



An
Bord
Pleanála

Inspector's Report PL29S.247062

Development	Amend previous permission (Reg.Ref.2620/14), increase apartments from 88 to 97, widen access, 27 additional parking spaces.
Location	Former Paper Mills Site, Clonskeagh Road, Clonskeagh, Dublin 6.
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	Reg.Ref.2308/16
Applicant(s)	Gannon Properties
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	<ol style="list-style-type: none">1. Richard Good2. Dearbhla Keating3. Rathgar Residents Association
Observer(s)	An Taisce
Date of Site Inspection	10 th of November 2016
Inspector	Angela Brereton

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	5
3.0 Planning Authority Decision	6
3.1. Decision	6
3.2. Planning Authority Reports	7
3.3. Prescribed Bodies	10
3.4. Third Party Observations	10
4.0 Planning History.....	11
5.0 Policy Context.....	13
5.1. National Spatial Strategy 2002-2020.....	13
5.2. Regional Planning Guidelines for the Greater Dublin Area 2010-2022.	13
5.3. Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009.....	13
5.4. Sustainable Urban Housing Design Standards for New Apartments 2007..	14
5.5. Updated Apartment Guidelines 2015	14
5.6. Design Manual for Urban Roads and Streets 2013.....	15
5.7. The Planning System and Flood Risk Management Guidelines 2009.....	15
5.8. EU Water Framework Directive.....	16
5.9. Dublin City Development Plan 2011-2017	16
5.10. Dublin City Development Plan (2016-2022) – Interim Publication	17
5.11. Dun Laoghaire Rathdown Development Plan 2016-2022.....	21
6.0 The Appeal	22
6.1. Grounds of Appeal	22
6.2. Applicant Response	26

6.3.	Planning Authority Response	30
6.4.	Observations	30
7.0	Assessment	32
7.2.	Principle of Development and Planning Policy	32
7.3.	Design and Layout	34
7.4.	Density	36
7.5.	Height issues.....	37
7.6.	Impact on Residential Amenities of the area	38
7.7.	Regard to the need for a Creche.....	40
7.8.	Open Space Considerations	42
7.9.	Landscaping and Views	42
7.10.	Impact on the Character and Amenities of the Area	43
7.11.	Encroachment issues.....	45
7.12.	Access and Parking	46
7.13.	Transport and Transportation	47
7.14.	Archaeology	48
7.15.	Infrastructural issues.....	49
7.16.	Flooding issues.....	50
7.17.	Construction and Waste issues	52
7.18.	Screening for Appropriate Assessment.....	53
8.0	Recommendation.....	55
9.0	Reasons and Considerations.....	55
10.0	Conditions	55

1.0 Site Location and Description

- 1.1.1. The subject site is located on the R825 Clonskeagh Road, to the south east of Dublin City Centre and within the administrative boundaries of Dublin City Council. The site comprises of the former Paper Mills Site on the Clonskeagh Road. It is also proximate to the City boundaries with Dun Laoghaire Rathdown County Council separated in this area by the Dodder River. The site is bounded to the east by the Dodder River, to the west by existing residential and commercial developments, to the south by a petrol station and to the north by residential development and Ashton's P/H. Clonskeagh Road is to the west, Clonskeagh Bridge to the south west. There is a high stone wall along the opposite side of the Clonskeagh Road which provides the boundary to Clonskeagh/Vergemount Hospital.
- 1.1.2. While some of the residential properties along this side of the Clonskeagh Road are within the blue line boundary, the red line boundary of the site specifically includes Nos. 65, 73 and 103 Clonskeagh Road. There are no other buildings within the site, other than those facing Clonskeagh Road. The site has been cleared and is generally level and surfaced in part. There are some materials stored on site. There is a high wall along the eastern boundary with the Dodder River, so there are currently no views within the site to the river. There is a door within the wall that provides access to the tree lined riverside walk which has not as yet been developed as such and is currently partly cordoned off. The weir is to the north east of the site. There are views to the weir and the site through the trees from the opposite side of the river from the footpath on the higher level Beech Hill Road. There are no trees or landscaping features within the walled site area.
- 1.1.3. Clonskeagh Road is a busy road, with footpaths and cycle lanes on either side. There is some paid/permit roadside parking and there are bus stops on either side of the road. There is a pedestrian crossing to the north of the site close to the entrance to Clonskeagh Hospital and one to the south close to the petrol station and the junction with Beech Hill Road. There is no pedestrian crossing in proximity to the proposed accesses to the site. There are two gated accesses to the site, the southern one between nos 103 and 105 Clonskeagh Road and the wider northern one between nos.63 and 75 Clonskeagh Road. Otherwise the site is currently

undeveloped and construction work for the development previously permitted has not commenced. There is no machinery on site and it is cordoned off from the public.

2.0 Proposed Development

2.1.1. Planning permission is sought by Gannon Properties for revisions to the previously approved scheme Reg.Ref.2620/14 on lands at the former Paper Mills site, bounded by the river Dodder to the east, Clonskeagh Road to the west, Clonskeagh bridge to the south west, specifically including Nos.59-73 and 103 Clonskeagh Road, Dublin 6. The revisions proposed to the development include an increase in apartment units from 88 to 97 and consists of the following:

- **Block 1** – elevational and plan revisions to the southern end adjacent to block 2 including the relocation of one four storey apartment element from Block 2 to Block 1 so increasing apartment units from 11 to 24 (3no. 1 bed units and 21no. 2 bed units);
- **Block 2** – elevational and plan revisions including the relocation of one four storey apartment to block 1 so reducing apartment units from 61 to 51 (12no. 1 bed units, 26no. 2 bed units and 13 no. 2 bed with study units);
- **Block 3** – elevational and plan revisions to incorporate a change from 5 two storey houses to a three storey plus set back penthouse apartment block incorporating 11 apartment units (3no. 1 bed units, 8no. 2 bed units) & ground floor concierge;
- **Block 4** – elevational and plan revisions with no increase in apartments (11no. 2 bed units);
- Revisions to the approved access/egress arrangements to widen the access between nos.59 and 73 Clonskeagh Road and provide a visual link into the site, an increase in basement carpark area to provide 27no. additional car park spaces and ancillary plant areas, together with associated site/landscaping and engineering works to facilitate the revisions to the development.

The application form provides that the area of the site is 1.245ha (3.08 acres)

The floor area of the new buildings proposed within the development is 9943sq.m with a net floor area of 8552sq.m. The floor area of buildings to be demolished is 6267sq.m. The proposed plot ratio is given as 0.79 and the proposed site coverage as 22.4%.

The application form provides that the residential mix for the proposed scheme is 18no. one bed, 66no. two bed and 13no. 3 bed apartments.

No childcare or crèche facilities are to be provided.

Drawings have been submitted showing the proposed modifications to the scheme.

A letter has been submitted with the application from Conroy Crowe Kelly, Architects & Urban Designers describing the proposed amendments to the previously permitted scheme.

A Schedule of Accommodation has been submitted as has a letter from DCC Housing Department re: Part V.

Reports submitted with the application include the following:

- Planning Statement – Downey Planning (dated February 2016);
- An Archaeological Impact Assessment – Courtney Deery Heritage Consultancy (dated October 2015);
- An Engineering Assessment Report – CS Consulting Group (dated February 2016);
- Screen Report for Appropriate Assessment of proposed revisions to permitted residential development - Openfield Ecological Services (dated November 2015);
- Landscape Maintenance Specification – Conroy Crowe Kelly

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 14th of July 2016 Dublin City Council granted permission for the proposed development subject to 15no. conditions. These conditions are relatively standard

and many refer to infrastructural and construction related issues. The following are of note:

- Condition no.3 – Modifications to windows, balconies/terraces in Block 3 relative to privacy and screening.
- Condition no.4 – Modifications to windows to the bedrooms of north facing units in Block 4 to include additional high level windows on the western elevation.
- Condition no.5 – Compliance with the terms and conditions of Reg.Ref.2620/14 except where modified by this permission.
- Condition no.8 – Archaeological monitoring.

3.2. **Planning Authority Reports**

Planning Reports

3.2.1. The Planner's Report

This has regard to the locational context of the site and to planning history and policy and to the modifications proposed in the current application. They noted the Submissions made and the Interdepartmental Reports. Their Planning Assessment has regard to the policies and objectives of the DCDP 2011-2017 and they had regard to the supporting information submitted. They noted that the revisions to Reg.Ref. 2620/14 seek to improve access and open the site more to the Clonskeagh Road, to improve the overall scheme. They have regard to the proposed amendments to the Blocks and note their concerns about the integration of Block 3 with the established residential area. They had some concerns about the revisions proposed to Block 4 and the windows proposed in the western elevation. They also noted that some clarification was needed in relation to the height of the proposed blocks being below 13m. Considering the current scheme is for additional units they recommended that the applicant provide an updated report outlining justification for the omission of the crèche facility. The PA is satisfied with the conclusions that an AA is not required in this instance.

3.2.2. The Further Information requested includes the following:

- Revisions to the design of Block 3 to provide for better integration with the adjacent historic terrace facing Clonskeagh Road.
- To address potential overlooking of the commercial properties from windows in the western elevation of Block 2.
- To provide details on the 'reserved area' as indicated on the floor plans.
- To address the heights issue so that the proposal is within the 13m as per the DCDP 2016-2022.
- Further details of the live green wall on the northern elevation of Block 2.
- To provide an analysis of whether or not capacity exists for a crèche.
- Clarification regarding the number of car parking spaces proposed and circulation issues in the layout.
- Clarification regarding the layout of proposed accesses and how they tie into the environment.

3.2.3. Further Information response

Conway Crowe Kelly Architects and Urban Designers response on behalf of the applicants includes the following:

- They have revised the plans and elevations relative to Block 3 and see it as an important gateway building. Views showing a visual representation of the amendments have been submitted.
- They have submitted drawings showing some revisions to Block 4 to improve amenities.
- They provide details relative to the integration of the 'reserved area'.
- They provide details relative to the live green wall.
- They include an updated Crèche Report by Downey Planning which shows that there is no need for a crèche relative to the additional units
- Details are provided of the car parking i.e 150 spaces in total.

- Relative to Block 1 - access and parking circulation is unchanged from that previously permitted.
- The proposed landscaping does not obstruct access.
- They provide details on circulation at the southern end of Block 4.
- Revised drawings have been submitted relative to the above.
- They note that Cronin Sutton Engineers have liaised with the Road's Department in respect of issues relative to the accesses. They refer to attached drawings and Report submitted.

3.2.4. Planner's response

This has regard to the F.I and revised plans and particulars submitted. They consider that the reduction in scale of Block 3 and the use of similar materials to the existing terrace provides a more appropriate and satisfactory interface with the existing terrace. The mono-pitch is their preferred option. They provide that the sketch proposals submitted provide clarity in terms of assessing visual impact. They note that the western elevation of Block 2 has been revised to eliminate overlooking. They had regard to the other modifications made and considered these revisions to be acceptable. They noted the crèche feasibility study found that a crèche was not necessary in view of other available childcare facilities. They had regard to the details submitted relative to access and parking and noted that the Roads and Traffic Planning Division has no objections to the proposed development. They recommended that permission be granted subject to conditions.

3.2.5. *Other Technical Reports*

Drainage Division – Engineering Department

They have no objection to the proposed modifications subject to compliance with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0 and recommend a number of conditions.

Roads and Traffic Planning Division

This has regard to relevant planning history. They note that there is some confusion regarding the proposed number of parking spaces and lack of clarity regarding circulation within the basement carparking area. They also refer to DMURS and have

some concerns about the main vehicular access and provide more clarity is required regarding the layout of the proposed accesses and how they tie in with the existing environment. They recommended that further information be requested. In response to the details provided in the F.I and in the revised drawings submitted, in particular with regard to access and parking layout, they do not object to the revisions to the scheme and recommended that permission be granted subject to conditions.

City Archaeologist's Report

This noted that the site is partially within a zone of archaeological constraint and that an Archaeological Impact Assessment has been carried out. They recommended that the site be archaeologically monitored and include a number of relevant conditions.

3.3. Prescribed Bodies

3.3.1. Inland Fisheries Ireland

This notes the presence of the Atlantic Salmon and Sea Trout in the Dodder river system and that salmonid waters constraints apply in any development. They provide that should development proceed that best practice should be implemented at all times in relation to any activities that may impact on surface water (stream and river) or riparian habitats. All works should be completed in line with a Construction Demolition Management Plan which ensures best practice is followed. The maintenance of habitat integrity is essential to safeguarding the ecology. Details of any works directly affecting the waters must first be submitted to the IFI for assessment and approval.

3.4. Third Party Observations

Submissions have been received from a number of local residents including Rathgar Residents Association and these concerns include the following:

- Further intensification of this scheme close to the sensitive Dodder River CA.
- It is requested that the conditions of Reg.Ref.2620/14 be complied with.

- Increase in height, density, bulk and mass of the proposed scheme is incongruous in the area. The proposed heights are contrary to the DCDP 2011-2017.
- Overshadowing, overlooking and loss of residential amenity for existing residents. The new proposals are totally out of scale and character with the area.
- Concern about the impact and precedent of Block 3 on Clonskeagh Road.
- Lack of residential mix including 3no. bed apartments.
- Concern that a crèche has not been included with the development.
- Encroachment issues and concern relative to parking spaces.
- Flood protection issues.
- Concerns about the provision and layout of parking facilities within the scheme.
- Lack of consultation regarding the scheme and dereliction issues relative to neglect by the applicant of the existing housing stock.
- Adverse environmental impacts of construction phase.
- The proposal is not in keeping with the principles of proper planning and development of the area.
- Concerns regarding the impact of the proposed modifications to the layout on the riverside walk and views to this area.
- The Dodder Anglers Association is content that no changes are to be made to the riverside walk and that open access is to be maintained. Their concerns about drainage are noted.

4.0 Planning History

4.1.1. The following is noted relative to more recent site history. A more detailed description is given in the Planning Statement submitted and the Planner's Report.

- Reg.Ref.5694/05 – Permission granted subject to conditions by Dublin City Council for the demolition of the Smurfit Paper Mills at and to the rear of 67-71

Clonskeagh Road, bounded by the River Dodder and at 73 and 103 Clonskeagh Road and the erection of 130no. accommodation units, coffee shop, museum and all site works. This permission was upheld on appeal (Ref. 220303 refers) where the Board granted permission subject to 18no. conditions. In that permission Condition no.2 provided some omissions/ changes to the blocks. Condition no.5 provided for appropriate childcare facilities.

- Reg.Ref.5694/05 x 1 – The Council refused an extension of duration permission for the proposed development for the following reason:

The proposed residential development does not accord with Section 16.4 Principles for Building Height in a Sustainable City of the 2011-2017 DCDP which stipulates a maximum height of 4 storeys for residential development in the outer city. The development would therefore be contrary to Section 42(1)(a)(iii) of the Planning and Development (Amendment) Act 2010 as it would no longer be consistent with the proper planning and sustainable development of the area.

- Reg.Ref.2620/14 – Permission granted subject to 19no. conditions by the Council for the demolition of existing buildings on site, and the construction of 92 (originally applied for), in 4 no. apartment blocks, all with balconies, terraces or roof terraces, crèche facility, access, parking and all associated works. (It is of note that there was a reduction to 88no. units in the modifications provided at the additional information stage and the crèche facility was omitted).

Condition no.2 provided: *The design of the front elevation and façade treatment to Block 3 shall be amended. The revised design shall be cognisant of adjoining properties and the character of the historic streetscape. Revisions to the design of the block including details of the roof profile, fenestration and materials shall be submitted to, and agreed in writing by the P.A prior to the commencement of development.*

Reason; In the interests of clarity, orderly development and visual amenity.

Condition no.3 provided for the riverside walkway along the Dodder River extending the length of the site to Clonskeagh Bridge.

Condition nos. 4 and 8 related to the flood defences and drainage.

Other proximate sites

- Reg.Ref.3869/14 – Permission granted subject to conditions by the Council for alterations and additions to existing dwelling house incorporation first floor extension, new single glazed ‘Winter Garden’ and associated works. This refers to the development seen under construction (from the subject site) to the rear of no.75 Clonskeagh Road.

5.0 Policy Context

5.1. National Spatial Strategy 2002-2020

The NSS sets out a national planning framework to co-ordinate future development and planning throughout the country in a sustainable manner and to consolidate the physical growth of Dublin while recognising its national and international importance.

It is of note that having regard to an update relative to policy and objectives for strategic planning that a National Planning Framework document is now being prepared.

5.2. Regional Planning Guidelines for the Greater Dublin Area 2010-2022.

The Guidelines, which provide a long term planning framework for the development of the Greater Dublin Area, seek to consolidate development, increase overall densities and facilitate the provision of improved public transport.

5.3. Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009

These seek to encourage high quality sustainable residential development, urban form and design. They are concerned to promote a sequential approach to development and to create an overall design framework with linkages to the existing developed area. They support Local Area Plans and the phasing of development,

also having regard to the availability of infrastructure. Regard is had to the availability of community facilities, public transport and the quality of open space. Chapter 3 concerns the role of design and has regard to the context and quality of the development proposal. Chapter 4 provides for planning for sustainable neighbourhoods and has regard to public open space, traffic safety, drainage issues etc. Chapter 5 refers to Cities and Larger Towns (i.e towns with 5,000 or more people) and provides the criteria for appropriate locations for higher density developments. Section 5.9 refers to Inner suburban/infill sites and has regard to residential infill. Chapter 7 concerns the home and its setting and discusses issues such as daylight, sunlight, privacy, open space and communal facilities.

Regard is had to the accompanying DOEHLG 'Urban Design Manual-A best practice guide 2009' and to the 12 criteria to promote quality sustainable urban design discussed in this document. Regard is also had to the application of these criteria, which are divided into three sections: Neighbourhood/ Site and Home reflecting the sequence of spatial scales and order of priorities that is followed in a good design process.

5.4. Sustainable Urban Housing Design Standards for New Apartments 2007

This provides guidelines on the design and layout of new apartments to ensure that they provide satisfactory living accommodation. This also includes guidance on daylight and sunlight, communal and private open space and recreational needs. The Appendix includes recommended minimum floor areas and standards.

5.5. Updated Apartment Guidelines 2015

The purpose of these guidelines includes to enhance the viability of new apartment construction, ensure consistency, as regards the minimum planning requirements and expand the provisions of the 2007 guidelines on qualitative aspects concerning areas such as amenities, provision of play facilities, cycle parking and related matters. The focus of this guidance is on the apartment building itself and on the individual units within it.

The guidelines have been prepared taking account of related provisions of the Planning and Development (Amendment) Act 2015, which amended Section 28 of

the Act as regards Ministerial Guidelines distinguishing between ‘specific planning policy requirements’ which must be applied by planning authorities and other aspects that planning authorities must also have regard to, in the exercise of their functions.

5.6. Design Manual for Urban Roads and Streets 2013

The DMURS document must be taken into consideration in examining planning applications. Within the DMURS document the application of the principles to existing streets must require a flexible approach. The document calls for a safer more attractive and vibrant street and the creation of a permeable network from a multi-layered process. The process should begin with a site analysis that identifies any constraints the proposal may have on the existing network, including points of access, major destinations and strategic connection (existing and proposed). The street hierarchy in terms of trips generated, access etc.

All new residential development must be designed in accordance with the requirements set out in DMURS. This Manual sets out design guidance and standards for constructing new, and reconfiguring existing, urban roads and streets in Ireland by incorporating good planning and design practice to create low speed environments in urban areas.

5.7. The Planning System and Flood Risk Management Guidelines 2009

These have been adopted and are the DOEHLG Guidelines for Planning Authorities (November 2009). The key principles are:

- Avoid the risk, where possible –precautionary approach.
- Substitute less vulnerable uses, where avoidance is not possible, and
- Mitigate and manage the risk, where avoidance and substitution are not possible.

Flood Zone A has the highest probability of flooding, Zone B has a moderate risk of flooding and Zone C (which covers all remaining areas) has a low risk of flooding.

The sequential approach should aim to avoid development in areas at risk of flooding through the development management process.

An appropriate flood risk assessment and justification for development in and management of areas subject to flooding and adherence to SUDS is recommended.

This document sets out how to assess and manage flood risk potential and includes guidance on the preparation of flood risk assessments by developers. This has regard Screening Assessment, Scoping Assessment and Appropriate Risk Assessment. It provides that only developments which are consistent with the overall policy and technical approaches of these Guidelines should be permitted.

5.8. EU Water Framework Directive

The purpose of the EU Water Framework Directive (WFD) 'is to establish a framework for the protection of inland surface waters, transitional waters, coastal waters and groundwater which:

- (a) prevents further deterioration and protects and enhances the status of aquatic ecosystems and, with regard to their water needs, terrestrial ecosystems and wetlands directly depending on the aquatic ecosystems;
- (b) promotes sustainable water use based on a long-term protection of available water resources;
- (c) aims at enhanced protection and improvement of the aquatic environment, inter alia, through specific measures for the progressive reduction of discharges, emissions and losses of priority substances and the cessation or phasing-out of discharges, emissions and losses of the priority hazardous substances;
- (d) ensures the progressive reduction of pollution of groundwater and prevents its further pollution, and
- (e) contributes to mitigating the effects of floods and droughts'.

5.9. Dublin City Development Plan 2011-2017

This is the document that regard was had to in the course of this application and in the documentation submitted including the Planning Report and the Design

Statement. It provides details of planning policies and objectives and provides the land use zonings. Chapter 15 provides the Zoning Principles. The site is within residential Z1 zone i.e – *To protect, provide and improve residential amenities.*

Chapter 17 includes the Development Management Standards and has regard to Design, Layout, Mix of Uses and Sustainable Design.

Section 17.6 refers to Building Height in a Sustainable City and S.17.6.2 provides a definition of such heights.

Section 17.9.1 provides the Residential Quality Standards including having regard to Apartments.

Section 17.10.8 refers to development in Conservation Areas and within Architectural Areas.

Table 17.1 provides the Car Parking Standards for Various Land-Uses and Table 17.2 the Cycle Parking Standards.

5.10. Dublin City Development Plan (2016-2022) – Interim Publication

This Plan was adopted by Dublin City Council at a Special Council meeting on 23rd September 2016. The Plan came into effect on 21st October 2016. It replaces the 2011-2017 City Development Plan. The policies and objectives in this plan promote intensification and consolidation of Dublin city, all of which lies within the metropolitan area. This is to be achieved in a variety of ways, including infill and brownfield development; regeneration and renewal of the inner city; redevelopment of strategic regeneration areas; and the encouragement of development at higher densities, especially in public transport catchments.

Throughout the city, an integrated approach is to be taken towards land use and transport planning, with more intensive uses promoted at locations with higher public accessibility. This includes the creation and nurturing of sustainable neighbourhoods, which are designed to facilitate walking and cycling, close to public transport insofar as possible, and a range of community infrastructure, in quality, more intensive mixed-use environments.

Chapter 4 relates to Shape and Structure of the City. Section 4.5.3.refers to making a more compact sustainable city and S.4.5.3.1 has regard to Urban Density.

Policies SC13 – SC15 relate to the promotion of sustainable urban densities.

Section 4.5.5 supports a high quality Public Realm and network of attractive and safe streets. Policies SC19 – SC21 refer.

Section 4.5.8 provides for Making Sustainable Neighbourhoods to contribute to the form and structure of a consolidated city.

Section 4.5.9 supports high quality Urban Form and Architecture. Policies SC25-SC27 refer. SC29 supports the appropriate sustainable re-development of vacant and brownfield lands.

Chapter 5 supports the provision of Quality Housing. Policy QH1 seeks: *To have regard to the DECLG Guidelines on ‘Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities’ (2007); ‘Delivering Homes Sustaining Communities – Statement on Housing Policy’ (2007), ‘Sustainable Urban Housing: Design Standards for New Apartments’ (2015) and ‘Sustainable Residential Development in Urban Areas’ and the accompanying ‘Urban Design Manual: A Best Practice Guide’ (2009).*

Section 5.5.2 refers to Sustainable Residential Areas.

Section 5.5.6 refers to Apartment Living. Policy QH18 seeks: *To promote the provision of high-quality apartments within sustainable neighbourhoods by achieving suitable levels of amenity within individual apartments, and within each apartment development, and ensuring that suitable social infrastructure and other support facilities are available in the neighbourhood, in accordance with the standards for residential accommodation.*

Chapter 8 refers to Movement and Transport. Section 8.5.1 seeks to encourage Integrated Land-use and Transportation.

Section 8.5.4 seeks to Promote Active Cycling and Walking and includes a number of relevant policies seeking to provide/improve pedestrian and cycling links and networks.

Policy MT11 of the DCDP 2016-2022 supports permeability for pedestrians and cyclists.

Section 8.5.6 refers to Car Parking. Policy MT17 refers.

Section 8.5.11 seeks to provide Accessibility for All.

Policy MTO49 seeks: *To prioritise the introduction of tactile paving, ramps and kerb dishing at appropriate locations, including pedestrian crossings, taxi ranks, bus stops and rail platforms.*

Chapter 9 seeks to encourage the delivery of Sustainable Environmental Infrastructure. Section 9.5 provides the Policies and Objectives.

Policy SI3 seeks: *To ensure that development is permitted in tandem with available water supply and wastewater treatment and to manage development, so that new schemes are permitted only where adequate capacity or resources exists or will become available within the life of a planning permission.*

Section 9.5.2 seeks to Protect Watercourses and Water Quality.

Section 9.5.3 refers to Flood Management Policy.

Section 9.5.4 provides for Surface Water Drainage and Sustainable Urban Drainage Systems (SUDS).

Section 9.5.5 refers to Waste Management.

Section 9.5.9 seeks to provide protection against Light Pollution. Policies SI26 and SI27 refer.

Chapter 10 refers to Green Infrastructure, Open Space and Recreation.

Section 10.4.1 has regard to the need for Appropriate Assessment. Section 13.3.10 further refers.

Chapter 11 refers to Culture and Heritage. Section 11.1.5.4 refers to ACA's and CA's. Policy CHC4 relates specifically to Conservation Areas. Section 11.1.5.6 provides the Policy Application for Conservation Areas.

Chapter 12 refers to Sustainable Communities and Neighbourhoods. Policy SN4 refers.

Chapter 14 has regard to Land Use Zoning and sets out the Principles and Objectives relative to each zoning. The subject site is in the Z1 Sustainable Residential Neighbourhoods – Section 14.8.1 refers.

Chapter 16 provides the Development Standards and refers to Design, Layout, Mix of Uses and Sustainable Design. Regard is had to Respecting and Enhancing Character and Context and Sustainable and Inclusive Design. This includes Sustainable Open Space and Urban Drainage systems and Design for a Safer Environment.

Section 16.2.2.2 refers to Infill Development and allows for uniformity and variation respecting and complimenting the character of the area.

Section 16.3 refers to Landscaping and includes reference to Hard and Soft Landscaping, Tree Protection and Boundary Treatment.

Section 16.3.3 has regard to criteria for Public Open Space in all Development.

Section 16.10.1 refers to the minimum 10% requirement in residential schemes.

Section 16.4 has regard to the Density Standards. This includes: *All proposals for higher densities must demonstrate how the proposal contributes to placemaking and the identity of an area, as well as the provision of community facilities and/or social infrastructure to facilitate the creation of sustainable neighbourhoods.*

Section 16.5 provides that the Indicative Plot Ratio for outer city Z1/Z2 areas is 0.5 – 2.0. Section 16.6 provides that the Indicative Site Coverage in the Z1 zone is 45-60%.

Section 16.7 provides an Overview of Building Height in a Sustainable City

Section 16.7.2 provides details of Height Limits and Areas for Low-Rise, Mid-Rise and Taller Development and includes a Table relative to Building Height in Dublin.

Section 16.8 refers to Access for All in accordance with the appropriate standards.

Section 16.9 refers to Roads and Services and has regard to being in compliance with DMURS.

Section 16.10 provides the Standards for Residential Accommodation and notes that these are divided into standards relating to apartments and houses (16.10.1 and 16.10.2 respectively) and apply to new build residential schemes.

Section 16.10.3 has regard to the Residential Quality Standards – Apartments and Houses relative to private, communal and public open space.

Section 16.10.4 considers the Making of Sustainable Neighbourhoods relative to 15, 50 and 100 plus units.

Section 16.10.8 refers to Backland Development.

Section 16.10.10 refers to Infill Housing on appropriate sites.

Section 16.38 provides for the Car Parking Standards, Table 16.1 refers and should generally be regarded as the maximum provision. Section 16.38. 6 refers to Motorcycle Parking and Section 16.38.9 the Design Criteria including relative to Residential Car parking in Apartments. Section 16.39 refers to cycle parking.

The Appendices are contained in Volume 2.

Appendix 2A and 2B refers to the Housing Strategy. Appendix 4 refers to Transport Assessments, Mobility Management and Travel Plans. Appendix 18 refers to Taking in Charge of Residential Developments.

5.11. Dun Laoghaire Rathdown Development Plan 2016-2022

The Land Use Zoning Map shows that the subject site, relative to the land on the the opposite side of the Dodder river which is within the DLR jurisdiction.

Map 1 shows that this land opposite the site is within land zoned Objective E, which seeks: *To provide for economic development and employment*. The Dodder riverbank within the DLR Co.Co. jurisdiction is in Objective 'F', where the objective seeks: *To preserve and provide for open space with ancillary active recreational amenities*.

Chapter 2 has regard to Sustainable Communities and includes regard to residential developments and sustainable transport and the roads network.

Chapter 5 provides the Physical Infrastructural Strategy and has regard to issues of Environmental Infrastructural Management including Drainage and Waste Management.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. Three separate Third Party appeals have been submitted. These are summarised separately and are from the following:

- Richard Good
- Dearbhla Keating
- Rathgar Residents' Association

6.1.2. Richard Good

His grounds of appeal include the following:

- The proposed development would contravene a number of policies including the height policy in the DCDP 2011-2017.
- It would be an inappropriate and unnecessary overdevelopment in terms of height, bulk and design on a significant and sensitive riverside site and would be in contravention of environmental and amenity policies.
- It would be visually obtrusive and would not integrate into the existing pattern of development and would detract from the character of the established residential area.
- Block 3 would be overly dominant as a 3 to 4 storey apartment block in the centre of a terrace of 2 storey houses.
- They refer to the history of this sensitive site and note that the site is at a lower level than the Clonskeagh Road and Beech Hill road. No site survey drawings have been submitted.
- The proposal is in material contravention of the permitted building height and they refer to Section 17.6.2 of the DCDP 2011-2017. It results in an excessive visual intrusion and loss of visual amenity and would exceed the 13m height. Fig.1 and Appendix 4 shows this is the case relative to Block 2.

- The heights of Block 4 and that part of Block 1 with a 'Basement' are also in contravention of the permitted heights.
- The additional information did not amend the cumulative height above ground level.
- They consider that DCC failed to adequately address the issue of building height in this case.
- Almost the entire site is within the Dodder River Conservation Area as designated in Map H of the DCDP 2011-2017.
- The scale of the proposed development would be visually obtrusive and would seriously impact on the sensitive riparian environment, its habitat, wildlife and amenity of future residents.
- The river which is now relatively undisturbed in this location would effectively be at the foot of a canyon, between tall apartments and a wall.
- The proposed development would also contravene Section 17.10.8.1 of the DCDP 2011-2017 relative to impact on Conservation Areas and Policy GC12 relative to impact on views and on the river.
- They note that comprehensive photomontages have not been submitted. No photomontages of the proposed apartment blocks from the perspective of Beech Hill Road or the proposed Riverside Walk were supplied by the applicants or formed part of the Design Report.
- The proposed balconies/terraces of these excessive height buildings would have an adverse impact on views from the river. They would also cause overlooking and loss of privacy.
- The location and design of the blocks would cause noise and disturbance to the riparian environment and associated habitats. This is contrary to planning policies, regarding impact on wildlife.
- The opening up of the site and the large viewing platform proposed would diminish and obtrude on the amenity of the walk below.
- There is concern that the proposed development in particular the widened entrance and the 3 to 4 modern storey block 3 would provide a loss of

continuity of streetscape and diminish the character and amenities of the existing two storey houses.

- The proposed block 3 would set an undesirable precedent for further such development on Clonskeagh Road and the cumulative impact of this proposal would seriously impact on the residential amenities of the area
- The proposal would represent an inappropriate and unnecessary overdevelopment of the site and would be contrary to planning policy and be in material contravention of the Clonskeagh Road zoning designation Z1.

6.1.3. Dearbhla Keating

Her grounds of appeal are made on behalf of the residents of 57 Clonskeagh Road and include the following:

- The proposed development is incongruous in terms of scale, height and massing and will impact adversely on the historic architectural character of the area.
- Notwithstanding the screening proposals submitted as per the additional information (Reg.Ref.2620/14) they are concerned that their rear garden would be overlooked by the proposed development.
- They are concerned that the proposed intensification will lead to an overly dense development and note that there is a lack of 3 bedroomed units within the scheme.
- Encroachment and landscaping issues relative to the rear access laneway. There is an issue of right of way relative to the use of the laneway to the rear of these properties.
- Clarification of the 'reserved area' at basement level to the rear of Nos.59 -63 Clonskeagh Road.
- Concerns about the proposed flood protection system, relative to the location adjacent to the river.
- They query why a crèche has not been included, considering that in their experience, there are waiting lists for such facilities in the area.

- The proposed development will cause overshadowing and severely impact on their privacy.
- They have concerns about the construction phase of the proposed development and the impact on residential amenities of the area.
- Dereliction of the existing terrace, homelessness and antisocial behaviour.
- They are concerned to retain their private use of the access lane to the rear of this property.
- They request the removal of the proposed fire hydrant from within their boundary to the rear of no.59 Clonskeagh Road i.e. within the developer's boundary.

6.1.4. Rathgar Residents' Association

Their grounds of appeal include the following:

- This proposal seeks to intensify an already overly dense scheme (2620/14) with an even more intensive and unacceptable development in this sensitive site adjacent to the river Dodder.
- It is contrary to the objectives of the DCDP and accordingly is not in keeping with the principles of proper planning and development.
- This area of special amenity and scientific interest i.e the Dodder river area, would be overwhelmed by the enormous scale of the proposed development.
- The scale, height and bulk of the proposed development would constitute an overdevelopment of the site and overwhelm the smaller scale of adjacent houses.
- It would have an adverse visual impact on the streetscape of Clonskeagh Road.
- This proposal is one of serious over development for a very restricted site and should not be permitted.
- The blocks in particular block 2 exceeds 13m in height and is not compliant with the DCDP policy 2011-2017.

- They note other proposals for higher buildings that have been refused and consider that this development will set an undesirable precedent.
- They consider that block 3 fronting onto the Clonskeagh Road is wholly unacceptable and that the integrity of the existing streetscape should be preserved.
- This site constitutes the flood plain of the Dodder river and the area has been flooded several times in the past. They consider that as river defences of massive proportions are being put in place that the development should never have been permitted in view of flood risk.
- There is concern about the capacity of the sewerage system to cater for the scale of the proposed development and that if the combined sewer were to overflow it would direct raw sewerage into the river.
- There is a significant drainage deficit in the city and there are no major plans proposed to deal with this problem.
- In view of all these issues they do not consider that this development can be considered to be sustainable or complies with the principles of proper planning. They request that the decision of the Local Authority should be overturned and refused.

6.2. Applicant Response

6.2.1. Conway Crowe Kelly Architects and Urban Designers have submitted a response to the grounds of appeal on behalf of the First Party. This includes the following:

- They provide details of the background to the site and note that it has excellent residential amenity potential and planning permission was granted under Reg.Ref.2620/14 for a residential apartment scheme.
- They provide that the change from a particularly unsightly industrial complex to residential use with riverside walk is a significant planning gain for the amenities of the area and the Dodder in particular.
- They note the residential/mixed use nature of the area around Clonskeagh and provide that neighbouring typologies range from two storey houses to five

storey corporate buildings. They note the proximity of schools and Belfield to the area.

- They provide that quality apartment infill is needed in the area and that this application is for amendments to a previously approved scheme (the parent permission) that was granted permission by DCC and was not appealed.
- The substance of much of the appellants' concerns are with regard to the parent permission and not with the amendments sought.

They take note of and provide a response to each of the Third Party appeals to include the following:

6.2.2. Dearbhla Murphy 57, Clonskeagh Road

- Block 1 is to the rear of her property and there is no amendment proposed to the access gallery to this block which is already permitted.
- They provide a description of minor changes proposed to block 1 directly behind no.57 and note that there will be no overlooking.
- The relative positions of Block 1 and 2 in the permitted and proposed locations are shown over laid on their Site Layout Plan.
- Shadow studies do not indicate an issue for no.57 and they include some diagrams.
- They provide details of the the reserved area to the rear of 55-65 Clonskeagh Road.
- They have regard to parking issues and fencing in the 'reserved area' to the rear of these properties.
- They ask the Board to include a condition that the proposed parking and access arrangements to the rear of these properties be agreed with DCC prior to the commencement of development.
- There is a Construction Management Plan and all efforts will be made to mitigate impacts on neighbours.

6.2.3. Richard Good, 5 Beaver Row

- The finished floor levels of the site are dictated by CFRAMS in Reg.Ref.2620/14 and the level is built up accordingly and the buildings placed upon it. The build up is used to conceal the carpark.
- Details are given of revisions to the scheme relative to Block 2.
- The permitted scheme must be viewed in the context that it replaces an unsympathetic non conforming use relative to the land use zoning.
- There is no change sought in this application to the permitted building height, it remains the same, and the objections relate to the parent application.
- The proposal will not impact adversely on views to the riverside walk. Revisions to Block 2 are intended to break up the original form and improve access to the river.
- The amenity of individual apartments in having a river view and the amenity of those on the riverside paths are not mutually exclusive.
- The riverbank and its ecology will be managed by DCC, available to all and safely overlooked by the new development. The river and its opposite bank remain inaccessible to people.
- The proposal does not detract from the Dodder Greenway as per the DCDP. Adapting to the river is to respond to it and to make it a new place.
- They provide a description of the historical context and note that the proposal will not lead to a loss of amenity of the Clonskeagh Road.
- The current proposal will replace the factory entrance building which did not add to the attractiveness of the street. It will define this corner and will not diminish the amenity of Clonskeagh Road.
- They submit some photomontages showing view of proposed Block 3 and the entrance to the site.

6.2.4. Rathgar Residents Association

- They consider that the proposed density is appropriate to this urban brownfield site within 500m of a QBC.
- They provide that the precedent permissions referred to are not relevant in that this application does not seek to amend the permitted heights.
- The proposed amendments to the permitted scheme will not detract from the streetscape.
- Flooding is not an issue that arises by virtue of the amendments sought. This application does not seek to modify the location or height of the flood wall or defences permitted.
- The ongoing OPW flood protection works on the Dodder come as far as Ashton's Pub where it will connect with the flood protection wall around the scheme.
- The scheme will contribute to flood protection in the vicinity.
- They note reference to previous permissions on this site including the heights permitted in Reg.Ref.5694/05. They provide that this proposal does not represent an overdevelopment of the site.
- They consider that many of the appellant's concerns are issues that have already been decided by permission Reg.Ref.2620/14. The heights have not changed from that already permitted.
- The Downey Planning's updated Feasibility Study for a crèche has confirmed that as per the parent permission a crèche is not needed.
- Urban design and ecological requirements of the the DCDP are complimentary and not mutually exclusive. The proposal will not impact on ecology and the greenway through the site is as permitted under Reg.Ref.2620/14.
- The flood criteria for the site were confirmed under the previous permission and the amendment application seeks no change with regard to flood strategy, heights, etc.

- They conclude that the scheme will be an asset to the area bringing needed accommodation and contributing to the vitality of local services and increasing connectivity to the riverside setting.
- They include photomontages showing Block 3, A Shadow Analysis relative to no.57 Clonskeagh Road and a Site Layout Plan relative to the lane behind nos. 55 and 57 Clonskeagh Road.

6.3. **Planning Authority Response**

Dublin City Council has no further comment to make and considers that the Planner's Report on file adequately deals with the proposal.

6.4. **Observations**

6.4.1. An Taisce

They have submitted an Observation which includes the following:

- A key consideration is the zoning of the site, it has several designations under the DCDP 2011-2017 i.e: Z1, Z4, Z9 and Z11. This application refers primarily to the Z1 residential designation. They submit that this objective has been contravened by the subject development.
- They have regard to the established character of the area and the historic pattern of residential development on either side of the entrance to the site.
- They are concerned that this proposal would result in a loss of continuity of two sets of period houses and introduce a four storey apartment block and wide entrance into a two storey terrace, which would set an undesirable precedent in this area.
- This proposal would diminish the character and setting of the existing terrace and of Clonskeagh Road.
- The proposal apartment block would be incompatible with the height and design of the terrace, would dominate these houses and would be visually obtrusive.

- The proposed entrance road would further expose the views of the site from the Clonskeagh Road and from the riverside.
- The proposed development would have an adverse impact on the residential amenities of the area.
- They query the need for inclusion of a number of houses in the terrace facing the road being in the application site and in ownership of the applicant.
- These houses are of distinctive character and heritage value and they have significant concerns as to the long-term protection of both the houses and their amenities.
- They submit that objective Z9 has been contravened relative to the impact on amenity and open space lands, green network. They submit that this proposal would diminish the character and setting of the existing riverbank and the river.
- Consideration must be given to the Dodder Conservation Area, which applies to almost the entire site. They refer to Section 17.10.8.1 of the DCDP 2011-2017 relative to the need for new proposals to protect the character and amenities of C.A's.
- It would not protect the views and prospects specified in Section 15.10.11 of the DCDP 2011-2017 or the Z11 designation (Waterways Protection).
- In summary they submit that the proposed development fails to comply with the objectives and zoning designations of the site.
- The proposed height is excessive and does not conform with Section 17.6.2 of the DCDP 2011-2017 or the prevailing two storey heights in the area.
- It would not only contravene the maximum permitted heights but also the purpose of permitted heights, to protect the character and amenities of existing and proposed environments.
- This is the second development to be permitted by DCC (2620/14 also refers) under the DCDP 2011-2017 that exceeds the permitted heights in the area.
- DCC in both instances has failed to give reasons as to why the maximum permitted heights of the DCDP 2011-2017 have been exceeded.

- The previous grant of permission for a development that exceeds the maximum heights was incorrect and should not be considered a positive precedent for a similar decision in Reg.Ref.2308/16. Each case should be taken on its own merits.
- The proposal does not comply with the proper planning and development of the area.

7.0 Assessment

7.1.1. The main issues in this appeal are those raised in the grounds of appeal and the observation made. I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the headings below.

7.2. Principle of Development and Planning Policy

7.2.1. It is of note that this application has been submitted with regard to the Dublin City Development Plan 2011-2017 where the area of the subject site that relates to this application is primarily zoned Z1, where the zoning objective seeks: *To protect, provide and improve residential amenities*. This Plan has recently been replaced by the newly adopted Dublin City Development Plan 2016-2022, and regard is now had to the policies and objectives therein. As shown on Map 'H' the 'Sustainable Residential Neighbourhoods' land-use zoning applies. Therefore the principle of the development i.e to provide residential development is acceptable within this zoning provided it would not impact adversely on the amenities or character of the established residential area. In this respect there is concern raised by the Third Parties that the proposal would contravene this objective.

7.2.2. The applicant is seeking permission for revisions to the previously granted permission Reg.Ref.2620/14 where permission was granted by Dublin City Council for 88no. residential units in 4 apartment blocks on the former Smurfit Paper Mills site. The site has now been cleared but no building work has as yet commenced. The current proposal now envisaged for the site is to provide a scheme of 97no. apartments and the First Party considers that it will provide for a high quality residential development on an otherwise underutilised brownfield site. Therefore the

principle of a residential development on this site had been accepted in the previous permission. The current proposal is to increase the density of the scheme along with associated changes to layout etc.

- 7.2.3. The Third Parties are concerned that this proposal having regard to its height, scale and massing will have an adverse impact on the character and amenities of the residential area, the streetscape of the Clonskeagh Road and the views and riparian environment of the Dodder River Conservation Area. The issue in this case is whether the modifications and intensification now proposed are considered to be acceptable and in the interests of the proper planning and sustainable development in the area.
- 7.2.4. Regard is had to The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (May 2009). Section 5.9 of these Guidelines refers to infill residential development and includes: *Potential sites may range from small gap infill, unused or derelict land and backland areas, up to larger residual sites or sites assembled from a multiplicity of ownerships.* These also provide: *In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.* Therefore a 'balance' regarding appropriate infill development, providing higher residential densities and the impact on the character of the area as per Section 5.9 of the Guidelines needs to be struck.
- 7.2.5. Regard is also had to the creation of Sustainable Neighbourhoods. It is of note that Policy SC14 of the Dublin City Development Plan 2016-2022 seeks: *To promote a variety of housing and apartment types which will create both a distinctive sense of place in particular areas and neighbourhoods, including coherent streets and open spaces.* Having regard to Conservation Areas Policy CHC4 seeks: *To protect the special interest and character of all Dublin's Conservation Areas (11.1.5.4). Development within or affecting all conservation areas will contribute positively to the character and distinctiveness; and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.*
- 7.2.6. Therefore the issue for consideration in this case is whether the proposed revisions to this residential development as per the modifications submitted including at further

information stage are in accordance with planning policy on what is acceptable in principle as an infill brownfield site on this residentially zoned land. Regard is had to issues of design and layout, including impact on the character and amenities of the Dodder Conservation Area, the established residential area, and to access and parking and other associated issues raised in the context of this Assessment below.

7.3. Design and Layout

7.3.1. The Planning Statement submitted (dated February 2016) provides a description of the proposed development which is to comprise of 97no apartments which are to be constructed in 4no. blocks ranging in height from two and three storey to 4 storey in height. The applicant is also proposing alterations to the lower ground parking/river level which will provide parking, cycle parking, bin storage etc for the proposed development to provide for 146 car parking spaces. The heights of the proposed 4no. blocks are to be as follows:

- Block 1 – 2 to 4 storey over lower ground floor parking at river level;
- Block 2 – 4 storey over lower ground floor parking at river level;
- Block 3 – 3 storey with penthouse setback;
- Block 4 – 4 storey.

7.3.2. Details are given of the plan and elevational changes proposed for each block and Figures are included showing the elevations granted in Reg.Ref.2620/14 and the changes in elevations proposed in the current application. These are as follows:

- Block 1 – The revisions propose to increase the number of apartments from 11 to 24 units. Permission is sought for an extension of this block and partial increase in height at the south west end of the block immediately adjoining Block 2 such that a part 2 storey and part 4 storey residential apartment block is now proposed. There are no changes proposed to the north eastern portion of this block. Figs 5 and 6 refer.
- Block 2 – Permission is now sought for a reduction in the scale of granted Block 2 with the associated reduction in the number of units granted from 61 to 51. Permission is also sought for plan and elevational changes to now

provide 12no. 1 bed units, 26no. 2 bed units and 13no. 2 bed with study units. Figs. 7 and 8 refer.

- Block 3 – Permission was granted under Reg.Ref.2620/14 for 5no. two storey residential dwellings. Permission is now sought for a 3 storey with penthouse set back apartment block accommodation 11no apartment units (3no. 1 bed and 8no. two bed units). Figs.9 and 10 show the difference in the elevations proposed fronting the Clonskeagh Road. It is provided that the façade of the block has been designed with regards to providing a contemporary look which has regard to the adjoining residential dwellings.
- Block 4 – Permission is sought for revisions to the plans and elevations of previously granted block 4. Figs 11 and 12 show the proposed elevational changes.

7.3.3. It is of note that Section 5.5.6 of the DCDP 2016-2022 provides: *It is envisaged that the majority of new housing in the city area will be apartments or another typology that facilitates living at sustainable urban densities. Successful apartment living requires that the scheme must be designed as an integral part of the neighbourhood.* Regard must now be had to the updated Apartment Guidelines 2015 and these provide minimum unit sizes of 45sq.m (1 bed), 73sq.m (2 bed) and 90sq.m (3 bed). These Guidelines also provide: The majority of apartments in all schemes must be larger than the national minimum standard (At least 50% of apartments must be minimum of 10% larger than the minimum floor areas specified under the guidelines). As shown on the Schedule of Accommodation the proposed new apartments exceed the minimum floor areas.

7.3.4. The breakdown of the current proposal relative to range of apartment mix for the whole development (97no. apartments) is given as:

- 18no. 1 bed units – 19%
- 79no. 2 bed units (with 13 of these units with a study) – 81%

Regard is now also had to Section 16.10.1 of the DCDP 2016-2022 which provide the Residential Quality Standards for Apartments. In this respect it is noted that Section 16.10.1 provides that each apartment development should provide for a mix of residential i.e. *a maximum of 25-30% one bedroom units and a minimum of 15%*

three or more bedroom units. While there are a number of units greater than 100sq.m, there is concern that if the study is used as a third bedroom that the minimum room standards will not be met. In this case it is noted that no three bedroom apartments to be provided. There is concern that the minimum standards are not met relative to the lack of 3 bedroom apartments in the scheme. In this respect having regard to the new units proposed, I would recommend that if the Board decide to permit that it be conditioned that 2no. of the new apartments proposed be 3 bedroom. This would allow for a greater residential mix and would also decrease the overall density of units in the scheme. In this case I would recommend that one of these three bedroom apartments be located in Block 3 i.e omission of one of the one bed units in this block and another in revised Block 1. Therefore this would result in the loss of 2no. one bed units to provide 6 no. new units i.e. 94 units in total. It is considered that this increase in variety of unit type would be positive for the residential mix in the proposed modifications to the scheme.

7.4. Density

- 7.4.1. The current proposal seeks to increase the density of the scheme along with associated changes to layout etc. There is concern that the proposed intensification from 88 to 97 units will lead to an overly dense form of development in this location. Having regard to density it is provided that the proposed development provides for a density of 80 units per hectare which is in accordance with the relevant national, regional and local planning guidelines. The proposed development comprises of a plot ratio of 0.81 and a site coverage of 35% within the Z1 lands (i.e. excluding the riverside walk), which is also in accordance with standards. The First Party provide that the delivery of 97 residential apartment units at this location would add to the sense of community in the area, would represent an appropriate and sustainable lane use, and would assist in the overall consolidation of the area.

Regard is had to Third Party concerns regarding overdevelopment and over densification of the site, relative to the intensification proposed in the current application. The First Party response provides that the amendment application results in an additional 8 apartments and a density of 78/HA (31/acre) on an urban brown field site within 500m of the QBC. This is due to the reduction in the no. of apartments proposed due to the revisions made in the F.I submitted from 9no. to

8no. As noted above the density would be further reduced to 6no. additional apartments if two of the new apartments proposed were 3 bedroom, in view of the lack of 3 bedroom apartments provided in the overall scheme.

7.5. Height issues

There is concern that these blocks would exceed the 13m as stipulated in Section 17.6.2 of the DCDP 2011-2017 and as four storey blocks above ground level would appear 5 storey and would not be in context with the established two storey development in the area. It is submitted that the quality and design of the proposed scheme meets the guidelines set down in the DCDP and that the height of the apartments proposed i.e 4 stories over basement is appropriate in this location. The form of the buildings (i.e. not including the semi-basement parking level) is generally a set back penthouse over three floors of accommodation and is generally within the 13m height range. Section 17.6.1 of the previous DCDP 2011-2017 states that the maximum height in the outer city is 4 storey residential and that all proposed buildings will be assessed against the qualitative and quantitative standards set out including those standards addressing local character, streetscape, open space, daylight and the amenity of existing and future residents. The Table in Section 17.6.2 notes that the maximum permissible height for 4 storey residential in the outer suburbs is below 13m. Section 17.6 of the DCDP refers to Building Height and notes: *Different character areas will require different approaches to the issue of building heights.*

- 7.5.1. It is of note that regard is now had to the changes relative to height as per Section 16.7.2 of the Dublin City Council Development Plan 2016-2022 which has recently come into force. It is provided that the heights stated in the low-rise and mid-rise categories of the table titled Building Height in Dublin are maximum heights. This table refers to low rise as up to 16m (commercial and residential) in the outer city and allows for up to 5 storeys in height for residential. This is based on the average storey height of 3.0m for residential development. It is of noted that this maybe higher for Rail hubs which are within 500m of existing and proposed Luas, mainline, DART, DART Underground and Metro stations, which is not the case in this instance. Therefore the proposed height is within the range of that permitted in the area, the issue is how the blocks will fit into the character of established residential

area. Regard is also had to Section 16.7.1 which provides: *There is a recognised need to protect conservation areas and the architectural character of existing buildings, streets and spaces of artistic, civic or historic importance.*

7.5.2. The First Party provides that this application does not seek to change heights as already established in the parent permission. They provide that that the blocks are four storey buildings tailored as three storey plus a set back penthouse floor. In this case the finished floor levels of the site are dictated by flood levels determined by the Dodder in CFRAMS in the parent permission. The level is built up accordingly and the buildings placed upon it. They note that in any site development the land is first contoured and the building height is determined by the finished levels. In this instance the build up is used to conceal a carpark. They provide that DCC were correct in Reg.Ref.2620/14 in determining building heights from the ground level established to comply with the requirements to place the dwellings above flood levels, just as the height of a building on the quay is measured from the quay and not from the water line. They provide that no change is sought in this regard and that the objections relative to heights relates not to the current but to the previous application.

7.6. **Impact on Residential Amenities of the area**

In this case regard is had to the modifications proposed relative to the 4no.Blocks and to the concerns of the Third Parties.

7.6.1. Block 1

The First Party provides that Block 1 is unaltered immediately to the rear of nos.55-57 Clonskeagh Road. There is no amendment proposed to the access gallery to Block 1 already permitted. This proposal seeks to move one core of apartments from the northern end of Block 2 to the southern end of Block 1. This is c.50m away and has no windows facing the rear of 57 (Third Party). The relative positions of Block nos. 1 and 2 in the permitted and proposed location are shown overlaid on the site layout plan. They provide that shadow studies do not indicate an issue for no.57 and that Block 1 is permitted under Reg.Ref.2620/14.

The Third Party are concerned that notwithstanding the screening proposals submitted as part of the additional information in (Reg.Ref.2620/14) about potential overlooking and loss of privacy of the rear of no.57 Clonskeagh Road, relative to the

access galleries and roof terraces of the proposed block 1. They requested a revised shadow analysis to assess the impact of the proposed modification and revised configuration on the existing properties. It is noted that a shadow analysis has been included as part of the First Party response. It is not considered that the modifications proposed in the current scheme will have an adverse impact on these properties.

7.6.2. Block 2

There is concern that Block 2 is a five storey block and cannot be considered as 4 storey as the car park is at ground level. In this respect the Third Party has submitted Fig.1 and Appendix 4 showing the total height of the block as 15.9m including the apartment level above as 13m. They consider that in this case 4 storeys with penthouse setback over ground level car park is being proposed.

The First Party response provides that in the revised scheme Block 2, the longest permitted block is shortened, and moved back so the base and the building are distinguishable which will be an improvement on that permitted. They provide that the revisions to Block 2 are intended to break up its form and use the stepped nature of the plan to contain the balconies.

7.6.3. Block 3

There is concern that the proposed development would impose a 3 to 4 storey apartment block in the centre of the traditional 2 storey houses along Clonskeagh Road, and would fracture the existing streetscape. Also that it would be visually obtrusive and diminish the amenities of the Dodder Conservation Area of the approved Riverside walk. In this respect it is of note that the proposed siting of Block 3 is outside and to the west of the CA, where the policies and objectives of the Z1 residential zoning apply. Revised plans have been submitted relative to Block 3 in response to the Council's F.I. request. The scale of this building has now been stepped down.

The First Party response notes that the current proposal will replace the former nondescript factory front of the old Smurfit factory and it is noted that the factory did not respond well to the streetscape. They provide that the permitted scheme has a discrete entrance, a ramp and a narrow pedestrian access and provides for better access. They consider that the amenity of Clonskeagh Road will not be diminished by the scheme. They provide in relation to revised Block 3 that there is an

appropriate graduation of volume, mass and scale as the scheme meets Clonskeagh Road where it presents as two storeys with set back over.

It is considered that Block 3 provides an important gateway building to the scheme. As shown on the elevations submitted it is considered that provided quality materials are used that the proposed revisions to Block 3 are preferable to that shown as originally submitted. Photomontages have been submitted showing views of proposed modified Block 3, relative to the entrance to the site and to the houses on Clonskeagh Road. It is considered that the proposed design of this contemporary building is preferable on this corner site as it provides a more attractive building than the rather bland terrace of two storey dwellings proposed in Reg.Ref.2620/14. Regard is had to Condition no.3 of the Council's permission and it is recommended that this type of condition to restrict overlooking be included if the Board decides to permit.

7.6.4. Block 4

This is the southern most block and is to the rear of the commercial properties, some with residential above, 105-113 Clonskeagh Road. The F.I request noted concerns that this block appears to be located closer to the rear of these commercial buildings. There was concern that the windows proposed in the western elevation may give rise to the overlooking of some of these properties. As shown on the revised drawings block 4 has been compressed marginally to move further off the boundary. It is provided that previously approved offset dimensions have been achieved. Also that bedroom windows on the western elevation have been rearranged to look north west only to improve the amenity for both properties. In this respect regard is had to Condition no.4 of the Council's permission regarding the additional high level windows on the western elevation. It is recommended that this be included should the Board decide to permit.

7.7. **Regard to the need for a Creche**

- 7.7.1. There is Third Party concern relative to the non provision of a crèche within the development, providing that all local creches are operating sizable waiting lists (evidence of the latter has not been submitted). It is noted that a crèche was not provided as part of the previous application Reg.Ref.2620/14. The Council's F.I

request had regard to the recent circular letter (PL3/2016) issued by the DoECLG regarding childcare facilities operating under the Early Childcare and Education (ECCE) Scheme and the expected increased demand for childcare spaces. They asked the applicant to consider whether or not capacity exists for a crèche facility in this location.

- 7.7.2. Regard is had to the Childcare Facilities Guidelines 2001, where Section 2.4 provides: *For new housing areas, an average of one childcare facility for each 75 dwellings would be appropriate. The threshold for provision should be established having regard to the existing geographical distribution of childcare facilities and the emerging demographic profile of areas.*
- 7.7.3. Therefore generally in accordance with these guidelines for a scheme with this number of units a crèche would be required. As part of the F.I submission an Updated Feasibility Study relative to the Provision of a Crèche Facility on the site was provided by Downey Planning. This has regard to the provisions of the Childcare Guidelines. It notes that it was submitted under the previous grant of permission that the proposed development would not support a viable childcare facility, including the demographic profile of the future occupants of the proposed development, and the significant vacant capacity within existing childcare facilities within the area. A detailed survey of these facilities has been carried out and it is noted that there are facilities available proximate to the site and provides that in light of their findings that an on-site crèche facility is not required in this instance.
- 7.7.4. The First Party notes that the F.I response in Downey's updated Feasibility Study confirms as determined under Reg.Ref.2620/14 considers that the proposal for an additional 8 units would not require a dedicated crèche. They also provide that the apartment development is aimed mainly at downsizers and is not designed to facilitate families with children and is unlikely to increase childcare elsewhere. In this case in view of the findings of the Study carried out, the existing permission for the overall development, and the limited number of additional units proposed by this application and modifications therein it is not considered that it is necessary to provide a crèche facility.

7.8. Open Space Considerations

- 7.8.1. The public and private open space provided is assessed in the context of the DECLG Apartment Design Guidelines 2015 and regard is also had to 2007 and 2015 Guidelines relative to private open space minimum standards. Section 16.10.1 of the DCDP 2016-2022 also provides standards relative to private and communal open space. The Schedule of Accommodation submitted provides details of Private Open Space and this notes that minimum standards for such are exceeded in the proposed apartments. Private open space refers to balconies and terraces accessed by residents only for their personal use. Areas of balconies given comply and exceed minimum areas given in the Guidelines. It is provided that there will be no adverse overlooking from adjacent terraces/balconies due to the orientation and distance from proximate properties on the Clonskeagh Road. Many of the balconies and terraces will overlook the riverside walk area.
- 7.8.2. Details are given of the provision of communal and public open space in various areas throughout the site. It is provided that communal open space may be in the form of accessible sheltered roof gardens or communal landscaped areas. Qualitative standards for public open space are set out in Section 16.10.3 of the DCDP 2016-2022 i.e. *In new residential developments, 10% of the site area shall be reserved as public open space.* The public open space in the proposal allows for (1250sq.m) which is in excess of the 10% figure. It is of note that the Schedule of Accommodation provides for a full breakdown of combined private/communal and public open space throughout the development.

7.9. Landscaping and Views

- 7.9.1. Under Reg.Ref 2620/14 planning permission was granted for a riverside walk to the eastern boundary of the site (i.e. the western bank of the River Dodder) which is to have public access. As per Condition nos.3 and 14 of Reg.Ref. 2620/14 (landscaping) that part of the site along the river edge and outside of the existing walled former Paper Mills site is to have a raised river walk put in place. The Archaeological Impact Assessment provides that the development along the river will have no impact on the weir associated with the former mill complexes and notes that there will be alterations to the modern sluice gate. The First Party provide that the

development is to have a decked outlook to the weir offering view to the Dodder River, which will enhance views to the water course and legibility of the weir by providing safe pedestrian access to the river banks.

7.9.2. Regard is had to the Landscaping Plan submitted. Also a Landscape Maintenance Specification for the Proposed Development has been submitted with the application. It is noted that a green living wall is proposed to the north elevation of Block 2 and details of this have been submitted at F.I. stage. It is considered that this will help to soften the appearance of this substantial block to the rear of the houses in Clonskeagh Road.

7.9.3. The Third Parties are concerned about the scale and massing of the proposed development, the opening up of views to the river and the impact on the riparian environment. It is submitted that the proposed apartment blocks along the river frontage would neither preserve or improve, but rather diminish, the receiving environment. They contend that the opening up of the site to connect the weir to the Clonskeagh Road would have an adverse impact on the environment including amenity and habitats. In this respect Condition no.14(i) of Reg.Ref.2620/14 has regard to lighting and impact on bats. It is recommended that if the Board decide to permit that this landscaping related condition be implemented.

7.10. Impact on the Character and Amenities of the Area

7.10.1. The prevailing local height is predominantly two-storey along the Clonskeagh Road. There is concern that the proposed development would present a loss of continuity of the existing streetscape and will be seen above the existing housing in the area. The overall height and massing of the development including Block 2 will be at the rear of these houses proximate to the river. This side of the Clonskeagh Road consists of terraces of two and split level single storey (to the road) over basement period houses. There is a wide entrance to the site which is currently enclosed by timber hoarding and forms a sizable gap in the streetscape. There is concern that the former offices should be replaced with a narrower entranceway to the development and a row of two storey houses to blend in and be more compatible. Instead the proposed widened entrance and insertion of a 3 to 4 storey contemporary Block 3 will further open up views to the site and there is concern this will have an adverse impact and be incompatible with the character of the area. Also

that the incompatibility of its modern design and roofscape will be overly dominant with its traditional setting and that it would set an undesirable precedent. In this case regard is had to the integrity of the existing streetscape and whether this should be preserved and protected and not overwhelmed by a 4 storey block with the set back of the top floor. In this respect it is considered that the revisions proposed to Block 3 will modify and improve its appearance in the streetscape.

- 7.10.2. The Third Parties are concerned that the apartment blocks in view of excessive height, bulk and massing would seriously diminish the Dodder Conservation Area, as well as the approved Riverside walk. They consider that there will be an adverse impact from the proposed open terraces/balconies from these blocks, their associated noise, lighting etc, would add to the visual intrusion of these blocks. Also that the scale and massing would have an adverse impact on views from the river and Beech Hill Road. It is submitted that comprehensive photomontages from the Clonskeagh Road and the riverside showing views of the impact of the proposed blocks on their surrounds should have been submitted. However it must be noted that this application is for modifications to the previously approved scheme.
- 7.10.3. While there is Third Party concern about the new Site Layout relative to opening up an area between Block nos. 1 and 2, this proposal is to create a wider gap than that previously permitted. The new entrance space will allow for a more generous view and access to the river through the scheme. As the river is at a considerably lower level than the Clonskeagh Road it cannot be seen from the road. It is also well screened by vegetation on the Beech Hill Road side of the bank.
- 7.10.4. The First Party response provides that the amenity of individual apartments in having a river view and the amenity of the riverside paths are not mutually exclusive. They provide that the revisions to Block 2 were intended to break up its form and the use of the stepped nature of the plan to contain the balconies. They note that condition 14 (i) of Reg.Ref.2620/14 and Condition 5 of 2308/16 relates to the lighting of balconies. They consider that residential development overlooking the river is not contra to the ecological aims of the development plan and note that the river and opposite bank remain inaccessible. It is considered that adapting to the river is to respond to it and make it an integral part of the new development, while not physically interfering with it or detracting from its amenity. Rather the inclusion of the riverside walk as per the parent permission will improve the residential amenities of

this area, where the current walled site has turned its back on the river. Views of the river from Beechhill Road and Beaver Row while somewhat screened by planting on the opposite bank will be framed by the apartment blocks. It is considered that the proposed modifications will not detract from that already permitted in the parent permission.

7.11. Encroachment issues

- 7.11.1. There is concern that the landscape plan shows a portion of landscaping encroaching beyond the site boundary into the rear access laneway directly to the rear of no. 57 Clonskeagh Road. Also that it is unclear what is meant by the 'reserved area' at basement level to the rear of nos.59-63 Clonskeagh Road shown on the Site Layout Plan. The Further Information response confirmed that the reserved area behind nos. 59-65 Clonskeagh Road is to be reintegrated with those properties and that title issues are separate from planning, insofar as planning permission will not confer any rights which do not exist.
- 7.11.2. It is of note that the issue of ownership is a civil matter and I do not propose to adjudicate on this issue. I note here the provisions of s.34(13) of the Planning and Development Act: *"A person shall not be entitled solely by reason of a permission under this section to carry out any development"*. Under Chapter 5.13 'Issues relating to title of land' of the 'Development Management - Guidelines for Planning Authorities' (DoECLG June 2007) it states, inter alia, the following: *"The planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts..."*
- 7.11.3. There is also concern relative to the use of the 'right of way' to the rear access of nos 55 and 57 Clonskeagh Terrace. This concerns the access from the Clonskeagh Road to the parking area to the rear of these properties. The Third Party provides that this is in private rather than public use and it is noted that a number of garages open onto this area. The First Party response notes that the Third Party has concerns that the lane could be used as a short cut by apartment users and so affect their security and parking. They have no specific objection to fencing off this area if this is their preference. They note that this will involve some minor rearranging of the carparking provision to Block 1 such that some spaces will be accessed internally

and not from the lane. They refer to their attached drawing showing this area shaded. They note that five displaced parking spaces will be accommodated in the main carpark. They request that the Board include a condition that the proposed parking and access arrangements to the rear of nos.55-65 Clonskeagh Road be agreed with DCC prior to the commencement of development. It is recommended that if the Board decide to permit that such a condition be included.

7.12. Access and Parking

- 7.12.1. The Engineering Assessment Report provides details of the existing site access. It notes that the revisions to the previous application Reg.Ref.2620/14 will not make any alteration to the proposed site access. The original application proposed to demolish the existing main office building. This has now been demolished. The proposed new site access and egress for pedestrians and a lower ground level car park will be between house nos. 65 and 73. Existing vehicular access and egress adjacent to no.103 is to be used for the internal on podium access road, for set-down, delivery and emergency vehicles only. It provides details of how the proposed new access to the car park has been designed to incorporate pedestrian facilities. It notes that the existing access will be upgraded to provide for continuity of the footway and a drop kerb as indicated on the Road Access Details drawings submitted. Vehicle turning movements within the proposed site and sight distances for both entrances are also shown on these drawings.
- 7.12.2. In response to the Council's F.I request some clarifications have been made in the A.I submitted. Revised drawings have been submitted showing both the main and secondary accesses via the Clonskeagh Road. It is provided that both accesses have acknowledged the existing environs and have been designed with reference to DMURS. The Council's Roads and Transportation Section notes that the main access is approx. 5m in width with additional 2m wide pedestrian access. They also note that the applicant has clarified that the secondary access is for pedestrians and emergency vehicles only. They do not object to the revised works subject to conditions.
- 7.12.3. The original application provided for 134no. car parking spaces at lower ground floor level, accessed via a ramp off the proposed new site access and egress onto the Clonskeagh Road. In addition there were to be 3no. visitor spaces provided on

ground street level surface. The revision to the parent application now provides for an additional 27 spaces in the lower ground floor, which would provide for 161 spaces. It is of note that the Planning Statement submitted with the application has regard to the DCDP 2011-2017 standards of 1.5 spaces per apartment and states that on this basis it is proposed to provide 146 parking spaces within the lower ground/river level car park to serve the development. This maximum standard has not changed in the DCDP 2016-2022 -Table 16.1 refers.

7.12.4. It is noted that there has been some lack of clarity relative to the total number of parking spaces for the scheme. The F.I provides that it is proposed to provide 150no. parking spaces within the lower ground/river level car park to serve the development. A Report has been submitted by Cronin & Sutton Consulting in response to the Council's F.I request. This provides in clarification that the no. of car parking spaces being provided is 144 spaces which is below the maximum no.in the DCDP. The A.I Proposed Basement Floor Plan shows the parking layout and includes a no. of disabled parking spaces. Details are given of the access to the proposed parking spaces beneath Block 1. They also provide that the vehicles accessing the main carpark from the proposed vehicular ramp do not transverse a landscaped area. They note that the basement car park arrangement has been modified to ensure adequate circulation width and the provision of parking spaces to current standards. It is recommended that if the Board decide to permit that a condition relative to access and parking be included.

7.12.5. It is noted that there is paid/permit on street parking along the Clonskeagh Road. It is provided that none of the residents are expected to park on this road as sufficient parking is provided on the site, although some visitor parking on the Clonskeagh Road may be anticipated. In this respect it is considered important that there be sufficient parking provided in the scheme to allow for visitor parking, rather than on the public road where residents of the existing housing park their cars. It is noted that the F.I submission provides that there are 6no. reserved spaces for the existing properties at nos. 59-65 Clonskeagh Road.

7.13. Transport and Transportation

7.13.1. It is noted that the Engineering Assessment Report produced for the original application completed a Traffic Survey and this application was based on 96

apartment units. Table 5.1 of the current report refers. It is provided that as the revision now been submitted i.e for 97 units there will be minimal percentage in the PM peak traffic flow.

7.13.2. The site is within a well established residential area with significant pedestrian and cycle routes to the nearby residential areas as well as Donnybrook and Milltown. To this extent it is noted that there is a cycle lane on either side of the Clonskeagh Road and it is also on a frequent bus routes.

7.13.3. The Report provides that the needs of pedestraains, cyclists and the mobility impaired within the development will be considered more fully when the detailed internal layout is being developed. It is provided that as shown in the A.I basement parking layout 110 secure bicycle parking spaces will be provided within the lower ground level carpark of the proposed development in accordance with the requirements of the DCDP. To promote pedestrian access the interior of the proposed development will be permeable and accessible in order to create linkages to and along the river front amenities.

7.14. Archaeology

7.14.1. Condition no.13 of the original permission Reg.Ref.2620/14 provided that that archaeological assessment and archaeological monitoring be carried out. An Archaeological Impact Assessment has been submitted with the current application. This provides an assessment of the archaeological and industrial heritage importance of the former Paper Mills site. It includes an Archaeological and Historical background of the site. It has regard to Recorded Monuments, Industrail Heritage and Protected Structures, Previous Archaeological Excavations/Assessment, Field Inspection and provides an Impact Assessment and Conclusions. It includes a list of figures and plates and regard to National Monuments Legislation 1930-2004.

7.14.2. The Archaeological Impact Assessment is based on a desk study and a field inspection of the development site. This provides that there are no recorded archaeological (RMP) sites located within the development site. The nearest RMP is the site of Clonskeagh Bridge (DU022-090) which is located beyond the southern extent of the proposed development site. Having regard to Dublin City Industrial Heritage Record the importance of the weir, mill dam and millrace as the upstanding

remains of the former Iron Works Ref.(DCIHR 22-04-014) dating c.1850 is noted. Items of note were located along the waterfront and include the weir and sluice gates, which will not be affected by the proposed development. Mention is made of the former iron works housing fronting the Clonskeagh Road. Details are provided of a mitigation, monitoring and recording strategy to be put in place (Section 8.3 refers) relative to site investigation works and construction works associated with the development.

7.14.3. In the current application the City Archaeologist noted that the proposed development is partially within the Zone of Archaeological Constraint for the Recorded Monuments as noted above which is subject to statutory protection under Section 12 of the National Monuments (Amendment) Act 1994. They noted that an Archaeological Impact Assessment had been carried out and provided that as stated in Section 8.3 of this report it was agreed that archaeological monitoring be undertaken. They recommended a number of relevant conditions. It is considered that the condition regarding archaeological monitoring in the parent permission is relevant and should be complied with.

7.15. Infrastructural issues

7.15.1. An Engineering Assessment Report has been submitted with the application. This relates to the current application for revisions to the residential scheme granted, but notes that the majority of the submission works made under Reg.Ref.2620/14 still apply and refers to the Engineering Reports submitted with the parent application. This also refers to the Infrastructural Drawings submitted with the current application.

7.15.2. It is provided that water supply will be supplied to the development from the existing public main on the Clonskeagh Road. Details are given of water demand calculation and it is provided that there will not be a significant increase in demand to that in the application already granted.

7.15.3. They refer to previous reports in the parent application relative to surface water drainage and provide that the SUDS measures put in place as part of the previous application will be maintained as part of this submission and provide details of these measures. This includes regard to flooding mitigation measures, including the defence wall and regard is had to these issues in the relevant section below.

7.15.4. There is concern about the capacity of the sewerage system to cater for the scale of the proposed development. In this respect Section 4 of the Engineering Assessment Report provides details on foul water drainage. This includes that strict separation of surface water and wastewater will be imposed on the development. The foul drainage for the proposed development has been designed to discharge ultimately to the public foul sewer located in the Clonskeagh Road and they refer to drainage drawings submitted. It is not provided that there are any difficulties with sewerage capacity relevant to the amendments proposed to the permitted scheme. Details are given of on site drainage including relative to the lower ground level which extends approx. 72% of the site. This notes that the lower ground level carpark discharge will discharge through a petrol interceptor to a pump sump where it will be pumped to the discharge manhole located within the site boundary.

7.16. Flooding issues

- 7.16.1. There are concerns raised about flooding issues relative to the proximity to the Dodder river. Also that the mitigation measures, including the demountable flood barrier proposal and its management relative to the development will exacerbate flood risk at other parts of the river. It is noted that the former factory site was surfaced and separated from the riverside walk area by a high wall, the latter is still standing. There are concerns about the suitability of the site for residential taking into account the scale of flood defences needed to protect this development. However having regard to the recent parent permission it is considered that the principle of such development has been accepted on this site.
- 7.16.2. The Engineering Assessment Report submitted with the current application includes taking into account the CFRAMS model, the River analysis and the Flood Risk Assessment. It is recommended that the lower ground level carpark finished floor levels should be constructed at 13.5m OD Malin or higher. Table 3.1 provides the minimum flood defence levels for the 4no. blocks. It is also proposed to keep an emergency pump on the site used to pump surface water back into the river and to empty the detention basin within 24-48 hour period in the event of internal flooding.
- 7.16.3. Details are given of the surface water drainage design. They provide that the proposed development does not increase the surface water run off over the current volumes as the hard standing area on the site is not being increased. They also note

that in view of the location of the site full flood protection measures are proposed which shall consist of a flood defence wall being built into the proposed development. The height of the wall will be in excess of the levels suggested by the Dodder CFRAM Project and will be higher than the CFRAM predicted flood level of 0.1% AEP. Details are given of the excavation works for the underground carpark and flood wall. These include set back, isolation of basement excavation area from the riverbank, monitoring. It is concluded that the depth of excavation for the carpark is shallow and by implementing the measures set out there will be no significant impact on the riverbank in terms of the ground stability and loss of trees as a consequence of the excavations for carpark.

7.16.4. Regard is had to the plans and particulars submitted, in particular the site layout plan where it is noted that an element of the footprint of the proposed scheme i.e. part of Blocks 1 and 2 are shown marginally closer to the riverbank than that previously permitted. Also the impact on the height of the blocks, in that the Report recommends the lower ground level carpark FFL should be constructed at 13.5 OD Malin or higher.

7.16.5. The First Party response provides that based on the information submitted flooding is not an issue that arises by virtue of the amendments sought. The parent permission already confirms the flood parameters for the site and this application for amendments does not seek to amend the location or height of the flood wall previously permitted. This site has been protected for years by the 3/4m flood wall around the former factory site. The Engineering Assessment Report notes that currently the existing boundary wall between the site and the river does not permit any out-of-bank flow and there is no flood route through the subject site. The proposed development is entirely on or behind the line of the existing factory boundary or flood defence wall and as such there will be no change brought to the river regime. They provide that the height of the new wall permitted under Reg.Ref.2620/14 is unchanged in this application exceeds the level established in accordance with the Dodder CFRAM flood studies. The ongoing OPW flood protection works on the Dodder come as far as Ashtons Pub to the north where it will connect with the flood protection wall around the scheme. They suggest that this scheme as permitted will contribute to flood protection in the area.

7.16.6. It is considered that the drainage issue has largely been addressed in the previous application and regard is had to the relevant drainage conditions of Reg.Ref.2620/14, including condition nos. 4 and 8. It is recommended that these and the subsequent drainage details submitted relevant to the current application, be complied with. It is recommended that the should Board decide to grant, that a drainage condition be included.

7.17. Construction and Waste issues

7.17.1. The Third Party concerns about the impact of the construction phase on their properties facing the Clonskeagh Road are noted. The First Party response provides that there is a construction management plan and all efforts to mitigate the effects of the construction on neighbours will be made.

7.17.2. It is noted that the Engineering Assessment Report provides that a preliminary Construction, Demolition and Waste Management Plan for the implementation of the first construction phase was submitted as part of the original Report (Appendix D of that Report) for Reg.Ref.2620/14. The original buildings on the site have now been demolished and for the mostpart the site has been cleared. Some asbestos remains to be removed and this will be removed by a licenced contractor in accordance with the relevant Code of Practice. It is provided that a C&D Waste Manager will be appointed and have overall responsibility for the implementation of the WMP during the demolition and construction phase. An emphasis will be placed on the segregation of waste at demolition and construction phases.

The Engineering Assessment Report also provides details of the Operational Waste Management Plan. This includes that storage of waste for the residential units within the development will be in designated area separate from the non-residential waste storage area. This provides details of the waste collection point for the apartment blocks in the lower ground level of apartment block no.2. The waste collection point will be accessed by refuse vehicles via the proposed ramp between house nos. 65 and 73. This also includes regard to recycling.

7.18. Screening for Appropriate Assessment

- 7.18.1. Regard is had to the relevant legislation and guidelines. A Stage 1 Report has been prepared and submitted with the application. The Screening Report provides that no significant changes are proposed to the plans for this area that were previously approved by the Council in 2015. It is noted that the site excludes areas adjacent to the scheme and which run parallel to the River Dodder. The river is considered to be of significant value to wildlife within the urban context of Dublin City although this stretch is not within any area designated for nature conservation. It is noted that an Ecological Impact Assessment was included as part of the parent application. Mitigation measures for local or regional effects to biodiversity were included in the scope of this study and are being implemented as part of plans to develop a river bank walk along the Dodder.
- 7.18.2. It is provided that currently the surface water run-off from the site passes to the River Dodder with no attenuation. A new surface water drainage network is to be constructed for this development and be separate from the foul sewerage network. This will include SUDS such as bio-retention areas which will provide on-site storage and attenuation prior to discharge to the River Dodder. The system will be fully compliant with the Greater Dublin Strategic Drainage Study. Details are noted of proposals for construction and demolition waste and effluent treatment.
- 7.18.3. The site is entirely composed of artificial habitats and is located in a built up area of Dublin city albeit adjacent to the Dodder River valley. It is connected to a number of Natura 2000 areas via wastewater, surface water and freshwater supply. However it is not located within or directly adjacent to any Natura 2000 area (SAC or SPA). Fig. 1 shows the location of the site relative to the boundary of South Dublin Bay SAC and South Dublin Bay & River Tolka Estuary SPA. As the River Dodder enters Dublin Bay it is considered important that the proposed development does not result in any deterioration of the water quality or pollution of the environment. Regard is had to compliance with the EU's Water Framework Directive. It is also noted that the Poulaphouca Reservoir (SPA) as the freshwater supply for Dublin City originates from there (c. 23kms from the site).
- 7.18.4. Details are given of the qualifying interests and regard is had to bird species and counts in the SPAs. Particular note is had of the species listed in table 1 i.e the

Dunlin, Redshank and Black-headed Gull area listed as of high conservation concern and on BirdWatch Ireland's red list. The Report provides that while these species are nationally in decline there is no evidence that water quality issues have been a factor.

- 7.18.5. Regard is had to the Assessment of Significant Effects and to the 'source-pathway-receptor model'. There is a pathway from the site via surface and wastewater flows to Dublin Bay (c.2kms from the site), via the River Dodder and further on the Ringsend Plant respectively. However it is provided that there is no evidence that poor water quality is currently negatively affecting the conservation objectives of Natura 2000 areas in Dublin Bay. It is noted that water quality is not listed as a conservation objective in the SPA or SAC. They provide that in view of the drainage to be provided and distance discharges of wastewater and surface water from this project cannot result in significant effects to the integrity of SACs and SPAs in Dublin Bay.
- 7.18.6. They note that the subject site is located in the urban environment close to significant noise and artificial light sources such as roads and the built up area. They provide that the proposal cannot contribute to potential disturbance impacts to species or habitats or conservation significance in Dublin Bay.
- 7.18.7. Implementation of the WFD will ensure that improvements to water quality in Dublin Bay and the River Liffey are maintained. They also have regard to the Greater Dublin Drainage Study designed to provide for future drainage infrastructure. It is provided that water quality in the Dodder has improved in recent years and this trend is expected to continue. In this case SUDS and other attenuation measures are proposed, so that no impacts to surface water quality/quantity will occur.
- 7.18.8. The Report concludes that this project has been screened for AA under the appropriate methodology. It has been found that significant effects are not likely to arise, either alone or in combination with other plans or projects that would result in significant effects on the integrity of the Natura 2000 network. In conclusion it is not considered that the scale of the development proposed in the current application on what will be a fully serviced site is likely to have a significant impact on Natura 2000 sites. It is therefore concluded that having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely a

suburban and fully serviced location, no significant effects or appropriate assessment issues arise.

8.0 Recommendation

8.1. It is recommended that permission be granted subject to the conditions below.

9.0 Reasons and Considerations

Having regard to the zoning objective, the nature and scale of the proposed development and to the character and pattern of existing and permitted development in the vicinity of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development for revisions to the previously approved residential scheme on this site (Reg.Ref.2620/14 refers) would not seriously injure the residential or other amenities of the area, would not be prejudicial to public health, would not pose an unacceptable flood risk, would be acceptable in terms of traffic safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 17th day of June 2016 and by the further plans and particulars received by An Bord Pleanála on the 7th day of September, 2016, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and

completed in accordance with the agreed particulars.

Reason: In the interests of clarity

2. The development shall be carried out and completed in accordance with the terms and conditions of the permission granted on the 11th day of March, 2015 under planning register reference number 2620/14, except as may otherwise be required in order to comply with the attached conditions.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. The development shall be amended as follows:-
 - (a) A total of six no. additional units shall be provided in the revised scheme to include the provision of two no. three bedroom apartments i.e:
 - (b) One two and one bedroomed apartment shall be amalgamated on the first or second floor to provide one three bedroomed apartment in Block no.1
 - (c) One two and one bedroomed apartment shall be amalgamated on the first or second floor to provide one three bedroomed apartment in Block no.3
 - (d) The windows and balconies/terraces of Block 3 shall be designed to prevent overlooking of the private rear gardens of adjoining residential properties.
 - (e) The windows to the bedrooms to the north facing units of Block 4 shall include an additional high level/slot on the western

elevation.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual and residential amenity

4. Details of the materials, colours and textures of all the external finishes to the proposed blocks, including fenestration, balconies and terraces, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. A comprehensive landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to the commencement of development. This scheme shall include the following:-

- (a) details of the landscaping of the riverside walk
- (b) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
- (c) locations of trees to be retained and the measures to be put in place to ensure their protection during construction works;
- (d) details of proposed landscape planting in the development, including details of proposed species and settings and boundary planting;
- (e) details of all boundary walls around the perimeter of the site;
- (f) details of landscaping of all open space and play areas;

- (g) details of proposed street furniture, including bollards, lighting, fixtures or seating;

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

- 6. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

- 7. The internal road network serving the proposed development, including turning bays, junctions, pedestrian crossings, parking areas, footpaths and kerbs, shall comply with the detailed standards of the planning authority for such road works.

Reason: In the interest of amenity and of traffic and pedestrian safety.

- 8. (a) At least one car parking space shall be allocated to each residential unit within the scheme. Car parking spaces shall be sold off in conjunction with the units and not sold separately, or let to avoid non take-up by residents. Details of all car parking allocation, including visitor spaces, shall be submitted with updated taking-in-charge plans to the planning authority for agreement in writing prior to commencement of development.
(b) The proposed parking and access arrangements to the rear of nos.55-65 Clonskeagh Road shall be agreed with the Council prior

to the commencement of development.

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

9. Bicycle parking spaces shall be provided within the site in accordance with the requirements of the planning authority. Details of the layout and marking demarcation of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

10. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan. This plan shall provide for screened communal bin stores for the apartment units, the locations and designs of which shall be included in the details to be submitted.

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

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

proposed development.

Reason: In the interests of visual and residential amenity.

12. Water supply and drainage arrangements including basement drainage, and the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health

13. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site

14. Public lighting shall be provided in accordance with a scheme, to include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

15. Proposals for an estate/street name, unit 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 unit numbers, shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the names of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed names.

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

16. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of operation, noise management measures, and offsite disposal of construction/demolition waste including any excess soil arising from the proposed excavation of the site.

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

17. The management and maintenance of the proposed development, following its completion, shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public

open spaces, roads, parking spaces and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

18. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

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

19. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of

the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

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

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Angela Brereton

Planning Inspector

18th of November 2016