



An
Bord
Pleanála

Inspector's Report

ABP-306756-20

Development	Demolition of the 2 car showroom buildings and Construction of 1 apartment block with 63 dwelling units
Location	'The Gowan Motors Site', 143 Merrion Road, Dublin, 4
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	4240/19
Applicant(s)	Merrion Land Limited
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Merrion Road Residents Association
Observer(s)	Teresa Bourke Miriam Lynch Eamon O'Flynn Cllr. Dermot Lacey
Date of Site Inspection	03/06/20250
Inspector	Gillian Kane

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1.0 Site Location and Description

- 1.1.1. The subject site is located on the southern side of Merrion Road, a mixed-use distributor road running through the south Dublin suburb.
- 1.1.2. The roughly square subject site bounds Merrion Road to the north-east. The site frontage is bound with hoarding along the Merrion Road and Herbert Avenue to the south-east. Herbert Avenue is a residential cul-de-sac terminating at a gate to the adjoining St Vincent's University Hospital (SVUH). The south-western boundary of the site adjoins the 4-storey residential development Fortlands. To the west of the subject site are the large grounds associated with the hospital.
- 1.1.3. Currently on site are two office / showroom blocks and a large area of parking. Access to the site is currently through an entrance gate on Herbert Avenue. Prior to the erection of hoarding on Merrion Road, there was a vehicular access onto Merrion Road.

2.0 Proposed Development

- 2.1. On the 18th October 2019, planning permission was sought for the demolition of the existing car showroom (1,069sq.m.) and the construction of 6-storey over basement apartment block comprising 63 no. apartments. The proposed apartments are as follows:
 - 17 no. one-bedroom apartments (51-61sq.m.)
 - 34 no. two-bedroom apartments (74-102sq.m.)
 - 12 no. three-bedroom apartments (95-122sq.m.)
- 2.2. Details provided in the application form include:
 - Total site area: 2212sq.m.
 - Proposed new build: 6179sq.m.
 - Proposed area of demolition: 1069sq.m.
 - Proposed plot ratio: 2.79:1 and site coverage: 54.74%
 - 45 no car parking spaces, 4 no. motorcycle spaces, 84 no. bicycle spaces.
- 2.2.1. The application was accompanied by the following documents:
 - Planning Report
 - Design Rationale

- Engineering Report
- Landscape Masterplan
- Engineering & Sustainability Report
- Daylight, Sunlight and Shadow Analysis
- Traffic and Transport Assessment
- Mobility Management Plan
- Car Park Management Plan
- Site Specific Flood Risk Assessment
- Outline Construction Management Plan
- Outline C&D Waste Management Plan
- Outline Operational Waste Management Plan

3.0 **Planning Authority Decision**

3.1. **Planning Authority Reports**

- 3.1.1. **Drainage Division:** Additional information required regarding the management of surface and ground water.
- 3.1.2. **Waste Regulations:** In relation to remediation measures and controls to prevent impacts to environmental or human health receptors please provide more information in relation to groundwater which exceeded "the generic assessment criteria" and disposal of materials.
- 3.1.3. **Transportation Planning:** Further information required regarding: pedestrian accommodation over the proposed vehicular entrance, details of cycle parking, access ramp to basement, proposed Car Club and swept path analysis for refuse vehicles.
- 3.1.4. **Planning Report:** Subject site opportune for re-development. Proposed density is acceptable given sustainable residential development criteria. Constraints of the site are such that proposed smaller balconies are acceptable. Level of overlooking of adjoining Fortlands is reasonable. Some internal overlooking of balconies will occur and should be addressed. Overshadowing is not significant given the urban context. Regarding open space, no toddler playground proposed. This can be conditioned. Notes the comments of the transportation department and the request by the Drainage Division for a Basement Impact Assessment. Outline construction management plan is acceptable however further information is required regarding

soil and groundwater contamination. Applicant should be requested to provide a swept path analysis for waste management vehicles. Applicant should be requested to provide a social audit. Request for further information recommended.

3.2. **Prescribed Bodies**

- 3.2.1. **NTA:** The NTA welcomes the commitment of the applicant to accommodate the objectives of the NTA. The development of the Core Bus Corridor and the East Coast Trails will make the proposed development more attractive to future residents and provide a high-quality amenity. In the event of permission, the NTA requests that a condition be attached that requires that the proposed development be carried out in accordance with the requirements of the CBC and East Coast Trail and that the NTA are consulted at detailed design and construction stage.

3.3. **Third Party Observations**

- 3.3.1. Objections to the proposed development raised concerns regarding: height, design, overlooking & overshadowing, impact on adjoining Fortlands apartments, traffic and car parking, flooding, proximity to the new Maternity Hospital at SVUH, adjoining Bloomfield Gate and wall, prematurity pending the East Coast Trail and Core Bus Corridor and damage to residential and visual amenities.

3.4. **Request for Further Information**

- 3.4.1. On the 12th December 2019, the Planning Authority issued a request for further information as follows:

- 1 Basement Impact Assessment
- 2 Groundwater information
- 3 Design details to address boundary with Fortlands & Carew House, boundary to basement, ground floor elevations, overlooking between perpendicular balconies, boundary treatment of ground floor private open space,
- 4 Social Audit in compliance with Objective SN5
- 5 Information requested by Transportation department

3.5. **Response to FI Request**

3.5.1. On the 20th of December 2019, the applicant responded to the FI request with a Response to FI report that addressed FI item no.s 2 and 5. Other responses are as follows:

- 1 Site investigation and Basement Impact Assessment submitted
- 2 Response to FI report and Outline Construction and Demolition Waste Management Plan addresses concerns over groundwater
- 3 Details of boundary treatments with Fortlands and Carew House, of boundary to basement void and proposed screen between balconies submitted
- 4 Community and Social Infrastructure Audit submitted.
- 5 Response to FI report, amended drawings showing the location of the proposed roller door on the basement ramp. Agreement letter from GoCar. The response notes that in addressing the requests of the Planning Authority, two car spaces were removed.

3.6. **Reports on file following submission of FI**

3.6.1. **Transportation Planning:** No objection subject to conditions

3.6.2. **Drainage Division:** No objection subject to conditions

3.6.3. **Planning report:** Basement has been reduced in size to accommodate the 0.5m setback required. Due to contamination on site, discharge to groundwater is not permitted. Alternative arrangements will be required. Proposed finishes require further detail. Visual amenity of elevation of site to Herbert Avenue needs to be improved. Proposed boundary treatments are acceptable. Submitted Social Audit is acceptable. Regarding the response to the Transportation department, pedestrian priority should be improved, by way of condition. Reduction in car parking spaces is acceptable. Visual amenity of proposed roller shutter door not acceptable, this can be addressed by way of condition. The report concludes with a statement that the proposed development is acceptable and a recommendation to grant permission.

3.7. Decision

3.7.1. On the 7th February 2020 the Planning Authority issued a notification of their intention to GRANT permission subject to 20 no. conditions. Conditions of note include:

- 3: Details of proposed ground anchors outside the red line boundary
- 5: Opaque glazing on balconies and ground floor terraces
- 6: relocation of street name sign
- 7: asbestos site appraisal

4.0 Relevant Planning History

4.1.1. Planning Authority reg. ref. **4733/18**: Planning permission refused for the demolition of the existing 2 no. car showroom buildings c. 1,069 sq.m; Construction of 1 no. apartment block up to 8 storeys above basement with a total of 66 no. dwelling units comprising: 19 no. 1-bedroom apartments (ranging in size from c. 50.2 sq.m - c. 71sq.m), 28 no. 2-bedroom apartments (ranging in size from c. 81.4 sq.m - c. 90.3 sq.m) and 19 no. 3-bedroom apartments (ranging in size from c. 100 sq.m - c. 122 sq.m). All units have a terrace/balcony facing north/south/east/west. Total residential gross floor area c. 6,829 sq.m; The provision of a retail unit at ground floor c. 136.4 sq.m; All associated site development works, services provision, 40 no. car parking spaces (39 no. in the basement and 1 no. surface level set down), 68 no. cycle parking (at basement and surface level), bin stores, plant stores, open space, vehicular/pedestrian access, landscaping and boundary treatment works. the reasons for refusal related to height, bulk and scale, lack of amenity for future residents, overlooking of adjoining residential area and prematurity pending the East Coast Trail and Core Bus Corridor.

5.0 Policy Context

5.1. The government published the **National Planning Framework** in February 2018. Objective 3c is to deliver at least 50% of new houses in the city/suburbs of Dublin, Cork, Galway, Limerick and Waterford. Objective 11 is to favour development that can encourage more people to live or work in existing settlements. Objective 27 is to prioritise walking and cycling accessibility to existing and proposed development. Objective 33 is to prioritise the provision of new homes that can

support sustainable development. Objective 35 is to increase residential density in settlements.

- 5.2. The **Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas** were issued by the minister under section 28 in May 2009. Section 1.9 recites 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 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.
- 5.3. The **Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments** were issued in March 2018. It contains several specific requirements with 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 of proposed apartments in schemes of more than 10 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 plan, including a requirement for 3m² storage for one-bedroom apartments, 6m² for two-bedroom apartments and 9m² for three-bedroom apartments. In suburban locations a minimum of 50% of apartments should be dual aspect. Ground level apartments should have floor to ceiling heights of 2.7m.
- 5.4. The minister issued **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 2, 3 and 4 storey development. SPPR 4 is that 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
- 5.5. The minister and the minister for transport issued **the Design Manual for Urban Roads and Streets (DMURS) in 2013**. Section 1.2 sets out a policy that street layouts should be interconnected to encourage walking and cycling and offer easy access to public transport. Section 3.2 identifies 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 5-5.5m or 4.8m where a shared surface is proposed.

5.6. The **Planning System and Flood Risk Management Guidelines for Planning Authorities (DOEH&LG 2009)**, distinguishes between three types of flood zones. Zone C in which the application site is located is the least susceptible to flooding.

5.7. **Dublin City Development Plan 2016 -2022**

The site is zoned Z1 in the Dublin City Development Plan 2016-2022 which seeks “To protect, provide and improve residential amenities”.

5.7.1. Relevant policies and standards of the Dublin City Development Plan 2016-2022 include:

- Section 14.1 Zoning Principles -development should be encouraged in established centres, and the re-development of under-utilised and brownfield land in these areas should be promoted
- Parking: Area 2 applies to the appeal site. 1 car parking space is required per residential unit. Parking provision below the maximum may be permitted provided it does not impact negatively on the amenities of surrounding properties or areas and there is no potential negative impact on traffic safety.
- 11.1.5.3 Protected Structures – Policy Application - In order to protect the city’s Protected Structures, the City Council will manage and control external and internal works that materially affect the character of the structure.
- CHC1 – Preservation of the built heritage of the city.
- CHC2 - To ensure that the special interest of protected structures is protected. Development will conserve and enhance Protected Structures and their curtilage.

- Chapter 16 sets out Design Principles and Standards
- 16.2 Design Principles and Standards.

“All development will be expected to incorporate exemplary standards of high quality sustainable and inclusive urban design and architecture befitting the city’s environment and heritage and its diverse range of locally distinctive neighbourhoods.

In the appropriate context, imaginative contemporary architecture is encouraged provided that it respects Dublin’s heritage and local distinctiveness and enriches its city environment. Through its design, use of materials and finishes, development will make a positive contribution to the townscape and urban realm, and to its environmental performance. In particular, development will respond creatively to and respect and enhance its context.”

- Policy SC25 – To promote high standards of design
- Policy QH18 – To promote the provision of high-quality apartments
- Section 16.7.2 of the Development Plan includes height limits for development, including a 16m restriction for development in the Outer City and a 24m restriction for development within 500m of rail hubs.
- Section 16.10.1 Residential Quality Standards – Apartments – sets out standards to be achieved in new build apartments.
- Policy QH8 of the Dublin City Development Plan 2016-2022 seeks *“To promote the sustainable development of vacant or under-utilised infill sites and to favourably consider higher density proposals which respect the design of the surrounding development and the character of the area”*.

5.8. Natural Heritage Designations

- 5.8.1. The South Dublin Bay SAC (site code 00210) and the South Dublin Bay and River Tolka Estuary SPA (site code 004024) are located approx. 300m to the east of the site.

5.9. EIA Screening

- 5.9.1. Having regard to nature and scale of the development, the built-up urban location and brownfield nature of the site 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 third-party appeal of the Planning Authority's decision to grant permission was made by the Merrion Road Residents Association. The grounds of the appeal can be summarised as follows:

- The proposed development is contrary to the Z1 objective which seeks to protect, provide and improve residential amenities.
- The subject proposal does not address the three reasons permission was previously refused.
- The proposed design is monolithic, is too high and is excessive in context. The proposed set-back is inadequate and creates a narrow overbearing streetscape. The design looms over Merrion Road and takes no account of the surrounding scale and architecture. The proposed development does not align with the protected structures on the streetscape (147-153 Merrion Road and the entirety of Estate Avenue). The proposed development will not integrate into its surroundings as claimed by the applicant. The proposed design has no architectural merit.
- It is disingenuous to use the campus style accommodation of the hospital as a height benchmark.
- The proposed development will severely overshadow the surrounding residences. The shadow is not accurate as it bears no resemblance to the existing surroundings. The proposed development will create permanent shadows.
- The applicant's suggestion of a 'Merrionian' style is rejected as having no historical basis. The applicants architectural comparisons are not relevant to

Merrion village. Georgian and Victorian terraces are linear in form with a singular façade and uniformity of finishes.

- The proposed development does not comply with the architectural heritage guidelines with regard to proximity to protected structures. The Archaeological Society of Ireland should be consulted regarding the retention of Bloomfield Gate and Wall. This was not conditioned by the Planning Authority.
- The Planning Authority's condition no. 15 regarding plant above roof level is not sufficient to safeguard the visual amenities of the area.
- The 6-storey height of the proposed building is exacerbated by the balconies on all four sides of the building. The proposed opaque glazing will not be sufficient to protect privacy.
- The full extent of land acquisition required for the East Coast Trail and Core Bus Corridor is not known, therefore the proposed development is premature.
- The subject site is prone to flooding. The proposed basement car park will have a profound impact on water movement. This was not addressed by the Planning Authority.
- Condition no. 13 does not address serious traffic concerns. 45 no. car parking spaces is too many and will add to the existing traffic chaos. There is a high volume of pedestrian and bicycle traffic using the pedestrian access to the Hospital at the top of Herbert Avenue. There is also a childcare facility and a private medical centre on Herbert Avenue, which has double yellow lines on one side.
- That Herbert Avenue is an emergency access point to SVUH under the National Emergency Plan must be considered.
- Plans to re-configure the internal layout of the new national maternity hospital (NMH) and SVUH will drastically increase traffic volumes and congestion in the area.
- The Board is requested to refuse permission for the proposed development.

6.2. Applicant Response

6.2.1. An agent for the applicant responded to the third-party appeal. The response states that the Local Authority supports the proposed redevelopment of the site, the proposed density and height, the proposed residential amenity offered by the development, the provision of car parking and facilitation of the NTA. The response states that the proposed development is supported by national policy and should be granted permission.

6.2.2. The response to the grounds raised in the appeal can be summarised as follows:

- The proposed development is in keeping with the zoning objective for the site.
- The proposed development has been significantly altered to address the previous reasons for refusal.
- The subject site is suitable for a unique corner development of distinctive character. The massing of the building has been moderated to read as a series of buildings, stepping down to address existing properties.
- The area is not a conservation area, has a variety of building scales, height, design and building line.
- The daylight and sunlight analysis submitted demonstrates that the proposed development will not cause overshadowing and that post development the total amount of sunlight hours would not be significantly reduced. Some additional shadowing of Merrion Road will not be significant.
- The proposed innovative method of housing in an urban area is modern but with elements of Georgian and Victorian architecture.
- The subject site is over 30m from the protected structures. The proposed development will not directly affect the character and setting of these properties.
- Bloomfield Gate is not a protected structure and the Archaeological Society do not need to be notified. The subject gate is not affected by the proposed development.
- Condition no.s 5 and 5 are appropriate and safeguard the amenity of the surrounding occupiers.

Core Bus Corridor and East Coast Trail Projects

- The proposed development has been designed to accommodate the requirements of the NTA.
- Pre-planning consultations were undertaken with the Planning Authority, the developer, the design team and the NTA and resulted in a minimum set back. This will allow for any future CPO.
- The NTA have confirmed their satisfaction with the proposal. Appendix A of the response refers. Appendix B of the response shows the emerging preferred route for the Blackrock to Merrion Core Bus Corridor. Figure attached showing the new route and the 2019 route.

Flood Risk and Groundwater Impact

- A site specific flood risk assessment (SSFRA) was submitted as part of the application. The development was found to be at low risk of flooding.
- There is no risk of coastal, pluvial or fluvial flooding at the subject site. The subject site is in Flood Zone C.
- The proposed surface water drainage network is designed to cater for the 100 year event plus a 20% climate change allowance.
- The OPW database shows no record of flooding in the area of the proposed development. Merrion Road flooded in 1963 and 2002 but the subject site was not affected.
- A Basement Impact Assessment (BIA) was carried out, including a Hydrological and Hydrogeological assessment and a Ground water movement assessment, as per the requirements of the DCC basement impact policy. The impact on groundwater levels is considered nominal with respect to overall hydrogeology and existing groundwater conditions and flow in the area.
- The BIA includes the results of a search for basements in the immediate area. Significant damming effects from cumulative basements are not predicted. The most likely scenario for the proposed basement development is a marginal increase in groundwater levels upstream, with a similar reduction in groundwater

levels downstream. Issues of increasing flow velocity, potential piping subsurface erosion of sandy material is not a concern.

- The groundwater monitoring on the site noted groundwater levels are 1.0m below ground level, approx. 3mOD. The groundwater flow is considered to be in a north-east direction. The groundwater modelling undertaken shows that there will be a marginal impact on the existing groundwater flow and any change shall be well within the normal range of seasonal change (0.4m to 1.3m). It is not envisaged that the embedded retaining wall will extend into the lower gravel and bedrock strata where the groundwater flow primarily is, therefore, aquifer and artesian water pressures on site will remain unaffected.
- Given the proximity of the subject site to the tidal River Liffey and Dublin Bay, it is unlikely the underlying aquifers are used as potable water sources. The magnitude of the impact of the proposed development on hydrogeology conditions is considered to be negligible and imperceptible.
- Groundwater control during construction will be controlled by way of sump and pump, with discharge to groundwater by permission of DCC.
- The low permeability clay on site, the proposed embedded wall, temporary lowering of the water table and piezometric surface outside of excavations will all contribute to minimal groundwater ingress on site and therefore minimal groundwater extraction. The completed basement will provide permanent waterproofing to the development.

Traffic

- The TTA shows that traffic generated by the proposed development will be less than the previous use as a garage showroom.
- The Mobility management plan and car park management plan for the proposed development showed the variety of alternative sustainable transport options available.
- The traffic related content of the application has been accepted by DCC and the NTA.

- The TTA demonstrates that the proposed development will not adversely affect the function or operation of Herbert Avenue, including its status as an emergency access point to SVUH, or Merrion Road or Herbert Avenue.
- The appeal response is accompanied by a copy of the NTA letter to the Planning Authority, an extract from the Blackrock to Merrion CBC preferred route, a copy of the planning permission notification and a copy of the second planning report.
- The Board is requested to grant permission.

6.3. **Planning Authority Response**

6.3.1. None on file

6.4. **Observations**

- 6.4.1. **Teresa Bourke, 11, Fortlands:** Height, lack of boundary would dominate and overshadow Fortlands, harming the residential amenity. The proximity of the basement car ramp to Fortlands will affect their health. Traffic congestion on Merrion Road and Herbert Avenue will be exacerbated.
- 6.4.2. **Miriam Lynch, 15 Fortlands:** Support the third-party appeal. Proposed development will over-shadow, overlook and dominate the privacy of Fortlands. Severe traffic congestion will be exacerbated.
- 6.4.3. **Cllr. Dermot Lacey:** Wishes to support the submission made by the Residents of Merrion Road. Shares their disappointment at the decision of grant permission.
- 6.4.4. **Eamon O'Flynn, 179 Merrion Road:** Wishes to support the third-party appeal. Apartment development on site is acceptable but proposed development is not proportional in scale or character. Proposed development would undermine the architectural heritage of Merrion. Inadequate car parking.

7.0 **Assessment**

- 7.1.1. I have examined the file and the planning history, considered national and local policies and guidance, the submissions of all parties and inspected the site. I have assessed the proposed development and I am satisfied that the issues raised adequately identify the key potential impacts and I will address each in turn as follows:

- Principle of development
- Height, Scale and Design
- Residential Amenity
- Traffic
- Groundwater

7.2. Principle of Development

7.2.1. The subject site is zoned for residential development and is located in a prime location with regards to public transport, social and community facilities. The subject site is currently under-used - the existing buildings fail to maximise the opportunities presented by the site in terms of visual amenity and use of zoned and serviced residential land. The proposed residential development is an appropriate and efficient use of zoned and serviced lands. Subject to all other planning considerations, the proposed development is considered acceptable in principle.

7.3. Height Scale and Design

- 7.3.1. One of the main concerns of the third-party appellant and the observers is the height, scale and design of the proposed development. The proposed L-shaped apartment block bounds the site on the Herbert Avenue and Merrion Road sides, with a communal amenity area in the south-east section. The block is 4-storey over basement in a standard L-shape with a further two floors contained within a modified roof profile. The overall height of the 6-storey building is 22m from street level.
- 7.3.2. The applicant refers to the roof profile and 'Merrionian' architecture of the proposed development. Their Architectural Design Statement refers to the desire to have the block read as a series of individual facades. Section 3.3. of the statement details the form and massing strategy the design team undertook from the previous refusal to the proposed development. The massing individualisation strategy is an appropriate response, allowing a large scale building to sit comfortably in the wider context of varying architectural forms. The final stages in the strategy are massing and scale reductions in the form of "roofscape dynamization" and "roof inhabitation". The top two floors of the proposed blocks are set within a sloped and pitched roof, with cut out balconies in parts, sloped almost dormer accommodation in parts and full height parapet elevations in parts.

- 7.3.3. The roof profile, with slopes and pitches appears to suggest a more domestic form of architecture, almost an oversized house. Notwithstanding the strategy to individualise the façade, the heavy, overly dominant roof pulls the entire block together to read as one entity. This heavy roof profile, coupled with the narrow protruding balconies onto Merrion Road creates a disjointed, discordant streetscape. Further, the use of render and finishes that compare with the adjoining red-brick dwellings does not strike a sufficiently clear marker that this is a new and contemporary entry in the streetscape.
- 7.3.4. The streetscape on Herbert Road is more successful. A combination of a greater set back in roof and overall heights, wider and more symmetrical balcony spacing result in a greater integration with the cul-de-sac.
- 7.3.5. It is considered that the design response to the subject site, the corner presentation, and the wider area is not successful. The dominance of the roof profile in terms of scale and massing results in an overly bulky corner building, that does not satisfactorily address its context.

7.4. Residential Amenity

- 7.4.1. The potential for overlooking and / or overshadowing of the existing 4-storey Fortlands development has been raised as a concern by the residents. The proposed L-shaped building is built right up to the southern boundary with Fortlands, in the south-eastern corner. The projecting balconies in the southern most apartments therefore, are only 3m from the northern elevation of Fortlands. The use of opaque glazing or other screening techniques on the southern elevation of each of the ground to fourth floor balconies would alleviate any overlooking.
- 7.4.2. In terms of residential amenity for future residents of the proposed development, it is considered that the width of some of the balconies should be increased. A number of the balconies are only 1.5m wide. This is inadequate to provide any usable amenity space.

7.5. Traffic

- 7.5.1. The appellants state that the proposed development is premature pending the bus connects options on Merrion Road, that too many car parking spaces are proposed, that the existing traffic congestion on Herbert Avenue and Merrion Road will be

exacerbated and that the proposed development may impact ongoing re-development of the SVUH site.

- 7.5.2. With regard to the propose East Coast Trail and the Blackrock Core Bus Corridor, I note the submission of the National Transport Authority to the Planning Authority that they welcome the commitment of the applicant to accommodating the objectives of the NTA. They request the inclusion of a condition to any grant, that the proposed development is carried out in accordance with the requiremenst of the NTA.
- 7.5.3. In terms of car parking, it is proposed to excavate and create a basement car park with access from Herbert Avenue. In response to the request for further information, the proposed basement was modified to provide for 43 no. car spaces (a reduction of two), 84 no. cycle spaces and 4 no. motorcycle spaces. 2 no. of the proposed spaces are to be assigned to a car sharing scheme. The car park management plan states that only 45 no. of the 63 no. proposed units will be sold with a car parking space. All residents will be issued with a car parking guide upon sale. The subject site has excellent public transport links, future proposals for enhanced public transport, is adjacent to major employer and is within walking distance of a number of social and community facilities. In the TTA the applicant notes that the provision of less than one space per unit will not cause overspill car parking". The aim for such a well serviced site however should be to actively encourage the use of the many public transport, walking and cycling options available. It is considered such an approach would be more in line with Policy MT2 of the development plan which recognises the need for private car usage but it must occur against a backdrop of continuing to promote the modal shift to more sustainable forms of transport.
- 7.5.4. A TTA was submitted with the application. It notes that traffic volumes on Merrion road are generally high. Traffic counts were undertaken in October 2018. The current vehicular entrance onto Merrion Road would be closed as the proposed development will enter / exit from Herbert Avenue only. The proposed apartment development will have an arrivals / departures trip generation rate of 3/9 in the am and 9/4 in the pm. The existing car showroom has rates of 6/3 in the am and 12/12 in the pm, therefore the proposed development will lead to less traffic movements.
- 7.5.5. In responding to the third-party appeal, the applicant states that the existing status of Herbert Road as an emergency access point to SVUH and the proposed internal

road reconfiguration of the campus to accommodate the new NMH will not be affected by the proposed development. The response and the TTA both rely heavily on the prediction that trip generation will reduce and therefore the existing capacity of the junction will be unaffected. This of course, is not the case, as the traffic situation during construction and during operation of the redeveloped site at SVUH will fundamentally alter the existing traffic situation. It is good practice for a TTA to address the cumulative impact of a proposed development with surrounding permitted and proposed development. The subject proposal has not done so. I note that section 10.0 of the TTA states that “*the impact on the local road network has not been assessed as the projected traffic flows on the local road network with the proposed development in place, will be imperceptible*”. Should construction of the proposed development occur at the same time as construction on the adjoining site, the impact on the road network could be significant. Such a possibility should have been explored.

7.6. **Groundwater**

- 7.6.1. The appellants have raised a concern that the proposed basement will have a profound impact on groundwater in an area that is prone to flooding.
- 7.6.2. The applicant submitted a site-specific flood risk assessment (SSFRA) and a Basement Impact Assessment (BIA). The SSFRA notes that the subject site is located in Flood Zone C, (Site 8 Coastal Sandymount DCC SFRA) that there is no fluvial, pluvial or coastal flooding risk to the site. OPW records show no instances of historic flood events on the site. the conclusion of the SSFRA is that the proposed development is at low risk of flooding and the proposed location is appropriate.
- 7.6.3. The BIA includes a risk assessment for hydrology and hydrogeology, a groundwater scoping assessment and a groundwater movement analysis, as per the requirements of the DCC Basement Impact Assessment policy. The document details the site investigations, risk assessment, flow modelling and contamination risk. It is considered the issue has been comprehensively and robustly assessed. The risk to the proposed and existing development is found to be low. I note that the engineering departments of DCC were satisfied with the analysis.

7.7. Archaeological Heritage

- 7.7.1. The third-party appeal submits that the architectural and archaeological heritage of the wider area was not addressed. The nearest protected structures (see extract of DCC zoning map H) are the single storey stone & red brick cottages on Estate Avenue. The cottages are sufficiently removed from the subject site to avoid any undue impact.
- 7.7.2. Bloomfield Gate, adjoining the north-west corner of the subject site is not a protected structure.

7.8. Summary

- 7.8.1. It is considered the subject site is suitable for a high density, high quality multi-unit residential development. The issues regarding quantum of car parking and the cumulative impact of adjoining development on traffic conditions are not such that warrant a refusal of permission. It is considered, however that the proposed design response to the subject site is unacceptable. The roof profile, in particular, is overly dominant in terms of its scale, form and massing. It is considered that the amendments required to make the Merrion Road elevation successful integrate into the wider area as beyond the scope of condition. It is recommended that permission be refused.

8.0 Recommendation

- 8.1.1. It is recommended that permission be refused for the following reason and considerations:

- 1 Having regard to the prominent location of the site, to the established built form and character of Merrion Road, in particular and to the existing and proposed buildings in the immediate vicinity to the site which are considered to be of importance to the streetscape, it is considered that, notwithstanding the suitability of the site for a high density scheme, the proposed development, with particular reference to the proposed roof profile, would be incongruous in terms of its design, bulk and form which would represent an inadequate architectural response to the site context, would be out of

character with the streetscape and would, therefore, seriously injure the visual amenities of the area and be contrary to the proper planning and sustainable development of the area.

Gillian Kane
Senior Planning Inspector

19 June 2020