



An
Bord
Pleanála

Inspector's Report ABP300910-18

Development	Change of use of 2-storey office including demolition of boiler room and the construction of 2 nd floor to form new 3-storey residential block containing 9 Apartments (1 bedroom, 2 bedroom and 3 bedroom units) and ancillary works.
Location	Unit 1 KCR Industrial Estate, Ravensdale Park, Kimmage, Dublin 12.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	4252/17.
Applicant	Crestland Limited.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party -v- Refusal.
Appellant	Crestland Limited.
Observers	(i) James Phelan, (ii) Martin F. Lenehan, (iii) Daniel Conroy, (iv) Marianne Donne and Liam Fogarty.
Date of Site Inspection	25 th June 2018
Inspector	Paul Caprani.

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1.0 Introduction

- 1.1. ABP300916-18 relates to a first party appeal against the decision of Dublin City Council to issue notification to refuse planning permission for a change of use and an extension to an existing office building in order to accommodate a total of 9 apartments at Unit 1 KCR Estate, Kimmage, Dublin 12. Dublin City Council issued notification to refuse planning permission for two reasons on the grounds that the proposal contravenes the zoning objective relating to the site, would lead to the encroachment and infringement of boundaries within the existing KCR Industrial Estate, and would give rise to substandard parking provision and adverse traffic impacts.
- 1.2. A number of observations are also submitted some of which support the proposed development while others support the decision of the Planning Authority in refusing planning permission for the proposed development.
- 1.3. There are two associated appeal files, ABP 300983-18 and ABP 300984-18, both relate to 1st party appeals by the current appellants against the decision of Dublin City Council to refuse planning permission to a total of 6 no. 3 storey, 3 bed houses, on either side of the subject site. Dublin City Council refused permission for similar reasons to the reasons for refusal under the current application.

2.0 Site Location and Description

- 2.1. The subject site is located within the KCR Industrial Estate, a medium sized industrial estate located within a wider area of residential development approximately 5 kilometres south-west of Dublin City Centre. The KCR Industrial Estate comprises of a cluster of industrial and commercial units with a single access onto Ravensdale Park which runs along the southern side of this site. Ravensdale Park together with Poddle Park in the main comprise of residential dwellings and includes some apartment blocks to the south-west of the subject site. Poddle Park is located on the eastern side of the KCR Industrial Estate and the houses fronting onto Poddle Park back onto the KCR Industrial Estate. Ravensdale Park links up with Kimmage Road Lower approximately 150 m to the south west of the site.

- 2.2. The KCR Industrial Estate is irregularly shaped and accommodates a number of units around its perimeter facing inwards towards the centre of the estate. There are also a number of units centrally located within the estate.
- 2.3. The subject site is located adjacent to the southern boundary of the estate and faces directly on Ravensdale Park. It accommodates an existing two-storey office block which appears to date from the late 1950s/ early 1960's. The office block incorporates a flat roof and rises to a height of just under 7 metres. It accommodates the gross floor area of 550 square metres. A small boiler room is located on the western side of the office block.

3.0 Proposed Development

Planning permission is sought for the following:

- A change of use at ground floor level from existing office to three apartments at ground floor level (1 no. 2-bedroomed apartment and 2 no. 1-bedroomed apartments).
- At first floor level it is proposed to provide three apartments (1 no. 1-bedroom and 2 no. 2-bedroomed apartments) each with its own balcony.
- It is also proposed to provide an additional second floor storey accommodating 1 no. 3-bedroomed apartment and 2 no. 1-bedroomed apartments, again each with its own balcony. The apartments range in size from 57.7 sq.m. (in the case of the 1 bedroomed apartments) to 109 square metres in the case of the 3-bedroomed apartment. The balcony areas serving the apartments range from 11 square metres in size to 19.1 square metres in size. It is also proposed to incorporate a small services and plant area at roof level. This is centrally located to the rear of the building.
- The new apartment block rises to a height of 10.25 square metres with the plant area at roof level rising to a height of 12.15 square metres. Access to the apartments is to be provided via an entrance lobby which is centrally located on the front elevation.
- In terms of external finishes, the apartment block is to incorporate a selected graphite brick finish together with an off-white nap plaster finish on the front

elevation. The rear and side elevations predominantly comprise of a nap plaster off-white render finish.

- A total of 9 off-street car parking spaces are to be located to the front and side of the building (the spaces to the side of the building have been omitted in revised drawing received with the appeal). Both hard and soft landscaping are to be provided around the perimeter of the site and the boundary finishes are to comprise of a mixture of 1.8 metre high block walls with selected render finishes and precast concrete capping and post and timber finishes which are also 1.8 metres in height.

4.0 Planning Authority's Decision

4.1. Decision

4.1.1. Dublin City Council in its decision dated 16th January, 2018 issued notification to refuse planning permission for the following two reasons.

1. *The proposed development, involving a change of use from existing employment use to entirely residential use is contrary to the zoning objective Z6 "to provide for the creation and protection of enterprise and facilitate opportunities for employment creation". The proposed development, in itself and by the precedent a grant of planning permission would set for similar undesirable developments which contravene the zoning objective, is contrary to Section 14.8.6 of the Dublin City Development Plan 2016 – 2022, and contrary to the proper planning and sustainable development of the area.*
2. *The construction of an apartment block at the entrance to an operational industrial estate, where the proposed development is characterised by open boundaries, would lead to encroachment and infringement of the boundaries, both to the front and rear, detrimental to the amenity of potential residents. The proposed development would result in a conflict with traffic entering the existing industrial estate and the provision of substandard car parking space, it would result in development which would be prejudicial to public safety. Therefore, the proposed development would be seriously injurious to the*

residential amenity of existing and future residents and contrary to the proper planning and sustainable development of the area.

4.2. Documentation Submitted with the Application

4.2.1. The application was accompanied by the following documentation.

- Planning application form, planning fees and statutory public notices and drawings.
- Planning report.
- Drainage design report.
- Appropriate Assessment Screening Statement.
- An application for Part V Certificate of Exemption.

4.2.2. The *Planning Report* sets out details of the site location and context. It also sets out planning policy as it relates to the subject site and it notes that residential development under the Z6 zoning objective (which relates to the site – see section under Development Plan Provision below) is open for consideration under the land use zoning objective. The planning report goes on to outline details of the proposed development and argues that the proposal will result in a significant improvement of the overall streetscape. The submission goes on to state that the proposal complies with standards set out in the development plan and standards set out in national policy as the relate to apartment standards.

4.2.3. It states that Part V provisions do not apply in this instance and a social housing exemption certificate has been submitted in this regard.

4.2.4. A separate *Screening Statement for Appropriate Assessment* prepared by Simon Clear and Associates concludes that there is no likelihood of any significant effects on Natura 2000 sites arising from the proposed development either alone or in combination with other plans or projects. It is considered therefore a Stage 2 Appropriate Assessment is not required.

4.2.5. A *Drainage Design Report* was also submitted, providing details of surface water drainage, foul sewer and watermain supply. Surface water attenuation calculations are also submitted.

4.3. **Assessment by Planning Authority**

- 4.3.1. A number of letters of objection have been submitted the contents of which have been read and noted.
- 4.3.2. A report from the **Engineering Department Drainage Division** recommends that additional information be requested in relation to the following matters:
- An appropriate flood risk assessment for the proposed development.
 - The developer shall limit surface water discharge from the site in accordance with the requirements of the Drainage Division.
 - The developer shall submit an overall drainage Masterplan for the area with additional SUDS measures etc.
- 4.3.3. A report from the **Roads, Streets and Traffic Department** recommends additional information be required, including a request for revised drawings showing a more sufficient depth for the car parking spaces along Ravensdale Park. It is also noted that the proposed car parking spaces to the side of the building would result in conflict with traffic entering the existing industrial estate. Further details are also required in respect of sightlines and the applicant is required to provide clarification regarding the format of the proposed cycle spaces.
- 4.3.4. The **Planner's Report** notes that the proposed development would result in no provision of employment on site and as such contravenes the zoning objective. It is also noted that residential use is not a permissible use under the zoning objective but is open for consideration. Concern is also expressed that the current application, in conjunction with two similar applications on either side of the subject site, (see Planning History below) would set a precedent for a change of use of any site within the Z6 zoning objective from employment generation to being entirely residential and non-employment generating.
- 4.3.5. It notes that the proposed development would largely meet the minimum standards set out in the Sustainable Urban Housing Design Standards for New Apartments.
- 4.3.6. The proposed development also involves new boundary treatments however, details of these boundary treatments are not provided. The provision of open boundaries would lead to encroachment upon the subject site. It is stated that there are no robust boundaries between the public realm and the front of the ground floor

dwellings. The provision of heavy vehicle access to the rear of this apartment block would lead to the encroachment and infringement of their boundaries and would be detrimental to the amenity. Concern is also expressed in relation to car parking spaces 8 and 9. It is therefore recommended that planning permission be refused for the proposed development for the two reasons set out above.

5.0 Planning History

5.1. The Board will note that there are two concurrent files attached.

Under Reg. Ref. ABP300983-18 a first party appeal was received from the current appellants in respect of Dublin City Council's refusal of planning permission to demolish an existing prefab office structure to be replaced by three 3-bedroom three-storey terraced houses on lands to the immediate west of the subject site.

Under PLABP300984-18 a first party appeal was received in respect of the site to the immediate east of the current appeal site, where Dublin City Council refused planning permission for the partial demolition of an existing single-storey office building and the construction of three 3-bedroomed three-storey houses. In the case of both these applications, planning permission was refused on the grounds that the proposal contravened the zoning objectives relating to the site.

Also in respect of ABP300983-18 planning permission was refused on the grounds of insufficient car parking dimensions whereas in the case of ABP300894-18 permission was also refused on the grounds of the inadequate proposed boundary treatment surrounding the development.

6.0 Grounds of Appeal

6.1. The grounds of the first part appeal are summarised below:

- The applicant has long considered that the front section of the industrial estate is effectively a non-conforming use, in that it is inconsistent with the pattern of residential development and adjacent neighbourhood facilities which front onto Ravensdale Park. The overall concept of the development is to transform the front element of the industrial estate onto Ravensdale Park. It is suggested that in the interest of urban design and conformity in the

streetscape, the proposal would not have any implication for the overall vision and objective of the Z6 zoning as it applies to the KCR Industrial Estate.

- The redevelopment proposal has been broken into three independent proposals (see planning history) which can be considered independently in terms of development management. It is argued that the proposal represents a hugely positive town planning gain for the area without significant negative implications for the zoning objective. It is noted that the Premier Dairy site on the south side of the city at Nutgrove is currently undergoing a conversion to a residential neighbourhood on foot of planning permission granted by An Bord Pleanála.
- The existing office building is deemed to be outdated and substandard to conform with modern office standards. It is also submitted that under the Planning and Development (Amendment) Regulations 2018, the subject building can be easily vacated of employment, can be left vacant for two years, and can be converted to apartment without any need for planning permission.
- The proposed development will assist in many of the strategic objectives set out in the core strategy of the development plan which seeks to improve Dublin City as a high quality international competitive city. References are made to various statements contained in the development plan which, it is contended, would support the proposed change of use sought.
- It is also stated that the proposed development is supported by owners and occupiers within the estate and the occupiers of the office in question will be integrated into better accommodation elsewhere within the estate and as such there will be no loss of employment because of the proposed development. It is also noted that many of the Z6 sites in the inner suburbs of the city like Cabra and the Naas Road are earmarked to permit high density residential development. Reference is also made to two precedent decisions where Dublin City Council considered that the Z6 zoning objective can be met if the overall area has a sustainable mix of uses.
- In relation to car parking arrangements, revised drawings are submitted which indicate that nine car parking spaces can be provided to the front of the

building which omits the need for the two car parking spaces to the side of the building.

- With matters relating to boundary provision and boundary design, it is respectfully suggested that the local authority planner appears to have overlooked the drawings submitted which indicate the boundary treatments proposed. It is also suggested that the proposed development is not characterised by open boundaries which would lead to unwarranted encroachment on the site. The suggestion that open boundaries would be detrimental to amenity and is somewhat unstandard is a subjective proposition and has no support in terms of guidance in relation to this issue.
- It is suggested that the car parking arrangements would be in accordance with DMURS, which emphasises the need to create streets with narrow junctions and priority for pedestrians.
- In respect of drainage issues, it is noted that additional information was sought from the Drainage Department and in response, an updated Drainage Design Report and Flood Risk Assessment report have been submitted. The Flood Risk Assessment recommends that finished floor levels be raised above the potential 0.1% AEP plus a free board of 300 millimetres. It is stated that the ground floor level in the existing building can be raised by 300 millimetres and still maintain an internal ceiling height of 2.7 metres which accords with the latest guidelines for apartment standards.
- In conclusion therefore, it is argued that the proposal represents a missed opportunity and the proposed development will not represent a precedent for wholesale redevelopment of the area. It is stated that the proposed development will be beneficial for the area and can be accommodated with minor modifications. Also attached to the grounds of appeal is a letter from Crestland Limited providing details of the KCR Estate.
- Further architectural drawings indicating the layout and configuration of car parking spaces to the front of the development and sectional drawing indicating the floor to ceiling heights within the building.

- A flood risk assessment was submitted by JBA Consulting where it is confirmed that the site would pass the justification test and the development adequately manages the risk of surface water flooding.
- A separate drainage report was prepared by Kavanagh and Burke Consulting Engineers which provides clarity and additional information in respect of the concerns raised by the Drainage Department.

7.0 Appeal Responses

It appears that Dublin City Council have not submitted a response to the grounds of appeal.

8.0 Observations

A total of four observations were submitted the contents of which are set out below.

8.1. Observation by Mr. James Phelan

- The proposed development contravenes the zoning objective for the Dublin City Development Plan which seeks to provide for the creation and protection of enterprise and facilitate opportunities for employment creation. The proposal is also contrary to Section 14.8.6 of the development plan.
- The core strategy contained in the Dublin City Development Plan 2016 – 2022 ensures that there are sufficient lands zoned to meet the residential needs of the city.
- The employment and enterprise aspect of the core strategy contained in the development plan seeks to protect and ensure that there are sufficient employment lands within the city and the proposal would undermine this aspect of the development.
- While it is acknowledged that there is a current shortage of new housing within the city, it is suggested that accommodating residential development on employment lands will lead to longer term problems in terms of providing insufficient employment floorspace within the city.

- The appeal site currently accommodates numerous small and medium enterprises for which there is a lack of alternative accommodation within the city.
- The proposal materially contravenes Policy CEE1 which seeks to promote and enhance the city's competitiveness and to address deficits to improve the business environment so that existing jobs are supported and employment generated.

8.2. **Observation by Martin Lenehan**

This observation supports the proposed development because it would greatly improve the appearance of the estate and will enhance business within the estate. The proposed area for development is in the most dilapidated portion of the estate and can only help in attracting more business to the estate which will surely improve the current level of business activity and result in more employment within the estate.

8.3. **Observation by Clara Joinery Works**

This observation also supports the proposed development on the grounds that it will greatly enhance the appearance of the entrance of the estate which is very dated and unsightly. The proposal therefore will improve the image of the estate.

8.4. **Observation by Marianne Donne and Liam Fogarty**

- 8.4.1. The observation contends that there are numerous discrepancies in relation to the location of the site notice and details contained on the planning drawings.
- 8.4.2. It is also suggested that the applicants are attempting to play down the overall size of the redevelopment by submitting three separate planning applications.
- 8.4.3. It is stated that the proposed site layout drawings do not reflect the nature of the works as described in the site notice nor does it correctly show the extent of No. 48 Poddle Park where a sunroom/observatory was constructed several years ago. The existing ESB substation likewise is not shown on the plans.
- 8.4.4. The three-storey detached houses proposed for the east and west of the site will block sunlight to the private gardens of Nos. 46 and 48 Poddle Park. The windows on the site elevations will overlook rear gardens. It is requested that the houses are relocated and the overall heights reduced.

- 8.4.5. Concerns were also expressed that no traffic impact study was submitted and that there are insufficient car parking spaces for the units. Concerns are expressed in relation to the two car parking spaces proposed to the side of the building. It is noted that no disabled car parking spaces are proposed.
- 8.4.6. The overall public realm design is lacking and further information is required in relation to the plant on the roof.
- 8.4.7. A more comprehensive overshadowing study should have been submitted which accurately depicts the level of overshadowing which would arise from the development.

9.0 Development Plan Provision

- 9.1. The site is governed by the policies and provisions contained in the Dublin City Development Plan 2016 – 2022. The subject site is governed by the zoning objective Z6 the primary objective of which is *'to provide for the creation and protection of enterprise and facilitate opportunities for employment creation'*. It is considered that the Z6 lands constitute an important landbank for employment use in the city which is strategically important to protect. The primary objective is to facilitate long-term economic development in the city region. The development plan notes that a range of other uses including residential, are open for consideration on lands zoned Z6 but are seen as subsidiary to their primary use as employment zones. The incorporation of other uses such as residential, recreation and retail uses will be at an appropriate ratio where they are subsidiary to the main employment generating uses and shall not conflict with the primary land use zoning objective nor with the vitality or viability of nearby district centres.
- 9.2. To create dynamic and sustainable employment areas any development proposal on Z6 lands should ensure that the employment element on the site should be in excess of that on-site prior to redevelopment in terms of numbers employed and/or floor space.
- 9.3. Other objectives in relation to the built environment include the need to create a distinct identity for individual areas with high quality physical environment and coherent urban structure.

- 9.4. Chapter 6 of the development plan relates to the city economy and enterprise. There are numerous policy objectives contained in this section of the Plan which seek to improve employment opportunities and the business environment within the city so as to create and support jobs and employment.
- 9.5. **Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities**
- 9.5.1. These recently adopted and revised guidelines dated March 2018, build on the content of the 2015 Apartment Guidance. They highlight the need to provide a mix of apartment type that better reflect contemporary household formation and housing demand patterns and to make better provision for building, refurbishment and small scale urban infill schemes. They also acknowledge the requirements for reduced car parking in certain circumstances where there are better mobility solutions to reduce costs.
- 9.5.2. In terms of provision and location, the Guidelines state that housing supply must include a dramatic increase in the provision of apartment developments. It notes that in general terms, apartments are most appropriately located within urban areas that are in close proximity to public transport nodes and close to locations of employment.
- 9.5.3. Appendix 1 sets out floor areas and standards for the provision of new apartments.

10.0 **Planning Assessment**

I have read the entire contents of the file, visited the site and its surroundings and have had particular regard to Dublin City Council's reasons for refusal and the rebuttal of these reasons set out in the first party appeal. I have also had regard to the contents of the observations submitted both in support and against the proposed development. I consider the pertinent issues in determining the current application and appeal before the Board are as follows:

- Compliance with the Z6 Land Use Zoning Objective
- Boundary Treatment
- Car Parking Arrangements

- Drainage Issues
- Miscellaneous Issues

10.1. Compliance with the Z6 Land Use Zoning Objective

10.1.1. It is clear from the previous section of my report above, that residential use is open for consideration under the Z6 land use zoning objective. The planner's report makes specific reference to a statement contained in Section 14.8.6 of the development plan which states that "*any redevelopment of proposals on Z6 lands should ensure that the employment element on site should be in excess of that on site prior to the redevelopment in terms of the numbers employed and/or floor space*". The planner's report goes on to state that "*the proposed development would result in no provision of employment on site. The proposed development contravenes the zoning objective*". I would respectfully suggest that the planning report may have misinterpreted the statement referred to. Residential development (with the exception of the construction phase) by its very nature does not generate employment during the operational phase. As such residential development, despite the fact that it is open for consideration under the land use zoning objective, will never result in an employment generation use. Therefore, if a strict interpretation of the development plan statement referred to in the planner's report was to be adhered to, many of the uses listed as either permissible or open for consideration under the Z6 zoning objective (car park, conference centre, cultural and recreational building, open space, park and ride facility, public service installation, cultural creative and artistic enterprise) would not be permitted on the grounds that the employment element, may either not exist or certainly would not be in excess of the employment use on site prior to the redevelopment. A more logical interpretation of this statement would be where, if one employment generation use were to replace an existing employment use on site, the new employment element on site should result in employment numbers that are in excess of the previous employment use on site.

10.1.2. In my view the development plan quite clearly envisages that the residential development may be permitted on the subject site where it is not the dominant use. The development plan states that "*a range of uses including residential.... are open for consideration on lands zoned Z6 but are seen as subsidiary to their primary use as employment zones*". In the case of the overall lands at the KCR Industrial Estate,

the proposed development, even in the context of the two adjoining sites, would in my view constitute a subsidiary use when compared with the overall lands which are zoned for employment (Z6). In fact, the appellant in the grounds of appeal suggests that the redevelopment of the lands in question would only constitute 2% of the overall land in the Industrial Estate which are zoned for Z6 uses.

- 10.1.3. Furthermore, the establishment of residential development at this location will contribute to the enlivenment of the streetscape replacing a blank frontage with an active frontage and providing a use which is compatible and complementary to the surrounding residential development of the area. There is a precedent for infill residential development in the wider area including the construction of three-storey blocks of apartments on lands on the opposite side of the road to the immediate south-west of the subject site.
- 10.1.4. The proposal would also result in the refurbishment of a somewhat shabby two-storey office development dating from the 1950s with a new three-storey apartment block which will improve the visual amenities of the area and also contribute significantly to the public realm in the vicinity of Ravensdale Park.
- 10.1.5. On a wider strategic level, the development of higher density residential development on the subject site and the adjoining two sites contributes to many of the broader principles and objectives contained in both the National Planning Framework and Rebuilding Ireland. This National Plan seeks to provide additional residential units in a more compact form with the existing footprint of urban areas such as brownfield serviced sites within the inner city. The proposal also accords with Pillar 3 of “Rebuilding Ireland DOHPLG (July 2016)” which seeks to increase the output of private housing to meet demand at affordable prices.
- 10.1.6. The appellant in the grounds of appeal also makes reference to the recently published Planning and Development Regulations (S.I. No. 30 of 2018) which permits structures under land use classes being 1, 2, 3 or 6 (the subject site being Class 3 – Office); that where the structure concerned has been vacant for a period of 2 years or more immediately prior to the commencement of development, then the proposed development for residential use and any related works shall be exempted development for the purposes of the Act. Essentially, therefore the appellant argues that if the subject offices were vacated, the applicant could avail of the exempted

development provisions under the Act to incorporate a change of use from office to residential development without the need to require planning permission.

- 10.1.7. I fully accept that this would be the case. However, it should be noted that any such development would have to be confined within the existing two-storey structure and as such an opportunity would be missed to develop the brownfield site at more sustainable densities in accordance with the requirements of the National Planning Framework and the Rebuilding Ireland Plan. Having regard to the strategic need to increase housing provision at more appropriate and sustainable densities in the short term, it would in my view be more appropriate that the Board consider granting planning permission for the proposal before it.
- 10.1.8. I therefore consider that the principle of residential development is acceptable and compatible with surrounding development on the subject site and that the proposal would not explicitly contravene the zoning objectives set out in the development plan as suggested in the Planning Authority's report for the reasons set out above.

10.2. **Boundary Treatment**

- 10.2.1. The proposed boundary treatment is clearly indicated on Drawing 16-05-104B (the applicant makes reference in the grounds of appeal to Drawing 16-05-102 as containing details of the boundaries, however this drawing does not appear on file). Drawing 16-05-104B clearly indicates that no boundary walls are to be located to the front of the apartment block. This in my view is appropriate as it creates a more permeable relationship between the streetscape and the proposed apartment block. With regard to the remainder of the perimeter of the site, it is proposed to provide a 1.8 metre high block wall around the rear and side of the apartment block. This clearly demarcates and defines the area around the apartment block and the industrial estate to the rear. This will ensure that the private realm associated with the apartment development will be clearly distinguishable from the public realm associated with the industrial estate. It would appear from the statement in the planner's report "*that there is no indication of any boundary walls or fencing to either the front or rear boundaries*" is clearly incorrect. This in my view suggests that the second reason for refusal, which makes reference to inadequate boundary treatment, can be set aside in determining the current application.

10.2.2. Furthermore, any issues in relation to boundary treatment can in my view be appropriately and adequately addressed by way of condition and does not in itself constitute reasonable grounds for refusal.

10.3. Car Parking Arrangements

10.3.1. With regard to car parking arrangements, I would agree with the concerns raised by the Planning Authority with regard to the placing of perpendicular parking spaces adjacent to the entrance of the industrial estate. The estate is reasonably busy and incorporating spaces that require cars to reverse in/out of off-street spaces at a junction where sightlines are restricted is not appropriate from a road safety point of view. However, the reconfiguration of car parking spaces to the front of the building as indicated in Drawing 16-05-102B submitted with the grounds of appeal in my view adequately addresses this issue.

10.3.2. With regard to the size of the car parking spaces, the Board will note from the Drawing No. 16-05-102B, that the dimensions shown are 5 metres x 3 metres. These easily comply with the standards set out in Section 16.38.9 of the development plan that requires car parking spaces and dimensions to be at least 2.5 metres by 4.75 metres. The spaces provided, as per the drawings submitted with the appeal therefore are not substandard as stated in Dublin City Council's reason for refusal.

10.4. Drainage Issues

10.4.1. While not specifically referred to as a reason for refusal, the Drainage Department did express a number of concerns in respect of drainage. The Board will note that the Drainage Division of Dublin City Council did not recommend that planning permission be refused but rather recommended that further details be sought in respect of:

- An Appropriate Flood Risk Assessment.
- Further details that surface water discharge shall be limited in accordance with the Greater Dublin Strategic Drainage Study and
- That the developer shall submit an overall drainage masterplan for the area.

In this regard additional information was submitted in the grounds of appeal. This included:

- A flood risk assessment which concluded that the proposed development would not increase the risk of flooding and that the justification tests set out in the Flood Risk Management Guidelines has been passed. The assessment also indicates that finished floor levels are raised above the potential 0.1% AEP fluvial levels plus a freeboard of 300 millimetres. Architect's drawings also indicate that the increase in floor levels does not comprise the 2.7 metres floor to ceiling height at ground floor level within the apartment block.
- Furthermore, the applicant has submitted a revised drainage report and revised drainage layouts in order to ensure that the proposal fully accords with the Greater Dublin Strategic Drainage Study "Technical Document on New Development" and the Dublin City Development Plan Strategic Flood Risk Assessment Volume 7.
- Further details are provided in relation to the impermeable areas and a drainage masterplan for all three separate planning applications were submitted as part of the grounds of appeal.

10.4.2. Having regard to the additional information submitted, it appears that the applicant in this instance has addressed the drainage concerns expressed by the Planning Authority. It appears that the proposed development in this instance would not be impeded by drainage arrangements and that any such drainage arrangements can be agreed by way of condition. The Board in my opinion could attach a general or standard condition requiring that the applicant comply with all the surface water and drainage requirements prior to any commencement of development on site.

10.5. **Miscellaneous Issues**

10.5.1. A number of miscellaneous issues were raised in the observations submitted particularly the observation submitted by the residents of No. 48 and 46 Poddle Park (the pair of semi-detached dwellinghouses located at the corner of Ravensdale Park and Poddle Park) to the immediate east of the KCR Industrial Estate. It is argued that the applicant in this instance has sought to "down play the scale of the development" by submitting three separate applications. The three applications were lodged with the Planning Authority concurrently and all three applications are the subject of an appeal before the Board at present. The Board in adjudicating on the applications in question will have regard to any cumulative impact arising from the

proposal and will assess the three developments in tandem and in accordance with the proper planning and sustainable development of the area.

- 10.5.2. The site location map submitted with the application clearly indicates the location of the site notice which is located on a public roadway in accordance with the Regulations.
- 10.5.3. Having regard to the drawings submitted, I consider that the photomontages submitted with the application adequately depicts and illustrates the proposed development from the vantage points shown.
- 10.5.4. I consider that the site notices submitted with the application adequately describe the nature and extent of the proposed development notwithstanding the concerns raised in the observation.
- 10.5.5. With regard to overshadowing and overlooking, there is sufficient separation distance between the observer's dwelling and the proposed development to ensure that no overlooking or overshadowing occurs. The separation distance between the eastern gable of the proposed block and the western boundary of the observer's site is in excess of 40 metres. This will ensure that no material overlooking or overshadowing takes place. Any omission of the sunroom/conservatory to the rear of No. 48 Poddle Park is not material to the overall assessment of the application. Likewise, details of any ESB substations in the wider area is not a critical aspect in adjudicating an evaluating the application before the Board.
- 10.5.6. The proposal in this instance will result in the provision of 9 additional car parking spaces, (15 additional car parking spaces if the two adjoining developments are included). The proposal will also result in a reduction of traffic associated with the extant office permission on site. Having regard to the modest nature of trip generation associated with the proposed development a detailed traffic impact study as suggested in the observation is neither warranted or justified. Car parking spaces have been provided in accordance with the development plan requirements which under Table 16.1, allows a maximum car parking standard of 1.5 spaces for Zone 3 (in which the site is located). The applicant in this instance has provided one car parking space per unit, which is appropriate, given the inner city location of the site. I note that the report from the Roads and Traffic Planning Division had not expressed concerns with regard to the level of parking provision (the concerns related to the

location and layout of the spaces). The Board should also note that there are no off-street parking restrictions on Ravensdale Park.

11.0 Appropriate Assessment

- 11.1.1. Having regard to the nature and scale of the proposed development and the nature of the receiving environment together with proximity to the nearest European site, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

12.0 Conclusions and Recommendations

Arising from my assessment above I consider the proposed development to be in accordance with the proper planning and sustainable development of the area, I further consider that the proposal does not contravene the Z6 zoning objective and that the use of this section of the KRC Industrial Estate for residential development is compatible with surrounding landuses and will significantly improve the public realm and is therefore in accordance with the proper planning and sustainable development of the area.

13.0 Decision

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

14.0 Reasons and Considerations

It is considered that the proposed residential use on the subject site subject to conditions below, will not seriously injure the visual amenities of the area, will improve the public realm along Ravensdale Park, will not be prejudicial to public health and would generally be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, in my view be in accordance with the proper planning and sustainable development of the area.

15.0 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 submitted to An Bord Pleanála on 12th day of February 2018, 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. Details of the materials, colours and textures of all the external finishes to the proposed blocks shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. Water supply and drainage arrangements, including 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.

4. A total of nine car parking spaces shall be provided within the curtilage of the site. All car parking spaces shall be located to the front of the proposed apartment blocks. Details of the layout of these spaces shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: To ensure adequate off-street car parking is available to serve the proposed development.

5. Footpaths and kerbs shall comply with the detailed standards of the planning authority for such works.

Reason: In the interest of traffic and pedestrian safety.

6. Public lighting shall be provided in accordance with a scheme, which shall 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. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

7. 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. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

8. Areas of public open space shown on the lodged plans shall be reserved for such use and shall be soiled, seeded and landscaped in accordance with the detailed requirements of the planning authority. This work shall be completed before any of the apartments are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

Reason: In order to ensure the satisfactory development of public open space areas and their continued use for this purpose.

9. Site development and building works shall be carried only out between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these

times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

10. The development hereby permitted shall be carried out and completed at least to the construction standards set out in the recommendations for site development works for housing areas issued by the Department of the Environment and Local Government in November 1998 or the planning authority's taking in charge policy. Following completion, the development shall be maintained by the developer in compliance with these standards until taken in charge by the planning authority. In relation to those areas not taken in charge a management company shall be set up. The management company shall provide adequate measures for the future maintenance and repair in a satisfactory manner of private open spaces, roads, footpaths, car park and all services together with soft and hard landscaping areas where not otherwise taken in charge by the local authority.

Reason: In the interest of the future maintenance of this private development, in the interest of residential amenity and the adequate provision of community facilities.

11. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interests of sustainable waste management.

12. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company
- (b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

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

13. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials [and for the ongoing operation of these facilities] for each apartment unit 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.
- (b) This plan shall provide for screened communal bin stores, 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.

14. 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Paul Caprani,
Senior Planning Inspector.

11th July, 2018.