



An
Bord
Pleanála

Inspector's Report PL29N.248882

Development

Demolition of buildings and construction of mixed use building comprising of supermarket and office with new vehicular access, parking, trolley bays, illuminated signage and all associated site works

Location

25/27 Drumcondra Road Upper,
Drumcondra, D9

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

4248/16

Applicant(s)

Lidl Ireland GMBH

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant(s)

Grainne Cantwell, Denis and Maureen Dunne and others, Babodana Ltd.

Observer(s)

Eileen McCaul

Date of Site Inspection

28th September 2017

Inspector

Una O'Neill

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1.0 Site Location and Description

- 1.1. The subject site, which has a stated area of 0.267ha, is located on the western side of Drumcondra Road Upper, north of Dublin City Centre and comprises an existing single storey motor services/repairs garage with forecourt and a 2-storey former house/B&B which was most recently used as a crèche.
- 1.2. The area is characterised by a mix of commercial, residential and institutional uses, with the urban form primarily comprising 2 storey red brick terraced houses/commercial units. The buildings are in the main set back from the footpath edge, with the exception of some of the commercial units opposite the site.
- 1.3. The site is bounded to the south by the new Cregan Library building/ St. Patricks Training College (DCU), approx.4 storey in height, positioned primarily 10m from the footpath edge. To the north is the 5-storey Skylon Hotel, set back approx. 22m from the footpath edge. To the rear/western boundary are the back-gardens associated with 2-storey semi-detached dwellings within Home Farm Park. Part of this boundary is also addressed by the Skylon Hotel. Opposite the appeal site are a number of 2-storey red brick buildings offering a range of uses, including restaurants, takeaways, hairdressers, public house and small offices.
- 1.4. Drumcondra Road Upper, along which the site is located, is a major arterial route into/out of Dublin City Centre connecting to the M1, 1.7km north of the site. A bus lane and cycleway has recently been completed directly adjacent to the site. The proposed Swords to City Centre Bus Rapid Transit will travel along this route.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
 - Construction of a part-2, part-3 storey mixed use building comprising a supermarket (net retail sales area c. 1,395 sqm with ancillary off-licence of c. 80 sqm) and an office (c. 573 sq.m).
 - A new vehicular and service access / egress (7.5m in width) at the southern end of the frontage of the site on Drumcondra Road Upper.

2.2. The application is accompanied by a Design Statement, Visual Impact Assessment and photomontages, Shadow Analysis, Appropriate Assessment Screening, Construction and Demolition Waste Management Plan, Operational Waste Management Plan and a Traffic and Transport Assessment.

3.0 Planning Authority Decision

3.1. Decision

GRANTED. The following conditions are noted:

C3. The balcony at first floor level on the Drumcondra Road (East) Elevation shall be omitted and the proposed door shall be replaced with a window.

C18. The signage on the southern elevation shall be omitted.

3.2. Planning Authority Reports

3.2.1. Planning Report

The Planning Officer's report generally reflects the decision of the Planning Authority.

Of note, the proposal was amended on foot of a Further Information request from the Planning Authority, which was concerned about the potential negative impact of the building on the streetscape and in particular on Cregan Library and also the lack of provision of active use(s) at ground floor level. Following receipt of Further Information, the Planning Officer recommended a grant of permission.

3.2.2. Other Technical Reports

- Environmental Health: No objection.
- Drainage Department: No objection.
- Waste Management: No objection.
- Roads & Traffic Planning: No objection.
- City Archaeologist: No objection.

3.3. **Prescribed Bodies**

No response.

3.4. **Third Party Observations**

A number of submissions were made during the course of the application. The issues raised are covered in the grounds of appeal and observation to the appeal.

4.0 **Planning History**

Appeal Site:

PL29N.240376, Reg Ref 3811/11: GRANT Demolition of existing buildings and the construction of a part-2, part-3 storey mixed use building (3,258sqm) comprising a foodstore incorporating an off-licence, 3no offices, a restaurant, coffee bar, 37 no surface car parking spaces, 10no bicycle stands, new access and egress arrangement, signage and all associated works.

PL29N.238241, Reg. Ref. 3738/10: REFUSED Demolition of existing buildings and the construction of a single storey convenience shop incorporating an off-licence, a 'drive thru' restaurant, for reasons relating to low scale form and suburban layout and injurious to the visual amenities of the area.

PL29N.228680, Reg. Ref. 5180/07: GRANTED Mixed use residential and retail development in a five to seven storey building over a double basement building.

Site to the South – DCU, Cregans Library Building:

4245/08: GRANTED – Development of four buildings, including a 4 storey library building.

PL29N.244367 3662/14: GRANTED Development of extension to library building

5.0 Policy Context

Dublin City Development Plan 2016-2022

- 5.1. The application site is located within land use zoning objective 'Z4' which is a district centre zoning. It seeks 'to provide for and improve mixed services facilities'.
- 5.2. The site is within a zone of archaeological constraint for recorded monument DU018-01201 (dwelling) and DU108-01292 (dwelling cluster).
- 5.3. Chapter 7 and Chapter 16 relate to retail developments and Appendix 3 of the Development Plan 2016-2022 comprises the Dublin City Retail Strategy.
- 5.4. The relevant Policies include: -

RD5: To prohibit the further expansion of off-licences or part off-licences unless a compelling case can be made that there is not an over-concentration of such uses in any one area...

RD11: To promote and facilitate the provision of accessible good quality convenience shopping that will engender competition and service all areas of the city, particularly with regard to the inner city.

RD17: To promote active uses at street level on the principal shopping streets in the city centre retail core and in Z4 district centres ...

RD19: To promote the retail provision in the Key District Centres, District Centres and Neighbourhood Centres...

RD20: To promote and facilitate the provision of accessible good quality convenience shopping with strong choice and competition within the inner city area...

RD21: To promote and facilitate competition and innovation in the retail and other service sectors to the benefit of competitiveness and the consumer, as an integral part of the proper planning and sustainable development of the city.

Other relevant national guidance includes the following:

- Retail Strategy for the Greater Dublin Area 2008-2016

- Retail Planning Guidelines for Planning Authorities 2012 and accompanying Retail Design Manual 2012

5.5. Natural Heritage Designations

The nearest Natura sites of South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA are approx. 3km from the subject site.

6.0 The Appeal

6.1. Grounds of Appeal

Three third party appeals have been lodged: by Denis and Maureen Dunne and others from Home Park Farm; by Grainne Cantwell of St Ignatious Road; and by Babodana Ltd (Skylon Hotel).

The grounds of appeal are as follows:

- The proposal does not contribute to mix of services/uses for the area, which will result in underutilisation of the site, with no diversity of use.
- There is adequate provision of convenience retail in the area. Applicant has not demonstrated additional retail required based on significant growth in population or on a demonstrable level of under provision of retail.
- Additional off licence provision is contrary to RD5 of the Development Plan.
- Design proposed does not reflect the character of the area and is contrary to policies SC12 and SN2 of the Dublin City Development Plan.
- Design proposed would seriously injure the visual amenities and character of the area. There is no interaction between uses and the street, which is contrary to RD17. The set back from street is insufficient given height and scale; materials on front façade do not enhance the area or blend in with Cregan Library, and proposal is contrary to SC2 of the Development Plan.
- Design of building is overbearing and will result in overshadowing and loss of light to the hotel, impacting on the business.

- Overlooking of residents' rear gardens in Home Farm Park and obstruction of morning sunlight to rear gardens will result from this development.
- Proposal will result in overdevelopment of the site considering plot ratio and site coverage.
- Proposal will contribute toward traffic congestion along this key arterial transport route, with negative impact from delivery vehicles; increase conflict due to proximity of access to Cregan Library; and increase in conflict between road users.
- Parking requirement is for 84 spaces and proposal is for less than half of required amount, contrary to MT21 of the Development Plan.
- Traffic survey undertaken in June outside of school/term time and does not take into account new gym opened opposite the site, which has no parking. Existing traffic conditions have been underestimated and traffic survey should not be relied upon.
- Increase in noise from deliveries and waste vehicles and from air conditioning units.
- Increase in light and fume pollutions.

6.2. Applicant Response

- The mix of uses proposed are considered to adequately address mix of uses required in the Z4 zoning.
- Plot ratio of 2.07 and site coverage of 87% considered appropriate in context of Dublin City policies which indicate indicative plot ratio of 2.0 and site coverage of 80%.
- An incoherent street pattern and urban fabric exists along the western side of Drumcondra Road Upper. Southeast corner of the building has been set back to respect the existing Cregan Library. The building line is consistent with the prevailing established building line on Drumcondra Road Upper.
- A café is provided in the scheme and a strong built form at the street is required to encourage active use.

- A shadow analysis is now submitted to address impact on Skylon Hotel and Home Farm Park. Impact is not significant.
- Map of convenience retail in a 5 minute drive time catchment is provided. There is a need for the proposed supermarket in Drumcondra and its operational phase would not impact on surrounding retailers.
- Map of existing off-licence facilities within 1km of the site is resubmitted. The 3 off licences identified by the appellants are outside the 1km catchment. There are 4 other part off-licences within 1km.
- A map of crèches within 1km is submitted. There are 12 crèches operating within 1km and 9 are operating immediately adjacent to the 1km boundary.

A separate report, prepared by AECOM, addressing transportation issues arising in the grounds of appeal was also submitted.

6.3. **Planning Authority Response**

- No further comment.

6.4. **Prescribed Bodies**

The National Transport Authority has stated no observation in relation to the strategic transport considerations associated with the planning appeal.

6.5. **Observations**

1 observation was received and co-signed by others. This observation is summarised as follows:

- Traffic congestion will increase as a result of the development.
- Recent changes to road accesses in the area and potential outages of Port Tunnel should be taken into account.
- Recent improvements for buses and cyclists as a result of the realignment of the boundary wall at St. Patricks college will be negated by this development.

6.6. **Further Responses**

Three further responses were received from Grainne Cantwell; from Denis and Mary Dunne and others; and from Babodana Ltd. These are summarised hereunder:

- Proposed development is not set back far enough from the road to ameliorate the effect of this glass box. In the event the Board are minded to grant permission, a condition is required to pull back the proposed building line to at least the line of Cregan Library and the current building line of the crèche.
- Potential conflict remains between drivers exiting and pedestrians on the footpath.
- 2.5m of footpath at this location is insufficient.
- St. Patricks College is a less intrusive design as it steps the building back and treats the various facades in a less obtrusive manner.
- The proposal does not include a diversity of uses, with minimal interaction proposed at street level by token coffee counter and tables.
- Drumcondra Road Upper is an arterial Road. The proposal will negatively impact on the travelling public and local community.
- The AECOM travel survey took place on a Friday and Saturday in June, when universities and secondary schools were closed and people were on holidays. It did not represent true traffic volumes. DCC traffic records for the area should clarify the level of traffic in the area.
- Recent changes to access to Ferguson and Walsh Road, in addition to new developments in the area, has resulted in increased traffic from Home Farm Road down onto Drumcondra Road Upper, passing this site. The road is operating to capacity with limited non-residential parking. Lidl is a car dependant retailer.
- The consolidation of two low volume entrances into one heavy volume entrance/egress does not solve traffic issues and will result in increased traffic congestion.
- Conflict between cyclists and proposed traffic from the development remains of concern.

- The number of right hand turns from Santry fly over to Botanic Avenue, which numbers approx. 7, will impede traffic flow into and out of the city and will affect existing and proposed priority bus routes.
- The proposed supermarket would be incongruous on this side of the road and isolated from commercial properties on the eastern side of the road.
- Concern is raised in relation to difficulties of managing traffic during the build of this development.
- Proposal of the off-licence and siting of the off-licence beside the university raises concerns about student welfare. The ancillary off-licence at spar/mace, 124 Drumcondra Road has not been included in the analysis. Reference is made to a refusal for an off-licence under 3811/11, whereby the off-licence was omitted by condition.
- The cumulative overshadowing of all the developments has not been considered, ie the impact of the Skylon Hotel and recent developments in DCU alongside the proposed lidl, which all result in a confined, overlooked, overshadowed, noisy and devalued impact on Home Farm Park.
- Proposal will have a negative impact on small businesses.
- Proposal represents overdevelopment of the site.
- The shadow analysis was not prepared in accordance with guidelines as no technical evidence or methodology was submitted. Proposal will impact light and increase the shadow impact on hotel bedrooms.
- Proposed development will screen passing trade and will make hotel less visible and attractive for potential guests.
- The applicant has not addressed the issue of the timing of the traffic survey in June, when schools and colleges were off.
- Car parking proposed is insufficient.

7.0 Assessment

7.1. Permission is sought for a new supermarket building, with ancillary off licence, café, and an office use. The supermarket is positioned at first floor level, with undercroft

parking provided at ground level to the rear of the site. Travellators and a café are positioned at ground level along the street edge, with some outdoor seating proposed to serve the cafe. At second floor level is an office and spaces ancillary to the supermarket.

- 7.2. This application was amended on foot of a Further Information request by the Planning Authority and it is this amended application which I am assessing.
- 7.3. Permission was previously granted on the site by An Bord Pleanála for development, similar in nature to that proposed. While cognisant of this fact, I am however assessing the current application *de novo* and have had regard to the changes in the existing pattern of development, specifically the recent completion of the Cregan Library Building, which is a contemporary landmark building in the area. The differences as they relate to previous applications in terms of building form and building line are furthermore discussed hereunder under paragraph 7.21.
- 7.4. The following assessment covers my considerations on the key planning issues and also encapsulates my *de novo* consideration of the application. The primary issues for assessment include;
- Zoning & Retail Use
 - Design, Building Line and Visual Impact
 - Residential Amenity and Impact on Hotel
 - Traffic, Access and Parking
 - Other Matters

Zoning & Retail Use

- 7.5. The grounds of appeal question the assessment of the proposed development as a level 4 district centre as the development plan identifies Drumcondra as a neighbourhood centre. The appropriateness of the mix of uses is also questioned.
- 7.6. The subject site is located within zoning objective Z4, the objective of which is 'to provide for and improve mixed services facilities'. A shop (district), shop (neighbourhood), part off licence, restaurant and office (max 600 sqm) are uses which are permissible.

- 7.7. The Dublin City Development Plan 2016-2022 incorporates a table identifying the retail hierarchy for Dublin City, referencing the Retail Strategy for the GDA 2008-2016. Drumcondra is listed as a Level 4 Neighbourhood Centre/Local Centre however the appeal site is governed by zoning objective Z4, which is a district centre zoning.
- 7.8. Notwithstanding that the site is classified as a Neighbourhood Centre, it is governed by a district centre zoning objective Z4 and the uses and level of uses permissible are established by the Z4 zoning objective, with the Z4 zoning objective identifying as permitted in principle both 'shop (district)' and 'shop (neighbourhood)'.
- 7.9. I note that the quantum of retail provision allowable by way of a supermarket, both at district and neighbourhood level remains the same, with a figure of up to 2500sqm net for a supermarket considered acceptable. I note that the proposed convenience retail element of the development (net 1388 sqm) is also in accordance with policies RD11, RD19, RD20 and RD21.
- 7.10. It is my opinion that the proposal relates to the retail hierarchy for this area of the city, as supported by the retail strategy for Dublin City, is within an appropriately zoned area, and is of a scale in terms of floor area that is compatible with the function of the centre. I consider the principle of the proposed uses acceptable and in compliance with the zoning objective for the area.
- 7.11. With regard to the mix of uses proposed, I note the scheme is anchored by a supermarket with an office unit above. The ground floor café use was added following a Further Information request from the Planning Authority to address policy RD17, whereby active uses at street level in Z4 district centres are proposed. The design response in terms of the location and layout of the café which is located in the lobby area adjoining the travellers, is in my opinion a poor retrofitted attempt to include a mix of uses at ground level and its viability and functional access from the street is questionable. The proposal therefore does not in my opinion adequately address RD17.

Design, Building Line and Visual Impact

- 7.12. The grounds of appeal raise concerns in relation to the scale, mass, height and finishes of the proposed building and its proximity to the streetscape, having regard

to the context of the existing built form and finishes to buildings within this area of Drumcondra.

- 7.13. The first party has submitted a Design and Visual Impact report with photomontages as part of this appeal. The applicant states the building has been set back from the footpath and a section of the building reduced in height. It is stated that the building line responds to the prevailing streetscape pattern with the southeast corner set back respecting the existing Cregan Library building, south of the site.
- 7.14. With regard to urban form and the pattern of development, the area is characterised by a mix of commercial, residential and institutional uses, with the urban form primarily comprising 2 storey red brick terraced houses/commercial units. The commercial buildings in the area are primarily located on the eastern side of Drumcondra Road Upper. This western section of Drumcondra Road Upper, has historically presented a weaker urban edge, given the set back which existed with the institutional use of St. Patricks College/DCU and the set back of what was 'home farm', the location now of the Skylon Hotel. The recent development of Cregan Library Building/DCU has altered the streetscape in this area, providing for a modern landmark building redefining and addressing the street edge in a new and dramatic way. Historically, key public/social buildings, such as a library/town hall, played the role of landmark/iconic buildings contributing to the legibility of an area, which is what Cregan Library has achieved in this part of Drumcondra. Given that this is a busy district centre with a college campus at its heart, the defining of the street edge with Cregan Library, and the development of the appeal site, which is the last underutilised site along this section of the street between DCU and the Skylon Hotel, is to be welcomed. It is important, however, that the subject site is developed with reference to the urban form and character of this area as well as with reference to neighbouring buildings such that it integrates in a positive way with the streetscape, to further define this district centre in an appropriate way.
- 7.15. In terms of key dimensions, I note the proposed development (see drawing ref CR/POK) is designed as one block, with a width of 43.5m, height of 12.5m-14.5m and is approx. 700mm from the footpath edge at the northern end of site and 4.5m at the southern end of the site. The proposed building is built up to both the northern and southern boundaries of the site. The front elevation of the building is primarily glazed with a section of stone proposed. I note the existing crèche is approx. 6m

from the footpath edge and the garage building is approx. 22m from the footpath edge.

- 7.16. Cregan Library immediately south of the site comprises two staggered building blocks, centrally linked by a projecting vertical glass feature element. The overall width of the building is approx. 25m, with a height of 16.5m (and feature element of 19m). The northern most block of the library, which is the closest to the appeal site, is in line with the existing garage building (both being approx. 18m from the footpath edge); the southern block of Cregan Library is approx. 10/11m from the footpath edge; and the projecting central glass element is approx. 5-7m from the footpath edge. While of contemporary design, the mass and scale of the building reflects the historic urban form of the area through the manner in which it is broken into two blocks of 9.5m/10.5m width, connected via a central block of approx. 5m wide. The overall contemporary design and choice of finishes and materials (a blue-grey brick finish to one block; patterned concrete cladding of red/sandstone colour on the other block; and glass central feature element) are noteworthy in their modern expression and also the manner in which part of the building echoes the historic brick references of the area.
- 7.17. The adjacent Skylon Hotel building is approx. 31m in width, with a height of 16.5m, set back approx. 22m from the footpath edge. The design of this building is larger in its block form than any other building along this section of Drumcondra. The residential dwellings north of the Skylon Hotel, where the building edge is more defined, are approx. 10m from the footpath edge, and have a finer urban grain more typical of this area, with buildings approx. 6/7m wide. The commercial buildings opposite the appeal site, which front directly onto the street, have a similar fine grain with the larger commercial units at the ends of the 2 commercial terraces being approx. 12/16m wide.
- 7.18. It is therefore clear that the width on the streetscape of the proposed development at 43.5m, designed in one block (albeit with one smaller projecting section reduced in height), is greater than that of the neighbouring buildings and also positioned closer to the street edge than the buildings on either side. The manner in which the building projects forward of Cregan Library and its proximity to the footpath edge result in the proposed development being particularly dominant on the streetscape, notwithstanding its lower height.

- 7.19. Following a Further Information request from the Planning Authority to address the potential negative impact of the proposed building on the streetscape, the proposed building was stepped back 3m at the southeast corner adjacent to Cregan Library, so that it is sited approx. 4.5m from the footpath edge. While the scaled drawings submitted show only part of the Cregan Library building, it is clear that the proposed development is taking the furthest extent of the glass box feature element as the starting point of its building line (see image of site layout on cover of architectural visualisations for clear image, also 'site layout key' on drwg 04-01 proposed building sections) and it does not maintain this as a building line but rather only acknowledges it in the positioning of the building at the corner of the site with the overall position of the building meaning it is, in the main, forward of the glass vertical feature element of Cregan Library. I note the building does not, as suggested by the Further Information request, follow the building line established by the southern most elevation of Cregan Library or the building line established by the front of the houses to the north of the application site.
- 7.20. I am of the view that the glass vertical feature element of Cregan Library is a design feature of this building with the staggered line of the blocks on either side establishing the main building line of the development. I consider the southern most block, which is the block positioned closest to the road, should be taken as the guiding building line, which furthermore ties in with the building line of the dwellings north of the Skylon Hotel. The proposed building, by virtue of its location on site and scale, does not integrate in any way with existing/new buildings lines in this area and detracts from Cregan Library given its position within the street.
- 7.21. Notwithstanding that I am assessing this application de novo, I note the following in relation to the planning history on the site. The previously permitted building on site (PL29N.240376, supermarket, restaurant, cafe) had a slightly staggered building line and was positioned 4m from the footpath edge at its closest point at the northern end and approx. 7m from the footpath edge to the southern end of the site, with the building positioned 5-5.5m off the southern boundary. That building was approx. 4m forward of the existing building line of the crèche. I note that the building subject of this appeal is 8m forward of the existing building line of the crèche. The building line of the previously permitted development appeared to follow that of the then single storey building in St Patricks College, prior to the construction of the library. In

addition, the permitted apartment scheme (which preceded PL29N.240376) also appeared to follow the building line of the same single storey building in St. Patricks College and was approx. 4.5m at its closest point from the street edge at the northern end of the site. It is noted that while the Cregan Library building was permitted at the time of the previous development PL29N.240376, it was not constructed and its indicated position on the site layout plan of the history file for the appeal site does not quite match up to what exists now on site.

- 7.22. While I support the redevelopment of this underutilised site and note that the building form of any future development will be greater than the traditional scaled commercial units opposite the site, I am of the view that, on balance, the scheme has not had sufficient regard to its context in its design. Given the positioning of the building relative to the street and other buildings along this section of street, and also having regard to the proposed scale, mass and height of the structure at this street edge, I am of the view that the proposed development would be overbearing and does not satisfactorily integrate with its surroundings. The proposed finishes in addition do not appropriately reflect the buildings in the wider area. The Retail Design Manual states 'The design, form, scale, mass and materials of new retail development...should be... visually attractive and appropriate to its context...and in its overall contribution to the character of its locality' (p.58), however the proposed development has failed in this regard and would in my opinion be seriously injurious to the visual amenities of the streetscape, particularly Cregan Library building, and of property in the vicinity.

Plot Ratio and Site Coverage

- 7.23. Dublin City Development Plan 2016-2022 states plot ratio is a tool to help control the bulk and mass of buildings and cannot on its own determine built form. Similarly, site coverage is a control for preventing the adverse effects of overdevelopment.
- 7.24. The applicant states the plot ratio is 2.07 and the site coverage is 87.3%.
- 7.25. I note the footprint of the building on the site and the narrowness of the strips of land which are not developed over. The building is primarily built up to the boundaries to the side (north and south) of the site and given the height of the building proximate to the public footpath, I consider the overall massing, scale and height of the proposal, to be overly dominant and incongruous on the streetscape.

Residential Amenity and Impact on Hotel

- 7.26. A number of appellants raise concerns in relation to the impact of the proposed development in terms of overbearing, overlooking, overshadowing, noise and devaluation of property, in addition to the lack of an examination of the cumulative impact of Lidl in addition to existing DCU buildings and the Skylon Hotel.
- 7.27. A shadow analysis was submitted by the first party in response to the appellants' issues.
- 7.28. The proposed building is built up to and on the rear boundary of the site, which is the shared side/rear boundary of the garden to no. 11 Home Park. The height of the building at this point is approx. 10.4m. The rear garden of no. 11 is approx. 48m long, with the dwelling itself angled and facing the elevation of the Skylon Hotel. The visual impact on the garden of no. 11 is mitigated by the length of the garden, with the rear/side boundary where the development is proposed remote from the rear elevation of the dwelling and the immediate garden area proximate to the house. However, I am of the view that the boundary wall to no. 11 should be maintained and the development set within the boundary of the site with no element of the building overhanging the garden of no.11, which is what is currently proposed, as viewed from drawing no. 03-02 Rev J, 'proposed elevation/section'. With regard to house no 12, its elevation is also angled toward the Skylon Hotel and therefore the predominant impact is from the existing Skylon Hotel. While the proposed development will be visible from Home Farm Park, I am of the view that given the existing pattern of development in the area, the height of the building to the rear, and the position of the building on the site relative to neighbouring properties, the proposed development, will not be overbearing or result in significant overlooking or overshadowing of residential properties to the rear in Home Farm Park residential area. The impact of this development, considering it cumulatively with regard to the surrounding developments, will not in my view contribute significantly in a negative manner to the existing residential amenity.
- 7.29. With regard to the issue of noise from delivery trucks, I note that the delivery area is to the rear of the building, adjoining the garden area of no. 11. However, the building is fully enclosed at this point and given the location within a district centre a certain amount of noise is to be anticipated. However, to mitigate the level of such noise, it is my view that should the Board be minded to grant permission, a condition should attach to any grant of permission to limit the hours of delivery of goods so that they

do not take place outside of the hours of trading. In addition, a condition should be attached in relation to any air conditioning units/refrigeration ventilation required to ensure their exact location is determined in consultation with the Planning Authority and that no such items should be erected or placed on any external surface without the prior written agreement of the Planning Authority.

- 7.30. I note the concerns of the hotel in relation to the impact of the scale of the building on occupants of the hotel bedrooms from an overbearing point of view, loss of sunlight and overshadowing. However, I note the hotel bedroom windows are in themselves approx. 5.5m at their closest from the boundary of the site and face directly into the site from both the rear and side, with the existing crèche building already having an impact. In terms of height, the existing crèche building is approx. 6 m high at the side and rear boundary to the hotel and this height will increase to approx. 8.2m-8.5m. In terms of separation distances, the existing crèche is 6.5m-10m from the side and rear hotel facades and will become approx. 5.5m-7m from the hotel. It is my view that the development of this site must take cognisance of the fact that it and the adjoining site are governed by zoning objective Z4 and not Z1/a residential zoning. I consider that the height and proximity of the proposed building relative to the Skylon Hotel facades is reasonable, given the existing context.

Traffic, Access, and Parking

- 7.31. A number of issues were raised by the appellants in relation to traffic generation and conflict with other road users; number of accesses/egresses along this section of road; and inadequate parking provision.
- 7.32. The applicant has submitted a Traffic and Transport Assessment as part of the development application and a further report commenting on issues raised by the appellants.
- 7.33. The Roads and Traffic Planning Division of the Planning Authority was satisfied that the development could be accommodated at this location, subject to a condition restricting exiting cars to left-turn only movements to mitigate potential conflicts between various road users.
- 7.34. The development is accessed via a single access point from Drumcondra Road Upper with the building constructed over this access point, leading to an undercroft parking arrangement to the rear of the site.

- 7.35. I am cognisant that the proposed development will undoubtedly contribute to the generation of additional traffic in the area. It is stated in the traffic assessment that traffic generation will be 17 trips in the am peak of 8-9am (increase of 0.74%); 46 movements during the pm peak of 17.00-19.00 (increase of 1.81%); and 86 movements during the Saturday afternoon peak (increase of 4.27%). However, the appeal site is an underutilised zoned and serviced site within a high density urban district centre area, with a QBC directly in front of the site in addition to a footpath and cycle lane. Subject to the provision of a 'left out' only sign restricting movements from vehicles exiting the site as per a condition of the permission by the Planning Authority, I am satisfied that the development can be accommodated at this location.
- 7.36. I note the level of parking at 37 spaces is below the maximum of 84 spaces required (76 for the supermarket element) if the standards of the Planning Authority are applied, where the site is categorised as a 'Parking Zone 3' area. I note the parking standards are maximums and the Dublin City Development Plan 2016-2022 states 'Parking provision below the maximum may be permitted provided it does not impact negatively on the amenities of surrounding properties or areas and there is no potential negative impact on traffic safety'. Given the site's central location within a designated district centre zoning, with access to various modes of transport and accessible to a significant residential catchment by foot and bicycle, I am satisfied that the level of parking provided is adequate in this instance.
- 7.37. The details of the swept path analysis have been examined and I note the applicant's assessment that trucks will not be reversing into the site from Drumcondra Road Upper. There is adequate manoeuvring space within the site to facilitate trucks manoeuvring.
- 7.38. Overall I am satisfied that the development would not result in the generation of an unacceptable traffic hazard or excessive levels of traffic congestion within Drumcondra, subject to the implementation of conditions.
- 7.39. It is noted that AECOM in their assessment of issues raised by appellants' state that a road safety audit would typically be undertaken prior to the opening of a store.

Other Matters

Off Licence

- 7.40. Within the grounds of appeal a number of concerns have been raised in relation to the off-licence. Reference is made to a refusal for an off-licence under 3811/11, whereby the off-licence was omitted by condition. I note that this condition was attached as the applicant had not submitted any analysis of off-licence provision in the area, as was required by then policy RD10 of the Dublin City Development Plan 2011-2017. The application was subsequently appealed and the off-licence assessed following an assessment submitted by the applicant. The off-licence was deemed acceptable.
- 7.41. The applicant has as part of this application submitted an analysis of the off-licence provision within 1km of the site as required by policy RD5 and those just out-side the 1km radius. There are 6 indicated within the 1km boundary and 5 just outside the 1km boundary.
- 7.42. Having examined the context of existing off-licences in the area, I consider the provision of this off-licence of 80sqm, as an ancillary element of the retail offering, to be acceptable.

Materials

- 7.43. I note that following a Further Information request from the Planning Authority, a random rubble stone effect is proposed to be utilised on a section of the front and side elevations. I consider the use of this stone to be at odds with the palette of materials used on buildings in the area. While the Cregan Library has utilised glass in its façade for architectural effect, I do not agree that creating a primarily glazed façade on this site is necessarily an appropriate design response and the use of stone in place of brick is out of character.
- 7.44. The paving details associated with the area to the front of the building should complement the adjoining street. This element of the scheme in terms of the quality and colour of the paving would be important in terms of its influence on the quality of the public realm at this location, as would details in relation to planting, street furniture and any boundary to the street. Such details would require further agreement with the Planning Authority.

Archaeology

- 7.45. The proposed development is within a Zone of Archaeological Interest for the recorded monument DU018-0121 (dwelling) and DU018-01202 (dwelling cluster). A

condition should attach to any grant of permission to address potential archaeological finds on the site.

Appropriate Assessment

- 7.46. Having regard to the nature of the development, its location in a serviced urban area, and the separation distance to any European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. Having considered the proposed development of a supermarket with undercroft parking, and ancillary off-licence, office and café uses, and having regard to all first and third party submissions and observations, I recommend that planning permission be refused for the reasons and considerations set out hereunder.

9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the Dublin City Development Plan 2016-2022 and the existing pattern and form of development in the area, it is considered that the proposed development by reason of its design, scale, mass and position within the streetscape would provide an inappropriate urban design response to the site which would be visually obtrusive and incongruous in the streetscape, would detract and infringe upon the established building line in the vicinity of the development and would seriously injure the amenities of the area and of property in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Una O'Neill
Senior Planning Inspector

18th October 2017