



An  
Coimisiún  
Pleanála

## Inspector's Report PL-500117-DS

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<b>Development</b>	<b>Permission for 16. no apartments and 1. no commercial unit and all associated works.</b>
<b>Location</b>	<b>105, 107, 109, Emmet Road, Dublin 8</b>
<b>Planning Authority</b>	<b>Dublin City Council South</b>
<b>Planning Authority Reg. Ref.</b>	<b>WEB2122/25</b>
<b>Applicant(s)</b>	<b>Orbitiz Ltd.</b>
<b>Type of Application</b>	<b>Permission</b>
<b>Planning Authority Decision</b>	<b>Refuse Permission</b>
<b>Type of Appeal</b>	<b>First Party Normal Planning Appeal</b>
<b>Appellant(s)</b>	<b>Orbitiz Ltd.</b>
<b>Observer(s)</b>	<b>Kilmainham BK Owners' Management Company CLG</b>
<b>Date of Site Inspection</b>	<b>29/01/26</b>
<b>Inspector</b>	<b>Yolande McMahon</b>

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## 1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.053 hectares is located on the northern side of Emmet Road in Inchicore, Dublin 8, approximately 3 kilometres to the west of Dublin city centre. The site is bounded by Emmet Road to the south, a pocket park to the east, and Myra Close, a cul-de-sac which comprises of terraced two storey dwelling houses to the north. Kilmainham Bank apartment development which comprises five blocks (three to eight storeys in height) which step downhill from Emmet Road towards the Camac River adjoins to the north and west. Massey's funeral home a single storey building adjoins to the west. An existing pedestrian stepped access is located to the east of the site, which links Myra Close to Emmet Road via a small pocket park. Due to the derelict nature of buildings addressing the pocket park and overgrown nature of the park, it appears quite run-down.
- 1.2. The appeal site itself comprises of Nos. 105, 107 and 109 Emmet Road, which consist of three no. 2-storey over basement buildings. Nos. 105 and 107 are stepped back from No. 109 with an area to the front of the buildings which is used for informal parking. Two of the buildings are derelict (Nos. 105 & 107) and the overall site is in an overgrown and neglected state. No. 109 is stated to be currently in use as residential rental accommodation. The eastern boundary to the rear of the site, which adjoins the park comprises of a stone wall with an existing access door to the rear. This part of the site is very overgrown.
- 1.3. The character of the area is defined by a mix of two storey red brick terraced buildings in residential and commercial use along Emmet Road, with taller higher density developments such as Kilmainham Bank and Turvey Avenue located to the north/northwest of the site. St Michael's Catholic Church is located a short distance to the southwest and the Inchicore College of Further Education is located to the southeast. Richmond Park, the grounds of St Patrick's Athletic Football Club is located to the west. The site is approximately 700m from the nearest Luas stop, Goldenbridge and is well served by public transport with a main bus route with bus stop serving the

Nos. 13, G1 and G2 bus routes located immediately adjacent to the property on Emmet Road.

## 2.0 Proposed Development

2.1. The proposed development comprises the following:

- i) demolition of a) 2 no. existing 2-3 storey derelict buildings at no.'s 105 & 107 Emmet Road, and b) 1 no. 2-3 storey existing residential building at 109 Emmet Road;
- ii) construction of a 3-5 storey mixed-use development comprising of 16 no. residential units over 5- storeys, (9 no. 1-bedroom, and 7 no. 2-bedroom units), and 1 no. commercial unit at ground floor level, all with balconies to east or south;
- iii) construction of detached single storey bin store to north of site at lower ground floor level;
- iv) boundary treatments;
- v) provision of bicycle parking;
- vi) landscaping, SuDS drainage and all ancillary works necessary to facilitate the development.

2.2. Key elements of the proposal are as follows:

<b>Site Area (ha)</b>	0.053 hectares
<b>Site Coverage</b>	61%
<b>Plot Ratio</b>	2.76:1
<b>Density</b>	300 dwellings/ha
<b>Car Parking</b>	0
<b>Bicycle Parking – Long Term</b>	28
<b>Bicycle Parking – Short Term</b>	8
<b>Dual Aspect</b>	100%

2.3. The breakdown of the proposed apartment units/commercial unit is as follows:

Unit No	Type	Area (sq.m)	Agg. Living Area (sq.m)	Bedroom Area (sq.m)	Area of Private OS (sq.m)
1	1-bed	50	25.4	11.4	8
2	1-bed	51	25.1	12.2	8
3,6,10,14	2-bed (3P)	69	30.8	25.1 (11.5+13.6)	6
4,8,12	1-bed	54	32	11.4	8
5,9	2 bed (3P)	70	21.5	22.7	7
7,11	1 bed	51	25	11.4	8
13	1 bed	51	27	12.0	5
15	1 bed	48	23	11.7	8
16	1 bed	48	23	11.9	8
Total Apartments: 16	10 x 1-bed units; 6 x 2-bed units				
<b>Commercial unit – proposed Cafe</b>	51 sq m	Located on and accessed from Ground floor.			

2.3.1. The following documents formed part of the application:

- Daylight and Sunlight Assessments
- Flood Risk Assessment
- Building Life Cycle Report
- Service Delivery and Access Strategy
- Operational Waste Management Plan
- Architectural Design Statement
- Traffic, Transport and Mobility Tasks Report
- Climate Action Energy Statement
- Screening for Appropriate Assessment
- Mobility Management Plan

### 3.0 Planning Authority (P.A.) Decision

#### 3.1. Decision

Dublin City Council refused permission on the 24<sup>th</sup> September 2025 for the proposed development for the following reason:

*1. Having regard to the site's location along the permitted BusConnects Liffey Valley to City Centre Core Bus Corridor (CBC), the constraints of the surrounding road network, the proposed development's density, and the absence of any car parking provision, it is considered that the proposal would result in excessive overspill vehicle activity and informal set-down operations on an already heavily trafficked road. This would negatively impact the amenity of the area and pose a significant risk to public safety by creating traffic hazards and obstructing pedestrians, cyclists, bus services, and other road users. The proposed development would therefore be inconsistent with Policy SMT27 and Section 4.0 of Appendix 5 of the Dublin City Development Plan 2022–2028, which seek to safeguard the functionality and safety of strategic transport corridors. As such, the development would be contrary to the proper planning and sustainable development of the area.*

## 3.2. Planning Authority (PA) Reports

### 3.2.1. 1<sup>st</sup> Planners Report – dated 14<sup>th</sup> July 2025

The Planning report contained the following points of note:

- Site located on Z3 Neighbourhood Centre zoned lands with part of site to the rear located on Z1 Sustainable Residential Neighbourhoods zoning
- Site outside a red hatched conservation area.
- Density of c. 300 units per hectare consistent with national and local policy.
- Plot ratio of 2.8:1 and site coverage (71%) within indicative standards for Central Area as set out in the CDP.
- Proposed unit mix, minimum floor areas, floor-to-ceiling heights considered acceptable. All apartments dual aspect.
- Private open space including minimum depth of 1.5m complied with.
- Concerns with usability of the proposed communal open space located to the north.
- Clarity required on whether the daylight/sunlight study has accurately assessed the existing communal amenity space for Kilmainham Bank apartments.
- Scale and height generally in keeping with surrounding area.
- Separation distance to Kilmainham Bank generally acceptable.
- Potential overlooking to Kilmainham Bank to be addressed.
- Building Lifecycle Report/Energy Statement not submitted.
- Transportation issues – see Section 3.2.11 below.
- Appropriate Assessment – screening carried out by applicant, planner in agreement with conclusion that no significant effects expected and a Stage 2 AA is not required.

3.2.2. Due to the concerns regarding zero car parking and impacts on residential amenity, the PA recommended Further Information (FI). The FI sought is summarised below:

*Transportation Issues (Item No. 1)* - The FI reflected the transportation report which raised significant concerns with regard to the car free development proposed and potential overspill car parking with implications on the Liffey Valley to City Centre Bus Connects route; The applicant was also requested to submit a Service Delivery and Access Strategy, and Operational Waste Management Plan and Preliminary Construction Management Plan. Revised plans for cycle parking arrangements were requested in terms of access, quantity and location; Details of sufficient legal interest to carry out works within the indented area to the front of the site which is outside the red line boundary and is currently used for ad-hoc parking and where it is proposed to locate cycle parking and outdoor dining.

*Residential Amenity Issues (Item Nos. 2-5)* - The applicant was requested to address overlooking to Kilmainham Bank by the inclusion of angled louvres; provide additional section drawings to show the proposed relationship between the proposal and Kilmainham Bank; improve the usability of the proposed communal open space; review the Sunlight and Daylight analysis; submit a Building Lifecycle Report and Climate Action Energy Statement.

- 3.2.3. The second Planner's report dated 22<sup>nd</sup> September 2025 assessed the FI submitted by the applicant, which was not deemed to be significant and did not require readvertising. The Transportation elements sought at FI stage are discussed in Section 3.2.11 below.
- 3.2.4. The applicant submitted details of proposed louvres for the windows to the northern elevation to ensure angled views away from Kilmainham Bank apartments; revised elevation drawings of the northern elevation with brick proposed; and a section drawing showing the relationship between the proposed building and Kilmainham Bank; the response to these items were considered acceptable to the planning authority.
- 3.2.5. In relation to the proposed communal open space, the applicant submitted a revised open space layout which increased the space by revising the building to the rear. The applicant stated that given the proximity of the proposed development to the adjoining pocket park, the need for communal open space should be greatly reduced. The P.A. stated that it's usability remained a concern due to its location to the north of the proposed building and the bike parking and bin storage proposed within it.

- 3.2.6. A revised Daylight and Sunlight Analysis report was submitted which concluded that the proposed development would provide an excellent level of daylight and sunlight provision. For adjoining properties, daylight and sunlight would not be significantly affected. The report stated that compared to the originally applied for development option there was no measurable change on the development as applied for. The results were noted by the P.A.
- 3.2.7. A Building Lifecycle Report and Climate Action Energy Statement were submitted by the applicant with both reports welcomed by the P.A.
- 3.2.8. Following receipt of the FI response, the planning authority considered that there were no further environmental considerations having regard to the initial assessment detailed in the previous main report.
- 3.2.9. The planners report recommended a refusal for the proposed development due to the serious concerns raised with the zero-car parking proposed/overspill parking and location of the site along the permitted Bus Connects Liffey Valley to City Centre Core Bus Corridor (CBC) – this is discussed more fully within Section 3.2.12 Transportation reports below.
- 3.2.10. **Other Technical Reports**
- 3.2.11. **Transportation Planning (reports dated 30.6.25 and 11.9.25)** - The Transportation Planning Division raised concerns with regard to the lack of car parking proposed leading to overspill parking and resultant impacts on road users and existing residents; servicing arrangements and waste management. These concerns remained following the F.I. response, and this division recommended that permission be refused.
- 3.2.12. Drainage Report (dated 9<sup>th</sup> June 2025) stated that the management of surface water as shown on the submitted drawings was not acceptable. The applicant was requested to submit a detailed revised site plan prior to commencement of the development, to incorporate a green blue roof; detailed 'as-constructed' surface water layouts for all diversions, extensions and abandonment of the public surface water sewer; drainage for the proposed development to be designed on a completely separate foul and surface water system with a combined final connection discharging into Uisce Éireann's combined sewer system; all private drainage such as, downpipes, gullies, manholes, armstrong junction to be located within the final site boundary.

3.2.13. Overall, the drainage division raised no objection to the development subject to the developer complying with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0.

### 3.3. Prescribed Bodies

Referred to Uisce Éireann and Irish Rail - no response received.

### 3.4. Third Party Observations

A number of third-party submissions were made on the application. The issues raised related to:

- Excessive overshadowing and overbearing, bulk and height;
- Overdevelopment of a severely constrained site.
- Daylight/sunlight analysis – prepared for No. 107 Emmet Road – no shadow diagrams relating to that assessment.
- Loss of light – application included a study of the amount of light that will be lost by Kilmainham Bank apartments and concluded it to be acceptable – considered an arbitrary conclusion.
- Section through the building needed, to show the relationship between proposed and Kilmainham Bank apartments.
- Kilmainham Bank location already heavily developed.
- Anti-social behaviour due to noise, short-term lets.
- Noise disturbance.

## 4.0 Planning History

There have been a number of previous planning applications on the site including the following:

**0219/25** – The application subject to this appeal was granted a Social Housing Exemption Cert (SHEC) by DCC on the 16<sup>th</sup> June 2025.

**3704/17** - Invalid

**3851/17 (ABP Ref. 300386-17)** – This application encompassed a larger site that included the appeal site. Planning permission was refused by DCC and the decision upheld on appeal to An Bord Pleanála (ABP) for the demolition of buildings on site and the construction of 19 no. Apartments, 1 no. Office unit and 18 no. car park spaces at basement level, served by a new vehicular entrance. The reasons for refusal related to scale, density and design of the proposed residential units; unacceptable degree of overlooking and overshadowing on adjoining property; and removal of an existing pedestrian route contrary to the Z3 zoning objective.

**2072/16**- Application **withdrawn** – (student accommodation)

**2973/14** — Planning permission was **refused** for the demolition of existing fire damaged/ derelict 2 storey over basement public house and the construction of a 4 storey over basement mixed use development comprising student accommodation. Planning permission was refused due to the height and bulk, and proximity to adjoining dwellings resulting in overlooking/overshadowing and overbearing impacts, contrary to the Z1 zoning objective.

*Other relevant applications within immediate area*

**ABP 314056-22** - Liffey Valley to City Centre Core Bus Corridor Scheme (CBC) was lodged by the National Transport Authority (NTA) and was approved with 20 no. conditions on the 19<sup>th</sup> December 2023.

**ABP-314791-22** - Local Authority development under Section 175 (3) of the Planning and Development Act 2000 (as amended) comprising of 578 Residential units, Library/community hub, childcare facility, supermarket, 5 retail units, 2 café/restaurant units, open space and all associated works at Emmet Road, Dublin 8. The proposed development was approved with conditions on the 6<sup>th</sup> July 2023. This is site No. 3 of the Emmet Road Regeneration Site (SDRA 9) and lies to the south-west of the appeal site.

## 5.0 Policy Context

### 5.1. National Planning Framework – First Revision (April 2025)

- 5.1.1. *National Policy Objective 20* provides that “In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth”.
- 5.1.2. *National Policy Objective 22* provides that “In urban areas, planning and related standards, including in particular 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.”
- 5.1.3. *National Policy Objective 43* seeks to “prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location”.
- 5.1.4. *National Policy Objective 45* seeks “to increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration, increased building heights and more compact forms of development.”

### 5.2. Section 28 Ministerial Guidelines

- 5.2.1. The following were consulted in the preparation of this report:

- Sustainable Residential Development and Compact Settlements 2024;
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2023;

Note: Where Specific Planning Policy Requirements (SPPR’s) are set out in the above documents they take precedence over any contradictory standards in Development Plans.

- Design Manual for Urban Roads and Streets 2019;

5.2.2. The attention of An Coimisiún is drawn to the fact that The Design Standards for Apartments, Guidelines for Planning Authorities (2025) have been recently published and Sustainable Urban Housing: Design Standards for New Apartments (2020) and subsequent revisions. These are applicable to any application for planning permission and to any subsequent appeal or direct application to An Coimisiún Pleanála submitted after the issuing of the Guidelines, i.e. from 9th July 2025.

5.2.3. The Department Circular letter NSP 04/2022 states that:

5.2.4. “The revocation of the ‘Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities’, 2023 (and all preceding updates) does not apply to current appeals or planning applications, i.e. that were subject to consideration within the planning system on or before the 8th of July 2025. These will be considered and decided in accordance with the ‘Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities’, 2023, or as set out below, where applicable.”

5.2.5. As such, the applicable apartment guidelines for this appeal are the 2023 design standards for new apartments.

5.2.6. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024 (SRDCSG)

SPPR 1 relates to separation distances. A distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units above ground floor level is required. Separation distances below 16 metres may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces. The onus is on the proposer to demonstrate that residents will enjoy a high standard of amenity and that the proposal would not have a significant negative impact on the amenity of occupiers of existing residential properties.

SPPR 3 – Car Parking

It is a specific planning policy requirement of these Guidelines that:

(i) In city centres and urban neighbourhoods of the five cities, defined in Chapter 3 (Table 3.1 and Table 3.2) car-parking provision should be minimised, substantially

reduced or wholly eliminated. The maximum rate of car parking provision for residential development at these locations, where such provision is justified to the satisfaction of the planning authority, shall be 1 no. space per dwelling.

(Note: The appeal site is considered to fall into this category)

Applicants should be required to provide a rationale and justification for the number of car parking spaces proposed and to satisfy the planning authority that the parking levels are necessary and appropriate, particularly when they are close to the maximum provision. The maximum car parking standards do not include bays assigned for use by a car club, designated short stay on-street Electric Vehicle (EV) charging stations or accessible parking spaces. The maximum car parking standards do include provision for visitor parking.

5.2.7. Table 3.1 – Areas and Density Ranges Dublin and Cork City and Suburbs

5.2.8. City-Centre

The city centres of Dublin and Cork, comprising the city core and immediately surrounding neighbourhoods, are the most central and accessible urban locations nationally with the greatest intensity of land uses, including higher order employment, recreation, cultural, education, commercial and retail uses. It is a policy and objective of these Guidelines that residential densities in the range 100 dph to 300 dph (net) shall generally be applied in the centres of Dublin and Cork.

5.2.9. Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2023

5.2.10. SPPR 1 & SPPR2 relate to unit mix.

5.2.11. SPPR 3 & Appendix 1 – Minimum apartment floor areas - 45 sq m for a 1 bedroom and 63 sq m for a 2 bedroom (3 person).

5.2.12. SPPR 4 – Minimum number of dual aspect apartments - minimum of 33% in more central and accessible urban locations; minimum of 50% in suburban or intermediate locations; urban infill sites up to 0.25 ha such as this one, dual aspect provision is on a case-by-case basis.

- 5.2.13. Private amenity space – (Appendix 1) – The relevant minimum floor areas for private open space is 5 sq m for a 1 bed and 6 sq m for a 2 bed (3 person).
- 5.2.14. Communal Amenity Space – 4.12 - For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, communal amenity space may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality.
- 5.2.15. The relevant minimum floor areas for communal amenity space is 5 sq m for a 1 bed and 6 sq m for a 2 bed (3 person). (Appendix 1)
- 5.2.16. Car Parking – Section 4.20: The quantum of car parking or the requirement for any such provision for apartment developments will vary, having regard to the types of location in cities and towns that may be suitable for apartment development, broadly based on proximity and accessibility criteria.

### **1) Central and/or Accessible Urban Locations**

- 5.2.17. Section 4.21: In larger scale and higher density developments, comprising wholly of apartments in more central locations that are well served by public transport, the default policy is for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances. The policies above would be particularly applicable in highly accessible areas such as in or adjoining city cores or at a confluence of public transport systems such rail and bus stations located in close proximity.
- 5.2.18. Section 4.22: These locations are most likely to be in cities, especially in or adjacent to (i.e. within 15 minutes walking distance of) city centres or centrally located employment locations. This includes 10 minutes walking distance of DART, commuter rail or Luas stops or within 5 minutes walking distance of high frequency (min 10 minute peak hour frequency) bus services.
- 5.2.19. Section 4.25: For all types of location, where it is sought to eliminate or reduce car parking provision, it is necessary to ensure, where possible, the provision of an appropriate number of drop off, service, visitor parking spaces and parking for the mobility impaired. Provision is also to be made for alternative mobility solutions including facilities for car sharing club vehicles and cycle parking and secure storage. It is also a requirement to demonstrate specific measures that enable car parking provision to be reduced or avoided.

5.2.20. Section 4.26: As well as showing that a site is sufficiently well located in relation to employment, amenities and services, it is important that access to a car sharing club or other non-car based modes of transport are available and/or can be provided to meet the needs of residents, whether as part of the proposed development, or otherwise. 'Car free' development is permissible and if developed, must be fully communicated as part of subsequent apartment sales and marketing processes.

5.2.21. Section 4.29: For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, car parking provision may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality and location.

5.2.22. 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. **Dublin City Development Plan 2022-2028 (CDP)**

5.3.1. The Dublin City Development Plan 2022-2028 came into effect on the 14th of December 2022 and is the relevant plan.

5.3.2. The site contains two zoning objectives as shown on Zoning Map E. The majority of the site is zoned Z3 Neighbourhood Centre with an objective '*To provide for and improve neighbourhood facilities*'.

5.3.3. As set out in Section 14.7.3: *Neighbourhood Centres provide local facilities such as convenience shops, hairdressers, post offices etc. within a residential neighbourhood and range from the traditional parade of shops to larger neighbourhood centres. They may be anchored by a supermarket-type development, typically of between 1,000 sq. m. and 2,500 sq. m. of net retail floorspace. They can form a focal point for a neighbourhood and provide a range of services to the local population. Neighbourhood centres provide an essential and sustainable amenity for residential areas and it is important that they should be maintained and strengthened, where appropriate.*

*Neighbourhood centres may include an element of housing, particularly at higher densities, and above ground floor level.*

- 5.3.4. Under the Z3 zoning both 'residential' and café/tearoom are permissible uses.
- 5.3.5. Part of the site to the rear is located within zoning objective 'Z1' – Sustainable Residential Neighbourhoods, the objective for which is *'To protect, provide and improve residential amenities'*.
- 5.3.6. As set out in Section 14.7.1, the vision for the Z1 zoning objective is *for residential development in the city is one where a wide range of high quality accommodation is available within sustainable communities, where residents are within easy reach of open space and amenities as well as facilities such as shops, education, leisure and community services. The objective is to ensure that adequate public transport, in conjunction with enhanced pedestrian and cycling infrastructure, provides such residential communities good access to employment, the city centre and the key urban villages in order to align with the principles of the 15-minute city.*
- 5.3.7. Under the Z1 zoning 'Residential', is a permissible use.
- 5.3.8. There is a Strategic Development Regeneration Area (SDRA 9 Emmet Road) for lands to the immediate east and south of the appeal site with the zoning objective Z14 Strategic Development and Regeneration Areas (SDRAs)' with the objective 'To seek the social, economic and physical development and/or regeneration of an area with mixed-use, of which residential would be the predominant use.'
- 5.3.9. Chapter 3: Climate Action contains the Councils 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.
  - SC10: Urban Density which seeks to ensure appropriate densities and the creation of sustainable communities, in accordance with relevant guidance.

- SC11: Compact Growth
- SC20: Urban Design
- SC21: Architectural Design

Chapter 5 Quality Housing and Sustainable Neighbourhoods, • QHSN6: Urban Consolidation - *To promote and support residential consolidation and sustainable intensification through the consideration of applications for infill development, backland development, mews development, reuse/adaption of existing housing stock and use of upper floors, subject to the provision of good quality accommodation*

- QHSN10: Urban Density *To promote residential development at sustainable densities throughout the city in accordance with the core strategy, particularly on vacant and/or underutilised sites, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.*
- QHSN37: Houses and Apartments - *To ensure that new houses and apartments provide for the needs of family accommodation with a satisfactory level of residential amenity in accordance with the standards for residential accommodation*
- QHSN38: Housing and Apartment Mix

#### 5.3.10. Chapter 8 Sustainable Movement and Transport

- 5.3.11. Policy SMT27: Car Parking in Residential and Mixed Use Developments (i) To provide for sustainable levels of car parking and car storage in residential schemes in accordance with development plan car parking standards (see Appendix 5) so as to promote city centre living and reduce the requirement for car parking. (ii) To encourage new ways of addressing the transport needs of residents (such as car clubs and mobility hubs) to reduce the requirement for car parking. (iii) To safeguard the residential parking component in mixed-use developments.

#### 5.3.12. Chapter 11 Built Heritage and Archaeology

- 5.3.13. Policy BHA6 Buildings on Historic Maps - That there will be 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 City, 1847. A conservation report shall be submitted with the application and there will be a presumption against the demolition or substantial loss of the building or structure,

unless demonstrated in the submitted conservation report this it has little or no special interest or merit having regard to the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities (2011).

5.3.14. Chapter 15: Development Standards sets out the standards and criteria to be considered in the development management process so that development proposals can be assessed both in terms of how they contribute to the achievement of the core strategy and related policies and objectives. The relevant policies of Chapter 15 include:

- 15.4: Key Design Principles
- 15.5: Site Characteristics and Design Parameters

15.5.2 Infill Development

15.9 Apartment Standards

15.9.18 Overlooking and Overbearance

‘Overbearance’ in a planning context is the extent to which a development impacts upon the outlook of the main habitable room in a home or the garden, yard or private open space service a home. In established residential developments, any significant changes to established context must be considered. Relocation or reduction in building bulk and height may be considered as measures to ameliorate overbearance.

5.3.15. Appendix 3 Achieving Sustainable Compact 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.

5.3.16. Appendix 5, Transport and Mobility: Technical Requirements

5.3.17. Section 2.1 Layout and Access

5.3.18. The layout for all developments shall seek to maximise pedestrian permeability within the development and to improve pedestrian and cycle linkages to the wider road network, as far as possible. A walkability and/or cyclability audit may be required depending on the location of the development and existing provisions within the local road network.

5.3.19. All developments, from one-off housing to large-scale mixed-use development, shall demonstrate safe vehicular access and egress arrangements. All vehicular access

shall be considered, including private car, service, delivery and vehicles, and emergency vehicles, in addition to applicable vehicular access requirements. Where possible, service areas shall be provided within the curtilage of the site to minimise the impact on the local road network.

5.3.20. Section 2.4 Service Delivery and Access Strategy

5.3.21. The servicing requirements for any development should be established early in the preplanning process. Swept-path analysis shall also be submitted demonstrating the safe manoeuvrability of all vehicles servicing the site.

5.3.22. For residential developments, details of access for service vehicles shall be considered at an early stage in the design process. Access for emergency vehicles, refuse collections and general servicing needs (i.e., domestic/household deliveries) shall be adequately demonstrated.

5.3.23. Section 3.0 Cycle Parking Standards

5.3.24. The emphasis for cycle parking is to ensure that well integrated, accessible and secure cycle parking, to cater for all types of bikes, is provided within new developments.

5.3.25. Table 1 of Appendix 5 indicates cycle parking for residential apartments to be provided at a rate of 1 secure cycle parking space per residential bedroom and 1 visitor cycle parking space for every two units. Relaxations of this standard may be considered in certain instances where the applicant can justify the proposed quantum having regard to location, quality of facilities, flexibility for future enhancement / enlargement and availability of alternative transport facilities.

5.3.26. Section 4.0 Car Parking Standards

5.3.27. The Dublin City Council area is divided into three areas for the purpose of parking control, as shown on Map J.

5.3.28. The appeal site is located in Parking Zone 2 which occurs alongside key public transport corridors.

5.3.29. Table 2 of Appendix 5 indicates a maximum of 1 car parking space per dwelling for apartments and for café/restaurant and takeaways 1 per 150 sq m seating area is required. A relaxation of the maximum standard will be considered for any site located within a highly accessible location, and applicants must set out a clear case

demonstrating a reduction of parking need for the development based on the identified criteria.

5.3.30. Appendix 16 Sunlight and Daylight provide guidance on the technical aspects for assessing daylight and sunlight assessments.

#### 5.4. Natural Heritage Designations

The appeal site is not located within or immediately adjacent to any European Site or other Natural Heritage Site. The South Dublin Bay SAC and the South Dublin Bay and River Tolka SPA are the closest European sites located c. 6.9 km to the east of the appeal site. The Grand Canal pNHA is located c. 514 m to the south of the appeal site.

Site Code	Name	Distance (km)
<b>Special Protection Area (SPA)</b>		
004024	South Dublin Bay and River Tolka Estuary SPA	6.9
004006	North Bull Island SPA	9.7
004016	Baldoyle Bay SPA	14.8
004113	Howth Head Coast SPA	15.5
<b>Special Area Conservation (SAC)</b>		
00210	South Dublin Bay SAC	6.9
00206	North Dublin Bay SAC	6.1
001398	Rye Water Valley/Carlton SAC	11.9
00202	Howth Head SAC	15.5

<b>Natural Heritage Area/proposed Natural Heritage Area</b>		
002104	Grand Canal pNHA	514 metres
000128	Liffey Valley pNHA	2.84

## 5.5. EIA Screening

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 at the end 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 EIA is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

A first-party appeal has been received from Hughes Planning on behalf of the applicant Orbitiz Ltd. The issues raised in the appeal are summarised below:

#### *Bus Connects & Road network constraints*

- BusConnects provides direct justification for the proposed density and the non-provision of vehicular parking.
- BusConnects will remove informal and public on-street parking spaces for existing residential and commercial units, with no provision made for the creation of new parking areas to serve these uses.
- Proposed development will be made available to the public with clear instruction that the units do not come with dedicated vehicular parking areas and that parking access is extremely limited.

- No substantive reference within the P.A. assessment relating to the proximity of the appeal site to the city centre and/or location on the BusConnects G-spine route as reasons to support an infill development at this location.

#### *Density of Development & Absence of Car Parking*

- A number of site constraints which sterilise the applicant's ability to provide vehicular parking – Bus Connects to the south, private access road serving Kilmainham Bank development to the west, and public park to the east.
- Due to site constraints the density proposed is considered a non-issue as no reduction in density will result in the provision of vehicular parking.
- Non-provision of parking aligns with the Sustainable Residential Development and Compact Settlements Guidelines with regard to SPPR 3 and Table 3.1 definition of 'city centre'.
- Subject site located within Zone 2, applicant has set out a rationale as to why parking standards should be relaxed in accordance with Table 2 criteria.
- If the redevelopment of the site is dependant on the provision of car parking which cannot be delivered due to existing site constraints, this would directly compromise the viability of regenerating the site.

#### *Overspill Vehicle Activity & Informed Set Down Operations*

- Planners report places the emphasis on existing overspill parking and potential of the proposed development to exacerbate this scenario.
- Sufficient weight not given to the fact that the proposed development is presented as a car-free scheme with high quality bicycle parking provided or to the site constraints which prevent the applicant from addressing overspill parking.
- Issue of overspill parking can only be addressed by the Planning Authority.
- The applicant refers to the delivery service and access strategy submitted at FI stage, which is considered to be located within easy walking distance (c.25m) of the Myra Close estate where refuse/delivery vehicles would park to facilitate servicing the site.

- The applicant refutes the P.A.'s comments that utilising Myra Close would result in any substantive traffic generation or obstruction of this cul-de-sac.
- The applicant asks that the Commission have due regard to the alternative delivery and servicing zone on Emmet Road, which the applicant states was not considered by the P.A.

#### *Alternative Design Option*

- The applicant has submitted revised drawings for the proposed lower-ground floor and third floors, in order to address concerns raised by the PA regarding communal open space and its usability for future occupants of the scheme.
- The original communal space at lower ground floor level has been amended to include a bench adjoining the central landscaped area, with the intention to repurpose this space as a meeting/waiting area for people entering/leaving the site and is no longer intended to serve as the principle communal amenity area.
- The revised third floor plan makes provision for a new roof terrace area that accommodates a recreation area with table tennis and a seating area.

#### *Relevant Planning Precedent*

- Reg. Ref. 3513/20 – Nos. 25-27 Donnybrook Road and Nos. 1-3 The Crescent, Donnybrook – Granted permission for a mixed-use scheme of 43 no. residential apartments and 231 sq m of commercial floor space. No car parking proposed. Considered to be a relevant precedent to the current appeal with a comparable distance to city centre.

## **6.2. Planning Authority Response**

Dublin City Council Planning Department responded to the appeal on the 30<sup>th</sup> October 2025 to request the Commission to uphold its decision to refuse permission for the proposed development. The Planning Department requested that if permission is granted that the following conditions be applied

- A condition requiring the payment of a Section 48 development condition.
- A condition requiring the payment of a bond.
- A naming and numbering condition.

### 6.3. Observations

An observation was received on the 14<sup>th</sup> November 2025 from Dr Diarmuid Ó Gráda on behalf of Kilmainham BK Owners' Management Company CLG, in response to the first party appeal.

- Zoning- The designation of the zoning categories for these lands is considered quite arbitrary, for example the Z3 area extends onto the observer's property in a random pattern. Zoning must be in favour of protecting residential amenity.
- Planning history of unsuccessful schemes that were deemed incompatible with the receiving environment that includes Kilmainham Bank.
- Embedded carbon – the applicant has not justified the demolition of the two-storey building called Senan Court, and the conservation of intact structures in terms of embedded carbon is encouraged by Government and reflected in development plan policies and objectives.
- Open Space – the communal open space would have a poor quality, and would be inconsistent with the Z1 zoning. Concerns also raised by the Council in terms of the communal open space and its usability, impact on bin stores/bicycle parking and amount of sunlight it would receive. Addition of a bench as part of the first party appeal response would add to local concerns.
- Private terraces proposed on the eastern elevation are too small for active recreation i.e. just 1.5 metres wide.
- Noise Nuisance: The extent of the proposed development would form an extensive acoustic barrier causing sounds to be magnified and reverberated with more disturbance and loss of residential amenity at Kilmainham Bank.
- Emissions: The developer should clarify potential causes of emissions – dust, noise and vibration to allow third parties to assess the impact of site works, including any intended piling.
- Connecting pedestrian gate from site to Kilmainham Bank: a gate was inserted into the rear wall of the application site without the benefit of planning permission, and this gate should not form part of any future development of the appeal site.

- Loss of amenity: Kilmainham Bank enjoys a southerly aspect which will be overshadowed and encroached, with excessive loss of outlook.
- Overshadowing: Concerns raised with elements of the daylight and sunlight analysis – front cover stated that the report was prepared for No. 107 Emmet Road, i.e. only one of the three parts of the site; page 4 of the report states that *‘the criteria for rooms facing significantly north, due east or west is unlikely to be met’*; 12% of the windows at Kilmainham Bank would fall below the required level, and this failure rate is satisfactory due to the built-up nature of the location, this is disputed by the observer; omission of southeast-facing windows at Kilmainham Bank from assessment on sunlight.
- Excessive height and bulk: proposed development would have an equally damaging impact as the previous proposals for the site. Highest part of the block would be built towards the southern end of the property, closest to Emmet Road, which is the most elevated part of the site which adjoins Kilmainham Bank resulting in an intrusive and damaging impact on this development.
- Location of proposal – apartment block would be built right up against the dividing boundary.
- Suggested refusal reasons – proposal should be refused for 3 no. reasons – 1. Overlooking / Overshadowing / overbearing impact; 2. Overdevelopment and seriously injurious to amenity of adjoining residents; 3. Relating to the permanent removal of the pedestrian gateway.

## 7.0 Assessment

### 7.1. Introduction

7.1.1. Having examined the application details and all other documentation on file, including the first party appeal, the observation, the report/s of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal are as follows:

- Principle of the Proposed Development
- Bus Connects & Car Parking Provision

- Communal Open Space
- Residential Amenity
- Daylight and Sunlight Assessment
- Other matters

## 7.2. Principle of the Proposed Development

There is strong policy support at national, regional and local level for increased residential densities in highly accessible urban locations through a range of measures including infill development schemes, such as the proposed development.

### *Zoning*

- 7.2.1. The appeal site is located within two zoning objectives, Z3 for the majority of the site, and Z1 for part of the site to the rear. The Z3 Neighbourhood Centre zoning, allows for an element of residential development, particularly at higher densities and above ground floor level. A café/restaurant is a permitted use within the Z3 zoning, while residential is a permitted use within the Z1 zoning. I also note the established precedent for residential and commercial uses previously on this site. I would therefore consider the uses proposed to be compatible with the zoning objectives.

### *Demolition of buildings*

- 7.2.2. I note the observation made that the applicant has not justified the demolition of the two-storey building called Senan Court with regard to embedded carbon as reflected in development plan policies and objectives, specifically Section 15.7.1 of the CDP.
- 7.2.3. Section 15.7.1 states that where demolition is proposed the applicant must submit a demolition justification report to set out the rationale for the demolition having regard to the embodied carbon of existing structures and demonstrate that all other options other than demolition, such as refurbishment, extension or retrofitting, are not possible.
- 7.2.4. I also note Policy BHA 6 in relation to buildings on historic maps. I note that the two derelict buildings (Nos. 105, 107) appear on the 25-inch map, while No. 109 appears to be a different building than that shown on the historic map, which would remove the requirement for No. 109 to comply with Policy BHA 6. In terms of Nos. 105 and 107,

the demolition of these buildings is considered acceptable based on the rationale set out below.

- 7.2.5. The applicant has submitted a demolition drawing with the application, which will result in the demolition of three buildings with a stated gross floor area of 439.64 sq m. Two of the buildings are in a vacant, dilapidated state (Nos. 105,107), while Senan Court is the only building in use (residential rental accommodation). I note that the existing demolition drawing (No.SU001) indicates safety concerns with regard to No. 109.
- 7.2.6. I note that the appeal site is not located within an Architectural Conservation Area (ACA) and that none of the buildings to be demolished are considered to be of architectural or cultural significance. Furthermore, the demolition of these buildings was considered acceptable under previous applications for this site. The demolition of all three buildings will facilitate a co-ordinated sustainable redevelopment of the site. Having regard to the above, I consider that the demolition is acceptable and that regard for the embodied carbon of the existing structure is inherent in the documentation submitted. Section 15.7.1 does not require a specific form of analysis to satisfy the criteria of having regard to the embodied carbon of existing structures, it requires consideration in the context of the overall substantive case for demolition. I would consider that the provisions of Section 15.7.1 have been largely achieved and that a grant of permission would not seriously prejudice these provisions and therefore no material contravention arises.
- 7.2.7. Having regard to the location of the appeal site, within a highly accessible area, close to all necessary amenities, and to the land use zoning objectives, I would consider that the proposed mixed-use development would regenerate this part of Inchicore, bringing a derelict site back into active use. Therefore, the principle of the proposed development is acceptable, subject to a full review of relevant national, regional and local policies and objectives.

### 7.3. **Bus Connects and Car Parking Provision**

- 7.3.1. The site is located along the permitted Bus Connects Liffey Valley to City Centre Core Bus Corridor (CBC). While the proposed development will not impact on the CBC route, a number of changes will take place on Emmet Road to accommodate the new CBC, which will have a bearing on the proposed development.

- 7.3.2. The new CBC will result in upgrades to Emmet Road, to include a dedicated bus lane in each direction, maintaining two-way traffic flow. The existing uncontrolled parking adjacent to the application site, and a number of controlled on-street parking bays will be removed to accommodate the segregated bus lanes.
- 7.3.3. An existing bus stop is located at the south-east corner of the site, adjacent to an extended kerb measuring approx. 4.4 metres from the boundary of the pocket park to the kerb line. This bus stop will be relocated to the southwest corner of the site and the extended kerb will be removed to accommodate a segregated bus lane.
- 7.3.4. The proposed development did not propose any car parking spaces for the development. The Transportation Division considered that taking into account the location of the site along the permitted Bus Connects route, the heavily trafficked route, the density of the proposal and the lack of car parking proposed, the proposal would result in excessive overspill car parking on an already trafficked road resulting in a significant risk to public safety by creating traffic hazards and obstructing pedestrians, cyclists, bus services, and other road users.
- 7.3.5. I note that the applicant was given an opportunity at F.I. stage to address the concerns raised regarding the car-free development and provide an acceptable level of car parking combined with a strong mobility management strategy to encourage car share and use of sustainable forms of transport such as public transport and cycling to prevent overspill parking.
- 7.3.6. In response the applicant provided a rationale for not providing car parking for the proposed development. The applicant considered that proximity to high-quality public transport including the permitted Bus Connects route and major amenities within walking and cycling distance provided strong justification for the car-free scheme.
- 7.3.7. It was also stated that existing site constraints were considered to preclude the delivery of car parking. The applicant stated that the permitted Bus Connects proposals will permanently prevent private car parking on-site in front of the property and along Emmet Road effectively sterilising the road frontage; the private access road to serve the Kilmainham Bank development prevented a proposed vehicular access from the western side, while the public park precluded vehicular access from the east.

- 7.3.8. I also note the Transportation Division comments that a reduced scale/density of development which takes into account the location of the site, should be considered. However, the applicant did not explore the possibility of reducing the density, which may have allowed for a car-free scheme to be considered.
- 7.3.9. The Policy context in relation to the provision of car parking is set out in Section 5.0 of this report.
- 7.3.10. The application site is located in Zone 2 of Map J of the CDP, and as set out in Table 2 of Appendix 5, the maximum parking provision per unit is 1 space per residential unit and 1 per 150 sq. m seating area for a café/restaurant. As the proposed café is 51 sq.m there is no parking requirement. As such the maximum requirement for the proposed development is 16 no. car parking spaces. I note the precedent established on the appeal site for the previous/extant residential and commercial uses, which would have had a parking and servicing requirement, most likely from Emmet Road.
- 7.3.11. The CDP allows for a reduction of the maximum standard to be considered where a site is located within a highly accessible location, and applicants must set out a clear case demonstrating a reduction of parking need for the development based on a number of criteria, as follows:

*Locational suitability and advantages of the site.*

- 7.3.12. The applicant stated that the site is suitable for the mixed-use scheme due to its proximity to Dublin city centre and ancillary services, will removal derelict units which will improve the visual amenity of the area and will enhance passive surveillance of the adjoining public open space.
- 7.3.13. I would consider that the development of the site by the removal of derelict buildings which have been vacant for a number of years will help to regenerate this part of Inchicore, improve passive surveillance of the pocket park and provide a high-quality design response at this location.

*Proximity to High Frequency Public Transport services (10 minutes' walk).*

- 7.3.14. The applicant stated that the appeal site directly adjoins the permitted Bus Connects route which will provide access to high frequency public transport services and is within a 25-minute walking distance of both Hueston Station and the St. James Luas Stop.

*Walking and cycling accessibility/permeability and any improvement to same.*

- 7.3.15. The applicant stated that the site is within easy walking and cycling distance of Dublin City Centre, and that high quality bicycle parking inclusive of cargo bicycle parking and electric bicycle charging areas is provided. The nature of the subject site prevents any improvement to local permeability as a result of its redevelopment.

*The range of services and sources of employment available within walking distance of the development.*

- 7.3.16. The applicant stated that the subject site is located within easy walking distance of all necessary amenities for residential development and a range of larger employment centres in west Dublin.

*Availability of shared mobility.*

- 7.3.17. The applicant stated that there are no shared mobility services within the immediate and wider area. It is also stated that the subject site cannot contribute to the delivery of shared mobility spaces due to existing site constraints.

*Impact on the amenities of surrounding properties or areas including overspill parking.*

- 7.3.18. The applicant stated that the proposed development presents no undue impacts towards the amenities of neighbouring properties, and that the proposal will not result in overspill parking, as the development will be marketed with clear instruction that the units do not come with dedicated vehicular parking areas and that parking access within the local area is extremely limited.

- 7.3.19. In terms of the impact on the surrounding area, I note the comments from the Transportation Division who describe the location of the appeal site as along a 'heavily trafficked road' and within an area where there are serious existing overspill parking issues due to high parking demand and vehicle ownership levels. The recently permitted Bus Connects will also result in the removal of on-street parking which will exacerbate these issues. Approximately three informal car parking spaces will be removed to the front of the site, and public on-street spaces within 50 metres will be reduced from 17 spaces to 11 spaces.

- 7.3.20. I acknowledge the concerns in relation to car parking. As noted, the appeal site is located within Zone 2 which allows a relaxation of the maximum standards for car parking. While the Plan notes a relaxation, it does not refer to the elimination of car

parking in its entirety. In the absence of any car parking proposed the proposed development would be considered to be a material contravention of the CDP.

- 7.3.21. The appeal site is considered to fall into the definition of a city centre/urban neighbourhood as defined in the 2024 guidelines under SPPR3 and Table 3.1, and as a Central and/or Accessible Urban Location as set out in Section 4.21 of the 2023 apartment guidelines. Within these central accessible locations, car-parking provision should be minimised, substantially reduced or wholly eliminated in certain circumstances.
- 7.3.22. Section 4.29 of the 2024 guidelines states that for urban infill schemes on sites up to 0.25 ha, car parking provision may be relaxed in part or whole, on a case-by-case basis subject to the overall design quality and location.
- 7.3.23. Having regard to the above, I consider that there is strong policy support to consider this development as a car-free one and the applicant has set out a strong rationale for the car-free development.
- 7.3.24. Concerns were raised by the Transportation Division regarding servicing and waste collection arrangements to the proposed development. A Service Delivery and Access Strategy and an Operational Waste Management Plan was submitted at F.I. stage by the applicant.
- 7.3.25. A designated Delivery and Servicing Zone (DSZ) is proposed to the rear of the site which would be accessed from Myra Close and the adjoining public park. Set down for service vehicles is to be on the Myra Close cul-de-sac on a daily basis.
- 7.3.26. I note that the Transportation Division does not support the proposed servicing arrangement, considering it unrealistic and impractical. The proposed arrangement will result in servicing vehicles accessing the rear of the site via Myra Close, which is a narrow cul-de-sac which is already affected by informal parking, and will result in additional traffic movements onto this cul-de-sac and potential obstruction of this road. On the day of my site visit, I observed the narrow width of the cul-de-sac and a number of cars parked along either side of this road. At the end of the cul-de-sac closest to the pocket park, I noticed a number of vehicles parked, which would make it difficult for servicing vehicles to park without obstructing existing residents.

- 7.3.27. In addition, the Transportation Division report stated that the external path to the rear servicing access is sloped and uphill (c.55m), making it unsuitable for regular servicing of the retail unit. Therefore, there is a strong possibility that vehicles will continue to try servicing the site from the front of the site rather than from the rear.
- 7.3.28. Having reviewed the Transportation Division report and the first party submission, I would consider that the proposed servicing arrangement is unacceptable and will impact negatively on the residential amenity and traffic safety of existing residents in Myra Close.
- 7.3.29. As part of the Grounds of Appeal, the applicant has asked that the Commission have due regard to an alternative delivery and servicing zone (DSZ) on Emmet Road which was put forward at F.I. stage. I note that this alternative option was not considered by the P.A.
- 7.3.30. Section 3.10 of the *Traffic, Transport and Mobility Tasks* report prepared by Coakley Consulting Engineers provided details on this alternative DSZ. The report indicated a short-term and long-term DSZ set-down area on Emmet Road. In the short-term, prior to the implementation of the proposed Bus Connects, a 10-12 metre set-down area is proposed to facilitate servicing and delivery needs for the proposed development. A long-term solution is also put forward, post-Bus Connects which involves extending the proposed car parking spaces to the front of the site, to facilitate the retained provision of the set-down area.
- 7.3.31. I note that both residential and commercial uses have previously been established on the appeal site and that the Z3 Neighbourhood Centre zoning objective seeks to facilitate and strengthen local facilities in order to serve residential areas. The proposed café is an acceptable use within the Z3 zoning and will provide a new focal point within this part of Inchicore.
- 7.3.32. In terms of servicing the proposed café, I would consider that the level of servicing would be limited, and on balance, taking into account the existing site constraints, could be facilitated within the existing on-street car parking to the front of the site. Details of how the servicing arrangements would operate can be addressed in an Operational Servicing Plan which can be agreed with the P.A. prior to the commencement of development. The collection of refuse would be similar to other properties on Emmet Road.

*Impact on traffic safety including obstruction of other road users.*

7.3.33. The applicant states that the proposal presents no impacts on traffic safety.

7.3.34. I refer to the objective of Bus Connects which is to reduce reliance on the private car and increase the use of public transport. While it is acknowledged that on-street car parking will be reduced as a result of Bus Connects, there will be some level of car parking available within the wider area.

*Robustness of Mobility Management Plan to support the development.*

7.3.35. The applicant submitted a Mobility Management Plan (MMP) at F.I. stage as requested by the P.A. The MMP noted the site's location within Zone 2 of the CDP where reduced or zero parking is permitted in highly accessible areas. The MMP emphasised the various benefits from frequent 24-hour bus services (G1, G2), three nearby LUAS Red line stations (closest Goldenbridge, 8-minute walk), Heuston Station (20-minute walk), shared mobility options such as GoCar, DublinBikes and station less bike-sharing.

*Cycle Parking*

7.3.36. I note that a number of improvements were proposed at F.I. stage in order to address cycle parking concerns. The lower ground floor level layout was re-arranged to allow for a more accessible entrance to the bike store via the rear courtyard. The entrance door width was also increased to accommodate oversized/cargo bikes. On-site cycle parking is to be accessed via the existing access at the east site boundary. Larger cycle parking stands have been provided for oversized/cargo bikes within the internal long-term residential bike store. The number of visitor cycle parking has been increased to include 8 short-term spaces, which are provided as Sheffield stands located in the rear courtyard and have been separated from the long-term residential internal bike store. The improvements to cycle parking are welcomed.

7.3.37. Conclusion on Transportation Issues

7.3.38. I note the relevant policy provisions with regard to car parking, particularly in highly accessible locations such as the appeal site where car parking should be minimised, reduced or eliminated in certain circumstances. I consider that the appeal site is a suitable location for a car free development, considering its highly accessible location close to Dublin city centre. Its proximity to the permitted Bus Connects project will

encourage a shift from private car to public transport. I note the site constraints outlined by the applicant which prevent vehicular access/car parking being provided at this location and consider the rationale put forward for a car-free development to be acceptable and will facilitate the redevelopment of this largely derelict site.

- 7.3.39. The applicant has put forward an alternative servicing arrangement, from Emmet Road. Having regard to the previous commercial uses on the site, and the limited servicing required for the proposed café, I would consider the alternative servicing option to be acceptable, and can be agreed with the P.A. by way of condition through an Operational Servicing Plan.
- 7.3.40. The applicant has submitted a Mobility Management Plan to support the car-free development which I consider to be sufficiently robust.
- 7.3.41. I consider that the proposed cycle parking is in accordance with policy provisions in terms of quantity and quality and will support the car-free development proposed development.
- 7.3.42. Overall, I consider that the proposed development will not result in overspill car parking and would not result in a traffic hazard. This is based on the various provisions put forward by the applicant to rationalise the car-free development.

#### **7.4. Communal Open Space**

##### *Proposed Communal Open Space*

- 7.4.1. The applicant has submitted modified development proposals for communal open space as part of the appeal response. For clarity, I have assessed the proposed communal open space that formed part of the P.A. decision in the first instance. The modified development proposals submitted are discussed at the end of this section of the report.
- 7.4.2. Having regard to the CDP and the 2023 apartment guidelines, the proposed development has a communal open space requirement of c.90 sqm. On infill sites up to 0.25 ha, the communal amenity requirements may be relaxed on a case-by-case basis, as provided for in Section 15.9.8 of the CDP. An area of c.60 sq m was provided to serve the proposed development, which is located to the north of the site and is located at the lower ground floor level. Due to the restrictive shape of the site and the

proximity of the pocket park, the P.A. were open to considering a reduced level of usable communal open space. However, the usability of the communal open space remained a concern to the P.A. due to its location to the north of the proposed building and the bike parking and bin storage proposed within it. The applicant was requested to explore improving this space at F.I. stage.

7.4.3. In response the applicant increased the size of the communal open space by reducing the extent of the building to the rear. I note that the P.A. concerns remained in relation to the usability of the open space despite the amendments made.

7.4.4. I note the urban infill nature of the site where communal open space may be relaxed on a case-by-case basis. The proximity to the pocket park was considered by the applicant as a reason to reduce the communal open space to serve the proposed development. However, in its current state I do not consider the pocket park to be an attractive or usable open space to serve future occupants of the proposed development. It would appear to function more as a through route from Myra Close to Emmet Road. While I acknowledge that the proposed development will provide passive surveillance over the park, any improvements to the park itself are outside the control of the applicant. For this reason, I would consider that usable communal open space should in the first instance be provided on site.

7.4.5. I would agree with the P.A. that the proposed communal open space is of concern, particularly as the usable space will be reduced as a result of the proposed bin store and bicycle storages areas.

#### 7.4.6. *Modified Development Proposals for Communal Open Space*

7.4.7. The applicant has submitted revised proposals for the communal open space in order to address the concerns raised by the P.A. Two drawings have been submitted – Drawing No. APL001 Proposed Lower Ground Floor Plan and Drawing No. APL002 Proposed Third Floor Plan. I consider that the revised drawings can be considered as part of the appeal.

7.4.8. On the lower ground floor plan, the proposed communal open space has been amended to include a bench so that the communal space now functions as a meeting/waiting area for people entering and leaving the site and is no longer intended to serve as the principle communal amenity area. The parcel store has been moved adjacent to the secure bike parking storage area.

7.4.9. The third-floor plan has been revised to incorporate a new roof terrace (stated area c.48 sq m) with a recreation area comprising table tennis and a seating area, to create a usable area of communal amenity space. The inclusion of this new amenity space has resulted in proposed Apartment 16, a 1-bed unit (48 sq m) changing to a studio unit (37 sq m). This would result in 1 no. studio unit, 9 no. 1 bed units, and 6 no. 2 bed units in this proposal.

7.4.10. I welcome the addition of the new roof terrace, which at c.48 sq m would provide a usable area for future occupants of the proposed development to socialise. I would consider that the combined areas of both this communal space and the area proposed at lower ground floor level would provide a sufficient level of communal open space to serve this development, in accordance with CDP standards. While a degree of overlooking will occur to the Kilmainham Bank development and Myra Close, I do not consider that it would be unduly significant or result in a material change to the nature and design of the proposed development. As such I would consider that the alternative proposals do not require further circulation and are considered acceptable.

## 7.5. Residential Amenity

### *Residential amenity of future occupants*

7.5.1. The proposed apartments comply with the minimum floor areas, storage and room sizes for apartments as set out in the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2023. The development plan requires compliance with the unit mix provisions of the guidelines, in particular with SPPR 2 which provides for flexibility to be applied for infill sites such as this one. Having reviewed the unit mix which comprises of 10 no.1-bed units and 6 no. 2-bed units, I consider that the unit mix is in compliance with the CDP in this regard.

7.5.2. All units comply with the minimum private open space standards and minimum depth of 1.5m set out in the guidelines. Private open space is in the form of balconies located on the east and south elevations and is accessible from living areas. These are acceptable.

### *Residential Amenity - Adjoining Dwellings*

7.5.3. Concerns were raised in relation to overlooking/overshadowing/excessive height and scale and overdevelopment of the site, by residents in Kilmainham Bank.

- 7.5.4. The Kilmainham Bank apartment development is located to the north and west of the appeal site and comprises of 104 units in five blocks ranging from three to eight storeys, while to the north of the site are two-storey terraced dwellings at Myra Close.
- 7.5.5. It is noted that there are level changes across the site, with levels dropping to the rear (north) of the site which has informed the design and layout. The proposed development at its maximum point is 16.4 m in height. The height proposed comprises of 4-storeys to Emmet Road and is staggered to the rear with 3-5 storeys proposed. In order to address the scale and massing of the proposed development, the top floor is materially distinct and occasionally stepped back from the main mass of the building. The main mass of the building is broken up with red metal cladding and red brick. I would consider the design approach to be generally successful in reducing the overall massing of the proposed building. In order to address the two-storey dwellings in Myra Close, the north of the building steps down becoming 3-storey at the closest point to this estate.

*Adjoining development - Kilmainham Bank*

- 7.5.6. In relation to overlooking, I note the separation distance of c.14.4-16m between the proposed development and Kilmainham Bank. The applicant was requested at F.I. stage to explore the inclusion of louvres for the windows on the northern elevation to ensure angled views away from Kilmainham Bank apartments, and these details were provided by the applicant and are shown on the F.I. floor plans and elevations.
- 7.5.7. A total of six apartments as well as hallway/lobby areas on the northern elevation include louvres to address overlooking. Apartments 3, 6, 10 and 14 (2-bed 3 person units) incorporate louvres on the master bedrooms and single bedrooms; Apartment 13 (1-bed) proposes louvres to the window serving the kitchen/dining area – there is a second larger window on the eastern elevation reducing the impact on this unit; Apartment 16 (1 bed) includes louvres to the bedroom window and living/dining/kitchen window. The Daylight and Sunlight Assessment submitted at F.I. stage states that the proposed louvres were taken into consideration when assessing daylight. On balance, I would consider that the inclusion of louvres will address issues of overlooking to adjoining development.

### *Adjoining Dwellings – Myra Close*

7.5.8. The proposed building has been stepped down to 3-storey to address the 2-storey dwellings at Myra Close. The proposed 3-storey element is 10.4 m in height and is set back c. 10 m from the northern boundary with No. 45 Myra Close, the closest dwelling to the proposed development; while the 4-storey element is set back c.13m and the 5 storey has a c.21m set-back. There is a single storey extension located on the southern side of No. 45, which wraps around to the rear. Having regard to the design approach, which includes stepping down the proposal towards Myra Close, and the addition of louvres to address overlooking, and the orientation of windows in existing houses I consider that on balance the impact on Myra Close, and No. 45 in particular will not be significant.

### **7.6. Daylight and Sunlight Assessment**

7.6.1. In relation to overshadowing, I note the concerns raised with regard to the adequacy of the daylight and sunlight assessment. Firstly, while the report refers to No. 107 Emmet Road, having reviewed the report, I am satisfied that the Daylight and Sunlight assessment relates to the entire development.

7.6.2. The assessment of the proposed development was prepared using the methodology set out in 'BS EN 17037:2018 Daylight in Buildings,' and BRE 209, 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice – Third Edition.

#### *Daylight and Sunlight to the Proposed Development*

7.6.3. With regard to daylight to the proposed development, Section 2 of the Daylight and Sunlight Analysis indicates that 100% of the habitable rooms comply with the target illuminance values, which were 100 lux for bedrooms and 200 lux for combined Kitchen/Living/Dining rooms. This is considered acceptable.

7.6.4. In terms of sunlight to the proposed development, a window (predominantly living room windows) were assessed in each unit. Of the 16 living rooms assessed, all 16 (100%) meet the EN 17037:2018 sunlight exposure recommendations of greater than 1.5 hours on March 21<sup>st</sup>. This is considered acceptable.

7.6.5. Section 5 of the report addressed amenity overshadowing to the proposed communal open space. The BRE guidelines state that at least half of the amenity areas should

receive at least two hours of sunlight on March 21<sup>st</sup>, and this is calculated as a percentage of the total area. According to Table 11 of the report, the results indicate that, of the 78 sq m of proposed communal space, 62.4 sq m receive 2 hours of sunlight on March 21<sup>st</sup>. This equates to 80.06 %, thus conforming with the BRE guidelines for amenity overshadowing. I note that no analysis was carried out on the amenity overshadowing to the proposed communal open space at roof level on the third floor. However, as it is located at roof level on the eastern side of the proposed building, I would consider that it would receive sufficient sunlight in compliance with the BRE guidelines.

#### *Daylight and Sunlight to Adjoining Development*

7.6.6. An analysis of the Vertical Sky Component (VSC) was carried out to determine daylighting to Kilmainham Bank. Of the 34 no. windows analysed, 30 or 88% are predicted to achieve the required 27% level or do not reduce to less than 0.8 times the existing value. Due to the built-up nature of the location this pass rate was considered by the first party to be satisfactory. I would consider having regard to the orientation of the site and the proximity of the proposed development, that the 34 no. windows selected are those that would potentially be most affected by the proposal. Figure 11 of the analysis indicates the 34 windows that were analysed. As the floor plans for these buildings were not available, all windows (Living/kitchen, bedrooms, bathrooms, storage) were analysed for completeness. I would consider that as this is an infill site and having regard to the built-up nature of the surrounding area, that on balance the impacts are not significant and are acceptable for this location.

7.6.7. In terms of sunlight assessment to Kilmainham Bank, of the 17 no. windows assessed, all are predicted to achieve the required 25% annual probable sunlight hours (APSH) of which has 5% winter probable sunlight hours (WPSH). This is considered acceptable.

#### *Overshadowing to Adjacent Gardens*

7.6.8. An assessment of four amenity areas within the Kilmainham Bank development was carried out – these areas relate to two large amenity areas to the front of the development and a further two amenity areas at roof level. The assessment was based on at least half of a garden or amenity area receiving at least two hours of sunlight on 21 March. All of the areas assessed passed the analysis for overshadowing.

## 7.7. Conclusion on Residential Amenity

- 7.7.1. I would consider that the proposed development is considered acceptable with regard to design and scale and addresses issues of overlooking and overshadowing on adjoining development. The proposed development will provide for a high-quality development for future occupants.

## 7.8. Other Matters

- 7.8.1. Noise and Other Emissions – The observer raised concerns regarding noise nuisance and the need to clarify potential causes of emissions, such as dust, noise and vibration and any intended piling.
- 7.8.2. I note the applicant submitted a Construction Phase Health and Safety Plan at F.I. stage. All potential dust, noise and vibration will be dealt with in a detailed Construction Management Plan, which would be conditioned in the event of a grant of permission.
- 7.8.3. Connecting pedestrian gate
- 7.8.4. The applicant was requested to address the legal interest over the access from Kilmainham Bank at F.I. stage. In response, the applicant stated that the existing access door will be closed in the event of a grant of permission, with sufficient legal interest not now required. I therefore consider this issue to be addressed. In terms of the planning status of the existing door/gate, this would be a matter for the planning authority's enforcement section to investigate further.
- 7.8.5. Planning Precedent
- 7.8.6. The applicant makes reference to a planning application Reg. Ref. 3513/20 which was granted by DCC for a mixed-use scheme with no car parking provided. While there may be similarities between the two applications, it is important to note that all appeal cases are assessed and determined on their own merits having regard to the sensitivity of the receiving environment and the specifics of the proposed development.

## 8.0 Appropriate Assessment (AA) Screening

- 8.1.1. I have considered the proposed development in light of the requirements of S.177U of the Planning and Development Act 2000, as amended. The subject site is located within an established urban area, c. 6.9 km to the west of the South Dublin Bay SAC (000210) and South Dublin Bay and River Tolka Estuary SPA (004024). The proposed development comprises the construction of a mixed-use development comprising of 16 no. apartments and 1 no. commercial unit and all associated works. Surface water from the development will be discharged into the existing public drainage system, with some on-site attenuation provided through SuDS (e.g. green roofs).
- 8.1.2. No nature conservation concerns were raised with regard to European sites in the planning appeal.
- 8.1.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

The reason for this conclusion is as follows:

- The nature of the works.
  - The location of the development in a serviced urban area so that any surface water runoff will be managed via the existing public drainage system and SuDS features proposed.
  - The distance from the nearest European site and the lack of direct connections thereto.
  - The AA screening carried out by the applicant and the conclusion by the P.A. that Appropriate Assessment is not required.
- 8.1.4. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European site either alone or in combination with other plans or projects.
- 8.1.5. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000, as amended) is not required.

8.1.6. Having regard to the nature and scale of the proposed development and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on any European site.

## 9.0 Water Framework Directive (WFD)

9.1.1. The surface waterbody Camac\_040 is located approx. 106 m to the north of the appeal site, which has a Poor water body status. The ground waterbody is Dublin (IE\_EA\_G\_008) which has an overall groundwater status of Good.

9.1.2. The appeal site is located on zoned land within the urban area of Dublin, approx. 3 km to the west of Dublin city centre. Permission is sought to demolish 3 no. buildings on site and construct a mixed-use development comprising of 16 no. apartments and 1 no. commercial unit in a 3-5 storey block, bicycle parking, landscaping, SuDS drainage and all ancillary works necessary to facilitate the development.

9.1.3. Surface water from the development will be discharged into the existing public drainage system, with some on-site attenuation provided through SuDS (e.g. green roofs).

9.1.4. No water deterioration concerns were raised in the observations.

9.1.5. I have assessed the proposed development seeking permission 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 water and 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.

9.1.6. The reason for this conclusion is as follows:

- Nature of works e.g. scale and nature of the development.
- Location-distance from nearest water bodies and/or lack of hydrological connections.

9.1.7. 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.

## 10.0 Recommendation

10.1. I recommend that permission is Granted for the proposed development based on the reasons and considerations and subject to the conditions set out below.

## 11.0 Reasons and Considerations

Having regard to the location of the proposed development in an established and highly accessible urban village proximate to Dublin City Centre, with a variety of services including retail, educational, community and cultural uses within the immediate vicinity, and the proximity to high frequency public transport; to the design, layout and uses proposed within the Z1 and Z3 zoning, and to national, regional and local policy which seeks to facilitate higher densities on infill/brownfield development sites within the existing urban footprint, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the relevant policies and objectives of the Dublin City Development Plan 2022-2028 as they relate to residential development. The proposed development would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of traffic and pedestrian safety and would provide a high-quality standard of residential amenity for future occupants. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 12.0 Conditions

1.	<p>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 received by An Coimisiún Pleanála on the 20<sup>th</sup> October 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.</p> <p>REASON: In the interest of clarity.</p>
2.	<p>Details of the materials, colours and textures including samples of all the external finishes shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of the development.</p> <p>Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.</p>
3.	<p>Prior to the occupation of the commercial unit, full details of the proposed signage shall be agreed in writing with the Planning Authority. No other advertising sign(s) or structure(s) shall be erected except those which are exempted development, without the prior approval of the Planning Authority or An Coimisiún Pleanála on appeal.</p> <p>Reason: In the interests of visual amenity and the proper planning and sustainable development of the area.</p>
4.	<p>The following details shall be agreed in writing with the planning authority prior to commencement of development:</p> <p>(a) No doors or gates shall open outward onto the public footpath except where required for emergency egress. No part of the building shall project under or over the public footpath or road.</p>

	<p>(b) The operator/management company shall undertake to implement the measures outlined in the Mobility Management Plan and to ensure that future tenants of the development comply with this strategy. A Mobility Management Coordinator for the overall scheme shall be appointed to oversee the implementation of the plan and develop further measures as required.</p> <p>(d) Cycle parking shall be in place and ready for use prior to the occupation of the first residential unit.</p> <p>(e) All works shall be provided at the developer's expense.</p> <p>(f) All costs incurred by the planning authority, including any repairs to the public road and services necessary as a result of the proposed development, shall be at the expense of the developer.</p> <p>Reason; In the interest of orderly development and to ensure pedestrian and traffic safety.</p>
5.	<p>Proposals for an estate/street name, 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 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).</p> <p>Reason: In the interest of urban legibility.</p>
6.	<p>The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to 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.</p> <p>Reason: In the interest of public health and surface water management.</p>

7.	<p>Prior to commencement of development, the developer shall enter into a connection agreement with Uisce Éireann to provide for a service connection to the public water supply and wastewater collection network. All works shall comply with Uisce Éireann's Connection and Developer Services Standard Details and Code of Practice.</p> <p>Reason: In the interest of public health and to ensure adequate water/wastewater facilities.</p>
8.	<p>Prior to commencement of development, an Operational Servicing Plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of orderly development.</p>
9.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the planning authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development</p>
10.	<p>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.</p> <p>Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>
11.	<p>A detailed Construction Environmental Management Plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include, but not be limited to, information</p>

	<p>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.</p> <p>Reason: In the interest of sustainable transport and safety.</p>
12.	<p>Prior to 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 Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021), including a demonstration of proposals to adhere to best practice and protocols. The Resource Waste Management Plan shall include specific proposals as to how the Resource Waste Management Plan will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The Resource Waste Management Plan shall be submitted to the planning authority for written agreement prior to commencement of development. All records (including for waste and all resources) pursuant to the agreed Resource Waste Management Plan shall be made available for inspection at the site office at all times.</p> <p>Reason: In the interest of proper planning and sustainable development.</p>
13.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
14.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in</p>

	<p>connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion of the development.</p>
15.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

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Yolande Mc Mahon

16<sup>th</sup> February 2026

## Appendix 1 - Form 1

### EIA Pre-Screening

<b>An Coimisiún Pleanála</b> <b>Case Reference</b>	<b>PL-500117-DS</b>		
<b>Proposed Development Summary</b>	Demolition of existing structures and construction of a mixed-use residential and commercial development comprising of 16 no. residential units over 5 storeys and 1 no. commercial unit and all associated works.		
<b>Development Address</b>	105, 107, 109 Emmet Road, Dublin 8		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources).	Yes, it is a 'Project'. Proceed to Q2.	X	
	No		
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
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.	X		

**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?**

<p>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</p> <p><b>No Screening required</b></p>				
<p>Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening required.</b></p>				
<p>Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	<p>X</p>	<p>Class 10(b)(i) of Part 2: construction of more than 500 dwelling units.</p> <p>Class 10(b)(iv) of Part 2: 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. (In this paragraph, "business district" means a district within a city or town in which the</p>		

		predominant land use is retail or commercial use.) Class 14 of Part 2 (demolition) (no threshold)		
<b>4. Has Schedule 7A information been submitted AND is the development of a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b>				
<b>Yes</b>				
<b>No</b>	X		<b>Pre-screening determination conclusion remains as above (Q1 to Q3).</b>	

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

## Form 2 – EIA Preliminary Examination

<b>Case Reference</b>	<b>PL- 500117-DS</b>
<b>Proposed Development Summary</b>	Demolition of existing structures and construction of a mixed-use residential and commercial development comprising of 16 no. residential units over 5 storeys and 1 no. commercial unit and all associated works.
<b>Development Address</b>	105, 107, 109 Emmet Road, Dublin 8
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector’s Report attached herewith.</b>	
<p><b>Characteristics of proposed development</b></p> <p>(In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The development will consist of the demolition of a number of buildings with a stated gross floor space of 439.64 sq m. It is proposed to replace the existing buildings with a 3-5 storey mixed-use residential and commercial development.</p> <p>The existing pattern of development in the immediate area are two-storey dwellings to the north (Myra Close) and a 3-8 storey apartment development in five blocks to the north and west of the site (Kilmainham Bank).</p> <p>The proposed development would generate waste as a result of demolition, construction and operation. Given the moderate size of the proposed development, it is not considered to give rise to significant production of waste during both the construction and operation phases or give rise to significant risk of pollution and nuisance.</p> <p>The construction of the proposed development does not have potential to cause significant effects on the environment due to water pollution. The project characteristics pose no significant risks to human health.</p> <p>The proposed development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change.</p>
<p><b>Location of development</b></p> <p>(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</p>	<p>The subject site is located in a built-up urban area and comprises a brownfield site.</p> <p>The subject site is not located in or immediately adjacent to any European site or any other environmentally sensitive site. The closest European sites are the South Dublin Bay and River Tolka Estuary SPA and South Dublin Bay SAC c.6.1 km to the east of the subject site.</p>

<p>e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>It is considered that, having regard to the limited nature and scale of the development, there is no real likelihood of significant effects on other significant environmental sensitivities in the area.</p> <p>The only significant project within the immediate area is the Liffey Valley to City Centre Core Bus Connects scheme (ABP- 314056) approved on the 19<sup>th</sup> Dec 2023. Taking into account the scale of the proposed development relative to the Bus Connects project which will be planned to avoid significant impacts, I do not consider that those impacts would have significant cumulative impacts on the environment.</p> <p>There are no cultural heritage sites within the immediate area that would be impacted by the proposed development.</p>
<p><b>Types and characteristics of potential impacts</b></p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>The size of the proposed development is notably below the mandatory thresholds in respect of Class 10 Infrastructure Projects of the Planning and Development Regulations 2001 as amended.</p> <p>Having regard to the nature and scale of the proposed development, the size of the site and its location removed from sensitive habitats/sites, the likely limited magnitude and spatial extent of effects, and the absence of significant cumulative effects, I consider that there is no potential for significant effects on the environmental factors set out in Section 171A of the Planning and Development Act 2000 (as amended) having regard to the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended).</p>
<p><b>Conclusion</b></p>	
<p><b>Likelihood of Significant Effects</b></p>	<p><b>Conclusion in respect of EIA</b></p>
<p>There is no real likelihood of significant effects on the environment.</p>	<p><b>EIA is not required.</b></p>
<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p>	

<b>There is a real likelihood of significant effects on the environment.</b>	
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**Inspector:**

**Date:**

**DP/ADP:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
(only where Schedule 7A information or EIAR required)