



An
Coimisiún
Pleanála

Inspector's Report

ABP-322754-25

Development

Demolition of the existing 1 storey Delivery Service Unit and construction of 53 apartments (housing for independent living for older residents) with all associated site works.

Location

Crumlin Delivery Service Unit, 11 Saint Agnes Road, Dublin 12, D12 WK5A

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

WEB2260/24

Applicant(s)

Cabhru Housing Association

Type of Application

Permission

Planning Authority Decision

Grant Permission

Type of Appeal

First and Third Party (1 no.)

Appellant(s)

Cabhru Housing Association

Alex Begley

Observer(s)

Paul Power

Davida Dee

Mark Flanagan

Date of Site Inspection

17th September 2025

Inspector

Carol Hurley

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1.0 Site Location and Description

- 1.1. The application site is located at the site of the Crumlin Delivery Service Unit, 11 Saint Agnes Road, Dublin 12. The site has stated area of 1784sqm with an angular layout addressing Windmill Road and Saint Agnes Road.
- 1.2. The site is occupied with a single storey detached unit. The unit addresses Saint Agnes Road with a southwest facing orientation and is predominantly finished in brick with render banding. The front elevation contains high level windows with a vertical emphasis.
- 1.3. The interface of the building and public footpath adjacent to Saint Agnes Road consists of a ramped access located inside railings and gates. There is a wide public realm which consists of tree planting, seating and bicycle stands. There is a taxi rank adjacent to the front of the site along Saint Agnes Road.
- 1.4. The boundary to Windmill Road consists of a high redbrick wall which encloses a surface car park within the site. There is a substantial set back from Windmill Road providing for tree planting and seating. There are services located along this boundary wall within the public footpath.
- 1.5. There is also on-street parking available along Windmill Road adjacent to the site boundary.
- 1.6. Vehicular access to the site is off Windmill Road.
- 1.7. The area can be characterised as urban and surrounded by commercial uses. The commercial units are generally two storey and terraced with gable roof profiles.
- 1.8. On the opposing, northern side of the junction is a derelict pub which represents a departure from the established character with a flat roof profile set behind a parapet and a footprint which projects beyond that of the adjacent residential development, namely Rockmeade but reflects that of the bookend building to the north which is occupied with a daycare facility.
- 1.9. The lands to the rear of the commercial units on the eastern and western sides of Saint Agnes Road can be characterised by established residential development.
- 1.10. The surrounding area is served by several areas of open space including William Pearse Park.

2.0 Proposed Development

2.1. The proposed development as originally presented to the Planning Authority comprised;

- Demolition of the existing 1 storey Delivery Service Unit building and associated outbuildings. (c.918.8sqm).
- Construction of a 3-5 storey residential development comprising 53 no. 1 bed apartments in a single block, to provide for independent living for older residents (60 years plus). Ground floor – 9 units, First floor – 14 units, Second floor – 14 units, Third floor – 8 units, Fourth floor – 8 units.
- The building incorporates a contemporary design approach with an angled front elevation which reflects the context of the corner site location. The design of the building up to the 3rd storey has a uniform approach with a consistent solid to void ratio and recessed balconies. The fourth and fifth floor comprise two separate pop ups with flat roof profile and indicated to be finished with vertical selected colour tile.
- The front elevation as it addresses St.Agnes Road and Windmill Road extends a length of c. 66m. The overall height of the building is stated as being 16.9m.
- The footprint to the rear consists of two projections which effectively form the pop-up elements at 3rd and 4th storey.
- Pedestrian access to the development would be via St.Agnes Road.
- Provision of c.812sqm of communal amenity open space – c.586.5sqm at ground floor and landscaped terrace at roof of second floor – c. 225.5sqm.
- Provision of a community room, office, kitchenette and toilet. This room has a stated area of 93.4sqm. The room is located on the ground floor along the southern side of the building which access from within the development and from the street also. The application documents set out that the room would be a multipurpose indoor space that could provide for a range of activities and be booked for use by local clubs as well as for use by the residents of the subject development.

- Provision of secure bicycle and bin storage, relocation of existing ESB network kiosk, provision of single ESB substation and all associated site works and services.

2.2. The proposed development was amended as part of a request for Further Information as follows;

- Amendment to the red line of the application site in the northwest to accommodate required public realm works.
- Reduction in unit numbers from 53 to 49 through the omission of 4 no. units at fourth floor level.
- Retains the original height however the fourth and fifth floor are broken up with a stepped approach.
- Amendments to the front elevation at ground floor to the southern end of the building to address the inactive street frontage.
- Removal of horizontal contrasting strip feature to the front elevation.
- Internal amendments at ground floor level resulting in the relocation of the bin stores to the northern side of the building and the subsequent relocation of an apartment to the southern side of the building.
- Relocate the bike store to a dedicated storage room within the northeast of the site.

2.3. The following documentation was received with the application along with standard drawings.

- Planning Application Report
- Architectural Design Statement
- Demolition Justification Report
- Architectural Heritage Impact Assessment
- Sunlight, Daylight and Shadow Assessment
- Building Lifecycle Report / Operational Management Statement
- Social Infrastructure Statement

- Outline Residential Travel Plan
- Climate Action Energy Statement
- Planning Submission Drainage
- Appropriate Assessment Screening Report
- Construction Management Plan

2.4. The following documentation was received with the further information response along with standard drawings.

- Further Information Response Report
- Architectural Design and Response to Further Information Request Statement

3.0 **Planning Authority Decision**

3.1. **Decision**

3.1.1. The Planning Authority issued a decision to grant permission on the 20th of May 2025 subject to 16 no. conditions.

Conditions are generally standard, and conditions of note include;

Condition No. 2

The development hereby permitted shall incorporate the following amendments: a)
The fourth floor (i.e. fifth storey) shall be omitted in its entirety. The development shall be three-storey with setback fourth storey (third floor level) and shall comprise a total of 45 one-bedroomed apartment units. Revised drawings indicating this revision shall be submitted to the Planning Authority prior to the commencement of development.

Reason: To protect the visual amenities and character of the Crumlin Village Architectural Conservation Area

Condition No. 3

The occupation of the development hereby approved is restricted to age cohort 55 years and older, unless otherwise agreed in writing with the Planning Authority, and shall not be sold, let or otherwise transferred or conveyed without a prior grant of planning permission.

Reason: To ensure occupation of the units is restricted to older persons/ occupants.

Condition No. 4

The community facility shall be used only for purposes ancillary to the main residential use on the site and shall be managed in accordance with the permitted residential development unless a further permission is granted.

Reason: To clarify the scope of the permission.

Condition No.11 (e)

The operator/management company shall undertake to implement the measures outlined in the Residential Travel Plan and to ensure that future tenants of the development comply with this strategy. A Travel Plan Co-Ordinator for the overall scheme shall be appointed to oversee the implementation of the plan and develop further measures as required.

Reason: In the interest of orderly development and to ensure pedestrian and traffic safety.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial report of the Planning Officer set out the details of the site location, details of the development as proposed, the zoning objective pertaining to the subject site and the relevant planning policy, planning history, summary of the consultee reports received from both internal and external consultees, a summary of all submissions received and includes for an EIA and AA screening determination.

The report set out that the proposed development would be permissible in principle within the Z4 Zoning Objective. It is noted that Section 14.7.4 of the development plan refers to key urban villages and urban villages. Crumlin Village is not a key urban village.

As part of a request for Further Information, concerns were raised in relation to the height, how the front elevation interfaces with the streetscape both in terms of animation and the balconies in addition to Transportation Issues around servicing and cycle parking.

The assessment concluded that the development would be acceptable but would require a further amendment to the overall height of the building. It was recommended that this amendment could be undertaken by condition.

3.2.2. Other Technical Reports

Drainage Division – Initial report recommended no objection subject to condition. The report refers to the Additional Information received on 9th May 2025 which is noted and no change.

Transportation Planning Division – Recommended Further Information in relation to the following;

- The proposed removal of the vehicular access would result in a de facto expansion of the informal parking area behind the footpath to the northwest of the site resulting in unacceptable encroachment on the footpath and potential conflict with pedestrians. Applicant requested to provide suitable landscaping or public realm works within this area to prevent parking. Recommended also that the provision of additional public cycle parking spaces should be provided. The red line of the application site should be extended to include for this in addition to a letter of consent from Dublin City Council.
- Concern raised in relation to the location of servicing elements of the proposal on Saint Agnes Road. It is the preference for these elements to be relocated to the Windmill Road frontage. Cycle parking should not be grouped with the 'back of house' elements of the proposal. Revised plans were requested in this regard.
- Applicant requested to extend the existing indented parking bay on Windmill Road in a northerly direction. The extended bay should accommodate additional dedicated loading space to serve the development.
- Applicant requested to submit a taking in charge plan and Operational Waste Management Plan.
- Revised design required for cycle parking to accord with Section 6.5 of the Cycle Design Manual 2023.
- Revised plans to demonstrate provision for adapted bikes / mobility scooters within the scheme.

Following receipt of the response to the request for Further Information, the updated report of the Transportation Planning Division recommends a grant of permission subject to condition.

3.3. Prescribed Bodies

- 3.3.1. Uisce Eireann: report dated 8th November 2024 notes that the applicant had engaged with Uisce Eireann via a Pre Connection Enquiry and that a Confirmation of Feasibility was issued to the applicant advising that water/wastewater connections are feasible and standard conditions are recommended.

3.4. Third Party Observations

- 3.4.1. Third party submissions received by the Planning Authority can be summarised as follows;
- No objection to the principle of redevelopment subject to certain concerns raised including that of height.
 - Notes the Z4 Zoning Objective and concerns that the scheme is not in accordance with the land use objective 'To provide for and improve mixed service facilities'. Could be addressed by providing residential uses at upper floor level only with a mix of uses at ground floor level.
 - Concerns regarding the limited size, layout and usability of the proposed community room.
 - The Planning Authority should satisfy themselves that the unit mix and tenure is in accordance with the Housing Strategy.
 - Concerns regarding the form of the development, two storey set back with a differing material, appears visually incongruous.
 - Acknowledged that the height is not excessive for an urban area but should be balanced with the sites location within the Crumlin ACA and relevant policies and objectives.
 - The development would not be in keeping with the character of the area or existing retirement developments locally. (Rockmeade Court).

- Request that the 3-5 storey proposed building be rejected in favour of two storey building similar to and in keeping with already existing retirement villages in the local vicinity.
- Proposed design is not reflective of the surrounding context and would be visually obtrusive at this prominent corner location.
- The design and layout could impede the future development of adjacent properties along Saint Agnes Road.
- The existing Windmill Lodge development on the opposite side of Windmill Road is not an example of a high-quality scheme and should not be relied upon as a precedent.
- The proposed development would negatively impact on the residential amenities of adjacent properties in terms of over-looking, loss of privacy, overbearing, overshadowing and loss of light.
- The proposed development would result in loss of views of the mountains.
- The proposed layout which provides for ground floor level apartments fronting onto the public footpath would have negative impact on the residential amenities of the future occupants in terms of privacy, noise and nuisance and safety.
- The Planning Authority should satisfy itself that public, communal and private open space has been provided in accordance with development plan standards.
- The Planning Authority should satisfy itself that the proposed car parking provision does not materially contravene the development plan with particular regard to Paul Murphy / Clonkeen Legal Judgement (2024 IECH186)
- The proposed development would have a negative impact on local traffic resulting in significant traffic congestion for the area.

Submission of support from Cllr Ray Cunningham setting out the following;

- Badly in need of affordable housing in Dublin City.
- These apartments offer an opportunity for older move to homes of a more manageable size close to shops, a park and a church.
- The homes vacated by older people can be taken up by younger families who need more space.

- Should be building more homes like this, in place where people want to live, surrounded by amenities.

4.0 Planning History

4.1. Subject site

ABP-322770-25 – Refuse leave to appeal

3702/08 – Permission granted for the construction of a new ramp at the public entrance to the front elevation including the reconstruction of the existing steps and provision of a new entrance gate in the railings on St. Agnes Road.

2246/00 – permission granted for the installation of a disabled access ramp in addition to the repositioning of the existing gate at the front of the offices and for the demolition and reconstruction of the existing brick boundary wall with a widened entrance. “Protected structure”

Lands to the north, opposing site at the junction, The Hub, St. Agnes Road.

3148/21 – Permission granted for development at The Hub consisting of extensions to and renovation / alteration of the existing licenced premises and existing outbuildings to provide for two retail units at ground floor, and 10no. residential units. provision of parking and all associated site works.

3732/17 – Permission refused for the demolition of the existing single and two storey pub/restaurant and construction of a 4-storey building on the corner of Windmill Road and St. Agnes Road, terrace of 5 no. three storey three bedroomed dwellings fronting Windmill Road. Reasons for refusal include; substandard with regard to minimum separation distances between dwellings, excessive scale and proximity to existing housing, demolition of a local landmark village pub involving the loss of a traditional and historic building to be replaced with a largely residential scheme with a visually obtrusive and dominant form which would be harmful to the ACA. Reduction in active uses on the site and would contravene the Z4 zoning objective.

4.2. Lands to the northeast (Windmill Road), 82 and 84 Windmill Road

2596/04 – Permission sought for 29 no. apartments and 4 no. retail units in a 3-4 storey block. Permission granted with the omission the third floor from Block B including Units 28 and 29 in addition to the omission of the terrace at third floor level to Block A.

5.0 Policy Context

5.1. National Planning Policy

5.1.1. National Planning Framework – First Revision (April 2025)

A number of overarching national policy objectives (NPO's) are of relevance, targeting future growth within the Countrys existing urban structure. NPOs for appropriately located and scaled residential growth include;

National Policy Objective's 2,3,4,7 and 8 refers to the overall growth of the country and how that growth in population will be managed in terms of the provision of housing and infrastructure in a plan led approach.

National Policy Objective 12: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

National Policy Objective 22 : In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth.

National Policy Objective's 43 and 45 seek to ensure that lands for development are provided in the right locations and increasing densities with a range of measures.

5.2. Regional Policy

5.2.1. Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 (RSES)

The primary statutory objective of the Strategy is to support implementation of Project Ireland 2040 - which links planning and investment through the National Planning Framework (NPF) and ten year National Development Plan (NDP) - and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the Region. The RSES seeks to promote compact urban

growth by making better use of under-used land and buildings within the existing built up urban footprint and to drive the delivery of quality housing and employment choice for the Region's citizens. The RSES seeks to build a resilient economic base and promote innovation and entrepreneurship ecosystems that support smart specialisation, cluster development and sustained economic growth.

The followings RPOs are of particular relevance:

RPO 3.2, 4.3, 5.3 and 5.5 promote compact urban growth with housing targets focused on Dublin. Support for the consolidation and reintensification of infill sites. Coordination of development with delivery of key infrastructure to be planned in a manner that facilities sustainable travel. Promotes higher densities with quality housing.

RPO 5.5: Future residential development in the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, supported by the development of Key Metropolitan Towns in a sequential manner as set out in the Dublin Area Strategic Plan (MASP) and in line with the overall settlement strategy for the RSES.

- Key Principles of the Metropolitan Area Strategic Plan include compact sustainable growth and accelerated housing delivery, integrated Transport and Land Use and alignment of Growth with enabling infrastructure.

5.3. Section 28 Ministerial Guidelines

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

5.3.2. Sustainable Residential Development and Compact Settlement Guidelines 2024

The guidelines expand on the higher-level policies of the National Planning Framework (NPF) in relation to the creation of settlements that are compact, attractive, liveable and well-designed. There is a focus on the renewal of settlements and on the interaction between residential density, housing standards and placemaking to support the sustainable and compact growth of settlement.

In accordance with the provisions of Section 34 of the Act when making a decision in relation to an application that includes a residential element or other elements covered by these guidelines, the planning authority is required to have regard to the policies

and objectives of the Guidelines and to apply the specific planning policy requirements (SPPRs).

Of relevance to the subject application are the following:

- Residential densities of 100-300dhp for city centre sites within Dublin and Cork
- SPPR1 – separation distances of c.16m between directly opposing first floor windows.
- SPPR2 - Apartments and duplex units shall be required to meet the private and semi-private open space requirements set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities 2023 (and any subsequent updates). All residential developments are required to make provision for a reasonable quantum of public open space.
- SPPR3: 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.
- SPPR4: It is a specific planning policy requirement of these Guidelines that all new housing schemes (including mixed-use schemes that include housing) include safe and secure cycle storage facilities to meet the needs of residents and visitors. The following requirements for cycle parking and storage are recommended:
 - i. Quantity – in the case of residential units that do not have ground level open space or have smaller terraces, a general minimum standard of 1 cycle storage space per bedroom should be applied. Visitor cycle parking should also be provided. Any deviation from these standards shall be at the discretion of the planning authority and shall be justified with respect to factors such as location, quality of facilities proposed, flexibility for future enhancement/ enlargement, etc. It will be important to make provision for a mix of bicycle parking types including larger/heavier cargo and electric bikes and for individual lockers.

- ii. Design – cycle storage facilities should be provided in a dedicated facility of permanent construction, within the building footprint or, where not feasible, within an adjacent or adjoining purpose-built structure of permanent construction. Cycle parking areas shall be designed so that cyclists feel safe. It is best practice that either secure cycle cage/compound or preferably locker facilities are provided.

5.3.3. Urban Development and Building Heights, Guidelines for Planning Authorities (2018)

The Building Heights Guidelines state that increased building height and density will have a critical role to play in addressing the delivery of more compact growth in urban areas and should not only be facilitated but actively sought out and brought forward by our planning processes, in particular by Local Authorities and An Bord Pleanála. These Guidelines caution that due regard must be given to the locational context and to the availability of public transport services and other associated infrastructure required to underpin sustainable residential communities.

5.3.4. Architectural Heritage Protection – Guidelines for Planning Authorities (2011)

This guidance is a material consideration in the determination of applications and sets out comprehensive guidance for development in conservation areas and affecting protected structures.

5.3.5. Sustainable Urban Housing: Design Standards for New Apartments, 2023

SPPR 1 and 2 relates to housing mix

SPPR 3 relates to minimum apartment floor areas

SPPR 4 relates to dual aspect

SPPR 5 relates to floor to ceiling heights

SPPR 6 relates to the provision of lift cores

For building refurbishment schemes on sites of any size of urban infill schemes on sites of up to 0.25ha, standards maybe relaxed on a case-by-case basis, subject to

overall design quality. This relaxation applies to SPPR's 1, 2, 4, 5, 6 in addition to the requirements for internal storage, private amenity space, communal amenity space and parking provision.

I note that these apartment guidelines have been superseded by Guidelines introduced in July 2025, the subject application was lodged with the Planning Authority on the 8th October 2024 prior to the adoption of these new guidelines. As per Circular Letter NSP 04/2025 issued by the Department of Housing, Local Government and Heritage, the new guidelines do not apply to applications or appeal which were made on or before the 8th July 2025.

5.3.6. Other Relevant Guidance:

- Delivering Homes, Sustaining Communities (2008) and the accompanying Best Practice Guidelines – Quality Housing for Sustainable Communities
- Design Manual for Urban Roads and Streets (2013)
- Smarter Travel – A New Transport Policy for Ireland (2009-2020)
- The Planning System and Flood Risk Management Guidelines (2009)

5.4. Climate Action Plan, 2025

The Plan lays out a roadmap of actions which will ultimately lead us to meeting our national climate objective of pursuing and achieving, by no later than the end of the year 2050, the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy. It aligns with the legally binding economy-wide carbon budgets and sectoral emissions ceilings that were agreed by Government in July 2022. Climate Action Plan 2025 builds upon last years plan by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and it should be read in conjunction with Climate Action Plan 2024. The Plan provides a roadmap for taking decisive action to halve Ireland's emissions by 2030 and achieve climate neutrality by no later than 2050, as committed to in the Climate Action and Low Carbon Development (Amendment) Act 2021.

5.5. **Dublin City Council Development Plan 2022-2028**

- 5.5.1. The relevant development plan is the Dublin City Development Plan 2022-2028 under which the appeal site is zoned (Map Set G) Z4 'Key Urban Villages / Urban Villages' with a stated objective 'To provide for and improve mixed-services facilities'
- 5.5.2. The surrounding lands to the north, east and southeast are zoned Z1 'Sustainable Residential Neighbourhoods' with the stated objective 'To protect, provide and improve residential amenities'.
- 5.5.3. The application site is located within a designated Architectural Conservation Area for Crumlin Village.
- 5.5.4. The following sections of the City Plan are considered to be relevant;
- Chapter 2: Core Strategy
 - Chapter 3: Climate Action contains the Council's policies and objectives for addressing the challenges of climate change through mitigation and adaptation. The relevant policies from this section include:
 - CA6: relates to the retrofitting and reuse of existing buildings rather than their demolition. I also note Section 15.7.1 which refers to demolition and the requirement to submit a demolition justification report which has regard to the embodied carbon of existing structures.
 - CA7: relates to energy efficiency in existing buildings and the use of renewable energy.
 - CA8: Climate Mitigation Actions in the Built Environment requiring low carbon development in the city and that new development should generally demonstrate compliance with several criteria, including maximising daylight and the use of construction materials with a low to zero embodied energy.
 - CA9: Climate Adaptation Actions in the Built Environment requiring development proposals to demonstrate resilience to climate change by including measures such as green roofs, use of SUDS, reducing flood risk.
 - CA24: Waste Management Plans for Construction and Demolition Projects
 - CA27: Flood Risk Assessment and Adaptation
 - Chapter 4: Shape and Structure of the City, sets out the Council's strategy to guide for the future sustainable development of the city. The objective is to

ensure that growth is directed to, and prioritised in, the right locations to enable continued targeted investment in infrastructure and services and the optimal use of public transport. The relevant policies in from this chapter are:

- SC5: Urban Design and Architectural Principles
- SC9: which relates to development of and need to support the hierarchy of suburban centres including urban villages in order to support the sustainable consolidation of the city and align with the principles of the 15 minute city.
- SC10: Urban Density: To ensure provision of appropriate densities and sustainable communities in accordance with the principles set out in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and any amendment thereof.
- SC11: Compact Growth: Seeks to promote compact growth and sustainable densities through the consolidation and intensification of infill and brownfield lands, particularly on public transport corridors.
- SC13: Green Infrastructure
- SC14: Building Height Strategy : Seeks to ensure a strategic approach to building height that accords with SPPR 1-4 of the Urban Development and Building Height Guidelines for Planning Authorities.
- SC15: Building Heights Uses
- SC16: Building Height Locations: Being cognisant of the low rise character of Dublin City but recognising the need for increased height in appropriate locations (SDZ's, SDRA, KUV) and other areas identified in Appendix 3.
- SC19: High Quality Architecture: Promote development which positively contributes to the city's built and natural environment, promoting healthy placemaking and incorporating high quality and sustainable urban design.
- SC20: Urban Design
- SC21: Architectural Design: Promote innovation in architectural design to produce contemporary buildings to contribute to the city's character which is resilient to impacts of climate change.
- Chapter 5: Quality Housing and Sustainable Neighbourhoods,

- QHSN6: Promotion of residential consolidation and sustainable intensification for infill development etc.
 - QHSN10 : Promotion of residential development at sustainable densities throughout the city in accordance with the core strategy particularly on underutilised sites.
 - QHSN11: Promotion of the 15 minute city concept.
 - QHSN21: Avoid gated residential developments.
 - QHSN23: Support the concept of independent living and assisted living for older people.
 - QHSN25: Support local authorities approved housing bodies and other sectoral agencies in the provision of a greater diversity of housing type and tenure.
 - QHSN37: Promote the provision of high quality apartments within sustainable neighbourhoods.
-
- Chapter 7: The City Centre Urban Villages and Retail.
 - CCUV23: Active Uses, seeks to promote active uses at street level in Key Urban Villages and urban villages.
 - Chapter 8: Sustainable Movement and Transport,
 - SMT4: Support and encourage intensification along public transport corridors.
 - SMT13: Support the role of the urban villages in contributing to the 15 minute city.
 - Chapter 9: Sustainable Environmental Infrastructure and Flood Risk
 - SI22: Require the use of Sustainable Drainage Systems in all new developments.
 - Chapter 11: Built Heritage and Archaeology, Built Heritage and Archaeology, recognises that the city's heritage contributes significantly to the collective memory of its communities and to the richness and diversity of its urban fabric. It is key to the city's character, identity and authenticity and is a vital social, cultural, and economic asset for the development of the city. The Development

Plan plays a key role in valuing and safeguarding built heritage and archaeology for future generations. The plan guides decision-making through policies and objectives and the implementation of national legislation to conserve, protect and enhance our built heritage and archaeology.

Crumlin Village is designated as an Architectural Conservation Area.

- BHA4: Ministerial Recommendations relates to the requirement to have regard to the National Inventory of Architectural Heritage (NIAH).
- BHA6: Buildings on Historic Maps, relates to a presumption against the demolition or substantial loss of any building or other structure which appears on historic maps up to and including the Ordnance Survey of Dublin 1847.
- BHA7: Architectural Conservation Areas, relates to the requirement for development within or affecting an ACA to contribute positively to its character.
- BHA8: Demolition in the ACA relates to a presumption against the demolition or substantial loss of a structure that positively contributes to the character of the ACA except in exceptional circumstances.
- Chapter 14:

Section 14.6 'Transitional Zones'

While zoning objectives and development management standards indicate the different uses permitted in each zone, it is important to avoid abrupt transitions in scale and land-use between zones. In dealing with development proposals in these contiguous transitional zone areas, it is necessary to avoid developments that would be detrimental to the amenities of the more environmentally sensitive zones.

14.7.4 Key Urban Villages and Urban Villages – Zone Z4 – General principles set out guidance for development with urban villages to be considered.

- Chapter 15: Development Standards
- 15.5.5 Density - All proposals for higher densities must demonstrate how the proposal contributes to place-making and the identity of an area, as well as the provision of community facilities and/or social infrastructure to facilitate the creation of sustainable neighbourhoods. Reference to Appendix 3.15.7.1 Re-

use of Existing Buildings – sets out guidance for elements of demolition and the need to submit a demolition justification report.

- 15.8.7 Financial Contributions in Lieu of Open Space - Public open space will normally be located on-site, however, in some instances it may be more appropriate to seek a financial contribution towards its provision elsewhere in the vicinity
- 15.9 – This section refers to the standards that contribute to a quality internal amenity standard.
- Section 15.15.2.1 relates to development within Architectural Conservation Areas.

5.5.5. Relevant Appendices include

Appendix 3: Achieving Sustainable Growth sets out the height strategy for the city, with criteria for assessing higher buildings and provides indicative standards for density, plot ratio and site coverage.

Appendix 5: Transportation and Mobility : Technical Requirements

Appendix 16: Sunlight and Daylight provides direction on technical approach for daylight and sunlight assessments.

5.6. Natural Heritage Designations

The proposed development is not located within or immediately adjacent to any European Site or other Natural Heritage Site.

The appeal site is located c.1.8km to the southwest of the Grand Canal (pNHA) (002104).

The appeal site is located c.7.2km to the west of the Special Area of Conservation for South Dublin Bay (001210) and the Special Protection Area for South Dublin Bay and River Tolka Estuary (004024) and c. 10km to the southwest of the Special Area of Conservation for North Dublin Bay (000210) and the Special Protection Area for North Bull Island (004006). The Special Protection Area for Northwest Irish Sea is located c. 11.7km to the west of the subject site.

6.0 EIA Screening

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.

See completed Form 1 and 2 on file.

7.0 The Appeal

7.1. Grounds of Appeal

This is a 1st Party and 3rd Party Appeal against the decision of Dublin City Council to grant permission for the proposed development.

The grounds of the 1st Party Appeal can be summarised as follows;

- For the avoidance of doubt the applicant does not seek to appeal the granting of permission.
- Appeal is in relation to Condition No. 2(a).
- It is submitted that the removal of the fourth floor (fifth storey) in its entirety, reducing the number of apartments from 49 as presented at Further Information Stage to now 45 as permitted is wholly unnecessary.
- The applicant contends that it has been demonstrated within the submitted assessment at planning application stage and further information stage that the building height has been assessed against all relevant design standards and is considered to present no impact to the streetscape in the Crumlin Village ACA or to the existing houses within Windmill Park by way of over-looking, overshadowing, overbearing or undue visual impact. The application of Condition No. 2(a) is wholly unjustified and request a de novo assessment and the removal of Condition No. 2(a) as attached to DCC Reg.Ref.2260/24).

The grounds of the 3rd Party Appeal lodged by Alex Begley can be summarised as follows;

- Proposal does not comply with the Zoning Objective with no mixed uses.
- The height of the proposed development at 4 storeys is too high for the location relative to the prevailing height.
- Height of buildings on the subject site should not exceed 3 storeys.
- Justification for increased height should be based on the consideration of the fundamental characteristics of the existing context.
- Excessive density and incorrect Plot Ratio considered.
- Proposed development would negatively impact the residents of Windmill Road with overbearance, over-looking and overshadowing.
- Concerns regarding the ease of understanding of the Sunlight, Daylight and Shadow Analysis.
- Onerous approach to include Condition No. 2.
- The wording of Condition No. 2 is unclear.
- Proposal would be incongruous with the streetscape within Crumlin Village Architectural Conservation Area.
- Precedent of Windmill Lodge included to rationalise the 4/5 storey height but is outside of the ACA with a different context.
- Planning Authority did not support the Architectural Conservation Area designation.
- No mixture of tenure is at odds with best practice for strengthening communities.
- No car parking proposed, unrealistic approach will cause further congestion.
- The demolition of the main post sorting hall will result in a significant loss of character at a pivotal corner of Crumlin Village and would be contrary to the Architectural Heritage Protection Guidelines
- Proposed development would be contrary to BHA06 'identify and protect exemplar buildings of the twentieth century' and a complete National Inventory of Architectural Heritage survey of Crumlin has not been completed.
- Insufficient demolition rationale provided.

- The main sorting hall as a large volume with clerestory lighting and north facing roof lights would provide a huge opportunity to the local area with great potential through thermal upgrades while the remainder of the site offers plenty of redevelopment opportunities and could support residential and commercial uses in compliance with the development plan and sustainability goals.
- Permission should be overturned

7.2. Applicant Response

7.2.1. Brock McClure, Planning and Development Consultants, on behalf of the applicant, Cabhru Housing Association have lodged a 1st party response to the 3rd party appeal.

- Refers to the applicant's own 1st party appeal made in relation to Condition No. 2.
- Applicants' response sets out response to 7 grounds raised by the 3rd Party Appeal.

Height of Development

- The height of the development would have no impact to the surrounding properties.
- A 4-storey version of the scheme has yet to be detailed by the applicant as per condition no. 2.
- Contends that the Condition to remove the fourth storey is wholly unjustified.
- The development does not present as a significantly tall building on the site.
- The height of the building is in line with the wider strategic and national policy requirements in relation to regeneration, compact development and integrated communities.
- The subject development is in keeping with the height of recent developments granted along Windmill Road.

- The development allows for a high-density apartment development to be provided while also protecting the surrounding residential amenity.

Density and Plot Ratio

- The proposed density is in line with the requirements of the Sustainable Residential Development and Compact Settlement Guidelines. The site is considered to be 'City- Urban Neighbourhood'
- The site location benefits from several established public transport links which offer frequent connections (Bus Routes S4, 27, 150, 83A and 83).
- The site also c. 500m walk from the R110 which is due to be upgraded as part of the Tallaght/Clondalkin to City Centre Bus Corridor Scheme.
- Therefore, a general density range of 50-250 should be assigned to the site.
- The scheme features a density of 252 dph however given the nature of the proposal, calculating the density relative to the bed spaces would offer a more realistic depiction of density. An approach also supported in the Dublin City Development Plan 2022-2028, Appendix 3.
- Approach to calculating density was discussed at pre-planning as being acceptable given the unique development typology.
- Notes that the plot ratio and site coverage thresholds as set out in the development plan are indicative.
- The site coverage and plot ratio are acceptable for the brownfield urban infill site.
- The design measures implemented to ensure that the development would not compromise surrounding amenity include set back from the eastern/northeastern site boundary where the site bounds the rear gardens of the existing dwellings at Windmill Lodge.
- It has been proven throughout the originally lodged planning application pack, the further information pack and the first party response to the third party appeal that the subject scheme density, plot ratio and site coverage are consistent with the requirements and guidance included in the Sustainable Residential and

Compact Settlement Guidelines and the Dublin City Development Plan 2022-2028.

Overbearance, Overlooking and Overshadowing

- The Daylight Sunlight and Shadow Assessment submitted as part of the original application demonstrated that the average change ratio for the tested amenity spaces was 0.90. The proposed development generally complies with the requirements of the BRE Guidelines for impact on amenity sunlight/shadow.
- The appellant's property is 65 metres from the site boundary and the proposed development will have no impact on this dwelling at No. 139 Windmill Park.
- The 5th storey of the development that was originally tested for impact has been removed by condition. It is considered that any impact to surrounding properties will remain negligible or will have decreased further through the removal of this element of the scheme.
- No over-looking impacts will arise. Balconies facing towards properties 105, 107, 109, 111, 113, 115 and 117 Windmill Park are appropriately set back from these dwellings.
- Proposed balconies are set back 24.479 metres to 33.951 metres.
- This separation distance is in line with the requirements of SPPIR1 of the Sustainable Residential and Compact Settlement Guidelines for Planning Authorities.

Architectural Conservation Area and Heritage

- The proposed development has been designed to comply with all requirements for development within Architectural Conservation Areas and specific requirements for design within the Crumlin Village ACA.
- The proposed development is found to align with the recommended policy for insertion of a building within an established streetscape, central to this particular ACA in adhering with parapet heights, reflecting building typologies and materiality and ensuring the animation of the ACA at this prominent corner site.
- Notes no Protected Structures interact with the site and the proposal.

- Proposed materials are consistent with those of the An Post Depot and surrounding area.
- Prevailing heights are respected.
- Notes the requirements of Condition 2 but submits that the building with a height of 4 or 5 storeys given its location is entirely appropriate.
- The development addresses the corner and provides a building of a similar scale to existing and permitted along Windmill Road.
- Notes the permitted redevelopment of the site at 'The Hub' on the corner site immediately to the northwest of the site.
- Historic building lines along St.Agnes Road will be maintained by the proposed development.
- The development does not require the amalgamation of plots within the ACA.
- The submitted Heritage Impact Assessment Report included an assessment of the acceptability of demolishing the building on site.

Building Use and Typology

- The 3rd party appeal submits that the proposed development does not comply with the general land use zoning objective for the site.
- At Further Information Stage, the façade of the building was amended to reduce the extent of dead frontage.
- The changes made mean that the majority of the building façade at ground floor level is activated and any elements that are not activated are treated with high quality architectural finishes.
- No commercial element is proposed as the development will be owned and operated by an Approved Housing Body who do not operate for profit.
- A 93sqm community hub was granted permission as part of the development. This will address and activate the street along St.Agnes Road.
- Engagement took place with DCC regarding potential use of this space by local community groups.

- In terms of concerns regarding the tenure provided, this is appropriate given the specific requirements of Cabhru and is supported by Appendix 1 of the Dublin City Development Plan 2022-2028 regarding mix requirements 'Standards maybe relaxed for other social housing needs and/or where there is a verified need for a particular form of housing, e.g. for older people, subject to the adjudication of the Housing and Community Services Department'.
- Reference to support this is derived from Table 40 of the Appendix 1 of the development plan.
- The unit mix for the subject development was reviewed and supported by the Dublin City Council Housing Department.

Parking

- Reference is made to the end user of the development which can be used to justify the zero provision of car parking on the site.
- Cabhru Housing Association have confirmed that their end users will not require any car parking.
- Reference is made to Sections 4.19, 4.20 and 4.27, Design Standards for New Apartments – Guidelines for Planning Authorities.
- It is therefore considered reasonable to wholly eliminate parking from the proposal as the site is well located within Crumlin Village being near services and public transport.
- It is in the interest of sustainable development that the future residents are encouraged to walk, cycle and use convenient public transport options.
- Reference is also made to SPPR 3 of the Sustainable Residential and Compact Settlement Guidelines for Planning Authorities. The site is located within 'City-Urban Neighbourhood' and as such parking should be minimised, substantially reduced or wholly eliminated.

Impact on Property Value

- The applicant reiterates that the appellants dwelling is located c. 65 metres from the subject site boundary and will not be impacted by the scheme.

- Reference is also made to the Residential Property Price Index, updated by the CSO in 2024 which demonstrates that the national Residential Property Price Index increased by 8.6% in the 12 months to June 2024 with the prices in Dublin rising by 9.3% and outside Dublin by up to 8.2%.
- Given the objective high-quality design, lack of impact to neighbours and rapidly rising property prices due to a national shortage, it is submitted that the subject development is appropriate within this context and will have no impact on the value of the appellants property at No. 139 Windmill Park.

7.3. Planning Authority Response

- None received.

7.4. Observations

7.4.1. 3 no. Observations were received on foot of the 1st and 3rd party appeal against the decision of the Planning Authority. Observations were received from Mark Flanagan, Davida Dee and Paul Power. The concerns raised are collectively summarised as follows;

- Support for Third Party Appeal and strongly oppose First Party Appeal.
- Non-compliance with the Zoning Objective, no mixed use, no mixed tenure proposed. Post Office provides valuable employment to the locality.
- Excessive height and density of development.
- Insufficient justification for demolition, contrary to the ACA and development plan objectives. The NIAH for this part of the city has not yet been published.
- The requirements of Condition No. 2 facilitates an unacceptable compromise to the height.
- Tenure mix will not strengthen community.
- Scale and height of the proposed development not acceptable including the density, plot ratio and site coverage.
- Proposal would be inconsistent with the established character of the area and incompatible with the ACA.

- Unacceptable residential impact in the form of over-looking, overshadowing and overbearance.
- Contrary to Ministerial Guidelines, including the Design Standards for New Apartments, Building Height Guidelines and Architectural Heritage Protection Guidelines.
- Lack of car parking and resulting increase in traffic along Windmill Road.
- Concerns regarding any future change of use.
- Reduction in the value of property.

7.5. Further Responses

None.

8.0 Assessment

8.1. Introduction

Having examined the application details and all other documentation on file, including all of the submissions received in relation to the 1st Party and 3rd Party appeal, the 1st Party Response to the 3rd Party Appeal and Observations, the reports of the local authority, and having visited the site, and having regard to the relevant local policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows;

- Principle of Development
- Demolition
- Density and Integration
- Condition No. 2
- Residential Amenity
- Car Parking
- Other Matters
- Appropriate Assessment

- Water Framework Directive Screening

8.2. Principle of Development

- 8.2.1. The subject site is situated at Crumlin Delivery Service Unit, 11 Saint Agnes Road, Dublin 12. The site is zoned under Objective Z4 – Key Urban Villages and Urban Villages where the objective seeks ‘To provide for and improve mixed-service facilities’. For clarity, I submit that residential development is listed as a permissible use under this objective.
- 8.2.2. Section 14.7.4 of the Dublin City Development Plan sets out that Z4 zoned areas, comprising key urban villages and urban villages function to serve the needs of the surrounding catchment, providing a range of retail, commercial, cultural, social and community functions that are easily accessible by foot, bicycle or public transport, inline with the concept of the 15-minute city. Key urban villages form the top tier of centre outside the city centre. Guiding principles of the development of Key Urban Villages / Urban Villages include mixed use (including promotion of an increased density of mixed use development which includes residential development with diversity in unit types and tenures capable of establishing long term integrated communities), density (including high density development capable of sustaining quality public transport systems and supporting local services and activities and the encouragement of the development of underutilised sites and intensification of underutilised areas with the opportunities being considered for use of the above ground level for commercial / retail / services or residential use), ensure provision is made for quality public transport systems, the promotion of the creation of vibrant retail and commercial cores with animated streetscapes including a diversity of uses with a high quality built environment.
- 8.2.3. Saint Agnes Road is not included in the list that identifies Key Urban Villages as set out under the Zoning Objective (Section 14.7.4 of the Dublin City Development Plan 2022-2028). The area is identified as an Urban Village. Crumlin Shopping Centre is designated as a Key Urban Village (9). Key Urban Villages are the top tier of urban centre’s outside of the city centre and are the primary location for commercial activity outside of the city.

- 8.2.4. Urban Villages have an important role to play in the creation of sustainable neighbourhoods.
- 8.2.5. As per 'Urban Villages and Neighbourhood Centres' (Pg 217), of the Development Plan, the focus of urban villages will be to provide convenient and attractive access by walking and cycling to local goods and services needed on a day-to-day basis.
- 8.2.6. I note that concerns regarding the principle of the proposed development and how it would comply with the requirements of the Z4 Zoning Objective were raised in the 3rd Party Appeal and Observations. I consider it appropriate to also discuss the unit mix within this context, regard being had to the guiding principles associated with the Zoning Objective.
- 8.2.7. As per the original plans submitted with the planning application concern was raised in relation to the fact that the development did not provide any animation to the streetscape, save for the proposed community room. The Planning Officers report noted that while residential use is permissible within the zoning objective such uses would be ideally situated at the upper levels, with more active uses at street level in accordance with the general principles set out in Section 14.7.4 of the development plan.
- 8.2.8. As part of the request for further information, the issue of inactive street frontage on the front elevation arising from the proposed ESB substation and switch room was raised and the applicant was requested to consider the relocation of the substation and switch room and/or finishes to mitigate for excessive dead frontage. The response to the request for further information set out amended plans to address these concerns. The amendments included the relocation of the entrance to the bin store from St. Agnes Road to Windmill Road and the replacement of this with an apartment at ground floor level addressing St. Agnes Road. The switch room and substation will remain in situ as per the original location however it is proposed to clad the doors serving these facilities with powder coated steel louvres to match the detail and colour or the proposed balcony balustrades.
- 8.2.9. The revised information was accepted by the Planning Authority, and it was submitted that as a result of the amendments made, much of the elevation addressing St. Agnes Road would be activated.

- 8.2.10. I acknowledge the proposed inclusion of the community room to serve the residents. I would note however that the use of this room is restricted by condition to be for use ancillary to the residential element only. I do acknowledge however, that the design and presence in the streetscape would contribute to animation within the streetscape.
- 8.2.11. Having regard to the concerns raised in relation to the provision of mixed uses, from review of the Development Plan and specifically Section 14.7.4 'Key Urban Villages and Urban Villages -Zone 4' I submit that 'residential' is listed as a permissible use. I contend that the provision of residential use is not subject to a caveat that requires the use to be provided in tandem or in conjunction with another use, such as retail while I note that this would be the preference. The overarching Zoning Objective seeks 'To provide for and improve mixed -service facilities' of which I would contend that the zoning objective seeks to ensure that an appropriate mix of uses would be provided for within the village centre to maintain vibrancy and vitality. From site visit, I would submit that the area is well catered for with a wide range of services from which the proposed development would complement. The services I noted directly opposite the site, included a Tesco, EBS Building Society, coffee shops and book makers. Additionally, to the northwest of the site is a hair salon and a terrace of commercial units which includes a pharmacy, Post Office, Homesavers and a Hardware Store. A similar terrace along St. Agnes Park to the south has additional offerings. The area also has churches and bingo available.
- 8.2.12. I would note that at time of site visit, the subject building itself is only accessible to the public as far as a collection kiosk inside the main door. Except for this public access, the remainder of the building is not accessible to the public.
- 8.2.13. Further to the above, I also acknowledge the single tenure proposed to be provided, i.e. housing for older residents was raised within the 3rd Party Appeal and Observations.
- 8.2.14. I acknowledge that the general principles associated with development in Key Urban Villages and Urban Villages seeks to promote an increase in diversity of unit types and tenures capable of establishing long term integrated communities. While I note the single tenure being proposed I would also submit that having regard to the nature of the future occupants of the units and the context of Crumlin Village and offering available, the village will play a central role in fulfilling the occupants' daily

requirements in line with the concept of the 15-minute city. Furthermore, by consolidating the urban environment with this single tenure on an underutilised site would establish critical mass to utilise and further enhance the surrounding services, and by reducing the need to travel, the development would seek to establish a long-term integrated community, in essence aligning with the guiding principles of Section 14.7.4.

- 8.2.15. Following review, I would concur with the assessment of the Planning Authority in respect of the Zoning Objective and housing tenure and submit that the proposed development would accord with the Z4 Zoning Objective both in terms of use and unit mix.

8.3. Demolition

- 8.3.1. The development proposes the demolition of the existing single storey Delivery Service Unit building and the associated outbuildings on the site in addition to the removal of the existing site boundary wall along Windmill Road. The total area of demolition is stated to be 918sqm.
- 8.3.2. Concerns regarding the proposed demolition have been raised as party of the 3rd party Appeal and Observations. It is contended that the proposed demolition would be contrary to Policy BHA7 and BHA8 of the development plan. It is submitted that insufficient justification has been provided regarding the need to demolish all the existing structures on site. I note that Policy BHA7 refers to guidance for the protection of the character of the ACA and Policy BHA8 refers to a presumption against the demolition or substantial loss of a structure that positively contributes to the character of the ACA. It is also contended that the demolition would be contrary to the Architectural Heritage Protection Guidelines.
- 8.3.3. I would submit that the element of demolition should be considered firstly in terms of the principle and secondly in terms of the acceptance of the proposal.
- 8.3.4. The applicant has included an Architectural Heritage Impact Assessment which has been undertaken by Molloy and Associates, Conservation Architects. This assessment seeks to demonstrate that the proposed development would be justifiable and accord with Policy BHA7 and BHA8 of the Development Plan.

- 8.3.5. In this regard the assessment sets out a presentation of the quality contribution to the ACA and the assessment of the potential architectural heritage impacts in relation to the overall Policy BHA7. Within this assessment it is acknowledged that the scale, height, mass and density of the proposed development deviates from the established 1950's typologies in the immediate vicinity of the site. The applicant contends that the viability of a development seeking to achieve urban cohesion will inevitably introduce an altered typological character. Reference is also made to the emerging character of the ACA along Windmill Road and the capacity to absorb change without adverse impact to the character of the ACA.
- 8.3.6. In relation to Policy BHA8, the assessment submits that the existing structure presents as an inanimate introverted frontage onto the ACA and whilst has design merit is not considered to be of significant architectural significance to justify adaptive reuse.
- 8.3.7. In addition to the foregoing, the applicant has also included a 3-part Demolition Justification Report. The first part of the report considers that policy at national, regional and local levels encourages the compact and sustainable growth of settlements. To achieve this, this requires the redevelopment of unsustainable brownfield sites and development of infill sites with increased heights and other measures to provide for increased densities. The report contends that while there is clear policy to support the more efficient use of the city's lands, this cannot be achieved via the reuse, refurbishment and retrofitting of the existing structures. It is submitted that the building cannot sustain the intervention required to deliver a design worthy sustainable residential scheme or not provide appropriate activity and animation at ground level. Equally consideration is given to the hard surface characteristics of the site and lack of planting and biodiversity.
- 8.3.8. The second part of the report assesses the architectural justification and considers that while the building is located within the ACA, it is not a Protected Structure. It is submitted that the building was designed and built for the specific purpose of an An Post Depot and this is where architectural merit of the building lies. The building by design is introverted in its nature. It is acknowledged that the building occupies a prominent corner within the village however on the street it is modest in scale. The report considers the potential for refurbishment but notes that the plan form of the building and floor to ceiling heights do not lend themselves to residential use. It is submitted that even if the challenges could be addressed, any conversion would only

yield a very insignificant number of units which in turn would not realise the national policy for efficient use of underutilised brownfield sites.

8.3.9. Lastly, the third part of the report addresses the structural input. This report which has been prepared by JJ Campbell and Associates Consulting Engineers, contends that the building is past its design life. It is also set out that the existing masonry walls cannot be used to support the heavy concrete structure. It is proposed to reuse demolition materials for the construction process. In consideration of the principle of demolition, I have also had regard to Section 15.7.1 of the Development Plan which requires the demolition justification to have regard to the embodied carbon of existing structures. From review of this part of the Demolition Justification, I do not consider that the report specifically addresses the embodied carbon of the existing structures notwithstanding consideration has been given to the feasibility of other options. In this regard I consider that based on a strict interpretation of the Development Plan this omission would constitute a technical material contravention of the Plan. I consider that the nature of the existing building does not have a large volume of construction which I would therefore submit that to require its retention would not benefit the appropriate consolidation of this brownfield site. I do note that the report addresses the embedded carbon of the new building and sets out that the development will be designed to eliminate deep transfer slabs and beams, internal walls shall be lightweight to allow for future uses and it is proposed to use low carbon concrete. The new build would be constructed to be adaptable with minimal use of load bearing walls. Consideration of embedded carbon has been tailored into the design approach. In this instance, having regard to the information available and for all the reasons set out above, the demolition of the building is absolutely justified in this case.

8.3.10. Concern was raised in relation to the loss of the heritage value of a mid-twentieth century building. I note Objective BHAO6 of the Development Plan refers to the intent to identify and protect exemplar buildings of the twentieth century. The subject building, while being located within an ACA is not protected nor is it listed on the National Inventory of Architectural Heritage. I note that no report of the Conservation Officer was received by the Planning Authority as part of the assessment of the proposed development. Furthermore, the Planning Authority referred the proposed development to The Heritage Council and the Department of Housing, Local Government and Heritage and no response was received. An Architectural Heritage

Impact Assessment accompanies the application. This has been undertaken by Conservation Architects. The AHIA considers the architectural and technical merit of the utilitarian structure however in accepting the buildings merits, it is submitted that the structure presents as a benign, inactive-yet-neutral contribution to the ACA, a condition that will become more apparent on removal of its function. In my opinion, the subject building is not exemplar in its design approach and has no other protective status that warrants retention. I would submit that in the absence of any expert report that contradicts the findings of the AHIA it would be onerous upon the applicant to retain the building in lieu of a more sustainable use of the lands.

- 8.3.11. Having regard to the above, I am satisfied that the applicant has sufficiently demonstrated a justification for demolition. In my opinion, in consideration of demolition, the applicant has comprehensively addressed the principle of demolition in the context of architectural merit and impact to the ACA in addition to the potential for reuse of the building rather than demolition while also being cognisant of national policy for the delivery of housing. I acknowledge that the building is part of the ACA for Crumlin Village, it is by its original design defensive to the streetscape is not protected nor do I consider that it contributes in a significantly positive way to the existing character of the ACA. I would agree with the Planning Authority that there would be limited benefit to requiring the retention of the building and in this instance such demolition would not be contrary to Policy BHA7 and BHA8 and Objective BHAO6 of the development plan.

8.4. Density and Integration

- 8.4.1. Concerns have been raised in relation to the density, plot ratio and site coverage of the proposed development.
- 8.4.2. The original density for the proposed development of 53 units was 297 units per hectare.
- 8.4.3. The development was reduced following a request for further information and was subsequently further reduced by condition attached to the notification of the grant of permission. The Planning Authority granted permission for 45 units which would yield a density of 252 units per hectare.

- 8.4.4. Furthermore, and in line with section 3.2 of Appendix 3 of the Development Plan, the applicant, in the first party response, has also included a density per bed space calculation. This calculation provided by the applicant is based on 45 units and assumes that 4 bed spaces would equate to one residential unit. Therefore, based on 90 bed spaces being within the proposed development, this calculate this to be approximately 126units per hectare. I would also note that the calculation based on the plans submitted in response to the Further Information request would yield a density of 137 units per hectare. I consider that having regard to the nature of the proposed development, this calculation would be a more reflective density for the site.
- 8.4.5. Appendix 3 of the Dublin City Development Plan 2022-2028 sets out density ranges to be followed 'as a general rule'.
- 8.4.6. Table 1 of Appendix 3 sets out the net density ranges for development within the City. For Key Urban Villages it is stated that a density range of 60-150 units per hectare is acceptable. The subject site is not within a designed Key Urban Village. There is no specific density range for an Urban Village with the threshold for 'Outer Suburbs' being 60-120 units per hectare. In my opinion the density and height proposed would be significantly greater from the prevailing character of the area. In light of the foregoing, On this basis assessment of the proposed development against Appendix 3 is required. Appendix 3 notes that:
- 8.4.7. 'It is acknowledged that schemes of increased density are often coupled with buildings of increased height and scale. Where a scheme proposes buildings and density that are significantly higher and denser than the prevailing context, the performance criteria set out in Table 3 shall apply'.
- 8.4.8. I also note that within Appendix 3, there are three general categories of height in the Dublin context, Prevailing Height, Locally Higher Buildings and Landmark/Tall Buildings.
- 8.4.9. The surrounding area comprises a medium density of generally two storey terraced commercial units with adjacent terraced housing to the east.
- 8.4.10. The application documents reference the infill scheme to the northwest along Windmill Road in addition to the 3-storey development permitted on the opposing side of the junction. From review of the documentation in addition to undertaking a site visit, while

I note these aforementioned developments and acknowledge the precedent, in my opinion the prevailing character of the area would be two storey and therefore the development would be significantly higher. By virtue of the precedence noted recognises the emerging character evolving and enables the consideration of the proposed development on this prominent corner site without being wholly incongruous with the character.

- 8.4.11. I note the concerns raised in relation to Plot Ratio and Site Coverage. As a result of the unit decrease arising from the changes made at Further Information in addition to the changes required because of Condition No. 2, this would have subsequently reduced the plot ratio further. I refer to Appendix 3 of the development plan in respect of Plot Ratio and Site Coverage which sets out that each of these calculations are tools and measures to ensure higher density schemes are appropriately developed to a high standard.
- 8.4.12. Table 3 of Appendix 3 sets out key criteria to justify densities higher than the prevailing development. It includes factors such as adequate infrastructural capacity, appropriate design response, appropriate housing mix and proximity to high quality public transport, employment and community services. Please see an assessment set out below of the proposed development against the 10 no. objectives of Table 3:

Criteria 1 – To Promote Development with a Sense of Place and Character	The existing building is of an introverted design which is defensive to the street. The block layout takes a chamfered approach. I consider this to be a modern interpretation of the existing approach to the urban corners in the vicinity, i.e. to the northeast (Junction of Windmill Road and Windmill Park) and Junction of St. Agnes Road and Lisle Road). This concept strikes a balance between established and emerging built character. The design and layout reflects the adjacent residential use to the northeast
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	and the commercial element to the southeast. These sections are centrally connected with the setback main entrance which opens onto the public realm. Given the open nature of the Junction of St. Agnes Road and Windmill Road together with the curvature of St. Agnes Road, there is capacity for the receiving built environment to absorb a building of this scale without detriment. Generally, the height and proportion of the proposed building, albeit a departure from the prevailing character would be appropriate relative to the street and would insert visual interest to the streetscape. The upper set back floors have not been appropriately scaled and designed. In the form set out, I consider this element to present as 'top heavy' and creates excessive scale upon the remainder of the building. In terms of integration with Windmill Park, the proposed development would appear visually different. I consider that the block layout being reflective of the crescent formation of Windmill Park, with a further reduction to the upper level together with the use of appropriate external finishes and the separation off the eastern boundary would ameliorate
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	for the visual change to be construed as being significantly injurious and overbearing. The proposed materiality would be reflective of the existing building on the site. The use of brick would be high quality and provide for longevity in terms of durability and maintenance. Further consideration should be given to a better mix of finishes to the rear elevation. The proposed development, by its nature would provide informal surveillance of the public realm. The development would provide a well-defined urban edge to the streetscape with an appropriate transition in scale The proposed design is distinctive with a considered approach which would enhance the quality of design in the area and would integrate well within the established streetscape providing a sense of place
Criteria 2 – To Provide Appropriate Legibility	I would consider that the amplified height will provide visual interest and will establish legibility on this corner site within Crumlin Village.

Criteria 3 - To provide Appropriate Continuity and Enclosure of Streets and Spaces	Having regard to the openness of the junction, I consider that the development subject to amendment would be of a scale that would sufficiently enclose the urban area in an appropriate manner without being overbearing upon the streetscape. Furthermore, the main entrance to the development would align with the existing public realm features and would likely generate a steady pedestrian footfall. At present, the public realm features address a blank wall of the building which I consider to be a disconnect.
Criteria 4 - To provide well connected, high quality and active public and communal spaces.	The development does not propose any public open space. It is noted that the proposed development would be gated. I acknowledge Section 15.8.10 of the development plan and submit that the provision of the gate would not restrict permeability and accessibility in the urban area as the development adjoins the rear gardens of private dwellings. It is also submitted that in this instance, given the end user, a secure communal garden area would be of benefit. It is noted that the surrounding area is well served by green spaces. The development however proposes an attractive communal open space on the

	eastern side of the building at ground floor level which contains a food growing area, social courtyard, areas of quiet pockets and ping pong. An additional communal area is also proposed on the 3rd floor which also includes a custom-built kitchen for group gatherings and sheltered long picnic tables to encourage socialising, sun lounge seats facing south.
Criteria 5 - To Provide High Quality, Attractive and Useable Private Spaces	Private open space is provided in the form of balconies which meet the minimum requirements as per Appendix 1 of Sustainable Urban Housing Design Standards for New Apartments. Balconies on the rear elevation are sufficiently set off the mutual boundary as per the requirements of the SPPR 1 of the Sustainable and Compact Settlements, Guidelines for Planning Authorities. The applicant has addressed the concerns raised regarding the usability of balconies at ground floor level on the street elevation in addition to their interface with the public realm. These spaces are set c. 380mm above the street level and would have a taller balustrade for security and privacy but also allow animation to the streetscape. Balconies are recessed which not only contribute to their usability but also are

	also conducive to high quality design of the façade of the buildings.
Criteria 6 - To Promote Mix of Use and Diversity of Activities	The proposed development would be of a single tenure of 45 (approved) 1 bed units for the purposes of housing for older people. The development would be managed by a housing agency. I note no mixed-use services would be included however a community room is provided. It is submitted that through the glazing and provision of high-quality finishes this would provide sufficient visual interest as an interface with the streetscape. I would also consider that the consciously designed communal areas would invite social connections with the occupants to promote a diversity of activities.
Criteria 7 - To ensure high quality and environmentally sustainable buildings.	The applicant has included a Building Lifecycle Report which submits that the building would be constructed with durable and sustainable building materials that will enhance the resilience of the proposed development and reduce maintenance costs over time. The applicant has included a Climate Action Energy Statement which submits that the proposed scheme addresses the requirements of the Dublin City Development Plan and complies fully with the Technical Guidance Document

	L 2022 as all units will exceed the minimum required A2 and nZEB ratings. The development includes green and blue roofs and SuDS tree pits for the management of surface water. The drainage submission includes a flood risk assessment.
Criteria 8 - To Secure Sustainable Density, Intensity at Locations of High Accessibility	The site is located within the urban village of Crumlin. The site is accessible to a variety of bus services from both St. Agnes Road in addition to being within 1km walk from Crumlin Road for additional high frequency services.
Criteria 9 - To Protect Historic Environments from Insensitive Development	The subject site is located within the Architectural Conservation Area for Crumlin Village. The application has been accompanied by an Architectural Heritage Impact Assessment which has been undertaken by Molloy and Associates Conservation Architects. In addition to a 3 part Demolition Justification report. A robust assessment is undertaken within these assessments to establish the sensitivities of the receiving environment and the capacity to absorb the proposed development. The proposed development involves the demolition of the existing structure on the site which I am satisfied by reason of the existing design and layout would not be detrimental to the setting of the ACA.

	Furthermore, I consider that the design approach of the replacement building, subject to the amendment stipulated within Condition No.2 of the Planning Authorities decision is of a high quality that would enhance the setting of the ACA rather than detract from it. In my opinion the proposed development would not detract from the key views as set out in the ACA Report. I consider that the applicant has adequately demonstrated this through the accompanying assessments plans and CGI images of the proposed development and how it would integrate with the sensitive surroundings.
Criteria 10 - To Ensure Appropriate Management and Maintenance	The proposed development, retained in single ownership and being housing for older people would be managed by a housing association which will ensure the appropriate management and maintenance of the development. Arising from the Mobility Management Plan, a Travel Plan Coordinator will also be appointed.

8.4.13. Having regard to the above, I believe the proposed development aligns with the performance criteria listed above from Table 3 of Appendix 3 of the Development Plan. I consider that therefore that the higher density as proposed is justified and appropriate for the site.

8.4.14. The Compact Settlement Guidelines were published following the adoption of the Development Plan. Table 3.1 of the Guidelines sets out a range of acceptable densities depending on the character of the area.

8.4.15. Having regard to the context of the area within Crumlin Village being served by several bus stops I would share the Planning Authority's consideration that the subject site would fall between the classification of city urban neighbourhood and city suburban /urban extension area. In this regard, a recommended density of minimum 50 dwellings per hectare and maximum 150-250 dwellings per hectare would be appropriate.

8.4.16. Furthermore, Section 3.4 of the Guidelines affords an opportunity for developments to exceed the density range sets as identified in Section 3.3 based on consideration of several criteria. This requires that the development as proposed comply with two steps as set out in Section 3.4.1 and 3.4.2 of the Guidelines.

Table 3.8, Step 1 refers to

'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 MetroLink services; or locations within 500 metres walking distance of an existing or planned BusConnects 'Core Bus Corridor'¹² stop'

8.4.17. It is also noted that the characteristics detailed in Table 3.8 are not exhaustive and a local assessment will be required.

8.4.18. The subject site is located within 1km of the D Spine of Bus Connects. The applicant has submitted a comprehensive Travel Plan which outlines the services that would be available to the future occupants with stops along St. Agnes Road. I would submit that there is good accessibility to bus connections.

8.4.19. Step two relates to the consideration of the receiving environment and the positive impact the proposal would have upon it. As per the Guidelines I would consider that proposed development would respond to the receiving environment in a positive way and would not result in a significant negative impact on character (including historic character), amenity or the natural environment.

8.4.20. Considering the above assessments, I contend that there would be sufficient enabling infrastructure to cater for the development in terms of services, connectivity, the improvements to the public realm and the high quality of the proposed design.

8.4.21. Furthermore, in line with Appendix 3 of the Development Plan in respect of the height classification 'Prevailing Height', which submits that amplified height, not being of a significant extent can provide visual interest and architectural innovation. I would consider that this is relevant to the subject development and in this instance represents an appropriate increase in height relative to the prevailing character and the prominence of the site within the centre of the urban village.

8.5. Condition no. 2

8.5.1. In relation to residential impact, the applicant reiterates the separation distances to the boundaries and subsequent compliance with SPPR1 of the Sustainable Development and Compact Settlement Guidelines. The applicant also refers to the Daylight, Sunlight and Shadow Assessment which was submitted with the original application. The applicant contends that this was not updated as the scale of the proposed development was reduced consequently reducing the scale and mass and therefore the original presented results for impact to the surrounding amenities remained the same or slightly improved.

8.5.2. The applicant contends that the inclusion of Condition No. 2 by the Planning Authority to omit the fourth floor (fifth storey) in its entirety is wholly unjustified.

8.5.3. The Planning Authority had concerns regarding the initial design approach of the development in terms of the proposed double setback storey at third and fourth floor level being top heavy and visually incongruous in the context of the existing streetscape in addition to the existing two storey houses backing onto the site on Windmill Road. Further Information was sought in this regard.

8.5.4. The applicant was requested to consider the omission of one setback storey and to relocate the remaining storey closer to the corner away from the site boundaries at St. Agnes Road and Windmill Road. In their response to this request, the applicant proposed to omit the second level of the setback floors along both Windmill Road and St. Agnes Road. The forms were further modified by shifting them away from neighbouring buildings to reduce impact from the rear.

8.5.5. As part of my assessment, I have compared the original design approach and the approach submitted in response to the request for further information including the elevations and the verified views.

- 8.5.6. I would concur with the Planning Authorities assessment in respect of the original design in terms of the scale and associated visual impact. I would consider that the partial omission of the fourth floor (fifth storey), with remaining set back fifth floor proposed at FI stage, emphasises the height of the upper setback element and does not achieve the aim of reducing the bulk in visual terms.
- 8.5.7. It would appear to me that the height variance between each of the floors at this level is disproportionate to the overall elevation of the building which is compounded with the solid ratio of the setback fourth floor addressing St. Agnes Road. I would submit that the vertical variation to the finishes is not a sufficient mitigation or justification for the resulting visual impact. I consider that the visual dominance of the structures would be excessive upon the streetscape and would detract from the successful main 3 storey element. I refer to the ACA Character Appraisal and Policy Framework which sets out that recent structures with large footprints have avoided overbearing expression in the street space and do not compete with the historic setting.
- 8.5.8. The development without the implementation of the requirements of Condition No.2 would be an unacceptable and abrupt transition in scale. In my opinion the development as proposed at Further Information stage would not be within the scope of the definition of 'Prevailing Heights' within Appendix 3 of the Development Plan and would be an overbearing expression on the streetscape.
- 8.5.9. In addition to the concerns regarding the visual impact to the streetscape, consideration must be given to the visual impact when viewed from within Windmill Park to the rear (east). While this view is not sensitive to the integration with the ACA, it is sensitive to the visual amenities of the occupants within the established residential area.
- 8.5.10. In relation to View 08 of the Verified Views, I acknowledge the amendments made to the rear elevation as part of the request for further information. I would consider that the setback fourth floor element would be an inappropriate transition in scale when viewed from the rear gardens of the two storey dwellings within Windmill Park. While I note the applicant's contention that no undue residential impact would arise, I consider that the omission of the full fourth floor element together with the use of appropriate finishes would ensure no undue visual impact would arise to the surrounding amenities. I would also consider that undertaking the amendments would

ease the visual dominance of the structure and would form an appropriate transition in scale upwards towards the urban village and away from the established residential areas. I submit that this is an appropriate balance to the transitional nature of the area.

- 8.5.11. Having regard to the prevailing character of the area, together with my assessment of the overall development relative to Appendix 3 of the development plan and the presumption that a modest departure in height can be accepted within an area, I submit that the design as presented at Further Information stage would not assimilate within the area. I would contend that the open nature of the junction enables the provision of a building of greater scale relative to the surrounding character however I would also submit that it is the prominence and visibility of the site together with the established character of the area that does not lend itself to the overall height as sought by the applicant.
- 8.5.12. I acknowledge that the proposed development will be visible from the surrounding environs, and this has been clearly demonstrated with the CGI's that have accompanied the application. However, I consider that it is a building with a contemporary design that has been generally modulated to take account of the angled corner site location. The ACA document sets out that alternative design approaches for new buildings can be proposed once accompanied with a robust design statement and rationale. I believe the applicant has largely demonstrated this however the design requires a further adjustment to ensure the appropriate integration within the streetscape.
- 8.5.13. I would concur with the assessment of the Planning Authority and consider that a 3-storey building with a fourth floor set back would provide a building with a modest and amplified height that would establish visual interest at this prominent corner site location. I consider that the proposed development, subject to the omission of the entire fourth floor (fifth storey) would subordinate appropriately within this sensitive streetscape and would represent an appropriate intensification of development of an otherwise inefficient use of the lands.
- 8.5.14. I acknowledge the concerns raised by the 3rd party appellant in relation to the wording of the condition being unclear as it does not stipulate how the fourth storey would be stepped back at the rear. From review of the Planning Authorities report in relation to the response to the Further Information request, I note that concerns remained

regarding the indicative finishes to the proposed fourth and fifth floor levels in addition to the impact of the rear of the proposed development when viewed in the context of the existing two storey houses in Windmill Park. Having considered the wording of the condition in addition to the floor plans I would consider that in the absence of any other information to demonstrate otherwise, that the footprint of the building arising from the amendments would therefore default to that of the proposed third floor plans with the set-back referring to that indicated on the front elevation, being the element which is different to the main elevation. It is unclear to me how a further set-back could be provided to the rear at third floor level without substantial changes to the design being undertaken, which I would submit would be outside of the scope of the condition. I would consider that the omission of the fourth floor in this regard would mitigate for the impacts upon visual amenity to the dwellings within Windmill Park. I would consider that the condition is clear in this regard.

8.5.15. I note that the 3rd party submits that the Planning Authority overextended their duty by including the condition to omit the fifth storey (fourth floor).

8.5.16. Notwithstanding my assessment in respect of the design and height of the building, I would disagree with the 3rd party in this regard and submit that the mechanism utilised by the Planning Authority is an appropriate mechanism to permit a development that requires a modest amendment, specifically a decrease in scale. In my opinion the intent of this condition is valid.

8.5.17. I recommend that the requirements of Condition No. 2 be upheld and included in any subsequent grant of permission.

8.6. Residential Amenity

8.6.1. The third party appeals and observations raise concerns in relation to overshadowing, overlooking and overbearing impacts arising from the proposed development, specifically to the north, east and the southeast.

8.6.2. In terms of overshadowing, I note that the applicant had submitted a Sunlight, Daylight and Shadow Assessment (Impact on Neighbours and Development Performance as part of the original submission which demonstrated the potential impact of the 5th storey. This report was prepared by Chris Shackleton Consulting in accordance with

- 8.6.3. The 1st Party notes that as the development has been reduced (by both response to Further Information and Condition No. 2), therefore potential impacts would be reduced consequently.
- 8.6.4. Having reviewed the information, I consider that the Sunlight, Daylight and Shadow Assessment is thorough, clear and has sufficiently considered the surrounding dwellings in terms of availability of light to the dwellings and potential overshadowing of the private amenity spaces. The assessment has been undertaken in line with industry best practice, i.e. Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (BR209-2022). The assessment concludes that the development would not give rise to undue impact. I note that in terms of impact to neighbouring buildings, 97% of the windows tested comply with the 27%, 0.8 ratio requirements for habitable rooms. I also note that 86% of the tested neighbouring amenity spaces pass the two-hour test requirements for the 21st March. The assessment does note the potential impacts to the dwelling to the immediate north both in terms of skylight and sunlight on the ground. In respect of these matters, I note that the window tested for skylight faces into the side passage proximate to the boundary wall however this appears to be a secondary window with the room receiving most of its light from the larger compliant rear patio doors. Furthermore, this property appears to have been subdivided and is constrained and appears sensitive to availability of light. Overall, I am satisfied that the proposed development will not give rise to undue impact in this regard.
- 8.6.5. In terms of over-looking, having regard to the details provided, I would consider that the dwellings most likely to be affected by over-looking would be 105 – 115 Windmill Park (6no. dwellings), and I note an observation received from the occupants of No. 113 Windmill Park. It is submitted that the Planning Authority erred in their conclusion regarding this concern when considered with the Over-looking Study 1 and 2 submitted as part of the Further Information response. The Observer contends that viewing angles would allow for direct visibility into the rear gardens adjoining the site which would result in over-looking.

- 8.6.6. I have reviewed the revised details as submitted in response to the request for Further Information and I would acknowledge that the proposed development being a new intervention within this setting would enable direct visibility into the rear gardens of the opposing dwellings. However, I also submit that the separation distances provided would be sufficient to ensure that undue over-looking would not arise. In this regard, I note that the information demonstrates that the proposed development would generally align with the traditional separation distance of 22m between opposing first floor windows as per Section 15.9.17 Separation Distances (Apartments) of the Dublin City Development Plan 2022-2028. Furthermore, I also consider that the development as proposed would accord with SPPR 1 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities. I am satisfied that no undue over-looking would arise. I would also submit that the requirement to omit the fifth storey would also significantly ameliorate for perceived over-looking.
- 8.6.7. Furthermore, I have considered the inner urban context of the site, the location of the building together with the separation distances off the mutual boundaries to the north and east together with their substantial garden sizes, in addition to the relationship of the proposed building with the commercial units to the south and being cognisant of the requirements associated with Condition No. 2 of the Planning Authority for a further reduction in scale, I do not consider that the development would give rise to undue overbearance impact upon surrounding properties.

8.7. Future Residential Amenity

The proposed development provides for floor areas above the minimum requirements set out in SPPR 3 of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities. All units either meet or exceed minimum storage areas and private amenity spaces in the form of balconies as set out in the Guidelines. In terms of floor to ceiling heights, c 2.7m is provided at ground floor level, with c 2.4m provided at upper floor levels. As such the proposal complies with SPPR 5. A significant quantum of communal open space (stated, c. 442.9 qm) is available at ground level and a secondary area is provided at roof level on the third floor. No public open space is provided for. Furthermore, I note the proximity of the site to William Pearse Park I am also cognisant of Section 15.8.7 of the development plan which offers an opportunity for a financial contribution in lieu. The Planning

Authority have determined that the subject applicants are not liable to financial contributions. Based on the structure of the Development Contribution Scheme, this exemption under section 10 of the scheme would appear to also apply to Contributions In Lieu Of Public Open Space. It must be determined then whether, where no public open space is provided and no contribution in lieu thereof is payable, the development can be in compliance with the development plan or whether a material contravention arises.

A strict reading of the plan would determine that a material contravention would arise in such circumstance. I have reviewed the proposed documentation, the application documentation and development plan policy. I consider that a financial contribution in lieu would otherwise be payable and would be appropriate in this case based on the characteristics of the site and the proposed development and having regard to the extent of open space provision within the wider area. On this basis, and in accordance with s.37(2)(a), I consider that a material contravention in this case would be warranted for the reasons set out above. On the basis of the wording of the Contribution Scheme, I do not recommend that a financial contribution in this regard be included as part of any grant of permission.

- 8.7.1. In relation to the quantum of dual aspect units, I refer to Section 15.9.3 of the Development Plan which seeks to 'encourage all developments to meet or exceed 50% dual aspect within the development unless specific site characteristics dictate that a lower percentage may be appropriate'
- 8.7.2. 47% of the units would be dual aspect. It is acknowledged this is marginally below the 50% threshold for suburban and intermediate locations. I acknowledge that the housing mix in this case makes the achievement of such a threshold more difficult. The Development Plan also refers to SPPR 4 of the Sustainable Urban Housing: Design Standards for New Apartments (Dual Aspect) and I note that Section 3.19 of these Guidelines allows for a relaxation in part, on a case-by case basis in this regard. I also consider that the modest reduction below the indicated threshold, on a 0.1784 hectare brown field site can be regarded as complying with the development plan. Having considered the requirements of the Development Plan in addition to the Section 28 Guidelines, I do not consider the proposed development to be a material contravention of the development plan in this regard.

- 8.7.3. The applicant has submitted a Sunlight, Daylight and Shadow Assessment which considers the performance of the proposed design. The various analysis generally demonstrate compliance with the BRE Guidelines (BRE 209-2022) including a well provided for communal open space
- 8.7.4. Overall, I consider that the proposed development would provide for a good internal residential amenity.

8.8. Car parking

- 8.8.1. The development proposes no provision of car parking. This has been raised as a concern in terms of the parking needs of the occupants of the development being met elsewhere. I do note that the appellant while raising this as a concern also acknowledges the general policy to move away from private car ownership.
- 8.8.2. I note the applicants Planning Statement which sets out that the end user of the development will be for older people and as such in this instance, the profile and requirements of the end user can be considered to justify the zero provision of car parking on the site. The development will be owned and operated by Cabhru Housing Association (Approved Housing Body) who confirmed that their end users will not require any car parking.
- 8.8.3. An Outline Residential Travel Plan prepared by Stephen Reid Consulting, accompanied the planning application.
- 8.8.4. The Travel Plan outlines the accessibility to the surrounding public transport services including stops serving buses No. 150 and S4 located on St. Agnes Road which is adjacent to the site. The plan also refers to the services available on Crumlin Road which would be c. 10 minutes' walk as per the recommendation of Section 4.0 of the Development Plan.
- 8.8.5. It is also noted that there are several short-term car rental options in the area such as Go Car within 10-minute walk of the subject site and YUKO, a Dublin based Toyota rental car scheme. The Plan references that recent studies indicate that car share schemes can replace between 10-15 cars per car club serving a development. I do note that such schemes are not proposed within the site.

- 8.8.6. The Plan also notes that apartment scheme residents cannot apply for an on-street parking permit and therefore it is not considered that there would be an issue with residents opting to own a car and park on street.
- 8.8.7. The Plan accepts that the development would likely attract visitors, however it is contended that the area is well served with public transport in addition to the availability secure visitor bicycle parking and controlled on streetcar parking, it is unlikely that there will be any significant parking demand generated by visitors.
- 8.8.8. The Plan references the 'Travel Plan Pyramid', a concept taken from the UK Department of Transport 'Making Residential Travel Plans Works'. Part of this involves the establishment of a Coordinator whose role is focus on the ongoing development and updating of the Plan once the residents are settled.
- 8.8.9. In their assessment, the Planning Authority accepted the non-provision of car parking having regard to the location of the site, the proposed quantity of cycle parking and the scale and nature of the proposed development in addition to the implementation of a Mobility Management Plan.
- 8.8.10. I refer to Section 4.0 of Appendix 5 associated with the Development Plan which relates to Car Parking Standards. It is noted the plan allows for a relaxation of maximum car parking standards to be considered in Zone 1 and Zone 2 for any site located within a highly accessible location. It is submitted that applicants must set out a clear case satisfactorily demonstrating a reduction of parking need for the development based on several criteria including; locational suitability and advantages of the site, proximity to High Frequency Public Transport (10 minutes' walk) the range of services and sources of employment available within walking distance of the development, impact on the amenities of surrounding properties or areas including overspill, robustness of Mobility Management Plan to support the development.
- 8.8.11. The applicant has included a detailed, albeit Outline Residential Travel Plan.
- 8.8.12. I acknowledge the concerns raised in relation to car parking. I note that the subject site is located within Zone 2 which enables a relaxation of the requirements. The Plan while referring to a relaxation of such provision does not refer to the elimination of car parking in its entirety. In this regard I would contend that in the absence of the provision of any car parking the proposed development would be considered to be a material contravention of the Development Plan.

- 8.8.13. I refer to Section 4.20 'Car Parking' of the Sustainable Urban Housing: Design Standards for New Apartments which enables the minimisation of reduction of or elimination of car parking within accessible urban locations. While Section 4.29 of the same Guidelines sets out that for urban infill schemes on sites up to 0.25 ha, car parking provision maybe relaxed in part or whole, on a case-by-case basis subject to the overall design quality and location.
- 8.8.14. SPPR3 of the Sustainable and Compact Settlements, Guidelines for Planning Authorities which recommends that in city centres and urban neighbourhoods car parking provision for residential development should be minimised, substantially reduced or wholly eliminated.
- 8.8.15. Having regard to the above, in my opinion there is compelling policy to enable the consideration of a development with no provision of car parking. I also consider that the foregoing assessment would mitigate for the concerns raised in respect of pedestrian safety associated with traffic resulting from the proposed development. The development would see the reinstatement of a continuous footpath in place of the existing vehicular entrance. Furthermore, there is a signalised pedestrian crossing to the west of the development which provides good pedestrian connectivity to the retail areas on the western side of St. Agnes Road.
- 8.8.16. I would submit, that in this instance, the site is not proposed as a 'typical residential development' and will be owned and operated by an approved Housing Association, the future occupants of which will be selected on the basis of having no car. The site is well served by public transport (bus) along St. Agnes Road in addition to being within a c.8-minute walk to Crumlin Road for access to high frequency services. Furthermore, St. Agnes Road contains many amenities such as a supermarket, banks, coffee shops and churches which would all be accessible by foot. The applicant has proposed a detailed Outline Travel Plan, the importance of which has been reflected by the Planning Authority in a condition associated with the grant of permission.
- 8.8.17. In this instance, I consider that the applicant has clearly set out that the proposed development would not give rise to ad hoc traffic congestion.
- 8.8.18. I also refer the Commission to Condition No.11(c) of the Planning Authority's decision to grant permission which states '*Prior to the commencement of development the applicant/developer shall contact the Traffic Advisory Group (TAG) to ascertain their*

requirements regarding the allocation of the additional on-street parking space/loading bay within the indented bay on Windmill Road. All works shall be provided at the applicants/developer's expense'. As a result of this condition, the use of this space has not been determined or explicitly set out by either the applicant or the Planning Authority. I consider that this space could be multifunctional in use by serving both the residential needs for set down purposes while also acting as a servicing facility for refuse collection trucks and emergency vehicles. I concur with the Planning Authority and recommend the inclusion of a similar condition to require the agreement of the use of the space prior to the commencement of the development.

8.9. Other Matters

- 8.9.1. I note that an Observation raised concern regarding the future use of the building and what safeguards are in place to prevent it being used for other purposes in the future. I would submit that the relevant zoning objective of the Development Plan that is in place at the time of any potential change of use would be the most effective safeguard to ensure that any future uses would be appropriate. I also note Condition No. 3 of the Planning Authority's decision and recommend the inclusion of a similar condition in the event of a decision to grant permission in this case.
- 8.9.2. I note the concerns raised in an Observation in respect of the devaluation of property. Having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.
- 8.9.3. The report received from Irish Water sets out that a Confirmation of Feasibility was issued to the applicant and that water/wastewater connections are feasible with no upgrades identified. A Flood Risk Assessment was submitted within the drainage report submitted with the application and concluded that the subject site is located within Flood Zone C. I note that the existing site is almost entirely hard paved and the proposed development will not result in any material increase in run off and would provide for a more sustainable management of run off through the incorporation of SUDs measures.
- 8.9.4. Having regard to the location of the proposed development, I would recommend that a Construction Management Plan, Resource Waste Management Plan and

Operational Waste Management Plan be submitted for the written agreement with the Planning Authority.

9.0 AA Screening

9.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on South Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA, North Dublin Bay SAC and North-West Irish Sea SPA in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

9.2. This determination is based on:

- The brownfield nature of the site and its location within a serviced urban area with available capacity noted at Ringsend WWTP. The nature and scale of the proposed development.
- The distance to the European sites and the urban intervening landscape and habitats.

See Appendix 3 attached.

10.0 Water Framework Directive

10.1. The subject site is located approximately c. 930m to the southeast of the Camac River and c.1.354km to the northwest of the Poddle River and is located within the Liffey and Dublin Bay Catchment.

10.2. The site is situated above the Dublin Groundwater body (IE_EA_G_008), designated as being a Locally Important Aquifer of moderate vulnerability. The soil type is Made.

10.3. The proposed development comprises demolition of existing structures on the site and construction of 53 no. apartments ranging in height from 3-5 stories in one block.

10.4. No water deterioration concerns were raised in the planning appeal.

10.5. 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. 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.

10.6. The reason for this conclusion is as follows:

- The nature of the existing development on the site and the nature and scale of the proposed development in a serviced urban environment.
- There are no waterbodies within the site.
- The location of the site approximately 930m to the southeast of the Camac River and c.1.354km to the northwest of the Poddle River and the lack of a hydrological connection.

10.7. 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

I recommend that permission be granted subject to the following conditions and reasons.

12.0 Reasons and Considerations

12.1. The proposed development, located in an established urban village with a variety of services available, within walking distance of public transport and accords with the provisions of the Dublin City Development Plan 2022-2028.

12.2. Subject to compliance with the conditions set out below, the proposed development would not seriously injure the established character of Crumlin Village ACA, visual,

residential or environmental amenities of the area, would not constitute overdevelopment of the subject site, would not result in traffic hazard and would offer a satisfactory standard of accommodation to future residents. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 23rd April 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. Reason: In the interest of clarity.
2.	The fourth floor (i.e. fifth) storey) shall be omitted in its entirety. The development shall be three storey with setback fourth storey (third floor level). The development shall comprise a total of 45no. one bedroomed apartment units. Prior to the commencement of the development, the developer shall submit for the written agreement of the Planning Authority, revised plans and elevations demonstrating the amendments required. Reason: To protect the visual amenities and character of Crumlin Village Architectural Conservation Area.
3.	(a) No material change of use of buildings in the proposed development shall take place without a prior grant of planning permission.

	(b) The occupation of the units on site is restricted to persons aged 60 years and older and which shall not be sold, let or otherwise transferred or conveyed without a prior grant of planning permission. (c) The proposed sheltered accommodation units shall not be sold to private individuals as habitable dwellings. Reason: To ensure occupation of the units is restricted to older persons / occupants.
4.	The community facility shall be used for purpose's ancillary to the main residential use on the site and shall be managed in accordance with the permitted residential development unless a further permission is granted. Reason: To clarify the scope of the permission.
5.	Details of the materials, colours and textures of all the external finishes shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of the development. The palette of finishes to the rear elevation shall also be reconsidered with a combination of brick and render, with a greater provision of brick. Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.
6.	The glazing to all bathroom windows and as otherwise indicated shall be manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass is not acceptable. Reason: In the interest of residential amenity.
7.	Prior to the commencement of the development, the developer shall agree the species and size of all trees proposed for the public realm in writing with the Planning Authority. The landscape scheme accompanying the application shall be implemented in full in the first planting season following the completion of

	the development. Any trees or shrubs which fail within 3 years of planting shall be replaced in the first planting season thereafter. Reason: In the interests of amenity.
8.	The following details shall be agreed in writing with the Planning Authority prior to the commencement of development on the site: a) Details of the materials proposed in public areas. b) Proposals for the removal and reinstatement of the existing dishing of the footpath and kerb on Windmill Road adjacent to the site. The public realm improvements and public road works shall be implemented prior to occupation of the development. c) Proposals for the allocation of the additional street parking space/loading bay within the indented bay on Windmill Road. d) No doors or gates shall open outward onto the public footpath except where required for emergency egress or sub-station access. No part of the building shall project under or over the public footpath or road. e) The operator/management company shall undertake to implement the measures outlined in the Residential Travel Plan and to ensure that future tenants of the development comply with this strategy. A Travel Plan Coordinator for the overall scheme shall be appointed to oversee the implementation of the plan and develop further measures as required. f) Cycle parking shall be in place and ready for use prior to the occupation of the first residential unit. g) All works shall be provided at the applicants/developers expense. h) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development shall be at the expense of the developer. Reason: In the interests of orderly development and to ensure pedestrian and traffic safety.

9.	Proposals for an estate/street name, house/apartment 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/apartment 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.	The 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.
11.	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.
12.	Prior to the commencement of the development, the developer shall delineate on a map those areas which are to be taken in charge for the written agreement of the Planning Authority. In relation to those areas not to be taken in charge a Management Company shall be set up. The Management Company shall provide adequate measure for the future maintenance and repair in a satisfactory manner communal open spaces,

	refuse and cycle storage and all hard and soft landscaped areas, where not otherwise taken in charge by the Local Authority. The management scheme shall include the community facility, which shall be for the use of residents within the scheme. Any changes to the overall community facility provision shall be agreed within the Planning Authority prior to the first occupation of the development. Reason: In the interests of the future maintenance of this private development, in the interests of residential amenity and the adequate provision of community facilities.
13.	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 for each apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained and waste shall be managed in accordance with the agreed plan. Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.
14.	A detailed Construction Environmental Management Plan shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The plan shall include but not limited to information regarding intended construction practice, noise and dust management measures and also include arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site. Reason: In the interest of sustainable transport and safety.

15.	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.
16.	Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority. Reason: In order to safeguard the residential amenities of property in the vicinity.
17.	All necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works. Reason: To protect the amenities of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought

to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Carol Hurley

Planning Inspector

29th September 2025

Appendix 1

EIA Pre-Screening

Case Reference	ABP-322754-25
Proposed Development Summary	Demolition of the existing delivery service unit and construction of 53 apartments with all associated site works.
Development Address	Crumlin Delivery Service Unit, Unit 11, Saint Agnes Road, Dublin 12, D12 WK5A.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (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)	☒ Yes, it is a 'Project'. Proceed to Q2. ☐ No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
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?	
☐ 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 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	State the Class and state the relevant threshold
☒ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Class 10(b)(i) construction of more than 500 dwelling units. Class 10(b)(iv) 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.

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)?	
Yes ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: _____

Appendix 2

EIA Preliminary Examination

Case Reference	ABP-322754-25
Proposed Development Summary	Demolition of the existing delivery service unit and construction of 53 apartments with all associated site works.
Development Address	Crumlin Delivery Service Unit, Unit 11, Saint Agnes Road, Dublin 12, D12 WK5A.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The urban site is serviced, and its size is not exceptional in the context of the prevailing plot size in the area. A short-term construction phase would be required and the development would not require the use of substantial natural resources or give rise to significant risk of pollution or nuisance due to its scale. The development by virtue of its type and nature does not pose a risk of major accident and/or disaster or is vulnerable to climate change. The operation does not pose significant risks to human health. The size and scale of the proposed development would be departure from the established height of the receiving environment but exceptionally.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, 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).	The development is situated in an urban area on a site addressing the street. The site is located within an Architectural Conservation Area but is not a protected structure itself nor is it adjacent to any protected structures. It is submitted that the localised impacts however would establish a visual change to the setting and character of the area but is not considered to be excessive. It is recommended that the Condition imposed by the Planning Authority to reduce the height be included which would reduce impacts. The development is removed from sensitive natural habitats, designated sites and landscapes of identified significance.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters,	Having regard to the nature of the proposed development and demolition of the existing single storey building, on serviced lands, likely limited magnitude and spatial extent of effects and absence of in combination effects, there is no potential for

magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	significant effects on the environmental factors listed in Section 171A of the Act.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	
There is a real likelihood of significant effects on the environment.	

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 3

AA Screening Determination Template Test for likely significant effects

Screening for Appropriate Assessment Test for likely significant effects				
Step 1: Description of the project and local site characteristics				
Brief description of project	Demolition of existing service delivery unit and the construction of 53 apartments with all associated site works.			
Brief description of development site characteristics and potential impact mechanisms	Demolition of existing buildings, new apartment building with on a brownfield site.			
Screening report	Y - Screening Report for Appropriate Assessment prepared by Enviroguide October 2024			
Natura Impact Statement	None.			
Relevant submissions	None.			
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
South Dublin Bay SAC (Site Code 000210).	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110].	c.6.95km	Potential <u>hydrological</u> connection via the Poddle/Camac River and the River Liffey. Operational surface water will be ultimately discharged to Dublin Bay Potential construction related surface water discharge to	Yes

	Conservation Objectives , NPWS, 22 nd August 2013.		nearby watercourses. Foul Water from the operational phase which will be treated at Ringsend WWTP ultimately discharges to Dublin Bay. *Potential weak hydrogeological pathway to South Dublin Bay SAC via groundwater discharges.	
South Dublin Bay and River Tolka Estuary SPA (Site Code 004024).	Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143] Sanderling (<i>Calidris alba</i>) [A144] Dunlin (<i>Calidris alpina</i>) [A149] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Redshank (<i>Tringa totanus</i>) [A162] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]	c.6.95km	Potential weak <u>hydrological connection</u> via the Poddle/Camac River and the River Liffey. Operational surface water will be ultimately discharged to Dublin Bay Potential construction related surface water discharge to nearby watercourses. Foul water from the operational phase which will be treated at Ringsend WWTP and ultimately discharge to Dublin Bay. Potential <u>land/air pathway</u> exists via the nearby ex-situ park (Pearse Memorial)	Yes

	Roseate Tern (<i>Sterna dougallii</i>) [A192] Common Tern (<i>Sterna hirundo</i>) [A193] Arctic Tern (<i>Sterna paradisaea</i>) [A194] Wetland and Waterbirds [A999]. Conservation Objectives, NPWS, 9th March 2015.			
North Bull Island SPA (Site Code 004006).	Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048] Teal (<i>Anas crecca</i>) [A052] Pintail (<i>Anas acuta</i>) [A054] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143] Sanderling (<i>Calidris alba</i>) [A144] Dunlin (<i>Calidris alpina</i>) [A149]	c.8.3km	Potential <u>hydrological connection</u> via the Poddle/Camac River and the River Liffey. Operational surface water will be ultimately discharged to Dublin Bay. Potential construction related surface water discharge to nearby watercourses. Foul water from the operational phase of the proposed development will be treated in Ringsend WWTP and ultimately discharges to Dublin Bay. Potential <u>land/air pathway</u> exists via the nearby ex-situ	Yes

	Black-tailed Godwit (Limosa limosa) [A156] Bar-tailed Godwit (Limosa lapponica) [A157] Curlew (Numenius arquata) [A160] Redshank (Tringa totanus) [A162] Turnstone (Arenaria interpres) [A169] Black-headed Gull (Chroicocephalus ridibundus) [A179] Shoveler (Spatula clypeata) [A857] Wetland and Waterbirds [A999]. Conservation Objectives, NPWS, 9th March 2015.		park (Pearse Memorial Park).	
North Dublin Bay SAC (Site Code 000206).	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glaucopuccinellietalia maritimae) [1330]	c.9.91km	Potential weak <u>hydrological connection</u> via the Poddle/Camac River and the River Liffey. Operational surface water will ultimately discharge to Dublin Bay. Potential inadvertent construction related surface water discharge to	Yes

	Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Humid dune slacks [2190] <i>Petalophyllum ralfsii</i> (Petalwort) [1395]. Conservation Objectives, NPWS, 6th November 2013.		nearby watercourses. Foul water from the Operational Phase of the proposed development will be treated at Ringsend WWTP and ultimately discharges to Dublin Bay. Potential <u>hydrogeological connection</u> exists via the groundwater body and 'Moderate' groundwater vulnerability underlying the site.	
North-West Irish Sea SPA (Site Code 004236).	Red-throated Diver (<i>Gavia stellata</i>) [A001] Great Northern Diver (<i>Gavia immer</i>) [A003] Fulmar (<i>Fulmarus glacialis</i>) [A009] Manx Shearwater (<i>Puffinus puffinus</i>) [A013] Cormorant (<i>Phalacrocorax carbo</i>) [A017] Shag (<i>Phalacrocorax aristotelis</i>) [A018] Common Scoter (<i>Melanitta nigra</i>) [A065]	c.11.3km	Indirect Potential <u>hydrological connection</u> via the Poddle/Camac River and the River Liffey. Operational surface water will be ultimately discharged to Dublin Bay. Potential construction related surface water discharge to nearby watercourses. Foul water from the operational phase of the proposed development which will be treated at Ringsend WWTP	Yes

	Black-headed Gull (Chroicocephalus ridibundus) [A179] Common Gull (Larus canus) [A182] Lesser Black-backed Gull (Larus fuscus) [A183] Herring Gull (Larus argentatus) [A184] Great Black-backed Gull (Larus marinus) [A187] Kittiwake (Rissa tridactyla) [A188] Roseate Tern (Sterna dougallii) [A192] Common Tern (Sterna hirundo) [A193] Arctic Tern (Sterna paradisaea) [A194] Guillemot (Uria aalge) [A199] Razorbill (Alca torda) [A200] Puffin (Fratercula arctica) [A204] Little Gull (Hydrocoloeus minutus) [A862] Little Tern (Sternula albifrons) [A885]. Conservation Objectives, NPWS, 19th September 2023.		and ultimately discharges to Dublin Bay.	
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¹ Summary description / cross reference to NPWS website is acceptable at this stage in the report ² Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species ³ if no connections: N				
Step 3. Describe the likely effects of the project (if any, alone <u>or</u> in combination) on European Sites AA Screening matrix				
Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*			
	Impacts	Effects		
Site 1: South Dublin Bay SAC (Site Code 000210). Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110].	Direct: None. Indirect: Potential surface water run-off during construction and operation. Potential foul water network impact at operation stage. Potential groundwater impact during construction.* *The AA Screening Statement undertaken by Enviroguide refers to a potential weak hydrogeological pathway via groundwater to North Bay SAC. However, Section 4.3.3 of the same report entitled 'Changes in Water Quality and Resource' references a potential weak hydrogeological pathway to South Dublin Bay SAC. Having regard to the overall Dublin groundwater body and being precautionary I recommend that this potential impact be also be considered in respect to South Dublin Bay SAC.	Noting the contained nature of the site (serviced, defined site boundaries, the absence of direct ecological connections or pathways) the absence of a significant increased loading to Ringsend WWTP and distance from receiving features connected to the European site make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the site for the SCI listed. Conservation objectives would not be undermined.		

	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
	Impacts	Effects
Site 2: South Dublin Bay and River Tolka Estuary SPA (Site Code 004024). Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143] Sanderling (<i>Calidris alba</i>) [A144] Dunlin (<i>Calidris alpina</i>) [A149] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Redshank (<i>Tringa totanus</i>) [A162] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]	Direct: None. Indirect: Potential surface water run-off during construction and operation. Potential foul water network impact at operation stage. Potential for noise and dust during construction	Noting the contained nature of the site (serviced, defined site boundaries, the absence of direct ecological connections or pathways) the absence of a significant increased loading to Ringsend WWTP and distance from receiving features connected to the European site make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the site for the SCI listed. Having regard to intervening landuses, significant ex-situ effects on QIS's are not anticipated. Conservation objectives would not be undermined.

Roseate Tern (<i>Sterna dougallii</i>) [A192] Common Tern (<i>Sterna hirundo</i>) [A193] Arctic Tern (<i>Sterna paradisaea</i>) [A194] Wetland and Waterbirds [A999]. Conservation Objectives, NPWS, 9th March 2015.		
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
	Impacts	Effects
Site 3: North Bull Island SPA (Site Code 004006). Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048] Teal (<i>Anas crecca</i>) [A052] Pintail (<i>Anas acuta</i>) [A054] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143]	Direct: None. Indirect: Potential surface water run-off and run-off during construction and operation. Potential foul water network impact at operation stage. Potential for noise and dust during construction	Noting the contained nature of the site (serviced, defined site boundaries, the absence of direct ecological connections or pathways) the absence of a significant increased loading to Ringsend WWTP and distance from receiving features connected to the European site make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the site for the SCI listed. intervening landuses, significant ex-situ effects on QIS's are not anticipated. Conservation objectives would not be undermined.

Sanderling (<i>Calidris alba</i>) [A144] Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Curlew (<i>Numenius arquata</i>) [A160] Redshank (<i>Tringa totanus</i>) [A162] Turnstone (<i>Arenaria interpres</i>) [A169] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Shoveler (<i>Spatula clypeata</i>) [A857] Wetland and Waterbirds [A999]		
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
	Impacts	Effects
Site 4: North Dublin Bay SAC (000206) Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310]	Direct: None. Indirect: Potential surface water run-off during construction and operation. Potential foul water network impact at operation stage. Potential groundwater impact during construction.	Noting the contained nature of the site (serviced, defined site boundaries, the absence of direct ecological connections or pathways) the absence of a significant increased loading to Ringsend WWTP and distance from receiving features connected to the European site make it highly unlikely that the proposed development could generate impacts of a magnitude that

Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Humid dune slacks [2190] Petalophyllum ralfsii (Petalwort) [1395]		could affect habitat quality within the site for the SCI listed. Conservation objectives would not be undermined.
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
	Impacts	Effects
Site 5: Northwest Irish Sea 004236 Red-throated Diver (Gavia stellata) [A001] Great Northern Diver (Gavia immer) [A003] Fulmar (Fulmarus glacialis) [A009] Manx Shearwater (Puffinus puffinus) [A013] Cormorant (Phalacrocorax carbo) [A017]	Direct: None. Indirect: Potential surface water run-off during construction. Potential foul water network impact at operation stage.	Noting the contained nature of the site (serviced, defined site boundaries, the absence of direct ecological connections or pathways) the absence of a significant increased loading to Ringsend WWTP and distance from receiving features connected to the European site make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the site for the SCI listed.

Shag (<i>Phalacrocorax aristotelis</i>) [A018] Common Scoter (<i>Melanitta nigra</i>) [A065] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Common Gull (<i>Larus canus</i>) [A182] Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183] Herring Gull (<i>Larus argentatus</i>) [A184] Great Black-backed Gull (<i>Larus marinus</i>) [A187] Kittiwake (<i>Rissa tridactyla</i>) [A188] Roseate Tern (<i>Sterna dougallii</i>) [A192] Common Tern (<i>Sterna hirundo</i>) [A193] Arctic Tern (<i>Sterna paradisaea</i>) [A194] Guillemot (<i>Uria aalge</i>) [A199] Razorbill (<i>Alca torda</i>) [A200] Puffin (<i>Fratercula arctica</i>) [A204] Little Gull (<i>Hydrocoloeus minutus</i>) [A862] Little Tern (<i>Sternula albifrons</i>) [A885]		objectives would not be undermined.
	Likelihood of significant effects from proposed development (alone): No	

	If No, is there likelihood of significant effects occurring in combination with other plans or projects?
Step 4 Conclude if the proposed development could result in likely significant effects on a European site	
I conclude that the proposed development (alone) would not result in likely significant effects on South Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA, North Dublin Bay SAC and North-West Irish Sea SPA. The proposed development would have no likely significant effect in combination with other plans and projects on any European sites. No further assessment is required for the project. No mitigation measures are required to come to these conclusions.	

Screening Determination

Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on South Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA, North Dublin Bay SAC and North-West Irish Sea SPA in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The brownfield nature of the site and its location within a serviced urban area with available capacity noted at Ringsend WWTP. The distance to the European sites and the urban intervening landscape and habitats.
- The screening determination of the planning authority.