traffic

- The site is at a hazardous double junction. Construction vehicles will block paths and make the area more dangerous should works start.
- Noise and disruption during construction could have a detrimental effect on local residents (pensioners and young families).
- Vibrations from drilling and digging could undermine the older houses' foundations and structures.
- There is no room to erect a crane, construction workers cabin or vehicle parking on the site and the surrounding road network is constrained.
- Site work will be an inconvenience to local residents.

#### Sewerage, Drainage and Water Pressure

- The development would put extra strain on sewerage and drainage systems and effect water pressure in the area.
- Concerns that debris from construction could block-up the already bad drainage system.

#### Medical Centre

- The rationale for a medical centre is queried. There are 2 no. medical centres on within 100 metres of the site.
- It will be impossible to convince any business to buy/rent a ground floor of a building where staff and patients have to walk or cycle.

#### Conditions

- Condition 6(a) cannot or will not be enforced as residents of the apartments will not adhere to the rule of not purchasing a car.

## **7.2. Applicant Response**

7.2.1. A response has been received on behalf of the applicant which is summarised as follows:



### Validation of Application

- The reasons for invalidation under previous application Reg. Ref. WEB2294/24 were addressed and the current application must be assessed on its own merits.

### Response to Request for Further Information

- The Further Information response was not considered significant by the Planning Authority and so there was no requirement to provide new public notices.
- All information submitted regarding the further information response is available on the Dublin City Council Citizens Portal.
- Claims that Item No. 1 of the Further Information Request was not addressed are unfounded as a robust response was submitted in relation to attenuation and green-blue roof along with consultation with the Planning Authority.
- A response was also provided to Further Information Request No. 2 setting out the bicycle parking and detailing compliance with standards. The response was deemed to be acceptable by the Planning Authority.

### Bicycle Parking

- A revised scheme was submitted with Further Information response addressing the Planning Authority's concerns in relation to bicycle parking.
- Bicycle parking (in excess of the required standards) and the exclusion of car parking is considered appropriate for the site given its city location. The proposal accords with Development Plan policies and objectives for active travel, walking and cycling.

### Medical Centre

- The Medical Centre will provide additional medical facilities and services in this location and accommodate changing demands and needs of healthcare staff and patients.
- The Planning Statement provided a map of existing Medical Centres within 1km radius of the site and demonstrated that there would not be an over-concentration of medical services in the locality.
- Sufficient bicycle parking is provided for the patients and staff of the Medical Centre and there are active travel options and public transport available to serve the Medical Centre.

- There are no minimum number of parking spaces required for medical facilities and as such, parking has been omitted. This is common practice for city centre locations.
- The matter of tenancy agreement of the Medical Centre is a commercial matter and not a planning issue.

#### Car Parking

- In terms of the non-provision of car parking, the Development Plan seeks to limit car parking and promote walking, cycling and active travel options.
- The subject site is in close proximity to the city centre and is very well connected and served by public transport as it is located within a 1km radius of the DART, Luas and several bus stops.
- The site is in Zone 2 where 1 no. space per dwelling (maximum) applies but there is no minimum parking requirement for apartment developments.
- Given the site constraints, extensive cycle parking is proposed in favour of the non-provision of car parking along with a car share option.

#### Flood Risk

- The appellant's statement in relation to Flood Risk Assessments is false as a Flood Risk Assessment was included with the Engineering Services Report and provides a detailed analysis of flood risk.
- A series of measures to comply with Dublin City Council's Strategic Flood Risk Assessment have been included such as the provision of a less vulnerable commercial development at ground floor level; emergency evacuation plan for upper floor areas in event of flood defence breach; and, flood resilient building techniques.
- The proposed measures and flood risk issues on the site have been discussed through consultation with the Planning Authority.
- The subject site has not been confirmed as a flooding location during the 2002 tidal flooding event. It is identified as an area of possible flooding but this is not confirmed by Dublin City Council.
- The Drainage Planning Policy and Development Control Section, who have no objection to the proposal, did not request an appropriate Flood Risk Assessment as part of this application as claimed by the appellant.

- The requirements Condition No. 7 are considered to be standard condition measures to ensure best practice in terms of flood risk and consistency with Dublin City Council standards.

#### Height and Loss of Value

- The appellant has not provided any evidence that the proposal would depreciate property value in the vicinity.
- Previous assessments of the Planning Authority and An Bord deem the four storey building height to be appropriate for this location.
- The proposal is an example of sustainable compact growth in the 'Dublin City and Suburbs' location and ensures efficient use of resources, services and public transport infrastructure.
- The perceived loss of value surrounds the potential for injury to amenity of existing neighbouring residents. It is not likely to result in a decrease of housing value within the East Wall area.

#### Privacy, Encroachment and Overshadowing

- The sunlight and daylight assessment show no unreasonable impact on overshadowing from the proposal and that it will not block sunlight from the gardens and living spaces of adjoining properties.
- The proposal is not overbearing within the context of the subject site and design features, such as setbacks and recessed balconies, have been implemented to ensure impacts of overlooking are avoided.
- The height and scale of the development, as previously submitted, was deemed as acceptable to An Bord Pleanála and Dublin City Council. Therefore, the proposal should be considered acceptable again.

#### Construction and Site Traffic

- The Preliminary Construction Management Plan outlines that Contractors will prepare a Traffic Management Plan for agreement with the Planning Authority.
- Necessary steps will be put in place to reduce effects associated with the demolition/construction of the development on neighbouring residents.
- The Preliminary Construction Management Plan outlines that Contractors will prepare a Noise, Dust and Vibration Monitoring Plan. Appropriate mitigation for noise and vibration will be implemented.

- Works will take place during standard construction hours to avoid impacts on neighbouring residents.
- Construction vehicles, including the crane, will be managed through the Traffic Management Plan which will be agreed with the Planning Authority prior to development works.
- All vehicle access will be controlled and monitored to reduce impact on the local road network and minimise disruption to neighbouring properties. This is a common construction matter within a city centre location.
- Site works are expected to take 12-14 months. Given the nature of the apartment development, there will be a Level of disruption and inconvenience to surrounding residents during this period which is unavoidable.

#### Sewerage, Drainage and Water Pressure

- Sewerage and drainage will be separated and discharge separately prior to connecting to the combined network. There is adequate capacity for drainage and discharge and no adverse impacts are anticipated to the existing service systems.
- Confirmation received from Uisce Eireann states the network has adequate capacity to facilitate water demand.
- Site attenuation will be provided to minimise storm water discharges and the design was deemed acceptable by the Planning Authority.

#### Transport Condition

- The appellant's understanding of Condition 6 is confused in implying a rule for purchasing a personal vehicle. The condition states that car parking will not be available for any vehicles owned by potential buyers/renters of apartments and is reasonable to ensure future occupants are clear on the parking facilities.

### **7.3. Planning Authority Response**

- A response from the Planning Authority has been received on file and states that *'the Planning Authority would request that the Bord uphold our decision'*. The response indicates a number of conditions to be attached in the event of a grant of permission.

### **7.4. Observations**

- None.

## 8.0 Assessment

Having examined the application details and other associated documentation on file, the third party appeal, having conducted an inspection of the site, and having reviewed relevant local policies and guidance; I consider the main issues in this third party appeal can be addressed under the following headings:

- Principle of Development.
- Design & Layout
- Impact on Residential Amenity
- Traffic & Parking
- Water Services & Drainage
- Other Matters
- Appropriate Assessment (Screening).

### 8.1. Principle of Development

8.1.1. In assessing any development, I consider that a key consideration for the assessment of the proposal is the principle of development. The proposed development seeks to demolish the existing vacant commercial building and construct a new four storey mixed-use building comprising ground floor medical centre and 9 no. apartments. The appeal site is zoned 'Z1' - Sustainable Residential Neighbourhoods where the objective is *'to protect, provide and improve residential amenities'*. I note the residential, medical and related consultants, and buildings for the health, safety and welfare of the public are listed as 'permissible uses' in this zoning designation. The assessment of the Planning Authority considered that the proposed mixed-use development comprising apartments and medical centre as being acceptable. In my view, I note there have been previous considerations for an apartment development on the site and the applicant has sought to introduce the non-residential use of the medical centre to overcome concerns raised in terms of flood risk concerns. To this end, I consider that the proposal to be acceptable in principle and would be consistent with the land use zoning objective. Notwithstanding, it is imperative that such a proposal is assessed against the relevant parameters of the Development Plan and these matters will be assessed in the following sections.

## **8.2. Design & Layout**

- 8.2.1. The grounds of appeal states that the proposed development would not blend in with the neighbouring properties and is not of a similar scale or proportion. In considering the proposed development, I note that the existing building on the site has an industrial-type appearance and I do not consider it to have any remarkable features which would merit its retention. As such, I would not be opposed to the demolition of the building to facilitate the redevelopment of the site.
- 8.2.2. In terms of assessing the general design and configuration of the proposal, the proposed medical centre will be confined to the ground floor level and comprise 5 no. consultancy rooms, a nurses room, reception lounge, waiting spaces, admin office and associated toilets and staff spaces. I consider the layout of this element to be sufficient for the intended use. With respect to the residential element of the proposed development, I note that the scheme has been altered from the previous proposal refused under ABP Ref. 315256-22 (D.C.C Reg. Ref. 3283/22) with the total number of apartments being reduced from 13 no. to 9 no. units on account of the omission of the residential use at ground floor level. I am satisfied in this regard that the decrease in apartment units addresses previous concerns of An Bord Pleanála in respect of ABP Ref. 307987-20 (D.C.C 2773/20) which was refused on the basis of overdevelopment by reason of an excessive number of apartment units.
- 8.2.3. The 9 no. apartments proposed comprise 1 no. studio unit; 4 no. 1-bed/2-person apartments; 1 no. 2-bed/3-person apartment; and 3 no. 2-bed/4-person apartments across the first, second and third floor. From review of submitted particulars, I note that all units at least meet and or exceed the minimum requirements set out in the relevant Section 28 Guidelines for apartments and that communal space has also been incorporated as part of the proposal. On this point, I note that the Planning Design Standards for Apartments Guidelines for Planning Authorities were published on the 8<sup>th</sup> of July 2025 and that Section 1.1 of this document states that the Guidelines only apply to planning applications submitted after the publication of the guidelines. In the interest of clarity, I am therefore satisfied that the new guidelines are not relevant to the current appeal. Overall, I consider that the proposed apartments would achieve a good standard of living accommodation to future occupants.

8.2.4. In relation to the height and massing of the proposal, I note the contention of the appellant that the proposal does not match the established dwellings at Blythe Avenue and Church Road. Notwithstanding, it is my opinion that the established development in this area of East Wall are of their time and the proposed redevelopment of this corner site with a contemporary four storey building corresponds with achieving compact urban development at an appropriate scale. I do not consider that the proposed development would detract from character of existing dwellings in the immediate vicinity as the building on this corner plot will step down to two storeys in height to address the existing row of dwellings along Blythe Avenue and those on the opposing sides of Church Road. Additionally, I am of the view that the proposal would create its own independent form on this part of Church Road. I further acknowledge that previous assessments by An Bord Pleanála deemed the height, scale and massing of the block to be acceptable and I note that the overall design of the subject development remains fundamentally similar in form to previous proposals. I am of the view that the provision of a four storey building on this site to be acceptable and that the external finishes

8.2.5. In conclusion, I consider that the proposed four-storey mixed-use development on the appeal site would be acceptable and will not detrimentally affect the character of the site or wider East Wall area. I also consider the design would represent a contemporary urban development that is consistent with policy provisions set out in the Development Plan through to national planning guidance for compact urban development on serviced lands within the built-up area of Dublin City.

### **8.3. Impact on Residential Amenity**

8.3.1. The appellant raises concern in respect of adverse residential amenity impacts from the proposed development on account of overshadowing, loss of natural light, overbearance, and overlooking/loss. In the interests of clarity, I shall consider each topic under the following sub-headings:

#### *Loss of Privacy and Overlooking*

8.3.2. According to the appeal, the privacy of neighbouring properties will be impacted and overlooked from the balconies of the apartments and probable use of the roof level. The applicant's response to the appeal disputes that there will be impacts on privacy or overlooking and outlines design features to address amenity concerns.

8.3.3. In considering concerns of overlooking and loss of privacy, I have had regard to the layout/configuration of the proposed apartments to the upper floor levels and I note that all balconies are to be positioned on the west-facing and south-facing elevations respectively at first, second and third floor level. The balconies are set into the building which prevent eastward views. I also note that the communal terrace at third floor level is to contain a 1.8 metre high opaque screen on the eastern part of the block so as to limit views along Blythe Avenue. In this regard, I do not consider that there are any significant privacy or overlooking issues to the neighbouring properties. Moreover, having regard to layout of the proposed development, I consider that there is adequate separation from the apartments to the front elevations of the dwellings to the west and northwest on Church Road. I also note that the windows on the eastern elevation of the proposed block are indicated as having opaque glazing. Therefore, I do not consider that there will be any undue overlooking or diminishment of privacy from the proposed development.

#### Overshadowing and Loss of Light

8.3.4. The appeal claims that the proposal would lead to overshadowing which will negatively impact on existing residences in proximity to the site and result in the loss of light. I note that the applicant submitted a Sunlight, Daylight and Shadow Assessment for the subject development which considers impacts on the neighbouring properties. Having reviewed this assessment, I note that it has been concluded that neighbouring properties will generally not be affected by the proposed development in terms of skylight, sunlight and shadow and that the development will be in accordance with best practice guidelines. I consider the assessment to be adequate. Having considered the layout and orientation of the subject development in the built context of the existing dwellings, it is my view that the proposed development would be acceptable.

#### Overbearing

8.3.5. Having regard to the grounds of appeal, I would acknowledge that there would be a change in the surrounding context for residential properties along the cul-de-sac of Blythe Avenue which contains a terraced row or two-storey houses and the predominance of two-storey dwellings in this section of Church Road to the north and north west of the appeal site. However, I am of the view that in established, built-up, residential areas it is to be expected that there would be contextual change arising



from new development of adjacent residential properties. I have already outlined my considerations that the height and scale of the proposal is acceptable and to this end, it is my opinion that the change of site context is not one that can be deemed to give rise to a significant overbearing impact. I note that the proposed has been designed with the block stepping down from four storeys to two storeys to address the adjoining terraced dwellings on Blythe Avenue. On balance, I therefore consider that the proposed development would provide sufficient distances and setbacks to the neighbouring dwellings to ensure the block would not be overbearing. Moreover, it is my view that given the proposal relates to the redevelopment of a corner plot, it would also be read in its own context and setting at this section of Church Road.

#### Construction Impacts

- 8.3.6. The appellant refers to construction works having an impact of residents in terms nuisance/inconvenience, noise and the potential for vibrations from drilling and digging to undermine the structures/foundations of older dwellings in the vicinity. In response to the appeal, the applicant has indicated their consideration of construction-related impacts particularly in relation to noise and vibration as set out in the Preliminary Construction Management Plan. In my consideration of the proposal, I acknowledge the demolition and construction stages could present a nuisance and inconvenience for existing residents; that said, I am of the view that same would be limited to this phase of development and is to be reasonably expected in relation to properties proximate to a site. With particular regard to noise and vibration, I am satisfied that conditions can to be imposed that mitigate against any undue nuisances arising from the development, should the Commission grant permission. Furthermore, given the location of the site in a built-up urban area, I do not consider that operational stage of this residential scheme would result in any undue or exceptional noise impacts on the neighbouring residential properties.

#### Conclusion

- 8.3.7. Overall, in relation to the concerns of impacts on residential amenity in the vicinity of the site, I am satisfied, having regard to the location, design and layout of the proposed building that the development would not give rise in any undue diminishment to residential amenities of existing neighbouring properties, particularly in terms of overlooking, loss of privacy, overshadowing/loss of light and overbearance.

#### **8.4. Traffic and Parking**

- 8.4.1. The appellant raises a number of traffic and parking concerns in relation to the proposed development. The subject site does not currently have on-site parking availability and the proposed development does not include provision of car parking for the medical centre or the apartments. The rationale for the non-provision of car parking has been set out by the applicant in the submitted Traffic and Transportation Statement. The assessment of the Transportation Planning Division indicated their openness to the non-provision of car parking having regard to the site location and proximities to local amenities, the city centre and available public transport.
- 8.4.2. In assessing traffic/transport considerations, I note that at time of my inspection I observed vehicles to be parked in an uncontrolled manner in the surrounding area but there was car parking available along Church Road and around the area of appeal site. I do acknowledge however that my inspection was carried out in the early afternoon and that there may be additional vehicles parked in this area at evenings and weekends when residents are likely to be at home.
- 8.4.3. In terms of traffic generation, I consider that the proposed medical centre would attract patients along with the associated staff throughout the day which will result in increased activities in and around the site. In addition, the provision of 9 no. apartments may also result in increased demand for car parking in this area. That said, having visited the site, it is my view that there is capacity in the locality to accommodate car parking for the medical centre in addition to the dropping-off/collection of patients. Furthermore, I do not consider that the modest increase in 9 no. apartments would result in significant additional vehicle movements or exceptional traffic volumes existing the road network or available street parking when considered in the context of the established residential setting in East Wall/Church Road.
- 8.4.4. As a further point, the subject site is located in an area served by public transport with the Dublin Bus Route 53 (Talbot St. to Dublin Ferryport) located approximately 40 metres to the east and the Routes 151 (Docklands (East Rd.) to Foxborough (Balgaddy Rd.)) and N4 (Point Village to Blanchardstown Shopping Centre) are also approximately 500 metres to the east of the site on East Road. The appeal site is also 800 metres walking distance from the Docklands rail station and the Spencer Dock Luas stop. I therefore consider the appeal site to be in an adequately serviced area

which is proximate to public transport and Dublin City centre and I am of the view that the non-provision of vehicular parking to be justified. Additionally, I consider the non-provision of parking would be in accordance with the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) and the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2023) which inform that car parking should be minimised, substantially reduced or wholly eliminated at locations that have good access to urban services and to public transport.

8.4.5. The grounds of appeal also claim that construction works and associated construction-related traffic may impact on traffic safety in the area. Having reviewed the submitted particulars, the Preliminary Construction Management Plan, I note that the applicant has had regard to traffic management in relation to construction traffic and disturbance to neighbouring residences. The document indicates that a Traffic Management Plan will be prepared and agreed with the Local Authority and outlines details for collections and deliveries. I am of the view that constructed-related traffic impacts have been considered by the applicant and that such matters could be appropriately addressed by way of condition in the event of a grant of permission.

8.4.6. I have considered the extent of bicycle parking proposed which includes a total of 40 no. bicycle spaces in a secure area at ground floor level. It is my view that the parking is appropriate as it exceeds the minimum standards as set out in the Development Plan and is acceptable in terms of its arrangement and access.

## **8.5. Water Services and Drainage**

8.5.1. The appellant claims the proposed development would strain the existing drainage infrastructure and impact on water pressure. Additionally, it is also stated in the grounds of appeal that construction-related debris could potentially block the existing badly drained system. The development is to connect to the public water mains and sewer network. I note that there is no correspondence on the file from Uisce Eireann in respect of this proposal. Notwithstanding, I consider that a connection to the existing foul and water infrastructure would be acceptable having regard to the scale of the development in an existing built-up area and would unlikely constraining the existing service network. In the event of a grant of permission, a condition requiring compliance with Uisce Eireann standards/best practice can be attached.

- 8.5.2. In relation to surface water drainage, the applicant proposes the installation of a green blue roof and underground attenuation system on the site to manage surface water drainage from the block. The surface water measures were deemed to be acceptable by the Drainage Planning, Policy and Development Control Section (DPPDC) of Dublin City Council. Having regard to the information on file, I consider the proposals to be acceptable to manage surface water from the building and would adequately control drainage arising from the appeal site before discharge to public service infrastructure. In this regard, I am satisfied that a suitably worded condition could be attached requiring compliance with the requirements of the Planning Authority for drainage should the Commission be minded to grant permission for the subject development.
- 8.5.3. In respect of potential blocking of existing drains, I am satisfied that a Construction Environmental Management Plan would include appropriate best practice measures to ensure that roads and footpaths would be kept free of dust, dirt and other such debris during the construction phase so that the existing services would not be impacted. I consider that this matter can also be specified by way of condition in the event of a grant of permission.
- 8.5.4. In relation to flood risk, I have previously indicated that the appeal site is located within a defended area of Flood Zone A. The applicant has included a Flood Risk Assessment which was previously conducted as part of a Request for Further Information under D.C.C Reg. Ref. 3283/22 (which was subsequently granted by Dublin City Council but refused by An Bord Pleanála under ABP Ref. 315256-22). I note that this previous assessment included the provision of a 'less vulnerable' development on the ground floor level of the development along with an emergency evacuation plan for users of the upper floor space in the event of a flood defence breach and flood resilient building techniques and materials (waterproofing) in the construction of ground floor level. The Planning Authority deemed the additional information response to be acceptable. Whilst I note that a new Flood Risk Assessment has not submitted as part of the current application, the subject development for consideration by the Commission is wholly similar with the proposal submitted at Further Information stage under the previous application and in my view would have enabled a reasonable assessment of the proposed development. Therefore, in my view, the medical centre use at ground floor level proposed as part of the current application is a less vulnerable, non-residential use and it has overcome

flood risk concerns. I further note that Condition No. 7(f) of the decision to grant requires the submission of an appropriate flood risk assessment for the proposed development and I consider this condition to be reasonable in the context of the subject development and in the interests of clarity.

## **8.6. Other Matters**

8.6.1. Having regard to the appeal, I shall consider the following items under the sub-headings below.

### **Procedural Considerations**

8.6.2. The appellant has raised concerns in relation to the validity of the application and alleged submission of misinformation on the file. I have reviewed the Application Form and the various details submitted with the overall appeal file. In relation to the Application Form, I consider that Question 18: Site History has been answered correctly insofar as it relates to valid applications on the subject. In addition, in respect of Question 19: Pre-Planning Consultation, while I acknowledge that pre-planning consultations may have occurred in the past with the Planning Authority for development on this site, there may have been no such consultation regarding the subject proposal and therefore referencing a consultation in 2021 when a revised development is now proposed is not pertinent. With respect to the appellant's comments on flooding, I note that supporting information which includes an Engineering Report which contains a previously undertaken Flood Risk Assessment for this site and which enabled the Planning Authority to consider the development in relation to potential flooding issues/risks.

8.6.3. In relation to commenting on Further Information, I note that only the Planning Authority is responsible for considering whether additional information received is significant and requires re-advertisement. The Planning Authority, in this instance, did not consider the applicant's response to be significant having regard to the particular circumstances. I have also reviewed the online portal and note that the further information response and all associated planning particulars is available to view presently. Therefore, I am satisfied that the application was appropriately assessed that the Third Party could engage with the planning process in accordance with planning legislation.

### Devaluation of Property

8.6.4. I note the concerns raised by the appellant in respect of the devaluation of property in the vicinity of the appeal site. Having regard to my assessment, I do not consider it unreasonable for this plot, on zoned lands in a built-up urban location to be redeveloped and I am satisfied that the proposed development, if approved, would not seriously injure the amenities of the area.

## **9.0 Appropriate Assessment (Screening)**

9.1. I have considered the subject development in light of the requirements S177U of the Planning and Development Act 2000 (as amended). The subject proposal comprises a mixed-use development of a medical centre and 9 no. apartments on previously developed zoned lands in the East Wall area of Dublin City. The appeal site is located within an established residential area with roads/streets and is not located within or adjoining any designated Natura 2000 sites and the development will connect to the existing services network.

9.2. The subject site is approximately 0.92km from the nearest designated site which is the South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024). I note that there are a number of other European Sites in the wider Dublin Bay/coastal area of the city which include the South Dublin Bay SAC (Site Code: 000210), the North Bull Island SPA (Site Code: 004006), the North Dublin Bay SAC (Site Code: 000206), the North-west Irish Sea SPA (Site Code: 004236), the Baldoyle Bay SAC (Site Code: 000206) and the Baldoyle Bay SPA (Site Code: 004016) respectively.

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

- The scale and nature of the development;
- The distance to the nearest European site and the lack of direct connections; and,
- Taking into account the screening determination of the Planning Authority.

9.4. I conclude on the basis of objective information, that the proposed development would not have a likely significant effect on any European site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore a

retrospective Appropriate Assessment (Stage 2) under Section 177V of the Planning and Development Act 2000 (as amended) is not required.

## **10.0 Water Framework Directive**

10.1 There are no water courses in the immediate vicinity of the appeal site which is situated within an established urban area. The proposed development comprises the construction of a mixed-use development comprising a medical centre and 9 no. apartments in a four storey block. The proposed development is to connect to the existing services network in respect of foul and storm drainage. No specific water deterioration concerns were raised in the planning appeal. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.

10.2 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 surface and/or groundwater water bodies either qualitatively or quantitatively. The reason for this conclusion is as follows:

- The nature and scale of the proposed works; and,
- The location of the site in a serviced urban area and the distance from nearest water bodies and lack of direct hydrological connections.

10.3 I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## **11.0 Recommendation**

11.1 I recommend that the decision of the Planning Authority be upheld and that permission be GRANTED, subject to conditions, for the reasons and considerations below.

## 12.0 Reasons and Considerations

12.1. Having regard to the 'Z1' residential zoning objective as set out in the Dublin City Development Plan 2022-2028, national and local policy objectives which support compact redevelopment of sites, the subject site's proximity to public transport, the design, layout and scale of the proposed mixed-use development, it is considered that subject to compliance with conditions below, the proposed development would not seriously injure the residential amenities of adjacent residents or property in the vicinity, would not be prejudicial to public health or the environment and would be acceptable in terms of traffic safety and convenience. The proposed development would be acceptable in terms of design, height, layout and scale and the apartments would provide a suitable level of accommodation and amenity for future occupants and would comply with the provisions of the Dublin City Development Plan 2022-2028 and the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (2023). The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 13.0 Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application on 21<sup>st</sup> October 2024 and as amended by Further Information received on 3<sup>rd</sup> March 2025, 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. In default of agreement, the matter(s) in dispute shall be referred to An Coimisiún Pleanála for determination.

**Reason: In the interest of clarity.**

2. Details of the materials, colours and textures of all the external finishes to the proposed development (including bin store and bike store) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.



**Reason: In the interest of visual amenity.**

3. 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 and include any specific requirements if appropriate.

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

4. All drainage arrangements, including attenuation and disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

**Reason: In the interest of public health and surface water management.**

5. The developer shall comply with the detailed requirements of Transportation Planning Division of Dublin City Council.

**Reason: To ensure a satisfactory standard of development and in the interests of pedestrian and traffic safety.**

6. Site development and building works shall be carried out only between the hours of 0700hrs to 1800hrs Mondays to Fridays inclusive, between 0800hrs to 1400hrs on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances subject to the prior written agreement of the Planning Authority.

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

7. The site development and construction works shall be carried out in such a manner so as to ensure that the adjoining streets are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense. During the demolition phase, the developer must protect all public sewers and ensure that no demolition debris or construction material enters the public sewers.

**Reason: To ensure that the adjoining roadways are kept in a clean and safe conditions during construction works.**

8. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.
- (b) The plan shall provide for screened communal bin stores, which shall be adequately ventilated, drained and illuminated. The design and location of same shall be included in the details to be submitted.

**Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage**

9. Proposals for a naming/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. 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**

10. No additional development shall take place above roof parapet level, including lift motor enclosures, air-handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment.

**Reason: To protect the visual amenities of the area.**

11. The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan (CEMP), which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall incorporate details for the following: details and location of proposed construction compounds, details of

intended construction practice for the development, including hours of working, dust control, noise and vibration abatement measures in compliance with the recommendations of BS 5228, 'Code of Practice for Noise and Vibration management, details of arrangements for routes for construction traffic, parking during the construction phase, and off-site disposal of construction/demolition waste and/or by-products.

**Reason: In the interests of public safety and residential amenity.**

12. Construction and demolition waste shall be managed in accordance with a Construction Waste and Demolition Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government (2006). The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason: In the interest of sustainable waste management.**

13. (a) During the construction and demolition phases, the proposed development shall comply with British Standard 5228 'Noise Control on Construction and open sites Part 1. Code of practice for basic information and procedures for noise control.'
- (b) Noise levels from the proposed development shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any premises in the neighbourhood or to a person lawfully using any public place. In particular, the rated noise levels from the proposed development shall not constitute reasonable grounds for complaint as provided for in B.S. 4142. Method for rating industrial noise affecting mixed residential and industrial areas.

**Reason: In order to ensure a satisfactory standard of development, in the interests of residential amenity.**

**14.** The development shall comply with the following requirements from Irish Rail:

- (a) The Railway Safety Act 2005 places an obligation on any 3rd party working near the railway to ensure no danger or hazard is posed to railway operations. Due to the proximity of this site to the railway corridor, the Applicant must take due consideration of this obligation during the planning and construction of the development.
- (b) Should the development require the use of a crane that could swing over the railway property, then the developer must enter into an agreement with Iarnród Éireann / CIÉ. regarding this issue.
- (c) No overhang of any part of the development over the railway property is to be allowed.
- (d) Lights from the proposed development, either during the construction phase or when the development is completed, should not cause glare or in any way impair the vision of train drivers or personnel operating on track machines.
- (e) At no point should the applicant or their representatives enter railway property, at track level, to undertake the construction of this development. It is imperative that the railway always remains inaccessible to prevent trespassing, both during the construction phase and in the future. This includes safeguarding against unauthorized access, especially through scaffolding or any other means.
- (f) The railway operates 24 hours a day with maintenance activity taking place at night and during shutdowns of passenger services. The development is in close proximity to the live railway and therefore must take account of the potential noise and vibration impact that an operational railway may have on sensitive receptors. Residential units should be designed, orientated and located to limit the impacts of noise and vibration from transportation traffic and maintenance activities. It is recommended that the Applicant incorporates best practice principles in the design using BS8233 - Guidance on Sound Insulation and Noise Reduction for Buildings. The Applicant must refer to the

local authority's Noise Action Plan regarding development adjacent railways and where appropriate carry out a noise risk assessment to inform an Acoustic Design Statement (ADS). The detail of the ADS should be commensurate with the level of risk identified in the noise risk assessment. The Applicant must take responsibility for specifying necessary mitigation measures where noise thresholds are expected to be exceeded. The noise assessment should consider a number of scenarios, including the following:

- within the development with windows closed.
- within the development with windows open; and
- exterior of development within private or communal gardens.

**Reason: In the interest of railway operational safety and ensure a satisfactory standard of development**

15. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority [in relation to the transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended], unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún Pleanála for determination.

**Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.**

16. 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 any public open spaces and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

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

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

**Reason: To ensure the satisfactory completion of the development.**

18. 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. The contribution shall be paid prior to the 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 Coimisiún Pleanála for determine the proper application of the terms of the Scheme.

**Reason: It is a requirement of the Planning and Development Act 2000 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.**

**19.** The developer shall pay to the Planning Authority a financial contribution in respect of the extension of Luas Line C1 – Docklands, in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000. The contribution shall be paid prior to the 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 Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

**Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 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.

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Matthew O Connor  
Planning Inspector

29<sup>th</sup> July 2025

# Appendix 1

## Form 1 - EIA Pre-Screening

<b>Case Reference</b>	ABP-322340-25
<b>Proposed Development Summary</b>	Demolition of buildings, construction of 4 storey building with medical centre and 9 apartments with all associated site works
<b>Development Address</b>	The existing commercial premises Church Road, East Wall, Dublin 3, (bounded by Church Road) D03 XY06
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.  <input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input checked="" type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	Class 10 (b)(i) Construction of more than 500 dwelling units.
<input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8	



<p>of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	<p>Class 10 (b)(i) Construction of more than 500 dwelling units - The proposed development is subthreshold as it relates to the construction of a mixed-use development comprising 9 no. apartments and a medical centre.</p>

<b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b>	
<b>Yes</b> <input checked="" type="checkbox"/>	<b>Screening Determination required (Complete Form 3)</b>
<b>No</b> <input type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

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

## Appendix 2

### Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	ABP-322340-25
<b>Proposed Development Summary</b>	Demolition of buildings, construction of 4 storey building with medical centre and 9 apartments with all associated site works
<b>Development Address</b>	The existing commercial premises Church Road, East Wall, Dublin 3, (bounded by Church Road) D03 XY06
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b>  (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).	<p>The proposal comprises a mixed-use development in the East Wall area of Dublin City.</p> <p>The size of the development, which seeks a ground floor medical centre and 9 no. upper floor apartments in a four storey block would not be described as exceptional in the context of the existing urban environment of Dublin City.</p> <p>The proposal will not produce significant waste, emissions or pollutants. By virtue of its development type, it does not pose a risk of major accident and/or disaster. It is noted that the site is located within a defended area from flooding and there may be vulnerabilities associated with extreme weather events and sea level changes due climate change.</p>
<b>Location of development</b>  (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, 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).	<p>The proposed development is situated in the East Wall area of Dublin City.</p> <p>There are no significant environmental sensitivities in the vicinity – potential impacts on the SACs is addressed under Appropriate Assessment (Screening).</p>

<b>Types and characteristics of potential impacts</b>  (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 nature and scale of the proposed development (i.e. a mixed-use development comprising a medical centre and 9 no. apartment units on zoned lands in Dublin City), there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>
<b>There is no real likelihood of significant effects on the environment.</b>	<b>EIA is not required.</b>

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

**DP/ADP:** \_\_\_\_\_ **Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)