



An
Bord
Pleanála

Inspector's Report ABP-301608-18

Development	Addition of one storey to previously permitted development at 5th floor level, resulting in the construction of 1 no. commercial building 6-8 storeys over basement level, minor amendments to the building elevation and public realm, the inclusion of an additional lift, reduction in car parking and increase in cycle parking at basement level
Location	Overall site of c.026ha at IPC House, No. 35-39, Shelbourne Road and Shelbourne Lane, Ballsbridge, Dublin 4
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	2389/18
Applicants	October Management Ltd
Type of Application	Permission
Planning Authority Decision	To Refuse Permission
Type of Appeal	First Party
Appellant(s)	October Management Ltd
Date of Site Inspection	27 August 2018
Inspector	Dolores McCague

1.0 Site Location and Description

- 1.1.1. The site is located at IPC House, Shelbourne Road Dublin 4. It consists of a triangular area of ground, bounded to the east by Shelbourne Road and to the north and west by Shelbourne Lane. It is currently a construction site. To the west of the site on Shelbourne Lane, apartment blocks (Shelbourne Hall & Shelbourne Court) extend up to 6 storeys. A mixed use development in blocks up to 9 storeys has recently been completed to the north on what was formerly the veterinary college site, which extends from Shelbourne Road (on the opposite side of Shelbourne Lane), to Pembroke Road to the west. To the south, higher buildings transition to 2-3 storey buildings with residential retail uses, towards the junction with Pembroke Road. On the east side of Shelbourne Road opposite the site The Oval and IBM buildings, give way to lower buildings to the north and south.
- 1.1.2. Shelbourne Road is a long road extending from Beggar's Bush southwards to Pembroke Rd. The Dodder flows to the east and the DART line runs to the north east. Shelbourne Road is bisected by Lansdowne Road, north of which the area retains the established appearance of low rise, low density residential development. Crampton Road which runs east from Shelbourne Road further divides the southern area. North of the junction with Crampton Road there is low rise residential development east of Shelbourne Road, and commercial development west of the road. The area south of the junction with Crampton Road is characterised by commercial use of increasingly greater heights.
- 1.1.3. The subject area is undergoing significant redevelopment, progressing to higher buildings.
- 1.1.4. The area is close to public transport services including the Dart at Lansdowne Road and the Quality Bus Corridor (QBC) operating on the Merrion Road.
- 1.1.5. The site is given as 2,620m².

2.0 Proposed Development

- 2.1. The proposed development comprises:
 - (a) the addition of one storey (c1,425m²) to development previously permitted, at 5th floor level resulting in the construction of 1 no. commercial building 6-8 storeys

(c) 12,412m²) over basement level with pedestrian access from Shelbourne Road consisting of office space at ground to seventh floor and 1 no. unit (c230m²) to be either retail or cafe at ground floor level;

(b) minor realignment to the glazing line on south west elevation at ground floor level;

(c) addition of 5 no. structural columns to the Shelbourne Rd elevation;

(d) addition of raised platform outside permitted ESB substation at ground floor level, and alterations to the fire escape on Shelbourne Lane;

(e) modifications to permitted basement layout including the addition of CHP room and realignment of retaining wall;

(f) the inclusion of 2 no. signage zones in shopfront of permitted retail/cafe unit at ground floor level on Shelbourne Rd; and

(g) the inclusion of one additional lift.

There are terraces at the 6th floor (c140m²) and 7th floor (c 298m²) and screened external plant at 7th floor (c 365m²). Permission is also sought for all associated site development and landscaping works including improvements to adjacent public realm at Shelbourne Lane and Shelbourne Road; the provision, at basement level of 24 no. car parking spaces, 108 no. bicycle spaces, bin store and plant, with vehicular ramp access from Shelbourne Lane.

It is proposed to

The application is accompanied by:

Architects Drawings

Engineering Drawings

Architects Design Statement

Drainage Report

Flood Risk Assessment

Operational Waste Management Strategy

Mobility Impact Assessment

Road safety Audit

Photomontage views (titled Architectural Visualisations)
Sustainability Report
Visual Impact Assessment (titled Visual Appraisal), and a
Planning Application Report.

An array of PV panels is shown at roof level and it is stated that these panels have been added to the roof in lieu of green roofing.

The proposed parapet level is shown as 36.160m in comparison with the permitted parapet level shown as 31.650m.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The planning authority decided to refuse permission for the development on the grounds that it would result in a development with a building height of 36.1m. The maximum height standards specified in Section 16.7.2 of the Dublin City Development Plan 2016-2022 for a site located in the Outer City within 500m of Public Transport, is 24m. The proposal would, therefore, contravene the height policy of the Dublin City Development Plan 2016-2022 and would thereby be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

At basement level, the layout has been altered and has resulted in the omission of 2 car spaces to provide a total of 24. An additional 12 bicycle spaces would be provided to allow for a total of 108 and all bicycle parking would be located in the northern corner of the basement.

Alterations to the stair and lift core are proposed which would result in one additional lift. A CHP room would be provided along the north-western side of the basement. The retaining wall on the eastern side of the basement would also be realigned.

Minor changes are proposed to the ground floor level and apart from the additional lift, relate mainly to the façade and external design, including a minor realignment to the glazing line at the southern corner of the building, the addition of 5 columns along the eastern façade, the revision of the exit onto Shelbourne Lane for fire requirements and the provision of a platform outside the ESB substation, to bring the development above the level of flooding.

At first floor level the glazing is set back along the Shelbourne Road elevation to the same line as the glazing approved at ground floor level to create a double height colonnade. The previously permitted canopy over the main entrance is omitted.

The floor plates and façade at 2nd to 4th floor remain the same as previously permitted. At 5th floor level the set back would be removed and the terraces on the eastern and south eastern facades would be omitted. The 5th floor level would then be the same as the previously permitted 4th floor. The proposed 6th floor would be the same as the previously permitted 5th floor with set backs to the eastern and south eastern elevations to facades, to allow for a terrace on the eastern elevation and recessed terraces along the south eastern elevation.

The additional 7th floor would have the same layout as the previously permitted 6th floor with additional set backs and terraces on the eastern, south eastern and north western elevations.

Compliance with the Development Plan

The main element of the proposal is the addition of a floor at 5th floor level to provide a commercial building of 6-8 storeys with the resultant increase in height from 28m to 36.1m. Shelbourne Road has been under intense development in recent years and is providing a varied landscape with considerable diversion in building heights. Proposed alterations to the internal layout and to the façade are acceptable in principle. The double height colonnade to the south and along Shelbourne Road creates a more dramatic approach from the south and lightens the visual impact on the main facade of the building. However the increase in height is contrary to the height strategy for the area as set out in Section 16.7.2. Planning permission was originally granted for a commercial building of 4-6 storeys with an overall height of 24m. A further permission to insert an additional floor was refused by the PA as it

contravened the height policy, but granted by An Bord Pleanála on appeal; S37, (2)(a) of the Planning and Development Act, is referred to.

The development plan height policy is set out in section 16.7.2. The relevant category for this site is Outer City Rail Hub (Within 500m of Public Transport) where the maximum height that can be considered is 24m for either a commercial or a residential scheme. It is further clarified in the plan that the heights stated in the low-rise and mid-rise categories are maximum heights and that notwithstanding the maximum permissible heights specified, proposals will be subject to assessment against standards set out elsewhere in the development plan. The development plan does not allow any qualitative or quantitative analysis or design rationale to surmount the height limits established in the Plan. The development contravenes the height policy of the plan.

Recommending the refusal of permission, which is issued.

3.3. Other Technical Reports

3.4. Roads & Traffic Planning Division

The principal of the redevelopment of this site has previously been accepted by the Roads & Traffic Planning Division. The maximum car parking standards in this area for office development is 1 no. space per 200 sq.m. This equates to a maximum car parking provision of 62 spaces. It is proposed to provide 24 spaces at basement level, which comprises a reduction of 2 from previously permitted. The proposed parking provision is considered acceptable. Cycle parking standard for office development is 1 no. space per 100 sq.m, requiring 124 spaces. It is proposed to provide 108 spaces at basement level. Shower and locker facilities are also proposed at basement level. The quantum of cycle parking proposed is below the development plan standards.

Vehicular and cycle access to the basement car park will be from Shelbourne Lane close to the location of the existing vehicular access. The access reflects that previously permitted.

The Mobility Management Plan outlines modal split targets and a number of measures are proposed.

The decision to upgrade the public realm in the vicinity of the site is welcome. While the proposed works are acceptable in principle, detailed drawings are required together with approval from the Environment & Transportation Department, prior to commencement, in particular it is noted that there are no details of the radii at junctions. Evidence that all proposals comply with DMURS is required. All materials used in public areas should be in accordance with DCC document Construction Standards for Roads and Street Works.

A Stage 1 Road Safety Audit has been submitted, issues outlined must be addressed prior to the detailed design proposals.

Waste management is not altered. An operational waste management plan was submitted as part of the application.

No objection is raised to the development, subject to compliance with conditions.

3.5. Engineering Department Drainage Division

No objection to the development, conditions recommended.

4.0 Planning History

Subject site

4560/17 permission granted by the planning authority for modifications to the development previously permitted under PL 29S.228224, including:

- (a) minor realignment to the glazing line on south west elevation a ground floor level;
- (b) the addition of 5 no. structural columns to the Shelbourne Rd elevation;
- (c) addition of raised platform outside permitted ESB substation at ground floor level and alteration to the fire escape on Shelbourne Rd;
- (d) modifications to permitted basement layout including addition of CHP room and realignment of retaining wall;
- (e) Minor realignment of corner on south west elevation at 5th floor level;
- (f) addition of open steel grillage above permitted plant area on 6th floor level for PV panels to allow for the inclusion of 427m² of PV panels in lieu of permitted green roof at roof level.

(g) the inclusion of 2 no. signage zones in shopfront of permitted retail/cafe unit at ground floor level on Shelbourne Rd.

PL 29S.228224 permission granted by Bord Pleanála following refusal by the planning authority, reg. ref. 4336/16, for modifications to the development previously permitted under Reg Ref 2868/16 at 35-39 Shelbourne Road and Shelbourne Lane Ballsbridge Dublin 4, consisting of:

- (a) the demolition of the existing 5 storey commercial building (c. 3290m²),
- (b) the addition of one storey to the permitted development resulting in the construction of a commercial building 5-7 storeys over basement level with pedestrian access from Shelbourne Road consisting of office space (c. 10,987m²) at ground to sixth floor and 1 no. unit to be either retail or café (c.230m²) at ground floor level; there are terraces at fifth floor (c.159.3m²) and sixth floor (c.353.9m²) and screened external plant is located at 6th floor level; and for all associated site development and landscaping works including improvements to adjacent public realm at Shelbourne Lane and Shelbourne Road; the provision at basement level of 26 no. car parking spaces, 96 no bicycle spaces, bin store and plant, with vehicular ramp access from Shelbourne Lane.

2868/16 – Permission granted for the demolition of the existing five- storey commercial building and the construction of a new building 4-6 storeys over basement level with pedestrian access from Shelbourne Road. The development to consist of office space at ground to fifth floor and 1 no unit to be either retail or café at ground floor level, as well as terraces at 4th floor and 5th floor with screened external plant at 5th floor level. The basement would include 27 no. car parking spaces, 80 no. bicycle spaces, refuse storage and plant, with vehicular ramp access to Shelbourne Lane.

Neighbouring Sites

PL 29S.228224, PA Reg Ref 4798/07 - An Bord Pleanála granted permission following the planning authority decision to grant permission, on the former veterinary college site to the north, for the demolition of existing buildings on the site

and the construction of a mixed use scheme. The scheme was modified at appeal reducing the overall height to 9 storeys, northwest of the site. The proposed office block would have a Y shaped configuration with blocks ranging in height from 23m, 30.5m and 34.5m. The height of the building would be 5-9m higher than the existing and would be stepped down from the permitted 9 storeys to the north to 6 storeys to the southwest, with a similar design and external appearance as the adjoining 4 storey Franklin House. The plot ratio of the development would be 3.88. The permission has been extended to 11th September, 2020 and has been implemented.

PL29S.245342 – Permission granted for alterations to the permission granted under PL29S.236211 relating to Hume House including the omission of -2 and -3 basement levels and modifications to -1 level. The proposal did not involve alterations to the permitted height.

PL29S.242088 – Permission granted for the demolition and redevelopment of Franklin House to the west and its replacement with a 3-5 no storey over lower ground floor office building. The permission limited the height of the building to 24m (Condition No 1(2)).

PL 29S.236211 PA reg Ref 4448/09 - An Bord Pleanála granted permission, following the planning authority decision to grant permission, for the demolition of Hume House, an existing eight/nine storey office building (total gross floor area circa 9,110 square metres), and the construction of an office block of part six, eight and nine storeys (corresponding to overall parapet heights of circa 27.10 metres OD; 34.80 metres OD and 38.7 metres OD respectively) all over basement levels.

5.0 Policy Context

5.1. Development Plan

The Dublin City Council Development Plan 2016-2022 is the operative development plan.

The site is located in an area zoned Z6 – Employment/Enterprise with the objective ‘To provide for the creation and protection of enterprise and facilitate opportunities for employment creation’.

The Plan states that Z6 lands constitute an important land bank 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 permissible uses will be accommodated in primarily office based industry and business technology parks developed to a high environmental standard and incorporating a range of amenities.

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 and viability of nearby district centres.

Section 16.7 of the Plan details the policy on building height within the city.

5.2. National Planning Framework - Ireland 2040 - Our Plan

The Government’s long-term strategic planning framework will guide national, regional and local planning and investment decisions over the next 25 years.

One of its aims is to enhance people’s experience of living and working in and visiting urban places in Ireland. Our cities, towns and villages must become more attractive and ‘liveable’, and offer a quality of life that more people are willing to choose in the years ahead.

The National Planning Framework targets a significant proportion of future urban development on infill/brownfield development sites within the built footprint of existing urban areas.

To enable brownfield development, planning policies and standards need to be flexible, focusing on design led and performance-based outcomes, rather than specifying absolute requirements in all cases.

National Policy Objective 11

In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.

National Policy Objective 13

In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

5.3. Urban Development and Building Heights, Guidelines for Planning Authorities, Consultation Draft, August 2018

- 5.3.1. Reflecting the National Planning Framework strategic outcomes in relation to compact urban growth, the Government considers that there is significant scope to accommodate anticipated population growth and development needs, whether for housing, employment or other purposes, by building up and consolidating the development of our existing urban areas.
- 5.3.2. The first of the 10 National Strategic Outcomes in the National Planning Framework that the Government is seeking to secure relates to compact urban growth.
- 5.3.3. Securing compact and sustainable urban growth means focusing on reusing previously developed 'brownfield' land, building up infill sites (which may not have been built on before) and either reusing or redeveloping existing sites and buildings, in well serviced urban locations, particularly those served by good public transport and supporting services, including employment opportunities.
- 5.3.4. Increasing prevailing building heights therefore has a critical role to play in addressing the delivery of more compact growth in our urban areas, particularly our cities and large towns through enhancing both the scale and density of development and our planning process must actively address how this objective will be secured.

- 5.3.5. While achieving higher density does not automatically and constantly imply taller buildings alone, increased building height is a significant component in making optimal use of the capacity of sites in urban locations where transport, employment, services or retail development can achieve a requisite level of intensity for sustainability. Accordingly, the development plan must include the positive disposition towards appropriate assessment criteria that will enable proper consideration of development proposals for increased building height linked to the achievement of a greater density of development.
- 5.3.6. In some cases, statutory development plans have tended to set out overly restrictive maximum height limits in certain locations and crucially without the proper consideration of the wider planning potential of development sites and wider implications of not maximising those opportunities by displacing development that our wider society and economy needs to other locations that may not be best placed to accommodate it. Such a displacement effect presents a lost opportunity in key urban areas of high demand for new accommodation, whether that is for living, working, leisure or other requirements in the built environment.

SPPR1

In accordance with Government policy to support increased building height in locations with good public transport accessibility, particularly town / city cores, planning authorities shall explicitly identify, through their statutory plans, areas where increased building height will be actively pursued for both redevelopment and infill development to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height.

- 5.3.7. Certain urban locations often attract strong demand from other land uses, particularly of a commercial (non- residential) nature, which can result in a relative deficit in the supply of new residential development as part of appropriate mixed use neighbourhoods. This can militate against achieving the objective of increased proximity of new homes and employment which is a central theme of the National Planning Framework. Accordingly, in the interests of achieving national policy objectives for significantly increased urban housing delivery, there is a need for planning policy to ensure that an appropriate quantum of residential development is

included as part of significant development proposals for individual sites and urban neighbourhoods. In recognition of this need the following SPPR shall apply:

SPPR2

In driving general increases in building heights, planning authorities shall also ensure appropriate mixtures of uses, such as housing and commercial or employment development, are provided for in statutory plan policy. Mechanisms such as block delivery sequencing in statutory plans could be utilised to link the provision of new office and residential accommodation, thereby enabling urban redevelopment to proceed in a way that comprehensively meets contemporary economic and social needs, such as for housing, offices, social and community infrastructure, including leisure facilities.

5.4. **Natural Heritage Designations**

- 5.4.1. South Dublin Bay and River Tolka Estuary SPA site code 004024 and South Dublin Bay SAC site code 000210 are the nearest Natura Sites located c 1.2km distance from the site.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- 6.1.1. The first party appeal against the decision to refuse permission has been made by Brock McClure Planning & Development Consultants.

The grounds includes:

The planning history is outlined which they state demonstrates the trend for increased density and height of development in the Ballsbridge area that occurred in recent times. They note that permissions exists for developments of significant scale, in excess of 30m on lands in close proximity to the subject site. They contend that this permitted context is relevant precedent, that it should be acknowledged and referenced accordingly and that it gives ground to the Board to apply flexibility to policies within the City Development Plan in relation to building heights. They state

that it provides an appropriate benchmark for the development, which will assimilate into the emerging built context of Ballsbridge.

The policy context is outlined. The grounds states that the proposed additional height of 4.5m is appropriate when assessed on its merits.

The assertion by the planning authority that the proposed development represents an inappropriate building height is unfounded and without substance. The planning authority has not taken a balanced view on the matter of height and has been too stringent in the application of the provisions of Section 17.6.1¹ of the Development Plan.

The planning authority reference a height of 36.1m in their refusal and assessment, when the actual height proposed is 32.51m. 36.1m is the height above sea level and not the overall height from street level which is 32.51m and is consistent with the existing built context.

The Development Plan explicitly provides for the provision of 32.51m. The Board is referred to Section 16.7.2 in considering this issue. There is scope within these sections for the Board to grant permission for the additional height. The Board is requested to take a considered view on the matter given the unique context associated with the site.

The decision does not refer to a material contravention of the development plan, and therefore the provisions of section 37(2)(a) do not need to be considered in a decision on this application. Nevertheless it is worth noting that the subject site is located within a unique regeneration and urban consolidation setting, where parapet heights of up to 41m (One Ballsbridge) have already been approved.

The proposal is not overbearing or oppressive in terms of height and will not injure the visual amenity or local character of the area.

The site is located in close proximity to a key public transport corridor and an increased density and additional building height is therefore appropriate.

The appeal is supported by a Visual Appraisal, a Planning Design Guidelines Statement, and a Visual Impact Assessment.

¹ There is no chapter 17 in the City Development Plan and therefore 17.6.1 could not be found. Section 16.7 deals with building height.

6.2. Planning Authority Response

6.2.1. The planning authority have not responded to the grounds of appeal.

7.0 Assessment

7.1. The issues which arise in relation to this appeal are: appropriate assessment, environmental impact assessment, the principle of the development, height and visual impact and the following assessment is dealt with under those headings.

7.2. Appropriate Assessment

7.2.1. Having regard to the nature and scale of the proposed development and nature of the receiving environment 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.

7.3. Environmental Impact Assessment

7.3.1. Having regard to the nature and scale of the proposed development and the nature of the receiving environment there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.4. Principle of the development.

7.4.1. The site is located in an area zoned Z6, the primary objective of which is 'to provide for the creation and protection of enterprise and facilitate opportunities for employment creation'. Office use is 'open for consideration' in this area. The Plan recognises that a choice of good quality and cost competitive office and commercial space is critical in attracting investment, supporting enterprises and generating employment. The need to encourage the high quality redevelopment of outdated office stock is also supported.

7.4.2. I accept that the proposed development is consistent with the provisions of the development plan and is acceptable in principle in this location.

- 7.4.3. Some of the revisions currently proposed were the subject of a permission Reg Ref No4560/17, subsequent to the amendment permitted by the Board under PLS.248166.
- 7.4.4. The overall design, elevational treatment and finishes of the building remain unchanged as do building lines and, in general, also the access arrangements. The public realm enhancement proposals are acceptable to the planning authority and were not the reason for refusal.
- 7.4.5. This assessment therefore will focus on the increase in the height of the building and whether it has the potential to negatively impact on the streetscape/skyscape and the amenities of the area.

7.5. **Height and Visual Impact**

- 7.5.1. There is existing permission for a seven storey building on the site.
- 7.5.2. The development plan acknowledges that Dublin is a low rise city and it is policy that it should predominantly remain so. It sets height limits for various parts of the city to ensure that the existing skyline is protected/ enhanced and that low rise sensitive areas (including conservation /residential conservation areas) are adequately protected.
- 7.5.3. The proposed development is located in the Outer City area, designated as Low Rise (for the purpose of building height control (Fig 39 of the Plan)). In these areas heights of up to 24m are considered acceptable near rail hubs, or 16m in other areas. As noted by the planning authority there is no provision for any qualitative or quantitative analysis or design rationale to surmount the height limits established by the Plan.
- 7.5.4. The National Planning Framework - Ireland 2040 was adopted on the 29th May 2018 i.e. since the planning authority's decision was made. A major plank of the framework is to achieve more compact settlements and, towards achieving this, it states that planning policies and standards need to be flexible, focusing on design led and performance-based outcomes, rather than specifying absolute requirements in all cases. To encourage more people to live in existing cities, towns and villages and to generate more jobs and activity, particular emphasis is placed on building height and car parking standards being based on performance criteria.

- 7.5.5. The Consultation Draft document Urban Development and Building Heights, Guidelines for Planning Authorities, published in August 2018, builds on the concept of standards based on performance criteria and, in support of increased building height in locations within settlements with good public transport accessibility, states that plans shall not provide for blanket numerical limitations on building height.
- 7.5.6. I accept that this part of the city is a rapidly changing urban environment and there is considerable variation in building height. The trend generally has been to facilitate higher buildings. Parapet levels are listed in the grounds of appeal and locations identified for various recently permitted development in the area. The closest to the subject site is One Ballsbridge to the north where construction has recently been completed, standing at just over 40m in height.
- 7.5.7. The height of the proposed building is clearly at variance with the provisions of the development plan. The question that arises is whether it could be considered acceptable in terms of the prevailing site context, as contended by the applicant.
- 7.5.8. The site is well removed from sensitive areas including the residential conservation area along Lansdowne Road and Pembroke Road and associated protected structures. The closest protected structures/residential conservation area lies to the south east (Estate Cottages). The majority of these dwellings align a cul de sac and are orientated away from the site. The dwellings on the east side of Pembroke Road are not protected structures but are located within a residential conservation area and separated from the site by the higher Shelbourne Hall/ Court apartment blocks fronting onto Shelbourne Lane. There will be no increase in impacts on the character or setting any of the protected structures or residential conservation areas arising from the proposed increase in the height of the building. The site is well removed from the centre of Ballsbridge which presents a very different character to this area in terms of the quality and style of architecture, height of buildings, urban grain etc.
- 7.5.9. A Visual Appraisal of the proposed development supports the application and the appeal. It provides an assessment of the visual implications of increasing the height of the building within the existing and emerging urban context. Photomontages (Architectural Visualisations) (4 no.) showing the permitted and proposed development, were prepared to demonstrate likely impact. These show views towards the site from both directions along Shelbourne Road, from Pembroke Road

north eastwards over residential properties and from Beatty's Avenue looking west across the Dodder River. The photomontages demonstrate that the proposed development will sit comfortably within its surroundings and that it can will be effectively integrated into the streetscape with no significant additional adverse impacts on the character or visual amenities of the area. It will be framed to the north by the higher elevation of the One Ballsbridge development and the recessed upper floors will reduce the scale and massing of the building. I accept that the proposal can form a satisfactory transition between the higher large scaled buildings to the north and the lower smaller scaled buildings to the south.

- 7.5.10. I accept that the height of the building is at variance with the provisions of the plan, but having regard to the existing and emerging site context, I do not consider that it would result in adverse impacts on the existing streetscape.

7.6. Conclusion

- 7.6.1. The Board previously concluded that an increase in height above the 24m plan provision did not materially contravene the development plan (PLS.248166).
- 7.6.2. Having regard to the limited impact on the existing streetscape/skyscape and to national policy guidance I consider that the proposed development is acceptable.

8.0 Recommendation

- 8.1. Having considered the contents of the planning application, the decision of the planning authority, the provisions of the development plan, the grounds of appeal and the responses thereto, my inspection of the site and my assessment of the planning issues, I recommend that permission be granted for the development for the reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to the Z6 zoning objective for the site, the established use of the site for office use, the pattern of existing and permitted development in the area, the site's centrality, accessibility and proximity to good public transport infrastructure, and the desirability of maximising the use of such land, it is considered that subject

to the conditions set out below, the proposed development would not seriously injure the amenities of property in the vicinity, would not adversely impact on the visual amenity or character of the area and would be acceptable in terms of traffic safety and convenience. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application 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 with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interests of clarity.

2. The conditions attached to the parent permission governing the overall development of the site granted under Reg Ref No 2868/16 shall continue to apply to this development.

Reason: In the interests of clarity.

3. Prior to the commencement of development, revised proposals shall be submitted for the written agreement of the planning authority showing the provision of at least 124 cycle parking spaces in compliance with the development plan standards.

Reason: In the interest of providing development of an adequate standard.

4. Prior to the commencement of development, detailed proposals for the proposed site entrance arrangements and for the treatment of the public realm, shall be submitted for the written agreement of the planning authority. All materials used in public areas should be in accordance with Dublin City Council document Construction Standards for Roads and Street Works.

Reason: In the interest of public safety and of providing development of an adequate standard.

5. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunications aerials, antennas or equipment.

Reason: In the interest of visual amenity

6. 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.

Planning Inspector

9th October 2018

Appendices

Appendix 1 Photographs

Appendix 2 Extracts from the Dublin City Council Development Plan 2016 to 2022

Appendix 3 Extracts from the National Planning Framework - Ireland 2040 - Our Plan.