



An  
Bord  
Pleanála

## Inspector's Report ABP.300024-17

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| <b>Development</b>                  | Increase in number of Apartment Units from 96 to 116 with increase in apartment block heights from 3 to 4 storeys with penthouse setback and 30 additional car park spaces. |
| <b>Location</b>                     | Former Paper Mill site at Clonskeagh, Clonskeagh Road, Dublin 6.  |
| <b>Planning Authority</b>           | Dublin City Council.  |
| <b>Planning Authority Reg. Ref.</b> | 3159/17.  |
| <b>Applicant</b>                    | Gannon Properties.  |
| <b>Type of Application</b>          | Permission.   |
| <b>Planning Authority Decision</b>  | Grant.  |
| <b>Type of Appeal</b>               | Third Party -v- Grant.  |
| <b>Appellant</b>                    | Richard Good.   |
| <b>Observers</b>                    | Rathgar Residents Association.  |
| <b>Date of Site Inspection</b>      | 23 <sup>rd</sup> January, 2018.   |
| <b>Inspector</b>                    | Paul Caprani.   |

## Contents

|  |                                     |
|--|-------------------------------------|
| 1.0 Introduction.....                                  | 3                                   |
| 2.0 Site Location and Description .....                | 3                                   |
| 3.0 Extant Permission on Site.....                     | 4                                   |
| 4.0 Proposed Development .....                         | 5                                   |
| 5.0 Planning Authority’s Decision .....                | 6                                   |
| 5.1. Documentation submitted with the Application..... | 6                                   |
| 5.2. Initial Assessment by Planning Authority .....    | 7                                   |
| 5.3. Additional Information Request .....              | 7                                   |
| 5.4. Additional Information Response .....             | 7                                   |
| 5.5. Final Assessment by Planning Authority .....      | 9                                   |
| 6.0 Planning History.....                              | 9                                   |
| 7.0 Grounds of Appeal.....                             | 10                                  |
| 8.0 Appeal Responses.....                              | 12                                  |
| 9.0 Observations.....                                  | 13                                  |
| 10.0 Appeal Responses .....                            | <b>Error! Bookmark not defined.</b> |
| 11.0 Planning Policy Provision .....                   | 14                                  |
| 12.0 Planning Assessment.....                          | 16                                  |
| 13.0 Appropriate Assessment .....                      | 21                                  |
| 14.0 Conclusions and Recommendation.....               | 21                                  |
| 15.0 Decision .....                                    | 22                                  |
| 16.0 Reasons and Considerations .....                  | 22                                  |
| 17.0 Conditions .....                                  | 22                                  |

## 1.0 Introduction

300024-17 relates to a third party appeal against the decision of Dublin City Council to issue notification to increase the number of residential units at a yet to be constructed residential development at the Former Paper Mill factory site in Clonskeagh in the south city. Permission is sought to increase the number of units from 96 apartments to 116 apartments with the provision of an additional floor on three of the four blocks proposed. The grounds of appeal argue that the proposal would constitute overdevelopment of the site and would contravene many of the policies contained in the development plan. An observation is also submitted supporting the grounds of appeal.

## 2.0 Site Location and Description

- 2.1. The subject site comprises of a 1.245-hectare parcel of land on the Clonskeagh Road formerly occupied by the Smurfit Paper Mill factory. The subject site is located within the administrative boundary of Dublin City Council approximately 5.3 kilometres south of the city centre and in close proximity to the Dun Laoghaire Rathdown administrative area. The site is irregularly shaped and bounded to the west by the Clonskeagh Road (R825) an important radial route linking the Goatstown and Dundrum area with the city centre. The Dodder River is located along the eastern boundary of the site. For the most part rows of existing houses and commercial premises front onto the Clonskeagh Road, with the bulk of the site located to the rear of these houses/premises. The buildings fronting onto the Clonskeagh Road in the vicinity of the site range from 1 to 3 storeys in height. There are two separate road frontages from the site into the Clonskeagh Road. The site has a continuous frontage onto the River Dodder to the rear (east of the site).
- 2.2. A petrol station is located to the south of the site near Clonskeagh Bridge where the Clonskeagh Road traverses the River Dodder. The Clonskeagh Road incorporates a sharp bend westward towards Ranelagh to the north of the site near Ashton's Public House which is located to the immediate north of the subject site. Mount Vernon

Hospital/Nursing Home is located on lands directly opposite the site on the western side of the Clonskeagh Road.

- 2.3. The site has been cleared of building and is currently vacant. Some mounds of building material are stored on site. Wooden hoarding has been constructed around the site where it fronts onto the Clonskeagh Road and a high wall runs along the eastern boundary of the site adjacent to the River Dodder. The wall separates the cleared area of the site from the riparian woodland which runs along the Dodder River and this is currently partially cordoned off but will be incorporated as a riverside walk as part of the proposed development. The Beech Hill Road runs along the eastern side of the River Dodder to the east of the site. There are a number of business / technology parks located off the Beech Hill Road.

### **3.0 Extant Permission on Site**

- 3.1. There is an extensive planning history associated with the subject site (see separate section on planning history below). The most recent permission granted by Dublin City Council and upheld by the Board on foot of a number of 3<sup>rd</sup> party appeals is set out briefly below. An Bord Pleanála granted planning permission for an increase in the number of apartment units from 88 to 97 in the following layout.

- Block 1 – a two and four storey development located in the northern portion of the site.
- Block 2 – a large four storey structure to the rear of the site backing onto the River Dodder.
- Block 3 – a three storey development with penthouse setback adjacent to the Clonskeagh Road.
- Block 4 – a smaller four storey block of apartments at the southern end of the site.

- 3.2. Details of the “as granted” planning permission under PL29S.247062 are contained in a set of A3 drawings submitted with the current application.

## 4.0 Proposed Development

4.1. Planning permission is sought for the following revisions and amendments under the current application.

- The increase in the number of overall apartments from 96 to 116.
- The provision of 30 additional car parking spaces at basement level to cater for the proposed additional apartments.
- No changes are proposed in either of the four block granted planning permission at ground floor level, first floor level or second floor level.
- It is proposed to incorporate an additional floor in Block 1 to accommodate four new apartments (3 no. two-bedroomed apartments and 1 no. one-bedroomed apartment). It is also proposed at penthouse level of Block No. 1 to reduce the number of apartments from 3 to 2. One of the apartments (apartment no. 26) is to be amended from a three-bedroomed unit to a two-bedroomed unit.
- It is proposed to incorporate an additional floor at third floor level at Block No. 2 to contain an additional 14 apartments.
- It is proposed to incorporate an additional floor to provide three additional apartments at Block No. 4.
- There are no changes proposed to Block No. 3.

Essentially therefore, an additional floor has been added to the southern portion of Block No. 1 incorporating a net gain of three apartments (four additional apartments at third floor level and a reduction of one apartment at penthouse level). The incorporation of 14 additional apartments at third floor level in Block No. 2 comprising of 10 no. two-bedroomed apartments and 4 no. one-bedroomed apartment. The incorporation of three additional two-bedroomed apartments in Block No. 4 at third floor level. Thus the overall height of the southern portion of Block 1, the entirety of Blocks 2 and Block 4 will increase by c.3.1 metres from c.12.75 metres to c.15.85 metres. The external elevations and fenestration arrangements are to replicate the finishes granted under PL29S.240062.

## 5.0 Planning Authority's Decision

Dublin City Council issued notification to grant planning permission for the proposed development subject to 10 conditions.

### 5.1. Documentation submitted with the Application

- 5.1.1. The application was lodged on 15<sup>th</sup> June, 2017 and was accompanied by an application form, planning fee and planning drawings. Also submitted was a planning report which outlines the rationale behind the development. It is stated that the overall design rationale seeks to ensure that the proposal complies with the development plan standards which allows for taller buildings within the Dublin City area. It also states that the standards set out in the development plan are fully adhered to in the current proposal. The report also contends that the proposal fully complies with the 12 urban design criteria set out in the Urban Design Manual for Residential Dwellings (2009).
- 5.1.2. An excel sheet was also submitted detailing the proposed changes. This spreadsheet details the apartment area, the number and size of bedrooms, the storage areas and private open space provision.
- 5.1.3. An engineering assessment report was also submitted. It sets out details of the proposed water supply, surface water drainage and foul water drainage proposed to serve the development. The report states that the services in question remain ostensibly the same as that associated with the previous permission.
- 5.1.4. In terms of traffic and transportation, the proposed site access essentially remains the same. At basement level it is proposed to provide an additional 30 spaces to cater for the residential units. The impact in terms of trip generation is deemed to be minimal. Details of mobility management associated with the scheme are also set out. Details of waste management and operational waste management proposals are also indicated in the report. Finally, flood risk maps are also attached to the report.

## 5.2. Initial Assessment by Planning Authority

- 5.2.1. The report from the Drainage Division stated that the developer shall comply with the drainage conditions attached to the original grant of planning permission.
- 5.2.2. A report from the Waste Management Division states that a number of waste management conditions must be complied with including specific protocols to deal with any contaminated soil or hazardous waste existing on site.
- 5.2.3. A report from the Roads and Traffic Planning Division recommended further information with regard to details of the alignment of the internal access road and further details in relation to car parking provision and cycle parking provision.

## 5.3. Additional Information Request

- 5.3.1. The additional planner's report assessed the proposed development and expressed some concerns in relation to the overall height of some of the blocks proposed. It was noted that the overall height marginally exceeds the limit set out in the Development Plan for outer city areas (16 m). The concerns expressed in the Roads, Streets and Traffic Department's Report was also noted. It is therefore recommended that additional information be sought in relation to the following:
  - Further details in relation to the changes to the alignment of the access road between Nos. 103 and 105 Clonskeagh Road.
  - There is confusion in respect of the full extent of car parking proposed across the entire development. The applicant is requested to clarify.
  - Further details in relation to where the additional cycle parking is to be provided.
  - The applicant is requested to address the height of the apartment blocks in terms of compliance with height limits set out in Section 16.7.2 of the Dublin City Development Plan.

## 5.4. Additional Information Response

- 5.4.1. A response was received on 31<sup>st</sup> August, 2017.
  - In relation to changes in the alignment of the access road, it is stated that a compliance submission was made to Dublin City Council on 8<sup>th</sup> February,

2017. As part of this approved compliance revised basement and ground floor/site plans were submitted which resulted in slight alterations in roadway layout.

- Further information was also submitted in identifying details in relation to the waste management plan for the proposal. Drawing 220PLN111 identified the location of the ground level screen bin holding area which required a relocation of the secondary access road to the development granted.
- Further details are provided in respect of car parking and Drawing 1220PLNAPP03110 Rev A clearly indicates the additional 30 car parking spaces required to serve the additional 20 units. It is stated that the total basement spaces required for the total development if granted is 141 spaces. The proposed basement will provide 152 spaces. Once the various units become occupied the dedicated car parking space will be assigned and the management company would ensure that no unauthorised parking would take place.
- Likewise Drawing 122PLNAPP03110 Rev A clearly indicates the location of the additional 20 bicycle spaces to serve the additional 20 units.
- In relation to the overall height of the buildings, updated elevational drawings are submitted clearly indicating that all angled roof profiles will remain below the 16 metres maximum height as set out in Section 16.7.2 of the Dublin City Development Plan. However, Fire Regulations require that automatic opening smoke vents be installed at roof level above each of the stairs and the Fire Officer has insisted that these project above the ridge level. These automatic opening smoke vents will appear as chimneys and will marginally project above the ridge levels of the monopitch roof. However, these will be clad with a finish to match the existing monopitch roof and are in general substantially set back in the principle elevations. It is also noted that development which is required to comply with fire safety certificates constitute development which is exempted development.



## 5.5. Final Assessment by Planning Authority

- 5.5.1. The planner's report considered the additional information submitted to be satisfactory and considered the overall development to be in accordance with the proper planning and sustainable development of the area and therefore recommended that planning permission be granted.
- 5.5.2. Dublin City Council issued notification to grant planning permission on 27<sup>th</sup> September, 2017 subject to 10 conditions.

## 6.0 Planning History

- 6.1.1. There is extensive planning history associated with the subject site. Full details of which are contained in the Local Authority Planning Report and is briefly summarised below.

**Under Reg. Ref. 5694/05** planning permission was granted by An Bord Pleanála for development on the subject lands consisting of the demolition of the existing offices, factory buildings, yards etc. and the provision of 27 one-bedroomed apartments, 93 two-bedroomed apartments, three-bedroomed mews houses, one museum (92 square metres), a coffee shop and a new riverside plaza and the provision of a riverside walkway along the River Dodder and associated landscaping works. The Board granted permission under Reg. Ref. 220303 in March, 2007.

**Under Reg. Ref. 2620/14** Dublin City Council granted planning permission for the demolition of existing buildings on site and the demolition of a single storey extension to the side of No. 103 Clonskeagh Road together with alterations in boundaries and the construction of 92 apartment units and a crèche facility together works.

**Under Reg. Ref. 2308/16** Dublin City Council granted planning permission to amend a previous permission (Reg. Ref. 2620/14) to increase the number of apartments from 88 to 97 with additional car parking spaces and ancillary works. This decision was subject to numerous third party appeals and the decision was upheld on appeal by An Bord Pleanála under Reg. Ref. 29S.247062.

**Under Reg. Ref. 2477/17** planning permission was granted by Dublin City Council for the partial demolition and alterations to House Nos. 59, 61, 63 and 65

Clonskeagh Road and the construction of three-storey mews houses together with the partial demolition and alteration to various ground and first floor extensions to the rear of 73, 85, 87, 89, 93, 95, 97, 99, 101 and 103 Clonskeagh Road and the construction of two-storey pitch/flat roof rear extensions to accommodate extended kitchen and dining areas at ground floor level with bedroom accommodation over first floor and all associated works.

**Under Reg. Ref. 2996/17** Dublin City Council granted planning permission for a freestanding single-storey flat roof ESB substation with switch room with a gross floor area of 22.5 square metres to be located between Nos. 103 and 105 Clonskeagh Road to Dublin 6.

## 7.0 Grounds of Appeal

The decision of Dublin City Council to issue notification to grant planning permission was appealed by Richard Good of 5 Beaver Row, Donnybrook, Dublin 4. The grounds of appeal are outlined below.

- The proposal will constitute an intensification of development on a sensitive riverside site which will be contrary to the proper planning and sustainable development of the area.
- The proposal would materially contravene the maximum building height specified in the development plan which allows for a maximum height of 16 metres.
- The proposal would be visually obtrusive and diminish the amenities of a conservation area associated with the River Dodder.
- The site represents a 21% increase in the number of apartments over and that permitted under Reg. Ref. 2308/16 which in turn was an intensification of use over and above that granted under 2620/14.
- The cap on building heights in the development plan are adopted for good reason and the limitations set out in the plan should be adhered to in all instances. Some of the blocks (Blocks 2, 4 and part of Block 1) rise to a height of 18.75 metres. The impact will be exacerbated having regard to the fact that the prevailing height in the area is two-storey.

- The blocks would be located adjacent to the Dodder riverbank which is designated as a high amenity area.
- No site survey drawings were submitted with the application although it is noted that drawings were submitted with the original application under 2620/14. However, the original ground levels depicted in the parent application suggested the actual building height when calculated from actual ground levels on site are in the order to 18.75 metres and not 15.8 metres as indicated in the drawings. This is because ground levels within the former Paper Mill site are c.2 metres lower than the ground levels on Clonskeagh Road. The ground levels in the case of the current application are taken from the proposed ground levels above the existing underground car park which are 2 metres higher than the actual ground levels on site.
- The zoning objective seeks to protect and improve residential amenity. The proposal therefore should seek to “improve” existing residential amenities of the area. The proposal in this instance in no way improves residential amenities as the proposal will result in visual obtrusion and overshadowing.
- The intensification of development will impact on the amenity associated with the proposed riverside walk along the River Dodder. It is an objective of the plan both to “preserve” and “improve” amenity and green networks in the area.
- The proposal will result in an abrupt transitional scale which is also contrary to policy statements contained in the development plan.
- The riparian woodland zone along the Dodder is a zone of high ecological sensitivity. The intensification of use with increased artificial light and noise disturbance as well as increase in overshadowing from the extension of building heights will adversely impact on this wildlife corridor. This again is contrary to the provisions of the development plan.
- The proposal due to its increased height, would have an unacceptable impact on the visual amenities of the area. It would also impact on the mid-Victorian terrace of dwellings fronting onto Clonskeagh Road in the vicinity of the site.

## 8.0 Appeal Responses

- 8.1. It appears that Dublin City Council have not submitted a response to the grounds of appeal.
- 8.2. The applicant's response to the grounds of appeal is set out below.
- 8.3. It is stated that the proposed development seeks to add an additional floor to an already approved scheme and it is respectfully suggested that many of the issues raised by the appellant have already been dealt with in previous assessments by Dublin City Council and An Bord Pleanála. It is noted that the current applicant was an appellant in respect of the previous scheme (Reg. Ref. PL29S 247062).
- 8.4. It is stated that there is no increase in the footprint of the building hence no increase in site coverage. The basement and access to the site remain unchanged. The current proposal results in a density of approximately 93.5 units per hectare. It is stated that residential schemes with basement car parking are considered to be economic and around 100 units per hectare. The subject site is close to the Stillorgan QBC which is just over half a kilometre away.
- 8.5. With regard to building height, it is stated that the building is less than 16 metres high as required by Dublin City Council development plan. The finished floor levels on the site are dictated by the flood levels determined by the Dodder in CFRAMS in the original permission 2620/14. The level is built up accordingly and the buildings are placed upon it. A similar arrangement persists in many places along the river where the riverwall forms an edge are key and buildings are constructed above. The established convention to determine the height of a building is to measure above the ground floor level which in this case, is built up to meet flood requirements. The current application is made in the context of a height limit of 16 metres which is in accordance with the development plan. The previous permission (2620/14) with four floors was granted on the basis when the height restriction in the previous plan was 13 metres.
- 8.6. The provision of a building of four storeys plus setback penthouse is not excessive particularly having regard to the site's proximity to the town centre and its proximity to public transport. The previous Dublin City Council 'Building Heights Strategy' has been relaxed as it is considered that this strategy is inappropriate having regard to

the need to create sustainable development at appropriate density. It ensures that as many people as possible can live in locations closer to amenities and services and this brownfield site is more suitable for such sustainable redevelopment and to provide much needed housing.

- 8.7. A new riverwalk will be permitted as a result of the proposed development and this represents a considerable improvement over what currently exists on the site. There is no change in river level which would impact on the riparian habitat. The new scheme will be appropriately overlooked and will preserve and enhance the riverbank for all. The application does cause any adverse impact on the conservation area and no change is sought with regard to the footprint of the development which could negatively impact on riverside ecology.
- 8.8. An aerial photograph is attached showing the proximity of the site to the Stillorgan QBC.

## 9.0 Observations

An observation was submitted by the Rathgar Residents Association, the contents of which are set out below. The Association wish to lodge an observation supporting this appeal submitted by the appellant. It is stated that the Planning Authority has again failed to have any regard to the provisions and guidelines set out in its own development plan. The decision fails to have regard to the Council's policy in relation to building heights, impacts on setting, impact on established architectural or residential character of the area and contravenes the zoning objectives for the site which seeks to improve residential amenities. It is argued that the proposal will have a serious adverse impact on the residential amenities of the area and is therefore contrary to the zoning objective of the area. No regard has been had to the fact that the site is in an area of special amenity associated with the River Dodder. The development is deemed to be wholly unacceptable on the surrounding environment and the Residents' Association are in total agreement with the arguments that have been put forward in the grounds of appeal. An Bord Pleanála are therefore requested not to allow the development to proceed.

## 10.0 Planning Policy Provision

### 10.1. Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009)

10.1.1. These guidelines seek to encourage high quality sustainable residential development, urban form and design. They seek to promote the sequential approach to the development within urban areas and create an overall design framework with good quality linkages to existing urban infrastructure and services.

10.1.2. Section 5.9 of the Guidelines relate to inner suburban/infill sites. It states that the provision of additional infill dwellings within inner suburban areas of towns or cities, proximate to existing or due to be improved public transport corridors revitalises areas by utilising the capacity of the existing social and physical infrastructure. In terms of infill residential development, it notes that 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. In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of amenities and the privacy of adjoining dwellings, the protection of established character and the need to provide residential infill. The design approach shall be based on a recognition of the need to protect the amenities of directly adjoining neighbours and the general character of the area and its amenities i.e. views, architectural quality, civic design etc.

10.1.3. In terms of density standards, the subject site could be best described as a “edge of centre site”. Paragraph 6.11 suggests that densities in the range of 25 to 30 dwellings per hectare will be appropriate including a wide variety of house types from detached dwellings to terraced and apartment style accommodation. There are no specific standards for residential developments comprising solely of apartments in the above guidelines.

### 10.2. Sustainable Urban Housing – Design Standards for New Apartments (December 2015)

10.2.1. These guidelines specify planning policy requirements for:

- Internal space standards for different types of apartments including studio apartments.

- Dual aspect ratios.
- Floor to ceiling heights.
- Apartments to stair/lift core ratios.
- Storage spaces.
- Amenity spaces including balconies and patios.
- Room dimensions.

10.2.2. In terms of floor areas the following floor areas are set out in the guidelines:

- One bedroomed apartment minimum 45 square metres.
- Two bedroomed apartment minimum 73 square metres.
- Three bedroomed apartment minimum 90 square metres.

In terms of minimum floor areas for private amenity space, and for communal amenity space a standard of 5 square metres is required for one bedroomed apartments and 7 square metres for two bedroomed apartments in the case of both private and communal space.

### 10.3. **Dublin City Development Plan 2016-2022**

10.3.1. The site is governed by the Dublin City Development Plan 2016-2022.

10.3.2. The subject site is zoned Z1 “to protect, provide and improve residential amenities”. The narrow strip of riparian woodland along the western bank of the River Dodder is governed by the zoning objective Z9 – “to preserve, provide and improve recreational amenity and open space and green networks”. None of the works proposed under the current application encroach upon the Z9 zoning.

10.3.3. The River Dodder and lands on either side of the banks of the River including part of the subject site are also designated as a conservation area.

10.3.4. In terms of development management standards there is a requirement in all residential schemes that 10% of the site area be designated as public open space. In terms of density standards, it states that the City Plan will promote sustainable residential densities in accordance with the standards and guidance set out in the DEHLG Guidelines on Sustainable Residential Development in Urban Areas having

regard to the policies and targets set out in the Regional Planning Guidelines 2010-2022.

- 10.3.5. Sustainable densities promoting the highest quality of urban design and open space will be sought by the City Council in all new developments. The density of the proposal should respect the existing character, context and urban form of the area and to protect existing and future residential amenity. Public transport capacity will also be used to determine appropriate density allowable. The indicative plot ratio for Z1 zonings in the outer city range from 0.5 to 2.0. Indicative site coverage for Z1 zoning ranges from 45 to 60%.
- 10.3.6. Section 16.7 of the development plan specifically relates to building height in a sustainable city. In terms of the outer city the plan permits building heights of up to 16 metres for commercial and residential development. The plan notes that 16 metres equates to five storeys residential or four storeys commercial generally. More general policies in relation to residential development in residential densities seek to promote the intensification and consolidation of Dublin City. 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 close proximity to public transport catchments.

## **11.0 Planning Assessment**

- 11.1. I have read the entire contents of the file and have had particular regard to the grounds of appeal and have also visited the site. The principle of residential development has already been established at this location and need not be revisited for the purposes of the appeal. The kernel issue before the Board is whether or not the increase in the number of units proposed from 96 to 116 (an increase of approximately 20%) is acceptable in terms of the density, general development standards and proposed height in the context of the existing environment as well as the potential impact on the River Dodder Conservation Area.
- 11.2. I note that neither the grounds of appeal nor the observation submitted expressed concerns in relation to the wider residential amenity issues such as overlooking, open space provision, layout of buildings etc. Nor did either submission raise any



concerns in respect of car parking provision or traffic considerations. While I have assessed the application de novo I note that there have been previous applications on site which have assessed these wider issues as well as other issues. I further note that wider issues have been assessed in the Planning Authority's evaluation of the current application and I consider therefore that the Board can restrict its deliberations to the issues raised in the grounds of appeal namely:

- The Acceptability of the Proposed Intensification of Use/Density
- The Proposed Building Height/Visual Amenity Issues
- The Impact on the River Dodder Corridor

### **11.3. The Acceptability of the Proposed Intensification of Use/Density**

- 11.3.1. The principle of increasing residential densities in urban area is recognised as an important consideration in a number of policy documents and guidelines relating to residential development. In fact, more recent guidelines specifically stress the importance and the need to increase residential densities at appropriate locations within urban areas (such as proximity to good quality public transport and services).
- 11.3.2. The guidelines for sustainable residential development suggest densities of 20 to 35 dwellings in predominantly residential areas. The subject site is located in a mixed use area with a large number of commercial and institutional uses in the wider area. While it is noted that the wider area is predominantly one to three storey in height, it cannot be considered primarily residential suburban in character. Furthermore, the above guidelines suggest that such densities may be more appropriate for dwellings as opposed to apartments.
- 11.3.3. The subject site at 1.25 hectares in size is to some extent capable of setting its own density standards in that it is an infill site of significant size. A draft update on the Sustainable Urban Housing – Design Standards for New Apartments (December 2017) note that increased housing supply “*must include a dramatic increase in the provision of apartment development*”. It is noted that these are most appropriately located within urban areas. This in turn means the provision of more residential development to take place on infill and brownfield sites in order to increase urban residential densities. It is noted that Dublin as a whole has approximately 1/3 of the

rate of apartments as comparable cities in Europe. Furthermore, it is noted that the majority of households will comprise of 1 to 2 persons and approximately half of the remainder will be three person households.

- 11.3.4. With this in mind the need to provide one and two bedroomed apartments is becoming all the more apparent. While the above Draft Update on Design Guidelines for Apartments does not provide any concrete standards for density, it is unambiguous in stating that, city and county development plans must appropriately reflect the need to provide more apartment development at higher densities in urban areas.
- 11.3.5. Furthermore, the Rebuilding Ireland Strategy (2016) has at one of its main pillars (Pillar 3) the strategic objective to build more homes. Boosting housing supply is seen as a key requirement to addressing the housing crisis and the lack of affordability in both owner-occupied and rented accommodation. Maximising the potential of urban sites in terms of delivering houses is fully in accordance with this strategy. Thus providing development at appropriate densities on suitable sites is undoubtedly in accordance with the overall key principles of sustainable housing delivery - particularly in urban areas. The principle of intensifying residential development at this location is therefore acceptable in principle and in accordance with the more recent guidelines, subject to qualitative safeguards.
- 11.3.6. In terms of standards I consider that the applicant has adequately demonstrated that the increase in the number of units from 96 units to 116 units would be in accordance with the City Development Plan Development Standards.
- 11.3.7. The excel sheet submitted with the application clearly indicates that the proposed additional apartments fully comply with the minimum standards set out in the 2015 Design Standards for New Apartments in terms of minimum apartment sizes, minimum room sizes and minimum storage areas etc. Furthermore, the plot ratio ranges between 0.96 to 1.21 (depending on whether it is assessed against the Z1 zoned land only, or the entirety of the site) and this is well within the allowable plot ratio of 0.5 to 2.0 set out in the development plan. The proposed development does not extend the footprint of the overall buildings and as such the site coverage and public open space provision remains the same. Public open space provision is over twice the minimum requirement set out in the development plan (10% of the overall

site area). The proposed new apartments also comply with the minimum requirements set out in respect of private open space.

11.3.8. In conclusion therefore, the proposed development constitutes an intensification of use which is (a) fully in accordance with national strategic policy in respect of delivering housing units and more specifically apartments and (b) notwithstanding the increase in the number of units proposed, the proposal fully complies with all the qualitative safeguards set out in the development plan with regard to apartment size, public open space provision and other development standards.

#### 11.4. **Building Height and Residential Amenity Issues**

11.4.1. The proposed development does not involve the reconfiguration or relocation of the footprint of buildings within the site. As such separation distances between buildings and windows will be maintained as a result of the proposed development. The proposed development in this instance essentially relates to incorporating an extra floor within three of the four blocks. Crucially in my opinion, Block 3 the block most proximate to the Clonskeagh Road will remain unaltered in terms of layout and height as a result of the proposed development and therefore will not result in a more dominant or overbearing effect on the houses and commercial premises fronting onto the Clonskeagh Road in the immediate vicinity of the site. The blocks to the rear in my view are more suitable to accommodate an additional storey from a visual point of view. These buildings are stepped back from the main public road and therefore any visually dominant effect arising from the increase in height is acceptable in my opinion. I do not consider that the provision of five storey blocks would be inappropriate or incongruous in the setting in which they are located particularly having regard to the fact that they are stepped back from the main thoroughfare serving the site. Locating the larger buildings to the back of the site, allow these buildings to 'peep' over the lower buildings fronting onto Clonskeagh Road when viewed from that road. The riparian woodland, the Dodder River and the roadway assist in the visual separation on the site from the buildings on Beech Hill road, which are in themselves set back from the roadway. Thus I do not consider that the increase in height proposed will have any material impact on this thoroughfare in terms of being overbearing or visually dominant.

- 11.4.2. Photomontages have been submitted of the proposed scheme. The photomontages in my view indicate and illustrate that the size and scale of the proposed development is appropriate for the site in question and will not have a significant, dominant or overbearing effect when viewed from either the Clonskeagh Road or from Beech Hill Road or Beaver Row to the east of the site.
- 11.4.3. The grounds of appeal also argue that the proposed development should be refused permission on the grounds that it contravenes the stipulated height standards set out in the development plan. The development plan states that heights of 16 metres should not be exceeded in the case of the subject site (outer suburban area). The grounds of appeal argue that the existing ground levels should be used as a baseline or reference point on which to calculate building heights. It is stated that the existing grounds levels at the Paper Mill site are c.2 metres below surrounding ground levels on the Clonskeagh Road and Beech Hill Road. As a result of this, it is argued that the overall building height amounts to some 18.75 metres which is in contravention of the limits set out in the development plan. The applicant reasonably in my view points out that the finished floor levels of the proposed development are dictated by the ground levels required to avoid flooding in the original permission of 2620/14. The finished floor levels therefore are dictated by the parent permission.
- 11.4.4. It is clear from the drawings submitted that the buildings rise to a maximum height of 15.85 metres above the finished floor levels relating to the site. The building heights therefore in my view are fully in accordance with the stipulated limits set out in the development plan. Furthermore, the Board should note that the development plan suggests that a limit of 16 metres for a building would typically restrict a residential development to five storeys in height. The maximum height proposed under the current application is five storeys.
- 11.4.5. While the additional information drawings indicate that the automatic opening smoke vents, a requirement in order to comply with fire safety regulations, marginally exceed the stipulated building heights set out in the development plan, this exceedance is deemed to be negligible and will no way have any material impact on the visual amenities of the area. Furthermore, as the applicant points out the incorporation of these works would appear to constitute exempted development under Schedule 2, Class 41(e) of the Planning and Development Regulations, 2001 (as amended).

11.4.6. The Board will also note that the incorporation of an additional floor within the existing footprint of the building will in no way affect or exacerbate flood risk on site.

#### **11.5. Impact on the Ecological Corridor along the River Dodder**

11.5.1. The grounds of appeal suggest that the proposed development could result in an adverse ecological impact along the wildlife corridor of the River Dodder. It is noted that this area is designated as a conservation area in the development plan and is required to be protected. The proposal in this instance does not result in the extension or encroachment of development within the corridor. The proposal merely involves the increase or partial increase in height of a number of buildings in proximity to the wildlife corridor. Any additional adverse impact on wildlife either within the Dodder River or the contiguous riparian woodland must be viewed in the context of the already built-up and urban nature of the wider area and the fact that planning permission has already been secured for a multi-storey residential development on the subject site. The proposed development would not exacerbate an adverse impact to any material extent on the wildlife of the Dodder River over and above that associated with the existing urban area or the extant permission as it relates to the subject site.

### **12.0 Appropriate Assessment**

Having regard to the nature and scale of the proposed development and the nature of the receiving environment together with the nearest European site (the South Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA) which are located over 2 kilometres away, no appropriate assessment issues arise and it is not considered that the increase in height of the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

### **13.0 Conclusions and Recommendation**

Arising from my assessment above I consider that the proposed increase in the number of apartment units is fully in accordance with the wider strategic aims of developing urban areas at increased densities at appropriate locations and that the proposed development is acceptable in terms of height and impact on surrounding

visual and residential amenities. I therefore recommend that the Board uphold the decision of Dublin City Council and grant planning permission for the proposed development based on the reasons and considerations set out below.

#### 14.0 Decision

Grant planning permission in accordance with the plans and particulars lodged based on the reasons and considerations set out below.

#### 15.0 Reasons and Considerations

Having regard to the zoning objective, the nature and scale of the proposed development and 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 would not seriously injure the residential or visual amenities of the area, would not be prejudicial to public health and 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.

#### 16.0 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 plans and particulars received by the planning authority on 31<sup>st</sup> day of August 2017, 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 the commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The development shall be carried out and completed in accordance with the general terms and conditions of the permission granted under An Bord Pleanála Reg. Ref. PL29S.247062 dated 30<sup>th</sup> December, 2016, except as

may otherwise be required in order to comply with the following conditions and the increase in units provided as permitted under this permission.

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

3. Details of the materials, colours and textures of all 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 the commencement of development.

**Reason:** In the interest of visual amenity.

4. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

(a) A plan to scale of not less than 1:500 showing –

(i) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder [

(ii) Details of screen planting which shall not include cupressocyparis x leylandii]

(iii) Details of roadside/street planting [which shall not include prunus species

(iv) Hard landscaping works, specifying surfacing materials, furniture [play equipment] and finished levels.

(b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment

(c) A timescale for implementation

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development [or until the development is taken in charge by the local authority, whichever is the sooner], shall be replaced within the next

planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of residential and visual amenity.

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

**Reason:** In the interest of the visual amenities of the area.

6. At least one car parking space shall be allocated to each residential unit within the scheme. Car parking spaces shall only be available for residents of the scheme or their visitors only. Details of all car parking allocation including visitor spaces shall be submitted with updated taking in charge plans to the planning authority for written agreement prior to the commencement of development.

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

7. (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 the proper planning and sustainable development of the area.



8. 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.

9. 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 on-going 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.

10. 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 interest of visual and residential amenity.

11. 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.

12. The developer shall facilitate the preservation, recording and protection of archaeological material 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 suitable 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.

13. 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.

14. 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.

15. 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 off-site 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.

16. 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.

17. 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.

18. 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.

19. 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.

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Paul Caprani,  
Senior Planning Inspector.

29th January, 2018.