



An
Bord
Pleanála

Inspector's Report ABP-301851-18

Development	Demolition of existing bar & the development of 39 no. bedroom guesthouse across basement to 4th floor.
Location	Clonskeagh House, 68 Clonskeagh Road, Dublin 6
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	2588/18
Applicant(s)	Uniball Bars Limited
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party
Appellant(s)	Uniball Bars Limited.
Observer(s)	Richard Good John Scannell
Inspector	Sarah Lynch

1.0 Site Location and Description

- 1.1. The appeal site is located on the western side of Clonskeagh Road, immediately to the north west of Clonskeagh Bridge in the south Dublin city suburb of Clonskeagh.
- 1.2. The irregular triangular shaped site has a stated site area of 0.49 hectares and currently consists of a part 2½-storey and part single storey public house called O'Shea's Public House and also Clonskeagh House. The existing building appears to have been extended significantly in the past.
- 1.3. The finished ground floor level of this building is set down from the Clonskeagh Road level. It has a stated 9.3 metres height on its eastern elevation and 5.15 metres height on its southern elevation. The principal façade is set back from the adjoining Clonskeagh Road by way of a concrete access ramp. This ramp is of sufficient width to accommodate vehicle access and at its base it connects with a large hard surfaced car parking area.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
- 2.2. Demolition of existing bar and the development of 39 no. bedroom guesthouse across basement to 4th floor. Provision of a kitchen, staff facilities and storage at basement level; receptions, bar, restaurant, toilets and ancillary storage at ground floor levels with associated development works.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for the following reason:

'The proposed development by reasons of its design approach, scale and form would be visually obtrusive, would result in poor street frontage and would not respect and enhance the sensitive character and context of this prominent site. Therefore, it would materially and negatively impact the visual amenity of the area

and would seriously injure the amenities of the character of the area. The proposed development would therefore contravene the zoning objective 'Z3' and 'Z9', and the objectives of the Development Plan and be contrary to the proper planning and sustainable development of the area'.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The planners final report is consistent with the decision of the planning authority.

3.2.2. Other Technical Reports

- Drainage Division - Insufficient information provided in relation to drainage and flood risk
- Road & Traffic Planning Division - Mobility Management Plan & cycle parking requested, insufficient details with regard to servicing of site, construction management Plan requested, clarity regarding building overhang over public footpath
- Archaeology - No objections subject to conditions.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

A number of submissions were received and raised the following issues:

- No justification for demolition
- Contrary to zoning objective
- Contrary to DCC Development Plan policy
- Flooding
- Inappropriate design

- Excessive scale and height
- Over development of site
- Detrimental effect on surrounding landscape
- Impact on woodland
- Out of keeping with character of area,
- Archaeological Impact
- Restricted site
- Unacceptable heritage loss

4.0 Planning History

There have been a number of permissions for minor alterations to the existing building on site. Of most relevance is the following:

2676/11 – Permission **granted** for the development of a 4 storey over basement mixed use commercial building (comprising public house; retail; office; medical suites and ancillary spaces including storage) 5,038sqm in total.

PL29S.240462 – refused for the following reason:

1. The majority of the site area is located on land zoned ‘Z9’ in the Dublin City Development Plan, 2011-2017, where it is an objective of the Planning Authority “to preserve, provide and improve recreational amenity and open space and green networks”. The degree to which the proposed mixed use building and car parking area encroaches onto ‘Z9’ zoned land would materially contravene the zoning objective for the site. It is considered that the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the scale and bulk of the proposed development, it is considered that, if permitted, it would represent a dominant and incongruous structure that would fail to complement the character of its riverside location and streetscape setting. As such the proposed development would seriously injure the visual amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. Development Plan

Dublin City Development Plan 2016-2022

- Land - Use Zoning objective Z3 'To provide for and improve neighbourhood facilities', within which a Guesthouse is a permissible use.
- The car park area adjoining the site along the River Dodder is zoned Z9 to preserve, provide and improve recreational amenity and open space and green networks'
- Lands to the rear of the site are zoned Z15 'to protect and provide for institutional and community uses'

The following is relevant:

- Section 9.5.3 Flood Management
- Sections 16.11 Bed and Breakfasts, Guest Houses

Urban Development and Building Heights: Guidelines for Planning Authorities 2018

- Section 3 – Development Management Assessment Criteria.

5.2. Natural Heritage Designations

None

6.0 The Appeal

6.1. Grounds of Appeal

- Part of site on Z9 lands. This section of lands should not be zoned Z9 and is due to a mapping error.
- Mapping on site should fall under Z3
- Current proposal is significantly less than that previously granted under planning application 2676/11 by DCC.

- Reason for refusal given by ABP has been addressed in this application.
- Current development has a high plot ratio.
- Site will retain open aspect
- Design is responsive to the receiving environment and will provide for an active use at this location finished in high quality materials
- Existing building is not of any architectural value and the principle of demolition has been accepted by DCC.
- Levels to rear of site facilitate the development of a taller block at this point.
- Flood risk assessment has been submitted.
- Other matters raised can be dealt with by condition

6.2. **Planning Authority Response**

- None

6.3. **Observations**

Two observations have been received and refer to the following:

- The surrounding landscape is sensitive
- Issue pertaining to zoning objective
- Overdevelopment of site
- Site located in an area at risk of flooding
- Archaeological impacts
- Height is excessive
- Incompatible design
- Important community facility
- Inadequate traffic arrangements proposed

7.0 Assessment

- 7.1. The site which contains an existing commercial property is largely located within an area zoned Z3 which seeks to 'provide for and improve neighbourhood facilities'. The provision of a guest house within this zoning objective is accepted.
- 7.2. It is important to highlight at the outset that there has been a previous refusal for a commercial development by the Board at this site. The current development has been significantly reduced in scale from 5,038sqm to 2,047sqm and the revised design seeks to reduce the overall bulk and height of the building. The main issues relating to this development are as follows:
- Development Plan zoning
 - Design & height
 - Access & Car parking
 - Archaeology
 - Other matters

Development Plan Zoning

- 7.3. A limited area to the rear of the existing building is located within an area zoned Z15 and appears to be an over spill from the hospital lands to the north. Having regard to the location of the existing embankment separating the appeal site and that of Clonskeagh Hospital and the significantly limited parcel of land affected by this zoning objective it is considered that this zoning was not intended to be an impediment to the development of the appeal site and appears to be a mapping error.
- 7.4. The proposed development is within the footprint of the existing building. A previous application for the redevelopment of this site was refused by the Board. The first reason for refusal referred to the extent upon which the development would encroach on land with a Z9 zoning objective. The revised proposal has reduced the overall width of the building from 53.5 metres to c.30 metres thus reducing the encroachment onto this zoning objective by c. 23 metres. The overall floor area as outlined above has also been significantly reduced from 5,038sqm to 2,047sqm. This reduction in scale and footprint is considered to adequately address the boards

previous concerns regarding the impact on the development upon the deliverability of zoning objective Z9.

- 7.5. Given that there is an existing commercial property on site and that the proposed development is largely within the footprint of this, it is considered that the development as proposed would not negatively impact upon the delivery of the overall Z9 objective for the adjacent lands. The redevelopment of this commercial site for a similar commercial use and guest house accommodation is therefore considered to be acceptable.

Design & Height

- 7.6. Both the planning authority reason for refusal and the previous refusal by the board relate to scale, form and design and as a consequence the impact on visual amenity of the area. The appeal site is located in a riverside setting along the banks of the River Dodder. The prevailing pattern of development within the vicinity of the appeal site is characterised by two storey terraced and semi-detached dwellings with red brick being the predominant finish.
- 7.7. It is proposed to develop a 3-5 storey building over basement, with a red brick and zinc finish incorporating grey aluminium window frames. It is of note that the application site is circa 2 metres below the level of the Clonskeagh Road. The lower portion of the building which accommodates three floors and has a stated height of c.13.7 metres will address the Clonskeagh Road. This elevation incorporates the main entrance to the building and provides direct access to the proposed bar/restaurant on this floor. Given the change in levels present, this element of the development will appear lower when viewed from the Clonskeagh Road and is reflective of the existing two storey terraced units directly opposite the appeal site and the red brick terraced dwellings to the north east of the site.
- 7.8. I considered that the finishes and design of this lower element of the proposal is in keeping with the overall character of the area and will assimilate appropriately into the existing streetscape in accordance with the requirements of Section 3.2 of the Urban Development and Building Heights Guidelines for Planning Authorities 2018 in which is stated that buildings must 'respond to the scale of adjoining developments and create visual interest in the streetscape'.

- 7.9. To the west of the appeal site the building increases in height stepping up from the 3 floors to 4 and onto to 5 at the most western point. The northern elevation of the proposed development directly abuts an earth bank which rises from the appeal site towards the existing Clonskeagh hospital by c. 6.83 metres. The highest point of this bank at present reflects the roof level of the current building within the appeal site along the Clonskeagh Road. This bank is densely planted with mature trees and continues in an westerly directly along the full northern boundary of the site, acting as a significant visual buffer between the appeal site and Clonskeagh Hospital grounds.
- 7.10. Having regard to the foregoing and the provisions of Section 3.6 of the Urban Development and Building Height Guidelines in which it is stated that, '4 storeys or more can be accommodated alongside existing larger buildings, trees and parkland, river/sea frontage or along wider streets', it is considered that the overall height of the development rising to 5 floors is acceptable at this inner suburb location.
- 7.11. As mentioned above in Section 7.3, the overall scale of the building proposed has been reduced from that assessed under the previous appeal. The revised development appears to have addressed the concerns raised by the Board regarding excessive scale and bulk and the overall dominance of the building within the streetscape.
- 7.12. I considered that the proposal whilst optimising floorspace for the proposed guesthouse adequately addresses the characteristics of the site through the provision of various heights and roof forms. The provision of a three storey block adjacent to the Clonskeagh Road with higher elements set back from the public road reduce the overall perception of mass and provide for a more suitable building at this location.
- 7.13. In terms of plot ratio I note that Section 16.5 of the Dublin City Development Plan 2016-2022 indicates that a plot ratio of 2:3 would be acceptable for the proposed use. The plot ratio of the current scheme is significantly higher as the proposed building will cover the footprint of the site. This Section of the plan also refers to circumstances where higher plot ratios are deemed to be acceptable. Sites which have an existing high plot ratio are listed as exceptions to these calculations. The existing building within the appeal site largely covers the full landholding and as such

it is considered to be an exception within this criterion. The redevelopment of this building will not significantly increase the footprint of the existing structure therefore the increase in plot ratio and site coverage is considered to be acceptable at this highly accessible location and would not result in an incongruous development to the detriment of the character or appearance of the area.

Flooding

- 7.14. The applicant has submitted additional information in relation to flooding within the grounds of the appeal in order to address the concerns of Dublin City Council Drainage Division.
- 7.15. The FRA submitted states that the appeal site is located within flood zone B. The lands are at risk of flood from both fluvial and pluvial sources. It is stated within the FRA submitted that the proposed development is classified as a commercial premise and as such a justification test is not required. This is not considered to be correct. The dominant use of the proposed development is a guest house in which patrons will reside albeit for a short period. Residential uses such as hostels are classified as highly vulnerable uses within the Flood Guidelines. The proposed guesthouse by reason of providing a residential facility falls into this category for flood risk purposes. As per Section 3.5 of 'The Planning System and Flood Risk Management: Guidelines for Planning Authorities, 2009', the proposed development which is located in an area moderately at risk of flood must meet all the requirements of the Justification Test.
- 7.16. The particulars of the proposed development and the information supplied within the FRA submitted have been assessed against the requirements of the justification test and are considered to meet all of the requirements outlined as follows:
- The proposed appeal site is appropriately zoned and consists of entirely brownfield lands.
 - The development will not require the removal of any existing green areas and as such will not increase flood risk elsewhere.
 - It is proposed by the applicant within the FRA submitted to increase attenuation storage on site in order to reduce flood risk within the site.
 - A number of mitigation measures which include the development of only commercial floorspace at basement and ground floors, flood alarms,

raised finished floor levels and the development of a reinforced concrete basement have also been proposed and meet the requirements of the justification test.

- 7.17. Having regard to the foregoing it is considered that the proposed redevelopment of this existing commercial building will not give rise to any issues in relation to flooding and is considered to be acceptable in this regard.

Access & Car Parking

- 7.18. It is proposed to access the proposed development from the existing ramp via the Clonskeagh Road. The development will be a car free facility with no associated car parking. This area is well serviced by public transport and a bus stop is located directly adjacent to the site. In addition, there is an existing large public car park directly in front of the site which may be utilised by patrons if required. Given the inner suburban location of this site, the frequency of public transport available directly outside of the proposed building and the nature of the use as a guest house it is considered that the development of a car free facility is acceptable and will encourage the use of sustainable modes of transport within the city.

Archaeology

- 7.19. It is of note that the development site is located north of the boundary associated with Recorded Monument and Place (RMP) DU022-090 (Bridge) and a further RMP site DU022-089 (Ringfort) is located east of the proposed site. It is stated within the Dublin City Conservation Officer's report that there are possible remains of 16th & 17th Century buildings. No archaeological assessment has been submitted with the planning application. A condition is therefore recommended should the Board be minded to grant permission, which will require archaeological monitoring of site works.

Appropriate Assessment

- 7.20. It is of note that the site is located adjacent to the River Dodder which provides a hydrological link from the site to the South Dublin Bay SAC and the River Tolka Estuary SPA which are in excess of 9km east and north east of the site. The site is separated from this river by a large public car park. The proposed development will replace an existing building and is located within an entirely brownfield serviced site. Therefore, having regard to the nature of the development, its location in a serviced

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

Conclusion

- 7.21. In conclusion, having regard the overall design, scale and bulk of the proposed development which has been significantly reduced from that previously refused by the Board ref: 240462, it is considered that this revised scheme will not give rise to any serious negative impacts on the character of the surrounding area or on the immediate streetscape.
- 7.22. The development will provide a much need guest house facility within this inner suburban location adjacent to one of the City's largest universities and served by a high frequency bus service. The proposed development is therefore considered to be in accordance with the proper planning and sustainable development of the area.

8.0 Recommendation

- 8.1. It is recommended that permission is granted.

9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the Dublin City Development Plan 2016-2022, the existing pattern of development in the area, and the nature and scale of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would not give rise to impacts on archaeology or exacerbate flooding in the area. 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 in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

3. Water supply and drainage arrangements, including the disposal and attenuation 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. 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 interest of sustainable waste management

5. No signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles, shall be erected within the site unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

6. The sound levels from any loudspeaker announcements, music or other material projected in or from the premises shall be controlled so as to ensure the sound is not audible in adjoining premises or at two metres from the frontage.

Reason: In the interests of environmental amenity.

7. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which 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, and

(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

(i) the nature and location of archaeological material on the site, and

(ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

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 area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

8. 3 no. bicycle parking spaces shall be provided within the site. The layout and 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. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours 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 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.

Sarah Lynch
Planning Inspector

10th December 2018