



An
Bord
Pleanála

Inspector's Report

ABP-303972-19

Development

Revisions to permission for mixed retail/residential development for increase from 28 apartments/duplex units to 48 apartments; increase size of retail unit; change of building type.

Location

St. James' Road & Limekiln Green, Greenhills, Dublin 12.

Planning Authority

South Dublin County Council

Planning Authority Reg. Ref.

SD18A/0449

Applicant(s)

Double E Investments Ltd.

Type of Application

Permission

Planning Authority Decision

Refuse permission

Type of Appeal

First Party

Appellant(s)

Double E Investments Ltd.

Observer(s)

Noeleen Hynes-Gorman & Others
Stephen Nugent & Others
Cllr. Dermot Looney & Others

Date of Site Inspection

30th June 2019

Inspector

Michael Dillon

1.0 Site Location and Description

- 1.1. The site, with a stated area of 0.5067ha, is located within suburban Greenhills, southwest of Dublin City centre. The site is relatively flat. The eastern portion was occupied by a two-storey public house and off-licence – with associated surface car-parking on three sides. This structure has since been demolished. There is vehicular access to the public house site from the road to the east (Limekiln Green), and pedestrian access from St. James' Road and Limekiln Green. The western portion of the site was brownfield land, on which only the floorplate remained of a former neighbourhood shopping centre. There is vehicular access to this part of the site from St. James' Road to the north and from Limekiln Green to the south. There are footpaths along all roadside frontages with recently inserted stainless steel bollards and new standard trees. The 50kph speed restriction applies in this area. Public lighting is in place. Dublin Bus operates a Route No. 9 along St. James' Road.
- 1.2. The site is now entirely surrounded by a high timber hoarding. Construction has commenced on a permitted mixed-use commercial/residential development – and is up to first floor level. A temporary lattice mast for telecommunications has been erected at the southern end of the site (presumably replacing what used to exist on the roof of the public house).
- 1.3. To the north, the site abuts St. James' Road – the boundary with which is a low wall and railings on the public house boundary and a low wall and fence on the boundary with the vacant site. To the east, the site abuts Limekiln Green – the boundary with which is a low wall, surmounted by railings. To the south, the site abuts Limekiln Green, and wraps around (on three sides), a small development of 8 no. two-storey townhouses (Limekiln Court) – the boundary with which is a low wall and railings on the boundary with Limekiln Green and a 2.0m high fence with the houses in Limekiln Court. To the west, the site abuts the curtilage of a scout hall and a vehicular laneway running along the side of a terrace of two-storey houses fronting onto St. James' Road (the gable elevation of no. 354 being the closest to the laneway) – the boundary with which is a wall of varying height – up to 3.5m.

2.0 Proposed Development

2.1. Permission sought on 21st December 2018, for revisions to planning permission granted for a mixed-use retail/residential development as follows-

- Exclusion of stair-core no. 1 at ground- and first-floor level.
- Increase in floor area of retail Unit 1 by 18m².
- Increase in number of residential units from 26 to 48 apartments, at first, second and third floor levels. This involves changes to the floor areas of apartments – and in particular the omission of three-bedroom units.
- Telecommunications antenna and dishes at roof level.

2.2. The application is accompanied by the following documentation of note-

- Letter from GoCar (undated) – confirming supply of 2 no. cars to this site.
- Engineering Report (dated December 2018).
- Schedule of apartment types A-G.

3.0 Planning Authority Decision

By Order dated 21st December 2018, South Dublin County Council issued a Notification of decision to refuse planning permission for 3 no. reasons which can be summarised as follows-

1. Design, scale and layout of the building would result in overlooking and overshadowing of residential properties to south and west. Development would contravene policies UC5 and H15 of the Development Plan.
2. Under-provision of car-parking spaces would promote on-street parking, where such is not available, and so, would result in illegal parking, which would constitute a traffic hazard.
3. Sub-standard level of amenity for future occupants of residential units-
 - Insufficient number of dual-aspect apartments.
 - Significant proportion of north-facing single-aspect units.
 - Absence of any communal open space or facilities.
 - Absence of detailed proposal for refuse storage.

4.0 Planning History

SD07A/0062: Permission granted on 25th April 2007, for three-storey-over-basement mixed-use, residential/commercial development on the western portion of the current appeal site. The development was never carried out.

SD07A/1061: Permission refused by SDCC for scheme involving demolition of first floor of existing public house (The Traders), extension of off-licence and public house, and construction of 14 no. apartments. On appeal by the 1st Party to the Board (**PL 06S.228478**), permission was refused on 28th October 2008. This site forms the eastern portion of the current appeal site.

SD08A/0655: Permission granted on 23rd December 2008, for single-storey extension of 74m² at ground level of the Traders public house – to include fast-food takeaway. This development was carried out.

SD16A/0060: Permission granted on 10th June 2016, to Double E Investments Ltd, for mixed-use retail/residential development on the current appeal site, which involved the following works of note-

- Demolition of existing public house (1,037m²), take-away (34m²) and betting office (47m²).
- Retention of public house basement (84m²).
- Construction of anchor retail unit (565m²) – incorporating ancillary off-licence element – Unit 6.
- 5 no. retail units (ranging from 101m² to 192m²).
- Doctor's surgery (137m²) – Unit 10.
- Public house (250m²) – Unit 7.
- Betting office (153m²) – Unit 8.
- Take-away.
- 26 no. apartments at first, second and part-third floor level – in a mix of one-, two- and three-bedroom units.
- Signage.
- ESB sub-station.

- Waste storage and other ancillary development.
- Vehicular access to site from St. James' Road, Limekiln Green (to east) and Limekiln Green to south.
- Retention of 38 no. parking spaces and provision of 33 no. surface spaces, and provision of 27 no. spaces on St. James' Road and Limekiln Green.

Development work on this permission has commenced.

5.0 Policy Context

5.1. National Policy

5.1.1. National Planning Framework 2018

This document sets out a number of national objectives, of which the following are of note-

- Objective 3c: to deliver at least 50% of new houses in the city/suburbs of Dublin, Cork, Galway, Limerick and Waterford.
- Objective 11: to favour development that can encourage more people to live or work in existing settlements.
- Objective 27: to prioritise walking and cycling accessibility to existing and proposed development.
- Objective 33: to prioritise the provision of new homes that can support sustainable development.
- Objective 35: to increase residential density in settlements.

5.1.2. Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 2009

This document sets out general principles of sustainable development and residential design, including the need to prioritise walking, cycling and public transport over the use of cars; and to provide residents with quality-of-life in terms of amenity, safety and convenience. Section 5.11 states that densities for housing development on outer suburban greenfield sites, of between 35 and 50 units/ha, will be encouraged; and those below 30 units/ha will be discouraged. A design manual

accompanies the Guidelines, which lays out 12 principles for urban residential design.

5.1.3. Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments 2018

This design document contains several specific requirements, for which compliance is mandatory. The minimum floor area for one-bedroom apartments is 45m², for two-bedroom apartments it is 73m² and for three-bedrooms it is 90m². Most apartments in new schemes of more than 10 units must exceed the minimum floor areas by at least 10%. Requirements for individual rooms, storage and private amenity space are set out in the Appendix to the Guidelines; including a requirement for 3m² storage for one-bedroom apartments, 6m² for two-bedroom apartments and 9m² for three-bedroom apartments. Section 3.17 states- “Accordingly, it is a policy requirement that apartment schemes deliver at least 33% of the units as dual aspect in more central and accessible and some intermediate locations, i.e. on sites near to city or town centres, close to high quality public transport or in SDZ areas, or where it is necessary to ensure good street frontage and subject to high quality design. Where there is a greater freedom in design terms, such as in larger apartment developments on greenfield or standalone brownfield regeneration sites where requirements like street frontage are less onerous, it is an objective that there shall be a minimum of 50% dual aspect apartments”. Section 3.18 states- “Where single aspect apartments are provided, the number of south facing units should be maximised, with west or east facing single aspect units also being acceptable. Living spaces in apartments should provide for direct sunlight for some part of the day. North facing single aspect apartments may be considered where overlooking a significant amenity such as a public park, garden or formal space, or a water body or some other amenity feature”.

5.1.4. Guidelines for Planning Authorities on Urban Development and Building Heights 2018

These Guidelines state at section 3.1- “There is therefore a presumption in favour of buildings of increased height in our town/city cores and in other urban locations with good public transport accessibility”. Section 3.6 states that development in suburban locations should include an effective mix of two-, three- and four-storey development. SPPR 4 requires that the Planning Authority must secure a mix of

building heights and types, and the minimum densities required under the 2009 Guidelines in the future development of greenfield and edge-of-city sites.

5.1.5. Design Manual for Urban Roads and Streets 2013 (DMURS)

Section 1.2 of this document sets out the policy that street layouts should be interconnected to encourage walking and cycling and offer easy access to public transport. Section 3.2 identifies different types of street. Arterial streets are major routes, link streets provide links to arterial streets or between neighbourhoods, while local streets provide access within communities. Section 3.3.2 recommends that block sizes in new areas should not be excessively large, with dimensions of 60-80m being optimal and 100m reasonable in suburban areas. However maximum block dimensions should not exceed 120m. Section 4.4.1 states that the standard lane width on link and arterial streets should be 3.25m, while carriageway width on local streets should be 5.0-5.5m or 4.8m where a shared surface is proposed.

5.1.6. The Planning System and Flood Risk Management: Guidelines for Planning Authorities 2009

This document sets out the methodology for considering flood risk, in the context of development management. The Guidelines distinguish between three flood zones; Zone A where there is a high probability of flooding, and where only flood-compatible development (for instance docks, marinas, amenity open space) is appropriate. Zone B is at moderate risk of flooding, where highly-vulnerable uses (hospitals, care homes, houses and strategic transport and utilities) should be avoided. Zone C has a low probability of flooding, where housing and other vulnerable uses can be appropriately located within this zone.

5.2. **Development Plan**

5.2.1. The relevant document is the South Dublin County Council Development Plan 2016-2022. The site is zoned 'LC' – "To protect, improve and provide for the future development of Local Centres". All of the uses proposed are 'Permitted in Principle' within this zoning.

5.2.2. UC5 Objective 1 states- "To support the improvement of local centres, and encourage the use of upper floors, with due cognisance to the quality of urban design, integration, linkage, accessibility and protection of residential amenity". Specific Local Objective (SLO 1) of UC5 relates to this site, and states- "To promote

and facilitate appropriate development at the former McHugh's Shopping Arcade site on St. James' Road, Greenhills to provide for both community and commercial services for local residents".

- 5.2.3. Housing (H) Policy 15 states at Objective 4- "To ensure that opposing balconies and windows at above ground floor level have an adequate separation distance, design or positioning to safeguard privacy without compromising internal residential amenity".
- 5.2.4. Table 11.22 of the Plan sets out minimum bicycle parking rates – requiring one per 5 apartments, with varying requirement for commercial uses proposed.
- 5.2.5. Table 11.23 sets out maximum parking rates (non-residential), whilst Table 11.24 sets out maximum parking rates for residential use.

5.3. Natural Heritage Designations

The site is neither within nor immediately abutting any nature conservation site.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The appeal from Hughes Planning & Development Consultants, agent on behalf of the applicant, Double E Investments Ltd, received by An Bord Pleanála on 19th March 2019, can be summarised in bullet point format as follows-

- An alternative design option is submitted, for the consideration of the Board, to overcome the reasons for refusal quoted by SDCC. This involves the following-
 - Omission of 4 no. third floor apartments
 - Introduction of communal amenity room and communal roof garden at third floor level.
 - Introduction of additional east-facing windows at first and second floor level for apartments 113, 116, 213 & 216.
 - Provision of additional bicycle parking spaces adjacent to the southern boundary of the site.

- Provision of additional waste storage area adjacent to existing waste storage area.
- Omission of apartments will reduce the potential for overlooking and overshadowing. It will also facilitate the provision of communal facilities and open space for residents.
- One of the waste storage areas will be designated for apartment occupants.
- The intensification of a previously-approved, mixed-use development is in accordance with national planning policy to increase density.
- The parking provision is sufficient to serve the extended development. Permission SD16A/0060 made provision for 83 no. spaces – both within the site and on-street. The parking calculations carried out by the Roads Department are incorrect. The Roads Department did not factor into consideration the frequency of Dublin Bus Route 9 – as defined in the County Development Plan 2016-2022. This bus route has a frequency of every ten minutes. The appeal site falls within Zone 2 of Table 24 of the Plan – where a high-quality bus service is available. The proposed development would require 98 spaces by reference to Zone 2, and not 156 as claimed by the Roads Department. Table 1.1 of Appendix D submission to An Bord Pleanála, is included here for clarity – with revised Zone 2 calculations. In addition, ‘GoCar’ have expressed interest in providing two cars for the development. The shortfall in parking is only 15 spaces.
- A TRICS Parking Accumulation Study was carried out by NCB Consultant Engineers which found that maximum parking demand for the site would be at 1900 hours; and would require 75 spaces at worst.
- The development is compliant with the standards for new apartments (2018).
- The development is compliant with new Government guidelines in relation to building heights – issued in 2018.
- There will be no significant degree of overlooking or overshadowing of residential units at Limekiln Court. These units were designed to turn their backs on the former shopping centre on this site, and address Limekiln Green. Ground floor level windows on the northern elevation of houses within Limekiln Court are in obscured glazing.

- The western boundary abuts a scouting den and a laneway. No. 354 St. James' Road presents a blank gable elevation to the site. A new access (3m wide) is proposed within the development site along the western boundary. Upper floors of the apartment building are stepped back from the ground floor footprint of the building – resulting in a 9.5m separation from no. 354 St. James' Road. Any kitchen windows within the western elevation of the apartment building are high-level windows.
- There will be no impact on residential buildings to the east of the site – separated from the apartment building by 27m.
- The development is a revision of a previously-approved scheme, which was similar in footprint, scale and height. The proposed development seeks to fill out the upper floors and intensify the development. The development is not overbearing. The majority of shadow cast will fall within the site itself or on St. James' Road. The development is not in contravention of Policy UC5 or SLO 1. Application ref. SD16A/0060 was considered to be compliant with SLO 1 of UC5. The development seeks to provide local community and commercial services in an area which lacks a town centre or shopping centre.
- The third reason for refusal related to impact on amenity of future residents. Some 56% of the apartments are dual-aspect. This is in accordance with the requirements of Apartments Guidelines 2018, where at least 33% of units should be dual aspect. North-facing apartments will have an outlook over Greenhills Park – again in accordance with the Guidelines. Additional windows have been proposed in the eastern elevation of the building, to improve the quality of dual-aspect units. East and west-facing windows have now been provided in units 301, 311 & 312.
- Each apartment contains a private balcony. The omission of communal open space is considered appropriate – given the proximity of Greenhills Park and Tymon Park. The revised design proposal for the consideration of the Board includes a community room/open space area at roof level on the third floor.

6.1.2. The appeal is accompanied by the following documentation of note-

- Waste volume and storage calculations for the apartments.
- Parking Assessment Report (dated 15th March 2019).

6.2. Planning Authority Response

The response of South Dublin County Council, received by An Bord Pleanála on 27th March 2019, indicates that the PA has no further comment to make.

6.3. Observations

6.3.1. There are three observations from the following – all received on 15th April 2019-

- Noeleen Hynes-Gorman & Others.
- Stephen Nugent & Others.
- Cllr. Dermot Looney & Others.

6.3.2. The issues raised can be summarised in bullet point format as follows-

- The density and scale are excessive – particularly the height
- The development will overlook existing houses in the immediate vicinity – resulting in loss of privacy
- Increased traffic will result in traffic hazard.
- There is insufficient parking provided.
- The removal of 4 apartments by the developer is not enough to assuage the concerns of residents.
- Open space to be provided on the 3rd floor is a potentially significant change – depending on what the space is used for.
- Residents have been waiting a considerable time for the redevelopment of this shopping centre – to provide for community facilities.
- The proposal represents overdevelopment of this site. The original development, which is under construction, is a more appropriate quantum of development for this site. Policy UC5 of the Development Plan, makes clear that existing residential amenities should be protected.
- The reasons for refusal quoted by the PA are supported by the observers to this appeal.
- The appeal is littered with errors. The appeal site is not located close to the 27 and 77A bus routes.

- This is an inappropriate and undemocratic way to proceed with development (whilst admitting that it may be legal). Attempts to delete 4 apartments and make other changes to the scheme, by way of submission to An Bord Pleanála, should have been done by way of submission of a new planning application to SDCC.
- Limekiln is residential neighbourhood, comprised entirely of two-storey houses. There is not the mixture of building styles in the immediate vicinity, which the applicant claims. The only non-residential buildings in the area are a school and scout den.
- The applicant has misquoted the Urban Development and Building Heights – Guidelines for Planning Authorities (December 2018). The site is not within the town/city core, but rather a quiet suburban area. The site cannot even be considered “other urban locations with good public transport accessibility”.
- The No. 9 bus service is currently under review, as part of the Bus Connects Network Redesign. The No. 15A service is proposed for removal – replaced by the F spine route.
- The reference to the housing crisis by the applicant is a cynical and manipulative attempt to ‘sweat’ this site. The permitted development of 26 no. apartments on this site is already an intensification.

6.3.3. One of the observations is accompanied by a petition of objectors.

7.0 **Assessment**

The principal issues of this appeal relate to residential amenity, parking, and compliance with national guidance on residential development and apartment Guidelines standards.

7.1. **National Policy**

7.1.1. The Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments 2018, contain several requirements for new apartments: minimum floor area of 45m² for one-bedroom apartments and 73m² for two-bedroom apartments: I note that there are no studios or three-bedroom apartments within the scheme. Most of proposed apartments in schemes of more

than 10 units, must exceed the minimum by at least 10%. Requirements for individual rooms, for storage and for private amenities space are set out in the Appendix to the Guidelines: including a requirement for 3m² storage for one-bedroom apartments and 6m² for two-bedroom apartments. All the apartments exceed the minimum floor areas, and 10% exceed the minimum standards. All provide private open space in accordance with current guidance. I calculate that only 14 of the 44 units (as per the revised scheme submitted for consideration of the Board) are dual-aspect, where it is a policy requirement that apartment schemes on standalone brownfield regeneration sites (such as this one) where requirements like street frontage are less onerous, have a minimum of 50% dual-aspect apartments. I note that the applicant claims that 56% of units are dual-aspect: whereas I calculate that just under 30% are dual-aspect. Of the remaining 30 no. single-aspect units, some 13 face due north. In mitigation of this, I note that most of the 13 units would overlook Greenhills Park – on the opposite side of St. James' Road. The Guidelines do allow for north-facing units, where there is compensation in the form of outlook across a water body or large open space area. I conclude, therefore, that the proposed units meet the guidance standards. I would note that the originally-permitted scheme had a much lower proportion of single-aspect apartment units – all of which were south-facing.

- 7.1.2. Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (DoEH&LG, 2009), advise that minimum residential densities in the range of 30-50 units per ha are appropriate in proximity to larger towns and cities and close to quality bus corridors, the Luas and DART. The proposal is for 48 apartments within a mixed-use scheme – where the entire ground floor is given over to commercial uses. Therefore, the density requirements are not strictly applicable. Suffice to say, that the residential density proposed (allowing for a reduction of four residential units, as proposed by way of 1st Party appeal) – now 44 no. apartments – is high, at 87 units per ha; not taking into consideration ground-floor commercial development. This is an outer suburban location – in an area characterised by two-storey, terraced housing with gardens front and rear. The applicant contends that Route 9 is a high-quality bus service. This is not quite the same thing as a 'quality bus corridor', as referenced in the Guidelines. I would consider that the density of development proposed is too great for a such an outer suburban location, where residents would be more likely to have to rely on private cars for transport.

7.1.3. In the Guidelines for Planning Authorities on Urban Development and Building Heights (December 2018), Section 3.6 states that development in suburban locations should include an effective mix of two-, three- and four-storey development. Permission exists for a two-, three- and four-storey block on this site already. The proposed development will extend the first, second and third floors of the block – where permission already exists for three and four storeys. Having regard to the Guidelines and the site context, I conclude that the extended block would be in compliance with the Guidelines.

7.2. Development Plan

7.2.1. The first reason for refusal relates to contravention of polices of the Development Plan – UC5 and H15. Having regard to the fact that permission has already been granted for a two-, three- and four-storey block on this site, and that the proposed additional development falls within the footprint of the original block, as permitted, I would not consider that the development contravenes the Plan. The impact of the scheme, as revised by way of 1st Party appeal, will have a greater impact on the amenities of residential property in the vicinity – particularly houses at Limekiln Court and those houses immediately to the west on St. James' Road – in that the block has been expanded considerably – from 4,667m² to 6,417m² – an increase of 1,750m².

7.2.2. I have elsewhere in this report commented upon the parking standards set down in the Plan.

7.3. Layout & Design

7.3.1. Development has commenced on foot of permission ref. SD16A/0060, and is up to first floor level. There are 9 no. commercial units within the block. Units 1-5 are for general retail. Unit 1 is to be increased in floor area by 18m² – the space incorporated from a now-omitted stair-core (which originally was intended to serve two apartment units). Unit 6 is the anchor unit, and the existing basement (84m²) of the former public house on this site, is to be given over to this unit. Unit 7 is the replacement public house. Unit 8 is a betting office, and Unit 10 is the doctors' surgery. There does not appear to be any Unit 9 within the scheme. I note that

there appears to be no dedicated outdoor smoking area for the public house (Unit 7). The alterations proposed at ground floor level are minimal, and are acceptable.

- 7.3.2. The proposed development would see an extension of the permitted block – particularly to the north, but also to the west, at first-, second- and third floor levels. This has the effect of increasing the depth of the building to a maximum 22.6m, where before it was an average of 15m in depth – increasing to up to maximum 23.0m in one area.
- 7.3.3. The site wraps around Limekiln Court (a development of 8 no. two-storey houses) on three sides. These units have been designed to face onto Limekiln Green (and turn their backs to the former shopping centre); and have limited fenestration on their northern elevations. The proposed block will be constructed just over 4m from this terrace of houses. The four-storey block will appear to tower over the houses – notwithstanding that the three upper floors have been set back from the ground floor building line by between 3.5m and 4.4m. The proposed development would not result in the upper floors of the block being closer to the Limekiln Court houses than was provided for by way of permission ref. SD16A/0060 – although the originally-permitted block stepped back from the western boundary, which had the effect of lessening the impact on Limekiln Court houses. Limekiln Court was built when the shopping centre to the north was in existence, and has been designed to have only doors and utility windows facing north towards the appeal site. Permission already exists for a three- and four-storey block on this site, and the proposed alterations (as amended by way of 1st Party appeal to An Bord Pleanála), will have a greater impact on these houses, than the parent permission (now under construction) would have. This is also true for houses immediately to the west of the block on St. James' Road.
- 7.3.4. The site is located in close proximity to Greenhills Park (on the opposite side of St. James' Road). The larger Tymon Park is located within easy walking distance to the west and south. This proximity, to some extent, mitigates the complete absence of communal public open space within the development. The 1st Party appeal provided for an outdoor terrace area at third floor level, for residents' use. This outdoor area can only be accessed through a 'Communal Amenity Room'. In practice this outdoor area would be of little practical or convenient amenity use to residents. I note that residents of apartments accessed via stair-core 3 would have to exit the block and then re-enter it via stair-core 1 or 2, to access this community room and external area. Observers have expressed concern in relation to noise nuisance from this

outdoor area – which had not been included in original plans. I can understand concerns, particularly in relation to potential use of this facility for parties. I would not consider that it would be of much use for residents – other than perhaps for meetings. However, on the whole, I consider that its provision for residents does go some small way towards offering communal facilities, in a scheme which is sorely lacking in such provision. I further note that permission ref. SD16A/0060 did provide for a similar Residents' Meeting Room and external open space – located at the eastern end of the block. Overall, the proposed development does not offer any improvement or dis-improvement for future residents over and above the permitted development on this site – ref. SD16A/0060. However, I would note that under the proposed scheme more residents would be subjected to the poor-quality provision of communal open space and facilities than would be the case under the existing permission.

- 7.3.5. There are now three stair-cores proposed within the building – all of which have associated lifts. The provision of lifts is in accordance with the requirements of the Apartments Guidelines 2018.
- 7.3.6. There are two bin stores provided at ground level to the rear of the block. Access to these bin stores for apartments accessed from stair-cores 1 & 2 is reasonable but involves a longer walk for residents accessing from stair-core 3. The 1st Party appeal documentation provided for an additional dedicated apartment waste storage area (adjacent to the two stores originally proposed). The position of the waste storage areas is not convenient for all commercial units either – the exception being Units 5, 6 & 10. The waste storage area is particularly inconveniently located for Units 1-4 and the public house at Unit 7. However, as the proposed development is for amendments to a previously-permitted scheme, I would not consider that the proposed development will significantly add to or detract from what has already been permitted. However, I would note that under the proposed scheme more residents would be subjected to the poor-quality access arrangements, than would be the case under the existing permission.
- 7.3.7. There is one small residents' storage area at ground floor – accessed from a corridor at stair-core 1. This is the only such facility with the block. Apart from this, all storage for apartment occupants is provided within the apartments themselves. This is a very small area for storage of large items of sporting equipment (canoes, surfboards, paddle-boards), car roof-boxes, children's go-karts, barbeques, balcony

furniture etc. However, as the proposed development is for amendments to a previously-permitted scheme, I would not consider that the proposed development will significantly add to or detract from what has already been permitted. However, I would note that under the proposed scheme more residents would be subjected to the poor-quality provision for bulky storage, than would be the case under the existing permission.

- 7.3.8. The landscaping for this development is limited; amounting to a small number of trees planted within the car-park, together with incidental strips along the side of the building or at turning areas. I note that there are some recently planted standard trees within the footpath reservations on the three sides of this site. However, as the proposed development is for amendments to a previously-permitted scheme, I would not consider that the proposed development will significantly add to or detract from what has already been permitted. However, I would note that under the proposed scheme more residents would be subjected to the poor-quality provision of communal open space and landscaping, than would be the case under the existing permission.
- 7.3.9. External finishes comprise coloured render, brickwork, and composite stone cladding: this palette of materials is not wide. All elevations of the building are uniform and undistinguished. The undistinguished eastern and western elevations of the building will be made more dominant by the increase in the depth of the building by way of this revised application: the western elevation of the building is particularly poor. The 1st Party appeal provides for small improvement in this elevation, through revised fenestration. Revised proposals for increased fenestration in the eastern and western elevations of the block constitute a small improvement in the overall appearance. The roof-line contains no relief or accent/emphasis. The revised design of the block, by way of 1st Party appeal, will somewhat reduce the monolithic appearance of the block, and provide for some degree of step-down at the eastern and western ends – although the stair-core at the eastern end will still rise the full four floors of the building. The design of the proposed block represents a considerable dis-improvement in architectural terms over what has previously been permitted on this site, and permission should be refused for this reason.

7.4. Access & Parking

- 7.4.1. The principal vehicular access points to the site are from St. James' Road to the north and Limekiln Road to the east. These are similar to the former vehicular access arrangements to the site, and I would see no difficulty with them. In addition, there is vehicular access for 5 no. parking spaces from Limekiln Green (on the southern boundary). These spaces are for staff at the doctor's surgery (Unit 10). There is an existing vehicular access at this location at present, and I would see no difficulty with the arrangement proposed. Patrons of the doctor's surgery would use the general parking spaces. Access to the surgery from the car-park is stated to be controlled by an electronic pedestrian gate – via an external passage along the western side of the block.
- 7.4.2. Some 64 shared, surface-level parking spaces are proposed on three sides of the building. An additional 5 spaces (with dedicated access from Limekiln Green) are proposed for use by staff of the doctor's surgery. Finally, the applicant proposes 14 no. on-street parking spaces on the three road frontages. Such spaces would, necessarily, be available to drivers in no way connected with the proposed development. I note that similar parking arrangements were put forward in relation to permission ref. SD16A/0060. The second reason for refusal relates to under-provision of car-parking. The applicant contends that the proximity of Dublin Bus Route no. 9 means that this site should be considered for parking purposes as Zone 2 rather than Zone 1 (as per Tables 11.23 & 11.24 – the former for non-residential uses and the latter for residential uses), because the site is within 400m of a 'high quality bus service'. The footnotes to Table 11.23 state at no. 5 – "A high frequency route is where buses operate with a minimum 10 minute frequency at peak times and a 20 minute off-peak frequency". I note from consultation of the Dublin Bus website, that Route no. 9 has an AM peak frequency of 10 minutes and a PM peak frequency of 15 minutes (not 10 minutes) and an off-peak frequency of 15 minutes. So, whilst the PM peak frequency is less than required for consideration of a 'high quality bus service', the off-peak frequency of 15 minutes is better than required for a 'high quality bus service'. The service would appear to meet almost all of the requirements for consideration of a site to be within Zone 2 of Tables 11.23 & 11.24 of the Plan for the purposes of calculating parking provision. I would be satisfied then, that the lower parking requirements of Zone 2 apply to this site – notwithstanding claims by observers that Dublin Bus routes are being re-examined

as part of the 'Bus Connects' project. This could be said of bus routes for the entire city and environs.

7.4.3. The parking requirements within Tables 11.23 & 11.24 area as follows-

- One -bedroom apartment – 0.75 spaces.
- Two-bedroom apartment – 1.0 spaces.
- Medical consulting – 1.5 per consulting room.
- Bar – 1 space per 40m².
- Retail convenience – 1 space per 25m².

7.4.4. The applicant argues that the shortfall in parking for this overall development is 15 spaces (both within the site and on nearby streets). This is largely accounted for by the increase in the number of apartment units – from 26 to 44 – as there is little change in the floor area of the commercial element of the scheme (an additional 18m²). This parking shortfall is to be mitigated by provision of two 'GoCar' vehicles within the parking area of the site – for use by future residents. I would not be satisfied that the shortfall in parking spaces could be satisfactorily mitigated in this manner, where the floor area of the block has been substantially increased from 4,667m² to 6,417m², and where there has been no increase in the level of car-parking proposed. I note that parking spaces will not be allocated – in that there will be no dedicated residential parking. There is a strong likelihood that residents of the scheme and patrons of the commercial facilities alike, will have to park on surrounding streets at certain times, resulting in conflict with existing residents of the area. Permission should be refused for this reason.

7.4.5. There is no dedicated delivery bay for commercial units. Instead 9 no. car-parking spaces are to double-up as a delivery/loading area. Just what would happen if cars were already parked in this area when a truck or van wished to service the commercial units is not clear. A dedicated delivery/loading area should be provided for the commercial units – otherwise trucks may have to use adjoining streets, which would be detrimental to residential amenities and traffic safety, where St. James' Road is bus route and where there is a school located on the opposite side of the road.

7.4.6. Table 11.22 of the Development Plan sets out the requirement for bicycle parking spaces. Drawings submitted show 10 external bicycle parking spaces at the western

end of the development: such would be suitable for patrons of the commercial facilities. The 1st Party appeal made provision for an additional 10 no. bicycle parking spaces adjacent to the southern boundary. The Development Plan requires one parking space per five apartments – a requirement for 9 spaces for a development of this nature. Bicycle parking at ground floor, is indicated beneath each of the three stair-cores. This is a less than ideal arrangement – and a dedicated lock-up shed or store for bicycles would be desirable for a scheme of this size. It is likely that the area under stairs could be used for storage of perambulators or other larger household items.

7.5. **Water**

7.5.1. Water Supply

Documentation submitted with the application indicates that the source of water supply is the public mains. The application was referred to IW for comment, but none was received. The stated demand is 1.37 litres/second – supplied by a 100mm diameter pipe. Having regard to the nature of the proposed development (amendments to a previously-permitted scheme), I would be satisfied that permission could be granted, subject to attachment of a standard condition in relation to consultation with IW in relation to water connections. The application does not include any water supply/drainage drawings, as the footprint of the building remains the same as that for which permission was granted ref. SD16A/0060.

7.5.2. Foul Waste

The application was accompanied by an Engineering Report – stating that discharge will be from two pipes, to a 225mm diameter main sewer within Limekiln Green to the south of the site. Foul effluent is to be discharged to the public foul sewer. The application was referred to IW for comment, but none was received. Having regard to the nature of the proposed development (amendments to a previously-permitted scheme), I would be satisfied that permission could be granted, subject to attachment of a standard condition in relation to consultation with IW in relation to water connections.

7.5.3. Surface Water

The disposal of surface water is to the existing surface water sewer network. Permeable paving will be used in the car-parking area. An Engineering Report,

which accompanies the application, states that surface water attenuation is to be provided beneath the car-parking area in the southeastern part of the site (187m³). Outfall will be throttled at 1.4 l/s using an 'Hydrobrake' mechanism. A petrol interceptor will also be incorporated on the system. There are no drawings submitted. However, as the proposed development does not involve any increase in hard-surfaced areas (over and above the parent permission ref. SD16A/0060), I would be satisfied that the development will not have any increased impact on the surface water sewer network.

7.5.4. Flooding

Permission has previously been granted for a mixed-use development on this site. The proposed development will not make any significant alteration to site coverage, and so the situation in relation to flooding will not be altered. The Engineering Report which accompanies the application, states that the site is located within Flood Zone C. As the proposed development does not involve any increase in hard-surfaced areas (over and above the parent permission ref. SD16A/0060), I would be satisfied that the development will not have any impact on flooding of the site or adjoining roads or lands.

7.6. **Other Issues**

7.6.1. Development Contribution

As planning permission was refused by SDCC, there is no indication of the level of development contribution which would have to be paid in the event of a grant of permission for the development. If the Board is minded to grant permission, a condition should be attached requiring payment of a development contribution in accordance with the South Dublin County Council Development Contribution Scheme.

7.6.2. Appropriate Assessment

Having regard to limited nature of the proposed development, and to the fact that it will be connected to the public sewer network, 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 an European site.

7.6.3. Environmental Impact Assessment

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 stage, and a screening determination is not required.

7.6.4. Social & Affordable Housing

As permission for this development was refused, there is no indication of what requirement would be made of the developer in relation to Part V. Condition no. 3 of the parent permission dealt with Part V. A report from the Housing Department of SDCC (dated 1st February 2019), indicates that employees have not been in contact with the developer in relation to an increase in the number of residential units on this site: rather with respect to revising the agreement to lease units only. Any increase in the number of residential units is a matter for the Planning Department. If the Board is minded to grant permission, a condition should be attached in relation to compliance with Part V.

7.6.5. Signage

A 4m high, stand-alone totem sign is proposed on St. James' Road. There is no drawing submitted of this sign – although I note that the parent permission included the sign in the site layout plan. Drawings indicate general size of signage above the commercial elements – without being more specific. Any grant of permission should require details of the signage to be submitted for the written agreement of the planning authority.

7.6.6. Telecommunications Equipment

There was telecommunications equipment mounted on the roof of the public house which once stood on this site. The parent permission ref. SD16A/0060 makes no reference to telecommunications. A temporary mobile phone mast has been erected near the southern boundary of the site. The current application/appeal seeks permission to erect antennae and dishes at roof level of the amended building – in one location, at the eastern end. This is shown in plan form, but none of the elevation drawings indicate the nature and extent of the support structure or the dishes and antennae. It is not clear from the application, just who will be served by this equipment – but from the extent of equipment mounted on the temporary mast

structure within the site – it would appear to be of a commercial nature. If the Board is minded to grant permission for this development, I recommend that this aspect of the proposed development be omitted, and subject to a separate and detailed planning application to the planning authority.

8.0 Recommendation

I recommend that permission be refused for the reasons and considerations set out below.

9.0 Reasons and Considerations

1. The proposed substantial increase in the size of the block on this site and the significant increase in the number of apartments would, in the absence of any proposals for increased car-parking spaces, result in a displacement of car-parking onto adjoining roads (where allowance has already been made for on-street parking in the parent permission ref. SD16A/0060), and which would likely result in illegal parking on footpaths and grass verges. The proposed development would, therefore be detrimental to the residential amenities of the area and would endanger public safety by reason of traffic hazard and obstruction of road users.
2. The arrangements put forward for deliveries/collections to/from the commercial units within this development are unsatisfactory; and would result in a reduction in the availability of car-parking spaces within the scheme at certain times of the day, or else would result in delivery vehicles being displaced onto adjoining roads. The proposed development would, therefore, be detrimental to the residential amenities of future occupants of apartment units and would endanger public safety by reason of traffic hazard and obstruction of road users.
3. The proposed expanded block would result in overlooking and overshadowing of existing housing – particularly to the south and west, and would, therefore, seriously injure the amenities of property in the vicinity.
4. The design, scale, bulk and uniformity of finishes of the proposed block would be seriously out-of-character with existing buildings in the area, and would, by

virtue of proximity to site boundaries, be seriously detrimental to the visual amenities of the area.

5. No detailed drawings of the proposed telecommunications equipment and support structure(s) on the roof of the building have been submitted. The proposed development could, therefore, be prejudicial to public health.

**Michael Dillon,
Planning Inspectorate.**

9th July 2019.