



An
Coimisiún
Pleanála

Inspector's Report PL-500216-DF-25

Development	Demolition of pub and bookmakers, construction of temporary accommodation and medical/counsel suite with all associated site works.
Location	Salmon's Public House and Paddy Power Bookmakers at Mountview Shopping Centre, Mountview Road, Coolmine.
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	FW25A/0249E
Applicant(s)	Mourneview Construction Limited
Type of Application	Planning Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party Normal Planning Appeals
Appellant(s)	Mourneview Construction Limited
Observer(s)	Dublin Airport Authority. Cllr. Angela Donnelly, Cllr. Breda Hanaphy, and TD Paul Donnelly.
Date of Site Inspection	26 th June 2026
Inspector	Dan Aspell

1.0 Site Location and Description

- 1.1.1. The site is described as Salmon's Public House and Paddy Power Bookmakers at Mountview Shopping Centre, Mountview Road, Coolmine, Dublin 15, D15 TKW5. The site is located generally within the Mountview Shopping Centre site. The application red line area comprises the public house and bookmaker building, associated yard to rear, and side passage.
- 1.1.2. Car parking and vehicular circulation outside the subject building, and which comprises part of the Mountainview Shopping Centre parking, is to the north. Vehicular service access and parking associated with the public house and Tesco store within Mountview Shopping Centre is to the east.
- 1.1.3. Parking and vehicular circulation associated with St. Philip the Apostle National School is to the west. St. Philip the Apostle National School grounds are to the south. Mountview Youth & Community Centre is to the south-east.
- 1.1.4. The site is accessed through the Mountview Shopping Centre car park from Mountainview Road, which is to the north.

2.0 Proposed Development

- 2.1.1. The proposed development is stated as comprising the following:
 - Demolition of Salmon's Pub and Paddy Power Bookmakers;
 - Construction of a Family Hub and Medical / Counsel Suite;
 - The proposed building would be 3 storeys and contain 40 family rooms, including universal accessible room, dining facilities, living area, play and homework rooms, outdoor play area, landscaping and all associated site works.
- 2.1.2. The development description states that: *“A Family Hub is “A form of supported temporary accommodation specifically designed for families who are experiencing homelessness, typically sourced from the local authority social housing waiting list or homeless register”.”*
- 2.1.3. The proposed development was revised at further information stage with the Planning Authority. The revisions related to the bed mix in bedrooms; increased

kitchen area; addition of tea stations at each floor; increased lobby size; addition of bin storage and bike shelter, and related detailed layout and design revisions.

- 2.1.4. The applicant submitted a Demolition Justification Report; Site-Specific Flood Risk Assessment; Engineering Services Report; letter of consent; letters in relation to compliance with Development Plan Objective; further information engineer and landscape response letters; related correspondence, and accompanying architectural, engineering and landscape drawings.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Fingal County Council issued a notification to refuse permission for 1 no. reason, summarised as follows:

- Reason 1: *The Planning Authority has serious concerns regarding the residential amenity and quality of accommodation proposed. Specifically, the development will provide for inadequate communal facilities/living/gathering spaces for residents to socialise with other residents and visitors, materially contravening Objective DMSO39 of the Fingal Development Plan 2023-29. Furthermore, the Planning Authority considers that the applicant has not provided adequate details with regards to the service provider or the end user for the proposed facility. The proposed development would not provide adequate residential amenity to future occupants, would result in a substandard form of development and would not be consistent with the provisions of the Fingal Development Plan 2023-29. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

- 3.2.1. Planning reports: The final report recommended permission be refused. I note the following points:
- Zoning: A 'family hub' use can be considered compatible to a 'sheltered accommodation' land use category which is 'permitted in principle' on lands zoned 'LC'. Report refers to definitions in Development Plan Appendix 7;

- Principle: Applicant provided no planning statement supporting the development or explaining functioning of the family hub. Applicant's definition of a family hub in the development description is considered compatible with the 'sheltered accommodation' land use category defined within the Development Plan. Regarding the 'medical / counsel suite' 'health centre' and 'health practitioner' are permitted in principle in this zone. Development considered acceptable in principle. Report notes Observer concerns that the facility is to serve international protection applicants; report however assess the development as it is proposed;
- Layout & Design: Planning application and further information reports set out significant detail about the development. Report states the location satisfies Development Plan. Report states there are no specific design standards for sheltered accommodation and does not consider the development against the requirements of the Apartment Guidelines; report considers the development against Development Plan requirements including Objective DMSO39. Report sets out details of the development in the context of DMSO39, and indicates the proposal is acceptable in terms of design, residential impacts, local services, accessibility, visual impact, and materials, subject to conditions;
- Planner Report in response to further information stated that staff facilities (staff admin room and toilet) were inadequate (Item 1 (c) no dedicated staff room or facility for site manager despite 1 site manager, 3 day attendants, 2-night attendants being required). Report stated the use of playroom is unclear and the living / dining space will likely function permanently as a dining facility for residents and encroach on communal facilities (living and play areas) for residents. Revised proposal significantly reduces communal facilities and gathering space for residents. Proposal considered not satisfactory. DMSO39 compliance assessed in detail. Report refers to laundry / laundry room, kitchen station, car parking, tea stations, quiet room, playroom, dining room, living area, and meeting room. A number of the rooms proposed as communal facilities serve specific functions (225 sqm, 5 sqm per resident) and would not be considered as communal facilities/ amenities/ spaces to socialise. Planner Report not satisfied in relation to quality and quantum of on-site communal

facilities for residents and that adequate space for residents and visitors to socialise. Report states proposal does not comply with Objective DMSO39;

- Impact on area: Part 1-storey/part 3-storey building not considered to give rise to any negative impacts on residential/visual amenity. Issues with colour can be resolved by condition;
- Management: No details provided. No staff room for on-site wardens / carers. A letter from the operator Nest is provided, who manage other sites;
- Letters of support: No letters of support or engagement with Council Housing Section, Dublin Regional Homeless Executive, NGOs, or Approved Housing Bodies. Applicant provided no evidence of engagement with Local Authority or other agencies in response to further information. Generic information is provided. Information in this regard does not address further information request;
- Telecommunications: The inclusion of the neighbouring structure within red line/impact on receptivity not adequately addressed;
- Waste: Report stated that no operational waste management plan was submitted in response to further information. Report stated the Environment Waste Section stated the information submitted was not sufficient and requested further information. Report stated the response was not acceptable in relation to operational waste management;
- Water services: Connection to existing foul connection proposed. Surface water calculations initially based on 1.5 l/s; Water Services recommended 2 l/s/ha or Qbar (concession possible due to brownfield nature). Revised Engineering Services report is accepted. Report stated that an agreed discharge rate is proposed. Water Services state no objection subject to conditions. Planner report concurred. Confirmation of Feasibility from Uisce Éireann submitted but referenced an unrelated enquiry ('Housing Development of 41 units'). Report noted submissions from Uisce Eireann not received. Response deemed not acceptable, clarity required;
- Transport: Site in 50 km/hr zone. Zone 1 car parking are maximums and cycle parking are minimums. Red line does not include lands for access or the

existing parking. Report stated that no parking was initially proposed; that the maximum allowable is 21 spaces (20 residential + 1 medical) based on sheltered housing comparator. Report noted that 10 no. secure/sheltered bike spaces with e-bike/scooter charging proposed and that this is acceptable. Report noted that there is a need for 3 no. staff car parking spaces, but that residents typically do not have cars, but that the existing 13 no. spaces to the front of the site will be available for the use of the proposed family hub, including an existing disabled space. Reported noted that applicant stated that the parking to the front is owned by Mountview Shopping Centre but that the spaces are not allocated to site but available for residents' benefit and is outside red line area. Report indicates that the Transportation Section report stated that the cycle parking should be within the curtilage of the development but that the proposed cycle parking is acceptable subject to condition. Report also noted that the Transportation Planning report stated no objection subject to conditions, but stated that it would be preferable that some parking be reserved for residents. Planner Report concurred;

- Parks: Application lacks landscape detail. Play space is included in revised layout in response to further information. Existing boundaries are to be retained. Revised landscape and planting plans are acceptable. All works within red line. Parks Division state no objection subject to conditions. Planner Report concurred;
- Noise: Site is in Dublin Airport Noise Zone D. Report notes DAA submission but states that noise assessment is unnecessary as the site is in an urban area. A condition for noise insulation can be attached;
- Demolition: Demolition Justification Report cites insufficient structural capacity for additional loading. Reconstruction allows for modern insulation/M&E, and blue-green roofs/permeable paving benefits. Environment Section requested Construction & Demolition Resource Waste Management Plan (RWMP) and clarity on crushing/recycling of concrete (National End-of-Waste Decision EoW-N001/2023). Further information indicates waste to be sent off-site to a disposal unit for recycling. This is accepted as satisfactory for this specific item, but wider Operational Waste Management Plan (Item 2a) still considered not acceptable;

- Environmental impact: AA screening; no likely significant effect on European sites. EIA screening; proposal does not require EIA;
- Conclusion: Final Planner Report had ‘significant concerns regarding the residential amenity and quality of accommodation’ incl. inadequate communal facilities/amenities/spaces to socialise which it states materially contravened Objective DMSO39, as well as there being inadequate details regarding service provider/end user for the facility. Report recommended refusal.

Other Technical Reports

- 3.2.2. Housing: Part V not applicable.
- 3.2.3. Environmental Waste: A Demolition Justification Report noted. Information regarding the crushing of stone is acceptable. The response in relation to operational waste is noted. An Operational Waste Management Plan and a Resource Waste Management Plan required prior to commencement.
- 3.2.4. Parks: No objection subject to standard conditions (landscape plans).
- 3.2.5. Water Services: Flood risk; no objection. Surface water; no objection subject to standard conditions (discharge rates, surface water / foul water separation, and compliance with Greater Dublin Regional Code of Practice).
- 3.2.6. Transportation: Report stated that if permission is granted a condition in relation to the number of type of cycle parking spaces should be applied. The report also made the statement that the site is in an accessible location; that the Transportation Section accepts that the parking available for the pub remains available; but states that it would be preferable that some parking be reserved for the temporary residents.

3.3. Prescribed Bodies

- 3.3.1. Dublin Airport Authority: Submission stated the site is in Dublin Airport Noise Zone D and refers to Development Plan Objective DAO11. DAA has no objection in principle. Submission requested a number of considerations be applied when assessing the development, including appropriate levels of indoor and outdoor, noise assessment, enhanced disclosure, and post-planning compliance.
- 3.3.2. Uisce Eireann: None.

3.3.3. Department of Housing, Local Government and Heritage: None.

3.4. **Third Party Observations**

- 3.4.1. During the planning application stage 12 no. submission were received by the Planning Authority. These were from Ray Smith, Graham Crowe, Ann Boylan, Karolina Hanulak, Louise Byrne, Michelle Merne, and Serghei & Mariana Ionel, with submission also made from Cllr. Angela Donnelly, Cllr. Breda Hanaphy & Paul Donnelly TD; Ruth Coppinger TD, Cllr. Helen Redwood, and Cllr John Burtchaell; and Cllr. Patrick Quinlan. The submission from Cllr. Patrick Quinlan includes a very significant number of signatures, which it states counts to 824 signatures.
- 3.4.2. The points made related generally to: information on homelessness; number of occupants; nature of operators; land use/location not compatible; substandard design; nature and sufficiency of proposed facilities; sale of lands; concern re proposed use (risk of conversion to IPAS); lack of engagement with regional housing executive, Council and local community; overlooking school; zoning and impact on retail; building height; access to services; cost of the proposal; potential alternative uses; anti-social behaviour in the area; loss of public house as local entertainment; lack of school places; traffic hazard; overdevelopment; impact on existing community and risk to vulnerable members of community; lack of clarity in application; and quality of further information response.

4.0 **Relevant Planning History**

4.1. **Subject site**

- 4.1.1. Reg. Ref. FW20A/0008 (ABP Ref. ABP-307220-20): Permission granted by the Board in 2020 for construction of telecommunications infrastructure comprising of; an 18m high monopole with telecommunications equipment attached, and ancillary ground based equipment, cabinets and fencing to the rear of Salmon's Public House.

4.2. **Nearby sites:**

- 4.2.1. None.

5.0 Policy Context

5.1. Relevant National & Regional Policy / Ministerial Guidelines

Delivering Homes, Building Communities 2025-2030: An Action Plan on Housing Supply and Targeting Homelessness (DoHLGH)

Dublin Region Homeless Action Plan 2025-2027 (Dublin Region Homeless Executive)

Sustainable Residential Development & Compact Settlements 2024 and Appendices (DoHLGH)

National Biodiversity Action Plan 2023, including its Objectives and Targets (DoHLGH)

Guidelines for Development of New Emergency Accommodation 2022 (DoHLGH)

Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy 2019-2031

Telecommunications Antennae and Support Structures Guidelines for Planning Authorities 1996

Other:

Previous documents referenced in the Fingal County Development Plan:

Housing for All: A new Housing Plan for Ireland 2021

Homelessness Action Plan Framework for Dublin 2019–2021

Rebuilding Ireland Action Plan for Housing and Homelessness 2016

Homelessness Policy Statement 2013

5.2. Guidelines for Development of New Emergency Accommodation 2022

- 5.2.1. The Guidelines were published by the Department of Housing, Planning and Local Government in 2022. They are not Section 28 Ministerial Guidelines. They refer to Action 3.6 of 'Housing for All' in relation to the development of emergency accommodation through local authority or Approved Housing Body (AHB) owned facilities for those that are homeless. They also refer to Action 3.7 of 'Housing for All'

which requires the preparation of guidelines to assist Local Authorities and AHBs for buildings to be converted, acquired or developed for emergency accommodation.

5.2.2. The Guidelines set out a range of provisions, including in relation to location, general standards, accommodation for single households, youth accommodation, accommodation for families, costs, approval process, and statutory procedures. Section 3 states that in relation to new built facilities it should be possible to generally avoid compromises which may be needed when adapting an existing building.

5.2.3. I set out below the main points relevant to Planning as set out in the Guidelines:

5.2.4. In relation to general considerations, location, and general standards and provisions, good location and suitability for long term use should inform selection. There should be separate facilities for families and single persons. Locations should be within easy access to public transport as well as facilities such as shops, recreation and centres for employment.

5.2.5. Regarding family accommodation, easy access to schools is important, and that a limit of 1km or 1.5km at the very most in well built up areas is preferable. Provision of private open spaces is not envisaged, but access to shared open space or gardens, or convenience to a public park, should be considered particularly for family type accommodation.

5.2.6. Regarding parking, access to some level of private car parking should be considered for family accommodation, and this will depend on location.

5.2.7. The Guidelines state the following in relation to accommodation:

- Accommodation should be 'light and tranquil', finished in appropriate colours and finishes, and be domestic in scale and character;
- Accommodation should be safe, well maintained, and in a good state of repair.
- Generally all sleeping rooms, lounges ,and dining rooms should be properly ventilated;
- Habitable rooms should be naturally lit;

- 5.2.8. The Guidelines also set out a number of building control considerations, including in relation to heating and fire safety. They state that service installations (fire, CO₂, electricity, gas, water and waste should be installed to current standards / legislation.
- 5.2.9. The Guidelines state that provision needs to be made for management facilities to accommodate the number of staff likely to be on duty at any time, and that facilities usually include a meeting room, manager's office and staff toilet. In larger facilities, separate rooms for individual consultation on medial or rehousing matters may be required. An extent of storage for furniture, bedding and linen should be included along with the provision of at least one cleaner's store preferably with wash down facilities.
- 5.2.10. Regarding accommodation for families (Section 6, 'Non-single person households), the nature and extent of individual family accommodation will depend on the extent of communal facilities provided, the length of stay anticipated and the number of families being accommodated. The Guidelines state that the following are recommended general standards:
- Living rooms and bedrooms should not be solely lit by roof lights and all habitable rooms should be naturally ventilated and lit.
 - Each family should have its own dedicated bathroom with adequate space for a water closet, wash hand basin and a bath or shower, adding that a bath is preferable.
 - Each family unit should preferably have a separate living space or sufficient shared living spaces should be made available based on the overall size of the facility.
 - Bedrooms accommodating families should allow for a minimum of 5.0sqm per bed space with double rooms preferably being a minimum of 11.4sqm and a further 1 to 1.15sqm of storage.
- 5.2.11. The Guidelines also state that local authorities should ensure requirements for those with restricted mobility are considered, and in the absence of an assessment of same, that an allocation of 5% of the units should be for households with a person with disabilities to include an increase in the size of one of bedrooms and the living areas.

- 5.2.12. Regarding dining and kitchen facilities, adequate dining areas, appropriate to the size of the facility, and to the number of meal sittings, should be provided. Kitchen facilities, preferably with an associated dining area shared between a number of families, should be considered, which should also provide for heating and preparation of food for small children and babies. The Guidelines add that the experience of the service provider should be sought in determining the final size of the kitchen facilities. Separate food storage including fridges is recommended where such facilities are shared.
- 5.2.13. Further regarding accommodation, the Guidelines state that for a couple without children, the bedroom minimum area should be 11.4sqm, but consideration should be given to a bed/sitting room of about 20sqm including storage space but excluding the floor area of the bathroom or shared kitchen facilities, where provided. As a minimum a study desk should be provided within the bedroom, however consideration should also be given to a dedicated homework or study space for children as part of the communal area (though potentially separated from). Dedicated storage space for buggies is also recommended. Appropriately sized shared self-service laundry facilities are recommended, and that the experience of the service provider should be sought in determining same.
- 5.2.14. Regarding open space, the Guidelines state that a dedicated private open space may be difficult to provide, but where possible, there should be some provision of open space, shared but private to the residents, including a children's play area. The Guidelines add that where this is not possible on site, proximity to public parks and playgrounds should form part of the initial assessment.
- 5.2.15. Footnotes in the Guidelines indicate that in relation to kitchens, in some facilities one kitchen subdivided into separate stations is provided for all residents who book a slot with management. Families have different eating patterns so there is not a specific 'peak time' for access to the facilities, and that operators have replaced shared lounges with shared kitchens as this is the most sought-after use from residents rather than a living space.

5.3. Development Plan

- 5.3.1. The site is zoned 'LC – Local Centre' in the Fingal County Development Plan 2023-2029. I also note the following provisions in particular:
- 5.3.2. Objective SPQHO11 – Housing Need;
- 5.3.3. Section 3.5.8 'Other Housing Provision' incl. Section 3.5.8.1 'Homelessness', incl. Policy SPQHP25 'Homeless Services': *"Support the implementation of The Homelessness Action Plan Framework for Dublin 2019–2021 or any subsequent update thereof during the life of the Plan and continue to collaborate with the Dublin Region Homeless Executive, Non-Government Organisations, Approved Housing Bodies and the Health Service Executive to support initiatives to address homelessness."*;
- 5.3.4. Section 3.5.8.2 'Emergency Accommodation' incl. Policy SPQHP26 'Emergency Accommodation'; Objective SPQHO23 'Emergency Accommodation'; and Objective SPQHO25 'Istanbul Convention';
- 5.3.5. Objective SPQHO24 'Inclusive Emergency Accommodation': *"Facilitate and support relevant agencies in the development of emergency accommodation for families and homeless people of all genders, that is socially inclusive and focused in areas close to facilities and public transport."*;
- 5.3.6. Policy SPQHP29 'Housing for All';
- 5.3.7. Section 14.11.4 'Residential Care Homes, Retirement Homes, Nursing Homes, Retirement Villages and Sheltered Accommodation';
- 5.3.8. Objective DMSO38 'Location of Age Friendly Housing': *"Require that residential care homes, retirement homes, nursing homes, retirement villages and sheltered accommodation are located in towns and villages for reasons of sustainability, accessibility, social inclusion, and proximity to services, except where a demonstrated need to locate in a rural environment because of the nature of the care required can be clearly established."*
- 5.3.9. Objective DMSO40 'Open Space Standards for Age Friendly Housing': *"Accept reduced open space quantity standards for certain developments, namely residential care homes, retirement homes, nursing homes, retirement villages and sheltered accommodation where a reduction is deemed appropriate by virtue of the specific*

open space needs of the residents and where suitable accessible green open space is available. High quality open space and landscaping plans shall be submitted with planning applications for these developments.”

5.3.10. Objective DMSO39 ‘Applications for Age Friendly Housing’: *“Require that applications for residential care homes, retirement homes, nursing homes, retirement villages and sheltered accommodation demonstrate the following:*

- That the scale of the facility is appropriate to and in keeping with the character of the surrounding area.*
- The residential amenities of adjoining properties are safeguarded.*
- Schemes are provided with high-quality gardens and accessible open space for the benefit of residents.*
- Residents are provided with good quality, appropriately sized, on-site communal facilities and amenities to socialise with other residents and visitors.*
- Proposals must demonstrate a high degree of accessibility to local services, public transport and provision of good footpath links.*
- Is served by appropriate level of parking.*
- High quality design and appropriate use of materials.”*

5.3.11. Objective DMSO77 ‘Community Facilities’: *“Any application for community facilities such as leisure facilities, sports grounds, playing fields, play areas, community halls, organisational meeting facilities, medical facilities, childcare facilities, new school provision and other community orientated developments, shall have regard to the following: “ Overall need in terms of necessity, deficiency, and opportunity to enhance or develop local or County facilities. “ Practicalities of site in terms of site location relating to uses, impact on local amenities, desirability, and accessibility. “ Conformity with the requirements of appropriate legislative guidelines. “ Conformity with land use zoning objectives.”;*

5.3.12. Healthcare: Section 14.14.5 ‘Health Centres/Services’;

- 5.3.13. Demolition: Policy CAP8 'Retrofitting and Reuse of Existing Buildings'; Objective DMSO256 'Retrofitting and Re-Use of Existing Buildings'; Section 14.21.1 'Re-use of existing Buildings';
- 5.3.14. Parking: Tables 14.17, 14.18 and 14.19;
- 5.3.15. Airport noise: Objective DAO11 'Requirement for Noise Insulation';
- 5.3.16. Development Plan Appendix 1 'Housing Strategy'
- 5.3.17. Development Plan Appendix 7 'Technical Guidance Notes'.

5.4. Natural Heritage Designations

- 5.4.1. Rye Water Valley / Carton SAC is approx. 6.1km to the south-west.

6.0 Environmental Impact Assessment (EIA) screening

- 6.1.1. The proposed development has been subject to preliminary examination for environment impact assessment (See Form 1 & 2 Appendix 1 of this report). Having regard to the characteristics and location of the development and the types and characteristics of potential impacts, I consider that there is no real likelihood of significant effects on the environment. The development, therefore, does not trigger requirement for EIA screening and an EIAR is not required.

7.0 The Appeal

7.1. Grounds of First-Party Appeal

- 7.1.1. A first-party appeal was received, from Hughes Planning, the main points of which are summarised as follows:

- Summary: Appeal sets out contextual information, and notes the Council refused permission on 1 ground: inadequate communal facilities/living/gathering spaces, contravening Objective DMSO39; inadequate detail on service provider/end user; substandard residential amenity overall. Applicant appeals, seeking permission as originally submitted, with an alternative design option offered;

- Proposed use: Appeal confirms development does not relate to International Protection Accommodation Service (IPAS) accommodation and that applicant does not intend to ever provide such accommodation at the site, but proposal is accommodation for homeless families;
- Proposed Hub: Ground floor (10 no. family rooms; 1 universal unit; outdoor play area; playroom; homework room; office; laundry room; meeting room; counsel room; medical suite; dining room; living area), first floor (15 no. family rooms); and second floor (15 no. family rooms).
- Further Information: Appeal sets out extensive commentary summarising the of further information requested by the Council and applicant response, including
- Alternative Design Option for Commission: Alternative proposal offered to address concerns of Planning Authority. Revisions comprise: bicycle parking increased from 10 to 46 spaces; enlarged medical suite with washing closet; tea stations/buggy stores added each floor; connecting doors between units; 10 allocated car spaces (6 occupant, 3 staff, 1 disabled); new sensory room, games room, meeting/counselling room, buggy stores, managers office/staff administration room; number of kitchen stations increased 5 to 10; additional universal room (2 total); enlarged play, laundry, and games rooms; revised external colour/material palette.
- Grounds of Appeal: Proposal complies with Development Plan incl. Objective DMSO39; Guidelines for Development of New Emergency Accommodation 2022; demand for Family Hubs; and precedents from other Dublin schemes;
- Zoning: Appeal states 'Residential Institution' use is permitted in principle in the LC zone and indicates the proposal is a 'residential institution' use;
- Compliance with Objective DMSO39: Appeal sets out compliance with each element of the Objective, including scale, character, residential amenity, gardens/open space, communal facilities, accessibility, parking, and design & materials;
- Other policies and objectives: Appeal also refers to Objectives DMSO38, DMSO40, SPQHO11, SPQHO24 and Policies SPQHP25 and SPQHP26;

- Guidelines for Development of New Emergency Accommodation: Appeal sets out details of the guidelines which are referenced as framework for the planning, design and operation of emergency accommodation. Appeal states the proposal complies with the guidelines on the following points:
 - Location: Guidelines recommend such facilities in built-up areas; near local facilities; schools, and public transport. States that site is an ideal choice. Private open space not mandatory per guidelines but site provides high-quality shared amenity space, and that the proposal exceeds typical expectations. Guidelines say some parking should be considered, and that it should be context dependents; Appeal states none should be required at this location, however 10 spaces are provided;
 - General standards: States proposal meets the general standards and provisions section of the guidelines, including in relation to ventilation, natural light, staff facilities, storage, services and related detailed requirements;
 - Accommodation for families: Proposal follows the general recommended standards. All bedrooms are 20sqm and exceeds 11.4sqm minimum, There are adequate communal facilities (6.4sqm of internal communal space per room (254.8sqm total). Proposal provides 2 accessible units (exceeds 5% minimum requirement referenced in Guidelines), shared kitchen facilities with separate food storage per bedroom; shared laundry (washers/dryers); study desks in bedrooms; homework room provided; buggy storage on each level. Appeal notes nearby public playground (Millennium Park, ~450m) supplements on-site play area. States proposal is for families, supporting dignity, and not dorm-style rooms, including overnight supports in a established urban centre;
 - Service provider / End user: Appeal states end user (homeless families) and operator (Nest Point Ltd) were disclosed to Council. Appeal refers to precedent ACP Ref. 314040, where an Inspector found non-disclosure of operator does not preclude private developers submitting such applications, and that operational details can be conditioned;

- Operational Management Plan: Letter from Nest Point Ltd. Setting out details of operation was submitted. It states 'Nest' are an experienced operator, operating 8 services since 2017, 4 current locations. Appeal sets out details of Nest operational arrangements in its current facilities which it stated would be replicated at the proposed site (in relation to staffing, operations, service design, and resident support). Appeal sets out details of staff numbers, types of staff, their function, and hours they would be on site. Appeal includes details of operational procedure including fire checks, wellbeing checks, incident reporting, aggression management, child protection, confidentiality, management, staffing, structured meals, IT, and shift handovers;
- Demand for Family Hubs: Appeal sets out details of demand for family hubs and states that it responded to the further information request in this regard. It states there are no other family hubs/homeless facilities observed in immediate area (no overconcentration). Appeal sets out general information on increases in homelessness, profile of homeless persons, and use of hotels, focussing on families in homelessness. Appeal states proposal would provide much-needed housing for families experiencing homelessness;
- Precedents: Appeal refers to precedents in Dublin granted by Dublin City Council:
 - Reg. Ref 4249/24: Sarsfield House Family Hub, Dublin 10. Retention permission for 12-unit/36-bed family hub in former probation hostel;
 - Reg. Ref 3834/24: St Agnes Convent, Crumlin, Dublin 12. 46-bedroom family hub via convent conversion;
 - Reg. Ref 4249/24: 39-41 Crumlin Road, Dublin 12. Mixed residential conversion including 3-unit family hub within 16-unit scheme.

Appeal sets out details and states these are similar family hub developments permitted in comparable locations;

- Conclusion: Appeal states the proposal complies with Development Plan and national Guidelines for New Emergency Accommodation 2022. Development offers a considered and appropriate response to the urgent and well-documented need for emergency accommodation for families in homelessness.

Appeal refers to need to support social inclusion and provide emergency accommodation under Housing for All, Lisbon Declaration on Combatting Homelessness, RSES, and Development Plan. Alternative design option offered to address Council's concerns. Requests Commission grant permission.

7.1.2. Appeal includes appendices. Appendix A comprises the refusal. Appendix B comprises the alternative design proposals. Appendix C comprises letter from Nest Point Ltd and Dublin Region Homeless Executive monthly report as submitted at application stage. first-party appeal was received, from Hughes Planning, the main points of which are summarised as follows:

7.2. Planning Authority Response

7.2.1. The Planning Authority response requested the Commission to uphold the decision, and made the following main points:

- Application assessed against Development Plan; national and regional policies; government policies and guidelines; and impact on surroundings and character;
- Proposal was found to have inadequate communal facilities /living / gathering spaces for residents to socialise with residents and visitors, materially contravening DMSO39;
- Applicant did not provide any details of engagement with State bodies or Planning Authority Housing Section to establish a requirement for a facility here. Details of service provider and end user were generic;
- Revised proposals now include details of laundry rooms, kitchen stations, buggy storage, tea stations etc. Changes have been made to communal facilities including additional sensory room, increased dining area and increased kitchen station and staff facilities. Dedicated meeting room now proposed but is only 14sqm. The individual units are provided within a 20sqm floor area and include connecting doors between 2 units for accommodation of families. It is unclear how many individuals / families the facility would accommodate and could range from 27-40 families. It is unclear if proposed medical facility is for residents or for local population;
- Authority has no concern with massing, scale or finishes;

- Revised design does not adequately address concern regarding residential amenity for occupants Floor area for communal facilities for residents to socialise remains generally the same. Proposal does not provide adequate residential amenity to occupiers, which would result in substandard form of development and not be consistent with Development Plan;
- If permission is granted, Planning Authority encourage conditions for: restricting the maximum number of occupants; for agreement of the use of the medical facility and related parking; and financial conditions.

7.3. Observations

7.3.1. Two Observations were received by the Commission, summarised as follows:

7.3.2. Dublin Airport Authority: Observation reattaches the submission made to the Planning Authority in the course of the application.

7.3.3. Cllr. Angela Donnelly, Cllr. Breda Hanaphy, and TD Paul Donnelly:

- Homeless accommodation is needed for residents from Dublin 15. Observation sets out general information relating to homelessness. Observation states the proposed accommodation will address some of these issues, but states concerns with the lack of space that each family unit offers. It states homeless hubs are temporary but in reality families stay longer sometimes for years;
- Different types of family hubs are needed for different family sizes. The connecting door between 2 units is welcome but inadequate for a lot of families;
- Observation compares the rooms sizes to Development Plan apartment size requirements. Observation states 1 small laundry room for 40 families is not enough and there is nowhere to dry clothes. The one kitchen is inadequate for 40 families; more stations in the same size kitchen will not meet the needs of the families. There is no cooking facilities in the rooms and these are needed. Observations sets out concerns indicating that the proposal would not facilitate the needs of families in terms of the details of how they are used (children's different bedtimes, and making food for children);

- Observations refers to a report from Focus Ireland ‘Food Access and Nutritional Health among Families in Emergency Homeless Accommodation’ and recommendations from that report regarding emergency accommodation;
- Parking is insufficient. Inconceivable to think none of the families will have a car. Parking will overspill. Mountainview is commercial and there are no residential units in it. The side access beside Tesco is a delivery access including for large trucks;
- Outdoor and indoor play is welcome, however the lack of additional outdoor space for children to use is a concern. Observation sets out concerns regarding access to and capacity of adjacent Mountainview Sports & Youth Centre;
- Storage in rooms is very limited and not adequate for family clothes and nowhere to put prams, bicycles etc.;
- Dignity is a priority, and while another family hub is welcome it is essential changes to the design are made to afford residents higher standards. The rooms are like hotel rooms; the families are not going on holiday with an overnight bag; they have all their belongings with them. Whilst living at the accommodation they should be able to live as close a life to normal as possible.

7.4. Further Responses

7.4.1. None.

8.0 Assessment

8.1.1. Having regard to the foregoing; having examined the application, appeal, Planning Authority reports, and all other documentation on file including all of the submissions received in relation to the appeal; and having inspected the area within and around the site; and having regard to relevant local, regional and national policies, objectives and guidance, I consider the main issues in this appeal are as follows:

- Refusal reason 1;
- Related matters raised in the course of the appeal.

8.2. Refusal reason 1

Principle of development

- 8.2.1. Regarding the principle of development, the application public notices describe the proposed development generally as a 'Family Hub and Medical / Counsel Suite'. The notices state that A Family Hub is: *"A form of supported temporary accommodation specifically designed for families who are experiencing homelessness, typically sourced from the local authority social housing waiting list or homeless register"*.
- 8.2.2. There is no definition of the terms family hub or supported temporary accommodation in the Development Plan. The Planner Reports stated a 'family hub' use can be considered compatible to a 'sheltered accommodation' land use category.
- 8.2.3. Development Plan Appendix 7 defines 'Sheltered Accommodation' as *"Sheltered Accommodation Housing schemes with onsite communal facilities for assisted independent living. Sheltered housing schemes usually have an on-site warden and include care supports such as the provision of meals and health care assistance. Communal on site facilities can include recreation areas, alarm systems and a laundry."*
- 8.2.4. I note the proposed development provides on-site communal facilities; and on-site staff for the day and night periods; and includes care supports in the form of the provision of meals and health care assistance. The communal on-site facilities proposed are stated to include recreation, living, dining, meeting and multi-purpose areas, as well as laundry. Accordingly, the proposed development includes most of the features which the Development Plan states characterise sheltered accommodation. I consider however that there is a distinction between assisted independent living residents, for example with additional needs, and residents for whom assistance is provided due to the nature of the premises. On balance I consider the proposed development can be considered a form a sheltered accommodation as set out in the Development Plan.
- 8.2.5. The site is within the 'LC Local Centre' land use zone where the land use zoning objective is "Protect, provide for and/or improve local centre facilities". 'Sheltered Accommodation' is permitted in principle in this zone. As such I am satisfied the proposed development is acceptable in principle subject to the considerations below.

Refusal reason

- 8.2.6. The refusal reason stated generally that the Planning Authority had serious concerns regarding the residential amenity and quality of accommodation proposed, specifically that the development would provide for inadequate communal facilities/living/gathering spaces for residents to socialise with other residents and visitors, materially contravening Objective DMSO39 of the Development Plan.
- 8.2.7. I have considered the Planning Authority internal reports; observations made on the application and appeal, including those from elected representatives, and the provisions of the Development Plan, as well as relevant regional and national guidelines and policies.
- 8.2.8. Development Plan Objective DMSO39 'Applications for Age Friendly Housing' sets out criteria relating to residential care homes, retirement homes, nursing homes, retirement villages and sheltered accommodation. The application is described in the public notices as a 'family hub' and a medical/counsel suite. The notices state that a Family Hub is a form of supported temporary accommodation specifically designed for families who are experiencing homelessness, typically sourced from the local authority social housing waiting list or homeless register. I am satisfied the proposed development can be considered a form of sheltered accommodation for the purposes of the Development Plan.
- 8.2.9. Objective DMSO39 requires that applications for sheltered accommodation demonstrate the following:
- That the scale of the facility is appropriate to and in keeping with the character of the surrounding area.***
- 8.2.10. The proposed building would be a 3-storey flat roofed structure. The height, footprint and scale would be comparable to the adjacent Tesco store and Mountainview Youth & Community Centre. The proposed building would be within the zoned local centre. The wider area is comprised predominantly of 2-storey semi-detached dwellings. The Planner Report raised no concerns in this regard. Having regard to the information submitted, and the nature of the surrounding area, I am satisfied the proposal is acceptable in this regard.
- 8.2.11. Further regarding scale, the proposal is stated as being a family hub comprising 40 no. family rooms. The bedroom layouts shown at application stage indicated a single

bed and cot alongside seating for 4 no. persons in each room (with the exception of the disabled room). The bed room layouts revised at further information stage indicated generally 4 no. single beds in each room. (I note too that the further information plans still showed the seating and cot elements as a visible drawing layer below the single beds).

8.2.12. Whilst the submitted information indicates the room layouts are intended to show the flexibility of the proposed facility, I consider there is a lack of clarity as to the potential maximum number of residents. In this regard the application plans indicate a facility primarily for single parent/child pairs (totalling approx. 80 no. persons at maximum), with the further information layout indicating up to approx. 160 no. individuals at maximum.

8.2.13. In addition, the further information plans indicated that 24 of the 40 bed rooms would have connecting doors (leaving 16 rooms that could not be connected to an adjoining room). I am satisfied the layouts as shown in response to further information indicate a good degree of flexibility and functionality within the proposed premises to accommodate single parent-child families, as well as larger families of up to 8 no. persons. However, again, I consider there is a lack of clarity regarding the potential upper number of persons to be accommodated on the premises. In this regard no upper number is clearly stated in the submitted information. Furthermore, limited details are provided as to the potential length of stay of residents.

8.2.14. In this regard I consider that the development as proposed generally meets the requirements of the Development Plan and national guidelines, policies and objectives. I also accept that the profile of residents and numbers staying on-site might be expected to change frequently and in an emergency context, and accordingly, that bed room layouts may need to change frequently, and given the nature of the proposed use, that some flexibility in this regard is required.

8.2.15. On balance, whilst I consider the overall scale of the facility generally meets the requirements of the Development Plan, given the lack of clarity in the submitted bed room layouts, and the lack of furniture storage indicated, I consider that should the Commission be minded to grant permission, conditions should be attached for a final set of internal layout plans showing final internal room layouts and dedicated storage room(s) for furniture and bulky items (e.g. beds, cots, seating, room storage, and

other bed room items) which is capable of accommodating such items sufficient for the envisaged maximum number of residents.

The residential amenities of adjoining properties are safeguarded.

- 8.2.16. There are no residential buildings to the south, east and west. Neighbouring buildings are commercial and community use buildings. The closest dwellings are approx. 45m to the north across Mountainview Road. The Planner Report raised no concerns in this regard. I am satisfied the proposal is acceptable in this regard.

Schemes are provided with high-quality gardens and accessible open space for the benefit of residents.

- 8.2.17. The application includes architectural and landscape plans submitted as part of the application and further information. The proposal includes for an external play area, a lawn area, outdoor dining area, patio area, and 6 no. planting/landscaping areas. Design details are provided, including for the play area. The further information response describes this arrangement as a play areas accessed from the play room and an adult outdoor area accessed from the living room, with these defined spaces linked by a landscape screened walkway providing for outdoor connectivity.
- 8.2.18. The play area and adult outdoor area are stated as measuring 165sqm. The site area is 0.133ha, and as such approx. 12.4% of the site is given over to amenity space, excluding walkways, patios, and planting areas. Given the absence of quantifiable standards for such developments in the Development Plan in this regard, and given the local centre location of the site, I consider the proposed provisions is acceptable.
- 8.2.19. Regarding high quality gardens, a mixture of lawn and planted areas are proposed. The planted areas are to comprise areas of 'pollinating planting mix' and 'native & evergreen hedgerow planting'. Details of species are provided. I am satisfied that the planting proposed will offer an acceptable quality gardens adjacent both the external and internal areas of the premises. Regarding open space, the lawn area and playground are accessible from both the interior and exterior of the proposed premises. Whilst the dimensions of significant parts of the lawn area are irregularly shaped and appear to be incidental space rather than a designed lawn provisions, I am satisfied accessible open space for the benefit of residents is provided. I am satisfied the proposal meets the stated requirements of the Objective in this regard.

Residents are provided with good quality, appropriately sized, on-site communal facilities and amenities to socialise with other residents and visitors.

8.2.20. No quantifiable requirements are stated in the Development Plan. The proposed development includes on-site communal facilities and amenities for residents to socialise with other residents and visitors. These comprise:

- Ground floor: a play room; quiet/homework room; 'meeting / counsel family housing support room'; a sensory room; 2 no. tea stations; living / dining area (a 'flexible multi-space' comprising a living / dining area with living / dining overflow area); buggy stores; and kitchen stations (10 no.) and serverly / kitchen / clean up area (with storage). The multi-space is indicated as providing dining space for 52 and a lounge area for 6 no. Seating for 6 is also shown in the play room, and seating for 18 no. on an external paved area;
- First floor: 2 no. tea stations;
- Second floor: 2 no. tea stations.

8.2.21. The ground floor also provides a medical suite; staff administration room; staff toilet; laundry room; cleaner store; entrance lobby, reception / security; staff station. The first and second floor also include cleaner stores.

8.2.22. The further information response states that the quiet/homework room, play room, dining room (including kitchen stations) and living area, meeting room, and laundry room are stated as together measuring 225 sqm. I note that the laundry room is included but the sensory room is not. The submitted information states that this equates to 5sqm per bed room. My calculation indicates that these areas would comprise approx. 13.6% of the total floorspace of the proposed premises.

8.2.23. In relation to management facilities, office /security room; staff toilet, buggy storage, external waste storage, external bike storage, and cleaner's stores are provided. I note that no general storage or wash down facilities is indicated.

8.2.24. I am satisfied that residents would be provide with on-site communal facilities and amenities to socialise with other residents and visitors. Given the qualitative nature of the stated Development Plan requirements, I am satisfied as to the quality, size

and nature of communal facilities and amenities for residents to socialise with other residents and visitors.

Proposals must demonstrate a high degree of accessibility to local services, public transport and provision of good footpath links.

8.2.25. The site is in a local centre and adjacent a primary school, community centre, church, shopping centre (including Tesco store, hair salon, foodstores, post office, pharmacy, and other shops). There is also a health centre, youth facilities, and sports clubs within a short walk of the site. There are a number of employment locations in the area, including in retail centres, education facilities, and Coolmine Industrial Estate. The site is served by bus and footpaths. The Transportation Section report stated the site is in an accessible location. I am satisfied the proposal is acceptable in this regard.

Is served by appropriate level of parking.

8.2.26. The site is within Mountainview Shopping Centre. There are 12 no. car parking spaces (of which one is a disabled space) across from the existing public house, which the applicant indicates the public house and bookmakers have the use of. I note there is a further space adjacent the site to the east. The applicant stated the proposed premises would have the use of those spaces.

8.2.27. The Transportation Section report stated that the site is in Zone 1 and that the maximum allowable for the development is 21 no. spaces based on sheltered housing provisions (Development Plan Table 14.19 'Car Parking Standards'). The Transportation Section report noted that the available spaces are outside the red line area and were not allocated to the site; the report however accepted that they would be available for the development. The Transportation report refers to 13 no. spaces being available. The report stated no objection subject to conditions, but added that it would be preferable that some parking be reserved for residents. The Planner Report concurred.

8.2.28. I note that the Development Plan also requires a maximum of 1 space per consulting room for clinics and group medical practices. The appellant has not clarified if the proposed medical / counsel suite would be open to the public.

- 8.2.29. I note observer points in this regard including that typical residents of such development as that proposed would have cars. I note the appeal states that there would be 4 staff members on site during the day and 2 at night.
- 8.2.30. The site is located within the Mountainview Shopping Centre where extensive parking is available. The applicant states that the parking which is adjacent the site (13 no. spaces, including 1 no. disabled space) would be available for the proposed development as they are for the existing development on the site. This provisions would comply generally with Development Plan standard and would provide for residents, staff and the proposed medical suite. Based on the foregoing, I am satisfied the proposed car parking arrangement generally meets the requirements of the Development Plan as stated.
- 8.2.31. Regarding cycle parking, a covered bike shelter within the site curtilage is indicated in the further information drawings, providing a total of 10 no. cycle parking spaces. This equates to 1 per 4 no. rooms. The applicant considers the family hub is temporary accommodation and states that as such it should be considered to be short stay. The Development Plan (Table 14.17) requires minimum provision for sheltered accommodation of 1 cycle parking space per bedroom for long-stay and 1 per 20 bed rooms short stay. I consider the provision of 10 no. spaces to be inadequate. Accordingly I consider that a condition is warranted in this regard for increased provision of cycle parking within the application red line area in line with Development Plan requirements.

High quality design and appropriate use of materials.

- 8.2.32. Each bed room has a w.c. comprising shower, toilet and sink. Each room would have dedicated storage. Each bed room measures approx. 20sqm exclusive of w.c. A tea station is indicated in each room, but no study desk. One of the 40 no. rooms is disabled (2.5%). I note that whilst the proposed development is described as a 'family hub' the application drawings showed each room as comprising a single bed, cot, and seating area for 4 no. people, with the exception of the ground floor disabled room; the further information response indicated each bed room to comprise 4 no. single beds (that is, the seating area was omitted).
- 8.2.33. I have reviewed the proposed computer-generated images and drawings, including elevations. The building would be modern in style, with the front elevation finished

primarily in brick, with cladding at third-floor level and aluminium windows, and the rear elevation finished in render and cladding with aluminium windows. In terms of colours, the drawings indicate use of browns and greys. Natural lighting and ventilation can be provided to all habitable rooms. I would characterise the building as a generic commercial / office type building, which, given the nature of the use and location in a commercial centre is acceptable, subject to the agreement of materials, colours and finishes.

Guidelines for Development of New Emergency Accommodation

8.2.34. These Guidelines are not issued as Section 28 Guidelines and are not referenced in the County Development Plan. I have had regard to the Guidelines in considering the proposed development, including in relation to nearby public open spaces (including Hartstown Park approx. 175m to the west, and Millenium Park (including playground, astro turf, and skatepark) approx. 365m to the east). I am satisfied that the proposed development generally aligns with the majority of planning-related requirements stated. This is with the exception of the provision for disabled users, which I consider is approximately half the required level, although I note that the Guidelines provide for further consideration of this level. I also note there is no dedicated space for the provision of food heating and preparation for small children and babies, or for study space within each room. However, I consider that overall the proposed development meets the relevant requirements of the Development Plan.

Service provider / End user

8.2.35. The Planning Authority also considered that the applicant has not provided adequate details with regards to the service provider or the end user for the proposed facility. The Planner Report stated that no letters of support or evidence of engagement with the County Council Housing Section, Dublin Regional Homeless Executive, NGOs, or Approved Housing Bodies was provided at application or further information stages, and characterised the information submitted in this regard as generic.

8.2.36. The report on file from the Council Housing Section states no objection in this regard. No submission from any of the organisations referenced in the Planner Report were received.

8.2.37. A response in this regard was submitted from the applicant. The letter is from 'Nest Point' who state they will be the operators of the facility. The letter sets out details of

the company's experience in providing emergency care services and managing such facilities. Details of the leadership team; staffing structure; operations; and resident supports. The letter states that the team has operated over 8 no. services since 2017 and presently operating 4 no. locations. The letter addresses design considerations raised by the Planning Authority in the further information request. I note the letter also states that the company is providing 'full consultancy and advisory input'.

8.2.38. I see no specific requirements in the Development Plan in this regard. I note that Objective SPQHO24 'Inclusive Emergency Accommodation' seeks to facilitate and support relevant agencies in the development of emergency accommodation for families and homeless people of all genders, that is socially inclusive and focused in areas close to facilities and public transport. The implication of the wording of this policy is that only relevant agencies will be supported, which I do not consider is a reasonable interpretation of the Objective. I note that the 2022 New Emergency Accommodation Guidelines relates to facilities to be acquired, converted and development by a local authority or Approved Housing Body (AHB). Given the foregoing, I do not see a strong basis to refuse permission for the proposed development in this regard.

Summary

8.2.39. I have had regard to the provisions of the Development Plan and regional and national policies, plans and guidelines in this regard. Given the foregoing, and noting in particular the stated requirements in the Development Plan, including Objective DMSO39, on balance I am satisfied the proposed development generally meets the requirements of the Development Plan and Objective DMSO39, subject to conditions as set out above. In this regard I note in particular that the relevant provisions of the Development Plan in this regard are qualitative. In reaching this conclusion I have had appropriate regard to the Guidelines for the Development of New Emergency Accommodation 2022. On balance I am not satisfied that the proposed development would not provide adequate residential amenity to future occupants; that it would result in a substandard form of development; or that it would not be consistent with the provisions of the Fingal Development Plan 2023-29.

Revised proposal

8.2.40. The appeal includes revised plans for the proposed development. The appeal states that the submitted changes provide for the following:

- increase in car and cycle parking spaces;
- enlarged medical suite with washing closet;
- tea stations/buggy stores added each floor;
- connecting doors between units;
- new sensory room;
- games room;
- meeting/counselling room;
- buggy stores;
- managers office/staff administration room;
- number of kitchen stations increased 5 to 10;
- additional universal room (2 total);
- enlarged play, laundry, and games rooms;
- revised external colour/material palette.

8.2.41. Having reviewed the submitted information I consider that the appeal includes changes that were made at response to information stage. For the purposes of clarify I set out below the changes illustrated in the revised drawings submitted to the Commission:

8.2.42. Ground floor:

- Regarding the medical / counsel suite, if the suite is enlarged the extent is marginal;
- Details of connecting rooms and sliding doors are provided;
- A new and larger sensory room is shown; this space appears to have increased the footprint of the building (and an external grassed area omitted and external play area increased in size). I note the previous sensory room is not omitted;

- Whilst a 'games room / homework room' and a 'meeting / consultation room' have been added, these are generally in the location of the previous 'quiet / homework room'. It is not clear how the games and homework room is to operate;
- Buggy stores are shown at ground floor, however these were included at further information stage;
- A managers office and staff room are introduced, however these replace a previous 'meeting / counsel / family housing support' room and a 'staff administration / meeting' room. A staff toilet was added at further information stage and remains in the revised plans;
- The appeal states that the number of kitchen stations increase from 5 to 10, however 10 appear to have been proposed at further information stage;
- The appeal also states that 2 no. additional 'universal rooms' have been added. Having reviewed the submitted plans I consider that these changes are accounted for in the above itemisation;
- The extent of increase in the area of the play room is not clearly stated. The appeal also refers to enlarged laundry; if the space is enlarged I consider that it is marginal.

8.2.43. First & second floor:

- Omission of a 'staff station' on each floor and replacement with buggy storage. Tea stations remain unchanged on each floor (4 no. in total).

8.2.44. Changes to the colour and materials are also indicated. The revised colour palette is comprised of a greater use of light and dark greys, white and beige colours. I consider that the proposed colour treatments may appear more severe than that originally proposed, although it may align more closely with the adjacent structures to the east and south. I consider that a standard condition for agreement in this regard is warranted.

8.2.45. Regarding parking, the appellant provides additional clarity with regard to the intended car parking arrangements, however the number of spaces available remain unchanged. Regarding cycle parking, whilst additional spaces are stated as being

available, additional details of layout and extent are warranted. Standard conditions for the agreement of final details are required.

8.2.46. Regarding the proposed bed room layouts, the bed room layouts submitted with the appeal generally revert to the room layouts shown at application stage, that is, generally comprising a single bed, cot and seating area. I note the connecting doors between bed rooms introduced at further information stage are retained. As set out above, whilst I consider that the overall scale of the revised facility generally meets the requirements of the Development Plan, given the lack of clarity in the submitted bed room layouts, and the lack of furniture storage indicated, I consider that should the Commission be minded to grant permission, conditions should be attached for a final set of internal layout plans showing dedicated storage room(s) for furniture and bulky items (e.g. beds, cots, seating, room storage, and other bed room items) which is capable of accommodating such items sufficient for the envisaged maximum number of residents.

8.2.47. Noting the changes indicated, I am satisfied that the revised development submitted with the appeal generally meets the requirements of the Development Plan, including Objective DMS039, and aligns with the provisions of regional and national guidelines, policies and plans, subject to conditions as set out above.

Material Contravention

8.2.48. Notwithstanding the foregoing, the refusal reason stated the proposal would **materially contravene** the Objective DMS039 of the Fingal County Development Plan.

8.2.49. **Section 37(2)(a)** of the Planning & Development Act 2000 as amended provides for the Board/Commission in determining an appeal to grant permission even if the development contravenes materially the development plan. Section 37(2)(b) states that where a Planning Authority has decided to refuse permission on grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with paragraph 37(2)(a) in specific circumstances. As such Sections 37(2)(a) & (b) should be applied in this case.

8.2.50. I have considered the proposed development against the criteria of subsection (b) of Section 37(2). I summarise my considerations in this regard as follows:

- (i) I do not consider the proposed development is of strategic or national importance on account of its scale and nature;
- (iii) I do not consider permission for the development should be granted having regard to the regional spatial and economic strategy for the area, guidelines under Section 28, policy directives under Section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government. In this regard, having reviewed the relevant provisions and documents in this regard I see no grounds to grant permission on this basis;
- (iv) I do not consider permission for the development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan. In this latter regard I see no significant changes to the pattern of development in the area since the making of the plan.

8.2.51. In relation to criterion (ii) (“there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned”), I have had due regard to the provisions of the Development Plan, including those the Planning Authority decision stated would be contravened materially by the proposed development, Objective DMSO39. I am broadly satisfied that there are no substantially conflicting objectives in the development plan or that the objectives are not clearly stated, insofar as the proposed development is concerned.

8.2.52. In summary, the Planning Authority decision stated the proposed development would contravene materially Objective DMSO39 of the Development Plan. In this regard I consider the following:

- The land use zoning objective for the area is to protect, provide for and/or improve local centre facilities. Sheltered Accommodation is permitted in principle in this zone. As set out above, I am satisfied the proposed development can be considered as a form of sheltered accommodation and as such be considered acceptable in principle in this zone;
- I note that the provisions of Objective DMSO39 are generally qualitative provisions, however I am satisfied that the requirements and provisions are

clearly stated and not in conflict with other aspects of the Plan. In this regard, as set out above, I am generally satisfied the proposed development complies with the provisions and requirement of Objective DMSO39 and other relevant provisions of the Development Plan.

8.2.53. I have had due regard to relevant case law. The referenced policies, objectives and provisions refer to general approaches to development and are not, in my view, sufficiently specific so as to justify the use of the term “materially contravene” in terms of normal planning practice. However, similarly I do not consider the term materially contravene has been clearly used inappropriately. As such whilst I reach a different conclusion to the Planning Authority, I consider The Commission should consider itself constrained by Section 37(2) of the Act.

8.2.54. Having regard to the foregoing, and to the provisions of the Planning & Development Act Section 37(2) and the related interpretations in case law by the Courts, I am satisfied the Commission should not grant permission for the proposed development.

8.2.55. Regarding the revised proposals submitted with the appeal, as set out above these relate mainly to changes to the internal layout and a modest increase in the ground floor footprint of the proposed building, including some increase in the areas for communal use. Whilst I consider the revised proposal is acceptable, and that it makes improvements to the scheme as set out in response to further information, I do not consider the revisions materially change the proposed development. Accordingly, given the wording of the refusal reason, and the nature of the matters raised including in relation to residential amenity, quality of accommodation, inadequate communal spaces, and Objective DMSO30, I consider the Commission should not grant permission for the proposal as revised at appeal.

8.3. Related matters raised in the course of the appeal

Transport

8.3.1. Above I have addressed the location of the site in the area in terms of accessibility, and the provision of car and cycle parking.

8.3.2. In relation to site access, I have reviewed the proposal in this regard, as well as points made within the Planning Authority internal reports and observations on file. I note the site is located within the Mountview Shopping Centre site and is dependent

on the Shopping Centre for access and parking. The existing access and parking layouts around the site within the Shopping Centre are generally to be retained. I am broadly satisfied with the proposal in this regard.

Emergency Accommodation and Sheltered Accommodation

- 8.3.3. I have had regard to the relevant provisions of the Development Plan in relation to Emergency Accommodation (including Section 3.5.8.2, Policy SPQHP26, Objective SPQHO23, and Objective SPQHO24) and Sheltered Accommodation (including Policy SPQHP23, Objective SPQHO27, Objective SPQHO28, Section 14.11.4, Objective DMSO38, Objective DMSO39, and Objective DMSO40). Having reviewed the proposal as submitted in response to further information, and as submitted as revised with the appeal, I am generally satisfied the proposal meets the requirements of the Development Plan in these regards.

Demolition

- 8.3.4. The proposed development includes demolition of the existing single storey 763sqm building and construction of a 3-storey 1,658sqm building. The site is in a local centre in a lower-density suburban area. I have reviewed the submitted demolition justification report, and I note the benefits of the replacement structure including in relation to energy and drainage, as well as the structural limitations of the existing building. I have had regard to the provisions and requirements of the Development Plan in this regard. I am satisfied that the proposed demolition is justified and complies with the requirements of the Development Plan.
- 8.3.5. Regarding resource waste management, I note the points made in the Environment Waste Section report. I am satisfied that the proposal is acceptable subject to standard conditions in relation to resource waste management.

Water services

- 8.3.6. The development is to connect to existing mains foul and surface water services. Sustainable urban drainage systems are proposed. I note the submitted reports from the applicant and Planning Authority internal reports in this regard. The report from the Water Services section stated no objection subject to standard conditions. I am broadly satisfied in this regard, subject to standard conditions.

- 8.3.7. Regarding *Uisce Eireann*, I note the points made in the Planner Report and in the appeal, including the reference in the submitted pre-connection enquiry letter to '41 units'. The appellant notes the discrepancy, however makes the point that if 41 units is feasible then the proposed development should also be considered feasible. Given the available information, and the location of the site within established suburbs, I am satisfied that this can be addressed by standard condition.

Landscaping

- 8.3.8. I note the points made by the Planning Authority Parks Section in this regard. The applicant submitted landscape drawings and related details. The Parks Section stated no objection subject to standard conditions. I note the changes made by the applicant at further information stage, and the site layout changes put forward as part of the appeal. Given the location within an established local centre, I am satisfied with the proposal in this regard, subject to the attachment of standard landscaping conditions, including for the agreement of a final landscape plan.

Telecommunications

- 8.3.9. I note the points made in the Planner Report, appeal and observations regarding the existing telecommunications infrastructure within the south-western corner of the site. The appellant states the existing telecommunications structure will not be impacted or changed by the proposed development. Plans are submitted in this regard. I have reviewed the planning history, and note the change from commercial to residential in terms of context of the existing mast. I have also reviewed the relevant Development Plan policies and objectives, and the provisions of the Telecommunications Antennae and Support Structures Guidelines for Planning Authorities 1996, including Appendix II. Overall I see no grounds in this regard to not grant permission for the development as proposed.

Operational Waste

- 8.3.10. The Planner Report noted that no operational waste management plan was submitted, and stated that the Environment Waste Section report indicated that the information submitted was not sufficient and requested further information. My review of the Environment Waste Section report is that the report stated that an Operational Waste Management Plan and a Resource Waste Management Plan were required prior to commencement. The applicant addressed this matter in their

response to further information. Temporary waste storage is indicated in the plans submitted in response to further information. Whilst I acknowledge that minimal details are provided as to the likely waste storage needs of the facility, I am satisfied that this matter can be addressed by standard conditions for the agreement of temporary waste storage and collection details for the proposed facility.

Construction management

- 8.3.11. The proposal includes for the demolition of the existing building and construction of a 3-storey building in its place. The site is in an established local centre, with a school and car park circulation space adjacent. I consider that standard conditions for the management of construction and contraction traffic is warranted.

Retailing – New Issue

- 8.3.12. I note the points made by some Observers regarding impact on retail provision in the area. The site is on lands zoned 'LC' and as set out above I am satisfied that the proposed use is permissible in principle in this zone. The proposed development would replace a public house and bookmaker. There is a Tesco store and a number of smaller operators in Mountainview Shopping Centre which would remain unaffected and would likely see their trade increase. I am satisfied with the proposal in this regard.

Conditions

- 8.3.13. In addition to the foregoing, should the Commission be minded to grant permission I also consider the following regarding conditions:

- Airport noise: I have reviewed the DAA submission. Standard conditions for noise insulation.
- Contributions: Standard conditions.

9.0 Appropriate Assessment screening

- 9.1.1. Refer to Section 8 and Appendix 2 of this report.
- 9.1.2. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other

plans or projects would not be likely to give rise to significant effects on any European Sites including Rye Water Valley / Carton SAC in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required. This determination is based on the nature of the proposed works and the location and distance from nearest European site and lack of connections.

10.0 Water Framework Directive

10.1.1. The subject site is located approx. 1.0km from the Tolka. The proposed development comprises demolition of pub and bookmakers, construction of temporary accommodation and medical/counsel suite. No water deterioration concerns were raised in the planning appeal. I have assessed the project and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied 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, or otherwise jeopardise any water body in reaching its WFD objectives. The reason for this conclusion is as follows: Nature of works e.g. small scale and nature of the development; Location-distance from nearest Water bodies; and lack of hydrological connections. I conclude that on the basis of objective information, the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

11.1.1. I recommend permission be **Refused**, for the reasons and consideration set out below.

12.0 Reasons and Considerations

Having regard to the provisions of the Fingal County Development Plan 2023-2029, and the decision of the Planning Authority which stated that the proposed development would materially contravene Objective DMSO29 of the Development Plan; and having regard to the provisions of Section 37(2) of the Planning & Development Act 2000 as amended, it is considered that the Commission should not grant planning permission for the proposed development.

-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.-

Dan Aspell
Planning Inspector
10th August 2026

APPENDIX 1

Form 1: EIA Pre-Screening

Case Reference	PL-500216-25
Proposed Development Summary	Demolition of pub and bookmakers, construction of temporary accommodation and medical/counsel suite with all associated site works.
Development Address	Salmon's Public House and Paddy Power Bookmakers at Mountview Shopping Centre, Mountview Road, Coolmine.
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?	
	☒ Yes, it is a 'Project'. Proceed to Q2. ☐ No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☐ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required.	
☒ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	
Class 10(b)(iv) Urban development.	
4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: __ 31st July 2026__

Form 2: EIA Preliminary Examination

Case Reference	PL-500216-25
Proposed Development Summary	Demolition of pub and bookmakers, construction of temporary accommodation and medical/counsel suite with all associated site works.
Development Address	Salmon's Public House and Paddy Power Bookmakers at Mountview Shopping Centre, Mountview Road, Coolmine.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development	Proposed development comprises generally a 40 no. room family hub with medical / counsel suite in a suburban area. The proposed development has a modest footprint, comes forward as a standalone project, requires moderate demolition works of the single storey public house and bookmaker building, does not require the use of substantial natural resources, or give rise to production of significant waste, significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, human health or is vulnerable to climate change.
Location of development	The development is located in a suburban area on brownfield land in Dublin. The receiving location is not particularly environmentally sensitive and is removed from sensitive natural habitats, designated sites and identified landscapes of significance in the County Development Plan. The site is not of historic and cultural significance. Given the scale and nature of development and mitigation proposed there will be no significant environmental effects arising.
Types and characteristics of potential impacts	Having regard to the characteristics and modest nature of the proposed development, the sensitivity of its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.
There is a real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ Date: 31st July 2026
 DP/ADP: _____ Date: _____

APPENDIX 2

Screening for Appropriate Assessment - Test for likely significant effects				
Step 1: Description of the project and local site characteristics				
Brief description of project	Demolition of pub and bookmakers, construction of temporary accommodation and medical/counsel suite with all associated site works.			
Brief description of development site characteristics and potential impact mechanisms	Site measures 0.133ha and comprises grassed agricultural land. Site is approx. 6.1km north-east of Rye Water Valley / Carton SAC.			
Screening report	No			
Natura Impact Statement	No			
Relevant submissions	Planning Authority screening			
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
European Site (code)	Qualifying interests Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connection	Consider further in screening Y/N
I identify the following Sites on grounds the source-pathway-receptor model:				
Rye Water Valley / Carton SAC (001398)	https://www.npws.ie/protected-sites/spa/004158	6.1km	No feasible connection.	No
Step 3. Describe the likely effects of the project (if any, alone <u>or</u> in combination) on European Sites				
AA Screening matrix				
Site name Qualifying interests		Possibility of significant effects (alone) in view of the conservation objectives of the site*		
		Impacts	Effects	
Rye Water Valley / Carton SAC (001398) Petrifying springs with tufa formation (Cratoneurion) [7220] Vertigo angustior (Narrow-mouthed Whorl Snail) [1014] Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016] The Conservation Objectives for the SPA are to maintain and restore the favourable conservation conditions of the identified Qualifying Interests. I consider the project would not compromise the objective of restoration or make restoration more difficult.		No direct, indirect, ex situ or in combination impacts.	No significant effects likely.	
No		Likelihood of significant effects from proposed development (alone): No		
No		If No, is there likelihood of significant effects occurring in combination with other plans or projects? No		
No		Possibility of significant effects (alone) in view of the conservation objectives of the site No		
		Impacts	Effects	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site				
conclude that the proposed development (alone) would not result in likely significant effects on European site(s) including the Rye Water Valley / Carton SAC. The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project. No mitigation measures are required to come to these conclusions.				

