



An
Bord
Pleanála

Inspector's Report

ABP-304290-19

Development	Construction of additional 2 floor levels with balconies, to provide a total of 13 apartment units.
Location	5-6, Rosedale Terrace, 41 Rear of 42 and 42a Clanbrassil Street Lower, Dublin 8
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	2185/19
Applicant(s)	Val Issuer DAC
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Val Issuer DAC
Observer(s)	(1) TII (2) Fred Goulding (3) Declan & Susan Bradshaw

Date of Site Inspection

15th July 2019

Inspector

Colin McBride

1.0 Site Location and Description

1.1. The appeal site, which has a stated area of 0.0784 hectares, is located approximately 1.7km south of the city centre. The appeal site is accessed from Clanbrassil Street Lower and is located behind existing structures fronting onto Clanbrassil Street. The site is occupied by a two-storey over basement apartment block with vehicular access off Clanbrassil Street Lower. Adjoining development includes no. 44, which is a small two-storey residential block attached to the northern gable of the apartment block on site, which is not within the site boundary. No.s 37 to 44 Clanbrassil Street Lower, which is two-storey development (shop units at ground floor with some residential above) fronting onto Clanbrassil Street Lower and backing onto Rosedale Terrace which runs along the western elevation of the apartment block. To the west of the site are the two-storey dwellings along Oakfield Place, these dwelling back onto the eastern boundary of the site. To the south of the site is a two-storey structure that is attached to the southern gable of the apartment block, which is in residential use and has access from St. Vincents Street South to the south of the appeal site. The existing apartment block has a basement car park with parking for 16 cars with its access at the south eastern corner of the existing block. There is ground level yard area on the eastern side of the apartment block where it adjoins the dwellings along Oakfield Place.

2.0 Proposed Development

2.1. Permission is sought for the construction of an additional 2 no. floor levels with balconies (provision of a second floor residential extension finished in brick and render and a third floor residential extension finished in dark coloured metal cladding) to the existing two-storey apartment block to provide a total of 13 no. apartment units consisting of 2 no. studio apartments, 7 no. one bedroom apartments and 4 no. two bedroom apartments. The development also includes the provision of balconies to the rear and front elevations at first floor level of the existing two-storey building and all ancillary site works.

3.0 **Planning Authority Decision**

3.1. **Decision**

1. The proposed development is located within an area covered by zoning objective Z1 in the Dublin City development Plan 2016-2022, the objective of which is to protect, provide and improve residential amenities. It is considered that the proposed development by reason of its height and proximity to the nearest residential properties, would result in an unacceptable form of development that would be out of scale and character with the existing development in the immediate vicinity. In addition, the proposed development would significantly reduce the privacy of residential properties in the vicinity, would contravene the aforementioned zoning objective, and would be contrary to the proper planning and sustainable development of the area.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

Planning report (28/03/19): The proposal was considered to be out of scale and character with adjoining properties, and to have an adverse impact on the privacy of adjoining residents. Refusal was recommended based reason outlined above.

3.2.2. Other Technical Reports

City Archaeologist (25/02/19): No objection subject to conditions.

Drainage Division (26/02/19): No objection subject to conditions.

3.3. **Prescribed Bodies**

TII (26/02/19): In the event of a grant of permission a section 49 contribution should be applied (Luas Cross City).

3.4. **Third Party Observations**

3.4.1 A number of submission were received. The issues raised in the submission were as follows...

- Excessive height, density and scale relative to adjoining properties, overlooking and overshadowing of adjoining properties, design and scale out of character with adjoining Victorian Structures and the adjoining development, previous refusal on site for similar development, insufficient car parking, open space, public lighting and bicycle parking provided.

4.0 Planning History

- 4.1 0313/02: Permission refused for revision to previously permitted development (14 no. apartments) with the provision of 4 no. additional apartments.
- 4.2 3281/01: Permission granted for minor modifications to previously permitted under PL29S.109337.
- 4.3 PL29S.109337: Permission granted for 13 no. apartment in a three-storey building.

On adjoining sites

- 4.4 PL29S.245703 (3414/15): Permission refused for Demolition of existing sheds and existing boundary wall and the construction of 3 no. houses with all associated site works.

5.0 Policy Context

5.1. Development Plan

The relevant Development Plan is the Dublin City Development Plan 2016-2022. The site is zoned Z1 with a stated objective “to protect, provide and improve residential amenities”.

QH1: To have regard to the DEHLG Guidelines on ‘Quality Housing for Sustainable

Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities’ (2007), ‘Delivering Homes Sustaining Communities – Statement on Housing Policy’ (2007), ‘Sustainable Urban Housing: Design Standards for New Apartments’ (2015) and ‘Sustainable Residential Development in Urban Areas’ and the accompanying ‘Urban Design Manual: A Best Practice Guide’ (2009).

QH6: To encourage and foster the creation of attractive mixed-use sustainable neighbourhoods which contain a variety of housing types and tenures with supporting community facilities, public realm and residential amenities, and which are socially mixed in order to achieve a socially inclusive city.

QH7: To promote residential development at sustainable urban densities throughout the city in accordance with the core strategy, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.

QH18: To promote the provision of high quality apartments within sustainable neighbourhoods by achieving suitable levels of amenity within individual apartments, and within each apartment development, and ensuring that suitable social infrastructure and other support facilities are available in the neighbourhood, in accordance with the standards for residential accommodation.

Section 16.4 Residential Density:

The Regional Planning Guidelines settlement hierarchy designates Dublin city centre and the immediate suburbs as a gateway core for international business, high density population, retail and cultural activities. The guidelines indicate that development within the existing urban footprint of the metropolitan area will be consolidated to achieve a more compact urban form, allowing for the accommodation of a greater population than at present.

The Department of Environment, Heritage and Local Government (DEHLG) Guidelines on Sustainable Residential Development in Urban Areas 2009 supercede the 1999 Guidelines for Planning Authorities on Residential Density. In this context, Dublin City Council will promote sustainable residential densities in

accordance with the standards and guidance set out in the DEHLG Guidelines on Sustainable Residential Development in Urban Areas and having regard to the policies and targets in the Regional Planning Guidelines 2010 – 2022 or any Regional Spatial and Economic Strategy that replaces the regional planning guidelines.

Sustainable densities promoting the highest quality of urban design and open space will be sought by the City Council in all new developments. The density of a proposal should respect the existing character, context and urban form of an area and seek to protect existing and future residential amenity. Public transport capacity will also be used to determine the appropriate density allowable.

An urban design and quality-led approach to creating urban densities will be promoted, where the focus will be on creating sustainable urban villages and neighbourhoods. A varied typology of residential units will be promoted within neighbourhoods in order to encourage a diverse choice of housing options in terms of tenure, unit size, building design and to ensure demographic balance in residential communities.

All proposals for higher densities must demonstrate how the proposal contributes to place-making and the identity of an area, as well as the provision of community facilities and/or social infrastructure to facilitate the creation of sustainable neighbourhoods.

5.2 National Policy

Sustainable Urban Housing: Design Standards for New Apartments-Guidelines for Planning Authorities (March 2018).

The Urban Development and Building Height - Guidelines for Planning Authorities (December 2018) build on the wider national policy objective to provide more compact forms of urban development as outlined in the National Planning Framework. It is acknowledged that increasing building heights has a critical role to play in addressing the delivery of more compact growth in urban areas, particularly cities and large towns.

SPPR1:

In accordance with Government policy to support increased building height and density 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, regeneration 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.

SPPR3:

It is a specific planning policy requirement that where;

(A) 1. an applicant for planning permission sets out how a development proposal complies with the criteria above; and

2. the assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines;

then the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise.

(B) In the case of an adopted planning scheme the Development Agency in conjunction with the relevant planning authority (where different) shall, upon the coming into force of these guidelines, undertake a review of the planning scheme, utilising the relevant mechanisms as set out in the Planning and Development Act 2000 (as amended) to ensure that the criteria above are fully reflected in the planning scheme. In particular the Government policy that building heights be generally increased in appropriate urban locations shall be articulated in any amendment(s) to the planning scheme

(C) In respect of planning schemes approved after the coming into force of these guidelines these are not required to be reviewed.

Guidelines on Sustainable Residential Development in Urban Areas 2009

Appropriate locations for increase densities

Public Transport Corridors:

Walking distances from public transport nodes (e.g. stations / halts / bus stops) should be used in defining such corridors. It is recommended that increased densities should be promoted within 500 metres walking distance¹⁸ of a bus stop, or within 1km of a light rail stop or a rail station. The capacity of public transport (e.g. the number of train services during peak hours) should also be taken into consideration in considering appropriate densities. In general, minimum net densities of 50 dwellings per hectare, subject to appropriate design and amenity standards, should be applied within public transport corridors, with the highest densities being located at rail stations / bus stops, and decreasing with distance away from such nodes. Minimum densities should be specified in local area plans, and maximum (rather than minimum) parking standards should reflect proximity to public transport facilities.

5.3 Natural Heritage Designations

5.3.1 None in the vicinity.

5.4 EIA Screening

5.4.1 Having regard to nature of the development comprising of the construction of 13 no. apartments and associated site works, 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.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 A first party appeal has been lodged by Hughes Planning & Development Consultants on behalf of Val Issuer DAC.

- It is noted that the City Council have not provided a strong rationale or justification for refusal of permission on a zoned, serviced and centrally

located site. It is considered that permission should be granted for the proposed development.

- The first party appellant has submitted a revised design for consideration. The main alterations including the provision of a roof terrace set back from the parapet and surrounded by a glazed guardrail (1.1m) and the provision of privacy screens on balconies on the western elevation including two options (obscure glazing or louvered panels) to prevent overlooking.
- The proposed development is compliant with the land use zoning objective.
- The proposal is consistent with National Planning Framework in terms of providing residential development in existing built up areas.
- The proposal is compliant with the Urban Development and Building Heights-Guidelines for Planning Authorities in that it provide densification and consolidation in an existing urban area.
- The provision of an additional 13 no. apartment provide a more efficient use of zoned and serviced lands.
- The proposal would not cause unreasonable overlooking, overshadowing or an overbearing impact relative to adjoining properties.
- A shadow analysis has been submitted with the appeal submission.
- The appellant notes a number of precedents where high density development has been permitted within close proximity with low-rise residential uses.

6.2. **Planning Authority Response**

No response.

6.3. **Observations**

6.3.1 An observation has been received from the TII.

- In the event of a grant of permission a section 49 contribution should be applied (Luas Cross City).

6.3.2 An observation has been received from Fred Goulding, 15 Oakfield Place, Dublin 8.

- The observer outlines the planning history on site including issues concern height and scale on previous applications.
- It is noted that the scale and proximity of the proposal to the rear of the observer's property would have an overbearing impact and result in overshadowing of the small rear amenity spaces associated with houses in Oakfield and their windows.
- The provision of two additional floors would increase overlooking already experienced from the existing block on site. The provision of additional balconies on the eastern elevation would cause increased noise and disturbance in close proximity to the rear of the existing dwellings.

6.3.3 An observation has been received from Declan & Susan Bradshaw, 13 Oakfield Place, Portobello, Dublin.

- The existing character of the area and properties surrounding the site would be taken into consideration.
- The proposal would result in a loss of natural light to windows in the rear of the observers' property due to its scale and proximity.
- The proposal would facilitate overlooking of the observers' property with it noted that a previous refusal on site under PL29S.245703 related to the provision of three-storey development was refused on reasons regarding being out of character and excessive in height.
- The observer notes that granting permission would result in eviction of current tenants and that groundworks may cause structural issue for adjoining properties.

7.0 Assessment

7.1. Having inspected the site and associated documents, the main issues can be assessed under the following headings.

Principle of the proposed development/development plan/national policy

Density

Design, scale, and visual impact

Quality of design/residential amenity/development control objectives

Adjoining amenities

Car parking/traffic

Appropriate Assessment

7.2. Principle of the proposed development/development/national policy:

7.2.1 The proposal entails the provision of 2 no. additional stories with 13 no. apartment units on top of an existing two-storey apartment block. The appeal site is zoned Z1 with a stated objective 'to protect, provide and improve residential amenities'. The provision of residential development is consistent with the zoning objective of the site and established uses on adjoining sites.

7.2.2 The proposal would entail the provision of additional residential units in a built up area that is accessible by public transport and in walking distance and cycling distance of the city centre. Subject to the provision of development of sufficient quality and with adequate regard to visual and adjoining amenities, the proposal is consistent with national policy as outlined in the policy section above.

7.3 Density:

7.3.1 The proposal provides for 13 units in addition to the existing 14 no. units on a site with an area of 0.0784 hectares. This gives a density of 344 units per hectare. This represents a significant increase on prevailing residential density in the area. Development Plan policy and national policy permit for increased densities along public transport corridors. The appeal site is located off Clanbrassil Street Lower which is approximately 1.7km from Dublin City Centre. There is an existing bus route along Clanbrassil Street Upper and the site is within walking and cycling distance of the site is within walking distance of the city centre and within walking distance from a Luas Stop (Harcourt stop is a 10 minute walk, approximately 1.2kmq).

7.3.2 The Guidelines on Sustainable Residential Development in Urban Areas 2009 note that appropriate locations for increased densities include public transport corridors with it "recommended that increased densities should be promoted within 500 metres walking distance of a bus stop, or within 1km of a light rail stop or a rail station. The capacity of public transport (e.g. the number of train services during

peak hours) should also be taken into consideration in considering appropriate densities. In general, minimum net densities of 50 dwellings per hectare, subject to appropriate design and amenity standards, should be applied within public transport corridors, with the highest densities being located at rail stations / bus stops, and decreasing with distance away from such nodes. Minimum densities should be specified in local area plans, and maximum (rather than minimum) parking standards should reflect proximity to public transport facilities”.

7.3.3 I would consider that the site is an appropriate location for higher densities and that such should not be below 50 units per hectare. The density proposed is above 50 units per hectare and is acceptable subject to the proposal being satisfactory in terms of design, scale, adjoining amenity and compliance with development management standards. These aspects of the proposal shall be assessed in the following sections of this report.

7.4 Design, scale, and visual impact:

7.4.1 The existing block is a two-storey block with a high parapet wall around the roof space. The existing block is surrounded by two-storey development in the form of existing development along Clanbrassil Street Lower to the west, Oakfield Field Place to the east, Lombard Street West to the north and St. Vincents Street South to the south. The proposal entails an increase in the ridge height (parapet level) by 4.6m. On the eastern elevation the external finish proposed matches that of the existing block (render). On the northern, southern and west elevation the external finishes are partially matching the external finish of the existing block with a zinc cladding on the upper portion of the elevations.

7.4.2 The proposed development is higher in scale than adjoining development, which is predominantly two-storeys in scale. The location of the existing block is to the rear of existing properties fronting onto the surrounding streets meaning the existing block is not highly visible from the streets/public realm in the vicinity of the site. Views of the existing block are partial views. Despite the proposed increase in height, I would consider that the overall visual impact of the proposed development in the surrounding area would be satisfactory. The appeal site is surrounded by existing development on all sides meaning that views of the proposed development are likely remain partial views. I would consider that views of the proposed development from

the surrounding streets including Clanbrassil Street Lower, Oakfield Place, Lombard Street West and St. Vincent Street South are partial views and the proposed development is well screened by existing development. In wider context the proposed development would be absorbed in the overall cityscape with a variation in building heights in the surrounding area. I would consider that overall visual impact of the proposed development in regards to visual amenities of the area to be satisfactory.

7.5 Quality of design/residential amenity/development control objectives:

7.5.1 The proposal is for an additional 13 no. residential units with a mixture of 2 no. studio apartments, 7 no. 1 bed apartment and 4 no. 2 bed apartments. The relevant and most up to date standards for apartment development are the Sustainable Urban House: Design Standard for New Apartments (March 2018). In relation to minimum apartment size the requirement is 45sqm, 73sqm and 90sqm for 1, 2 and 3 bed apartment units respectively and 37sqm for a studio apartment (SPPR3). All units proposed exceed the minimum standards and in a lot of cases are in excess of the minimum standards. It is noted that in order to safeguard higher standards that “the majority of all apartments in any proposed scheme of 10 or more apartments shall exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types, by a minimum of 10%”. This is the case in regards to the proposed development.

7.5.2 Under the same guidelines “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. Ideally, any 3 bedroom apartments should be dual aspect”. In this case 5 of the 13 units (39%) are dual aspect and compliant with the guidelines.

7.5.3 Appendix 1 contains minimum standards for private amenity space with a requirement of 5sqm, 6sqm and 9sqm for 1, 2 and 3 bed apartment respectively and 4sqm for a studio apartment. A minimum depth of 1.5 metres is required for balconies, in one useable length to meet the minimum floor area requirement under these guidelines. These standards are met in all cases. The apartments also meet all relevant standards in relation of internal storage space, ceiling heights, room dimensions outlined in Appendix 1 of the guidelines.

7.5.4 The guidelines note that “communal amenity space may be provided as a garden within the courtyard of a perimeter block or adjoining a linear apartment block. Designers must ensure that the heights and orientation of adjoining blocks permit adequate levels of sunlight to reach communal amenity space throughout the year. Roof gardens may also be provided but must be accessible to residents, subject to requirements such as safe access by children. These facilities offer a satisfactory alternative where climatic and safety factors are fully considered, but children’s play is not passively supervised as with courtyards. Regard must also be had to the future maintenance of communal amenity areas in order to ensure that this is commensurate with the scale of the development and does not become a burden on residents”. It is also noted that that “for building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, communal amenity space may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality”. The City Development Plan (Section 16.10.3) notes in relation to public open space that that “in new residential developments, 10% of the site area shall be reserved as public open space”.

7.5.5 At present there is an open space area along the eastern boundary of the site at ground floor level. This area is not currently laid out or landscaped in an attractive manner and is a blank concrete space. Notwithstanding such it is an open space area and has potential to be better defined as such. This is an area of approximately 434sqm. It is notable that the applicants/appellant have provided revised plans including a roof terrace with a floor area of 98sqm (set back from parapet wall of apartment block). The total area of public open space is 532sqm and is over 10% of the site area as required under Development Plan policy. I would consider that such is of sufficient quantity to service the residential amenity of future residents and taken in conjunction with the level of private amenity space provided, the proposal is

satisfactory in terms of the quantity and quality of public and private open space. I would recommend that in the event of a grant of permission a condition is imposed requiring details of landscaping for the amenity space at ground floor level to the rear of existing block.

7.6 Adjoining amenities:

- 7.6.1 Permission was refused based on one reason, which noted that “the proposed development is located within an area covered by zoning objective Z1 in the Dublin City Development Plan 2016-2022, the objective of which is to protect, provide and improve residential amenities”. It is considered that the proposed development by reason of its height and proximity to the nearest residential properties, would result in an unacceptable form of development that would be out of scale and character with the existing development in the immediate vicinity. In addition, the proposed development would significantly reduce the privacy of residential properties in the vicinity, would contravene the aforementioned zoning objective, and would be contrary to the proper planning and sustainable development of the area”.
- 7.6.2 The appeal site is surrounded by existing development on all sides and there are existing two-storey structures abutting the northern and southern gable of the existing apartment block on site. The additional two floors have an east west orientation with no windows proposed on either the northern or southern elevations. Having regard to such the proposal would be satisfactory in regards to its relationship with adjoining development to the north and south.
- 7.6.3 The existing two-storey structures along Clanbrassil Street Upper back onto Rosedale Terrace, which runs between the western elevation of the existing block and the rear elevation of the adjoining structures. The existing structures have commercial uses at ground level with some having residential at first floor level. The main orientation of these structures is to the west onto Clanbrassil Street with the rear elevations possessing few windows or having any significant outlook towards the appeal site. I would consider that the proposed development would have no adverse impact on the amenities of existing properties to the west of the site.

7.6.4 The main issue in regards to adjoining amenities concerns existing development to the east of the appeal site. The existing structure on site has an open space area along its eastern elevation, which is approximately 6m in depth. There is an existing block wall along the eastern boundary of the site and the two-storey dwellings along the western side of Oakfield Place back onto the eastern boundary of the appeal site. These dwellings have small rear yards, which are just over 2m in depth and in a number of cases the dwellings have been extended over these rear yards. These dwellings have existing windows orientated towards the site at both ground and first floor level. The refusal of permission would appear to relate primarily to the impact of the proposal on the dwellings to the east with the proposal deemed to be out of character and scale with existing structures in the vicinity and to cause a reduction in privacy to existing dwellings. The existing block is going from two-storeys to four-storeys and is approximately 8m from the rear elevations and existing windows on rear of the dwellings to the east. The existing block has no balconies on the eastern elevation currently with proposals to provide new balconies on the eastern elevation serving the second and third floor. The appellant has proposed amendments to the original proposal to deal with the reason for refusal. The amendment includes the provision of 1.8m high screens for the balconies on the eastern elevation to be either obscured glazing or louvered panels that prevent overlooking from the balconies. The roof terrace open space is also set back a significant distance from the parapet wall of the additional floors proposed. The appellant also submitted a shadow study and notes that such indicates that the proposal has no significant impact over and above the existing block on site in terms of overshadowing.

7.6.5 The proposal provides for two additional floors, which equate to an increase in height of the parapet level by 4.6m. The proposal entails an increase in height and does not alter the level of separation between the eastern elevation of the existing block and the existing dwellings along Oakfield Place. The existing apartment block has windows at first floor level orientated towards the rear of the dwellings along Oakfield Place. The additional floor levels continue this pattern of development with the orientation of windows east and west and is not a significant deviation from the existing pattern of development. A large part of the additional third floor is accounted for by the existing high parapet wall around the roof space and the increase in height of 4.6m is not excessive in relation to the amenities of adjoining properties. I would consider that the additional floor levels would have no significant and

adverse impact in regards to overshadowing over and above the existing structure on site.

7.6.6 The proposal also entails the provision of balconies along the eastern elevation taking advantage of the angled features on the eastern elevation. Concerns were expressed regarding potential overlooking from such balconies. The appellants have submitted amended plans that provide for 1.8m high screens along these balconies with the option of a glazed screen or louvered panel to prevent overlooking. I would note that the amendments are satisfactory and should be implemented in the event of a grant of permission. I would note that in the event of a grant of permission it should be specified that the screening panels for these balconies be obscure glazing to ensure light penetration. The amendments also provided for a roof terrace. This roof terrace is set back from the edges of the block preventing overlooking of adjoining properties while at the same time providing additional amenity space for the overall development.

7.6.7 The proposed development provides for an acceptable degree of development adjoining existing residential development in an urban context such as this. The proposal will change the outlook from existing dwellings to the east, but not to a degree that would be unacceptable at such a built up location. I am satisfied that subject to implementation of the revised plans submitted by the applicant and a number of conditions including improvement of the ground floor amenity space, that the proposed development would be acceptable in the context of the amenities of adjoining properties.

7.7 Car parking/traffic:

7.7.1 The proposal is for two additional floors and 13 no. apartment units on top of an existing two-storey block with 14 no. apartment units. The existing apartment block has a basement car parking level with 16 no. spaces. For the purpose of Development Plan policy the site is located in Area 2 where the maximum development plan standard for car parking is 1 space per residential units as set down under table 16.1. These are maximum standards and no minimum standards are provided. Maximum standards allow for consideration of the location of the development in the context of how central it is, its accessibility to public transport and for other modes of transport such as pedestrian and cyclists. I would consider

that based on the location of the site a short distance from the city centre and its accessibility to public transport (bus) and in walking distance of the Luas line, the site is not totally dependent on car transportation. In this regard I would consider that a shortfall from maximum parking standards is justified and would note that the level of provision of car parking is a high percentage relative to the number of units on site (59%).

7.8 Appropriate Assessment:

7.8.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. I recommend a grant of permission subject to the following conditions.

9.0 Reasons and Considerations

Having regard to:

- (a) The provision of the Dublin City Council Development Plan 2016-2022,
- (b) Sustainable Urban Housing: Design Standards for New Apartments-Guidelines for Planning Authorities (March 2018),
- (c) The Urban Development and Building Height - Guidelines for Planning Authorities (December 2018),
- (d) The existing pattern of development at this location,
- (e) The design, scale and layout of the proposed development, and
- (f) The submissions and observations on file,

It is considered that, subject to the compliance with the conditions set out below, the proposed development would be in accordance Development Plan policy, would not detract from the visual amenities of the area, would be acceptable in the context of the amenities of adjoining properties and be satisfactory in the context 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, and as amended by the further plans and particulars received on the 25th day of April 2019, 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 interests of clarity.

2. The proposed development shall be amended as follows:

- (a) A landscaping scheme for the area of open space to the east of the existing block on site shall be submitted.
- (b) The screening panels along the balcony area proposed on the eastern elevation shall be obscure glazing.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of residential amenity.

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

Reason: In the interests of visual amenity.

4. Site development and building works shall be carried out only between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

5. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, shall be displayed or erected on the building or within the curtilage of the site unless authorised by a further grant of permission.

Reason: In the interest of visual amenity.

6. All plant including extract ventilation systems and refrigerator condenser units shall be sited in a manner so as not to cause nuisance at sensitive locations due to odour or noise. All mechanical plant and ventilation inlets and outlets shall be sound insulated and/or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations.

Reason: In the interest of residential amenity.

7. Drainage requirements including the attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services.

Reason: To ensure adequate servicing of the development and to prevent pollution.

8. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including traffic management, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and the amenities of the area.

9. 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.

10. The management and maintenance of the proposed development, following completion, shall be the responsibility of a legally constituted management company, which shall be established by the developer. A management scheme, providing adequate measures for the future maintenance of the development; including the external fabric of the buildings, internal common areas (residential and commercial), open spaces, landscaping, roads, paths, parking areas, public lighting, waste storage facilities and sanitary services, shall be submitted to and agreed in writing with the planning authority, before any of the residential or commercial units are made available for occupation.

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

11. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

12. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

13. The developer shall pay to the planning authority a financial contribution in respect of Luas Cross City (St. Stephen's Green To Broombridge Line) in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

Colin McBride
Planning Inspector

31st July 2019