



An
Bord
Pleanála

Inspector's Report ABP 308360 - 20.

Development	Demolition of Existing buildings and construction of forty-eight apartments in a fifteen-storey block, with winter garden at roof level communal co working space and gym, external landscaped space basement cycle parking (102 spaces) and plant four external car spaces with vehicular and pedestrian access off York Road and associated facilities, site development and infrastructure.
Location	Nos 11, 11A and 12 York Road, Ringsend, Dublin 4.
Planning Authority	Dublin City Council
P. A. Reg. Ref.	3040/20
Applicant	Melvin Properties Ltd.
Type of Application	Permission
Decision	Refuse Permission
Type of Appeal	First Party X Refusal
Appellant	Melvin Properties Ltd
Observers	Multiple - See List Overleaf
Date of Inspection	20 th January, 2021.
Inspector	Jane Dennehy

Observer Parties

Mark Bissett

People before Profit,

Anne Rutledge,

Councillor Claire Byrne,

Residents of 35 O'Rahilly House,

Angela McDonald and Others,

Residents of 91 O'Rahilly House,

Anne Smith

Deirdre Rooney and Others,

Kathleen Sheppard and Others,

Ian Lane,

Kate O'Connell

Councillor Ciaran Perry,

Hillary Barrett,

Debra and Aidan Sloan,

Alexandra Quay Management,

William Ryan and Others,

Brian Murray,

Karen Mooney and others,

Mary O'Neill

Susan Gregg Farrell,

Shay Connolly and Others,

George Reynolds Residents Association,

Rebecca Larkin and Others,

Sharon Bolger and Others,

Patricia Ward and Others,

Helen Gannon and Others,

Betty Plunkett and Others,
Carmel Murray and Others,
Liz Cassidy,
Terence Grant and Others,
Stella Maris Rowing Club,
Deborah and Ray Murray and Others,
Ann Pullen,
Bernie Mitchel and Others,
Anne Fox and Others,
Rosalie Sunderland,
Barry Montgomery and Others,
Jason McDonnell and Others,
Pauline Walsh and Others,
Mrs J O'Neill and Others,
Karen Byrne and Others,
Craig Flood and Others,
Eamon Clery,
Leila Young and Others,
Michelle McDougal and Others,
Anthony McDonald,
Stacy Burke and Others,
Lisa Murray and Others,
Liam and Vicky Bannable and Others,
Fiona Brannock and Others,
Chris Andrews,
Rachel Rooney and Others,
Edel Kelly and Others,
Jacqui Nolan and Others,
Tony Costello,

Ann Collins and Others,
Cormac Connolly and Others,
Orla Murphy,
Anita O'Connor and Others,
Cathrina Gannon and Others,
High O'Donnell,
Councillor Danny Byrne,
Bernice McDonnell and Others,
Ger Egan and Others,
K Donoghue and Others,
St Patrick's Rowing Club,
Margaret Rooney,
Maria Kclnern,
B O'Connor,
Catherine Connolly,
Seamus Hughes,
Pauline Caulfield Gregg and Thomas Gregg,
Jim O'Callaghan, TD.
Councillor Mannix Flynn,
M Sherlock,
Lord Mayor of Dublin.
Transportation Infrastructure Ireland, (Prescribed Body)

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1.0 Site Location and Description

- 1.1. The site which is roughly rectangular in shape but it has a splayed rear boundary and has a stated area of 730 square metres. It has frontage onto the south side of York Road of circa seventeen metres and depth ranging from thirty-six to forty metres. There is a two-storey building double pitched roof building and a single storey extension at the rear and it has a stated floor area of 667 square metres and is occupied by *Dyno Rod* a plumbing and drainage services business.
- 1.2. Residential development in an apartment block with surface carparking “Alexandra Quay” is to the west in apartment blocks and to the east is Ringsend College. Various school and college buildings are located along Cambridge Road at the rear, south side of the site. Further to the east is a row of Pembroke Cottages along Pigeon House Road and some two storey houses to the south side of Pigeon House and Cambridge Road. Ringsend Village and Park are to the south and south west and a row of Pembroke Cottages links Cambridge Road at the south to York Road to the north a short distance to the west of the site.
- 1.3. The East Link Toll Bridge is to the north west which is accessed and exited on the R131 adjacent to the river roughly opposite the site. To the west and north west on the north side and south side of the East Link bridge are the Docklands which are substantively redeveloped with mainly mid-rise buildings primarily in commercial use. Development on the east side of the East Link bridge both north and south of the river towards the estuary is primarily port related and associated uses and includes some structures of historic interest.

2.0 Proposed Development

The application lodged with the planning authority indicates proposals for demolition of all existing buildings and construction of a forty-eight-unit apartment block.

- The block which is fifteen storeys and which has a stated height of which is 49.6 metres, there are setbacks for the southeast elevation at levels 10-15 and additional setbacks from the front elevation at levels 14 and 15. The

proposed forty-eight units comprise 21 No one bed units, 24 No two bed units (3 duplex) and 3 No, three bed units in varied typology.

- Provision is made for an internal communal room roof winter garden beneath a sedum roof surrounded by external communal amenity space. At ground level where there is pedestrian access off York Road provision is made for communal co-working space (c. 37.6 sqm), a gym (42.6 sqm) a bin storage area and a switch room.
- Also provided in the application is an external landscaped communal open space (c. 175sqm) to the rear of the block and an additional external landscaped space (c. 130.3 sqm) at roof level around the winter garden.
- 102 secure cycle parking spaces with access by a cycle lift from the ground level and plant rooms are to be provided at basement level.
- 4 external car parking spaces inclusive car club spaces and a dedicated disability certificate space are proposed for the space between the rear of the block and the external ground level open space which adjoins the rear boundary. Vehicular access is to be provided from York Road via undercroft. Two car spaces on the public road at the site frontage are open to consideration according to the application.
- According to the written submission a total of 305 square metres in communal open space provision is made amounting to 6.4 square metres per unit.
- Provision is also made for all other associated and ancillary infrastructure and site development and works.
- Drainage arrangements provide for separate collection of foul and surface water within the development site before discharge to the 1250 mm diam combined sewer in York Road.

The application is accompanied by an Engineering Services report, a Building Life Cycle report. Architectural Design statement, Landscape and visual assessment report, Housing Quality Assessment, Sustainability Report, a Shadow Study, Schedule of Areas. Fire Safety and Accessibility Study and an Appropriate Assessment Screening report.

(In the appeal an alternative option for a twelve-storey building is provided for consideration without prejudice to the original proposal.)

2.1. Planning Authority Decision

2.2. Decision

By order dated, 10th September, 2020, the planning authority decided to refuse permission based on the following reason:

“Having regard to the limited size of the site and the scale of development already permitted on it, and to the existing low rise context which includes single-storey cottages at Pembroke Cottages and Pigeon House Road with zoning objective Z2 – ‘to protect and/or improve the amenities of residential conservation areas’ in the current Dublin City Development Plan (2016-22), it is considered that the proposed fifteen-storey building would provide for an unduly abrupt transition in scale, which would have an unacceptable impact on the visual amenities and character of the area, would not integrate successfully into the existing streetscape, would have an overbearing impact and would appear visually incongruous in the context of the surrounding buildings, which range in height from one to four storeys, when viewed from along York Road and from the river Liffey. The proposed development would therefore be seriously injurious to the visual amenities and character of the surrounding area, including the adjacent residential conservation areas, thus being contrary to the provisions of the Department of Housing, Planning and Local Government ‘Urban Development and Building Height’ guidelines (2018), the Dublin City Development Plan, including Policy 16.10.10 in relation to infill development, and the proper planning and sustainable development of the area.”

2.3. Planning Authority Reports

2.3.1. Planning Reports

The **Planning Officer**. The report indicates a recommendation for refusal of permission due conflict with the CDP and the Building Height Guidelines to serious injury to visual amenities in views along the River Liffey and the amenities of the area due to excessive height and incompatibility with the scale and character of existing and surrounding development including development within the area subject to the 'Z2' (residential conservation area) zoning objective.

Transportation Planning Division: The report which is substantively the same in content as the prior proposal under P. A. Reg. Ref. 2043/20 indicates concerns as to potential for displacement of existing residential parking facilities and exacerbation of demand for on street parking in the area due to lack of links to the city centre and limited uncontrolled on street parking. The three car share spaces proposed for residents are noted as having some ameliorative impact and in combination with alternative options for transport and travel and the relative proximity to the city centre, the proposed arrangements are considered acceptable. According to the report,

Recommendations in addition to standard technical requirements for conditions to be attached if permission is granted include:

- Preparation, prior to occupation, for a compliance submission, a Mobility Management Plan and Residential Travel Plan, to be reviewed after twelve months in occupation, and appointment of a mobility manager.
- A Construction Management Plan to be prepared on appointment of a main contractor with a compliance submission being required.

2.3.2. **Drainage Division.** The report of the indicates no objection subject to separate foul and surface water systems and SUDS drainage and lifting of basement drainage by pumping and standard requirements.

City Archaeologist. The report for the prior proposal under P. A. Reg. Ref. **2043/20** there is a recommendation for attachment of an archaeological monitoring condition should permission be granted, given the location of the site within the zone of archaeological constraint and zone of archaeological interest (See Section 5.).

2.4. Prescribed Bodies

Transportation Infrastructure Ireland: In a submission dated, 6th August, 2020 it is stated that the location comes within the area of the Section 49 Supplementary Development Contributions Scheme for LUAS Light Rail Extension (LUAS C1) and a contribution condition is recommended if permission is granted. Also noted is the requirement for compliance with the Code of Engineering Practice for works on near or adjacent to the LUAS light Rail system is also required, due to the proximate location of the site.

2.5. Third Party Observations

Multiple submissions were lodged with the planning authority in which issues about which concerns are raised include to overdevelopment, excessive density, excessive height which result in incompatibility with the established character and village environment and adverse impact on residential amenities and excessive pressure on infrastructure, services and facilities, traffic congestion and parking supply, flooding risk. Multiple observers' submissions have been lodged in connection with the appeal and, to avoid repetition the issues raised at application and appeal stage are outlined in more detail in para 6.4 below.

3.0 Planning History

P. A. Reg. Ref.2043/20: Permission was granted, subject to conditions which generally are of a standard nature demolition of all existing buildings and the construction of a twenty six unit apartment development in a seven storey block comprising: 13 no. 1 bed apartments and 13 no. 2-bed apartments, all with private balcony or terrace, landscaped communal amenity space to the rear at ground floor level; single storey plant and storage building and enclosed bin store and 58 no. bicycle secure parking spaces; pedestrian access from York Road; all ancillary site works, an ESB substation (at ground floor level fronting onto York Road); provision of green roof, plant and all associated site development work. The total gross floor area is c.2,129 sqm. An appeal was withdrawn prior to determination of a decision (PL 306887 refers.)

4.0 Policy Context

4.1. Development Plan

- 4.1.1. The operative development plan is the Dublin City Development Plan, 2016-2022 (CDP) according to which the site is subject to the zoning objective Z1: “*To protect, provide for and improve residential amenities.*” Residential use is permissible.

Indicate site coverage is 45 to 60 percent. (Section 16.6) Indicative Plot Ratio is 0.5-2.0 (section 16.5)

The location is within the Docklands Strategic Development and Regeneration Area (Docklands (SDRA 6.) includes The Docklands SDZ, the Poolbeg West area and the wider Docklands. The site is not within the SDZ areas. Guiding principles are set out in Chapter 15 – Sections 15.1.1.6 – The Poolbeg West area for which there is an SDZ is a short distance to the east of the application site. According to section 15.1 most of the greenfield or brownfield areas within SDRAs are subject to the zoning objective Z14. Objectives are in adopted local area plans and SDZ plans where available.

Lands to the south and to the east are subject to the zoning objective Z14 providing for community and institutional uses.

Areas in the vicinity of the site, (Pigeon House Road and Pembroke Cottages) come areas subject to the ‘Z2’ zoning objective – *residential conservation areas*.

The building height strategy is set out in section 16.7.2 and it provides for taller buildings in limited locations.

Qualitative standards for apartment developments are as provided for in statutory guidance according to section 16.10.1.

The site location comes partially within the Zone of Archaeological Constraint for the Recorded Monument DU018-066 (sea wall), and the Zone of Archaeological Interest.

The location comes within Area 3 in Table 16.1 according to section 16.1 for which there is a maximum requirement of 1.5 spaces per dwelling unit. (Three car share spaces are treated as equivalent to fifteen spaces or a total of forty-five trips.

The visual images illustrate the over scale and overbearing and inappropriate nature and height of the development exacerbated the blank elevations to the east and west.

4.2. **National Strategic Policy.**

National Planning Framework 2018 (NPF).

Project Ireland 2040.

Rebuilding Ireland – Action Plan for Housing and Homelessness.

4.3. **Regional Policy**

Regional Spatial and Economic Strategy for the Eastern and Midland Regional Assembly, (2019) (RSES) and Metropolitan Area Strategic Plan, (MASP)

4.4. **Strategic Guidance.**

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

Urban Development and Building Heights; Guidelines for Planning Authorities, (2018).

Sustainable Residential Development in Urban Areas (2009)

5.0 **The Appeal**

5.1. **Grounds of Appeal**

- 5.1.1. A first party appeal was received from John Spain Associates on behalf of the application on 7th October, 2020. A twelve-storey option in which three mid floors are omitted and in which there are modifications to the elevations which intended to respond to planning authority concerns, is included for consideration, without prejudice to the proposal for fifteen storey development.
- 5.1.2. The appeal submission includes comprehensive descriptions with comments supporting the applicant's case on the planning background and context, the proposed development and national, regional and local strategic policy and guidance. The submission also includes a design statement and shadow analysis, CGI images and revised landscape and visual impact assessment, (LVIA) historic

analysis, archaeological and built environment report, telecommunications report and a landscaping masterplan which were prepared for the appeal in which the two options, the fifteen storey and twelve storey (with a lighter colour and finish) options are assessed.

5.1.3. The grounds of the appeal having regard to the covering submission and the attached submissions can be outlined in brief as follows:

- The height is the primary reason for the refusal of permission: The proposal complies with Section 3.2 and with the criteria in Part (a) of SPPR 3 of the Building Height Guidelines which takes the wider parameters in the National Planning Framework (NPF). It is noted that the proposal is a material contravention of the CDP but under the provisions of section 37 (2) (b) of the Planning and Development Act, 2000, as amended, (the Act) compliance with the criteria in section 3.2 allows for permission to be granted, having regard to regional and national policy and section 28 and 29 of the Act.
- The site is well served by public transport (Luas Redline) which is to be extended to Poolbeg, Dart and Bus services including future 'Bus Connects' proposals.
- The current proposal is also a high-quality development replacing an industrial use and regenerating the site and positively contributing to the neighbourhood. Verticality will be introduced to the area; increased height already approved in the seven-storey permitted development for the site.
- The set back of the upper floors reduces visual prominence and the block consolidates a uniform contributing to the public realm in footpath and landscaping and public realm improvements and enhancements responding to a maritime context.
- Photomontages and the LVIA included with the appeal show the lighter appearance) and use of high-quality materials and animation in the elevations, (as proposed in the modified finishes,) visual impacts on the cityscapes, and from the west which are minor.
- There are no key landmarks or key views and the development responds to the higher building context in the Docklands as illustrated in the historic

analyses included with the appeal. The development proposed is a visual introduction to the Docklands context on approach from the east.

- While there is weight on the conservation area impact in the reason for refusal of permission the issue is not comprehensively addressed in the planning officer report.
- The comprehensive historic analysis and design statement submitted with the appeal demonstrate the continuing evolving context of transformation of the Docklands area and higher buildings. The location is not sensitive in terms of historic and heritage especially given the enormous growth and infilling of the sea providing for Poolbeg peninsular in the 20th century. The proposed development is consistent with the emerging development trends of the area.
- While there is a significant step up in height relative to adjoining development with visual impacts being minor and moderate the block would be acceptable in the surrounding environment in which there is an evolving context of higher buildings in the Docklands area as also reflected in the North Lotts and Docklands SDZ. The proposal benefits the context as demonstrated in contextual elevations and photomontages included in the submission.
- The location is “*central/accessible*” having regard to the Apartment Guidelines. Thirty-three per cent of units as dual aspect and there are balconies on the south elevation of good outlooks over the water on the north elevation.
- The L shaped footprint which is small provides sense of enclosure and variation in design enhances with high quality landscaping and amenity including roof level amenity space and it formalises the public realm in the area. A total of 423 square metres community space is provided and is appropriate for the development. It equates to 8.8 square metre per unit and in addition to the private spaces for each unit.
- Sunlight and daylight access to the interior is maximised, owing to the north south axis and ‘L’ shaped footprint of the building, without detriment to adjoining properties in the design.

- Overshadowing of adjoining properties, already caused by existing buildings, and which would be occurring in morning times is demonstrated in the shadow analysis to be low as noted in the planning officer report.
- With regard to microclimate benefits, the proposed building is not within a cluster and as indicated in the Statement from the applicants consulting engineers wind modelling is not required as there is minimal change in the existing and proposed conditions with regard to the small site and its boundaries.
- The area is not a bat or bird sensitive area as indicated in the submitted ecological report.
- If necessary, the proposed building could be used for the existing telecommunications channel at the site as indicated in the submitted telecommunications report and, it has been confirmed that there is no impact on air navigation.
- Significant weight and substance are applied in the planning officer's report to perceptions of impact on the 'Z2' zoned residential conservation areas although there is no assessment for the conservation officer.
- Viewpoint VRP10 at the southern end of Pembroke cottages and the LVIA concludes a moderate effect on visual amenity which is not discordant. The proposed development would be obliquely visible from Pigeon House Road, where houses mitigate impact. View VRP 3 and the LVIA demonstrate minor adverse effect on the visual amenities from that viewpoint.
- The development will not be evident from Pembroke Cottages from which sighting would be limited. These cottages cannot be regarded a meaningful part of the riverside vista as there is a blank west gable end and a railed access at the east row on York Road contributing little value to views from the East Link Bridge and the river.
- Development at the village is trivial relative to the creation of the Poolbeg peninsula and the ongoing development on it and in the Docklands. The proposed development is innovative in the riverfront approaching East Link

Bridge on the R131. VRP9 and the LVIA indicates capacity for the townscape to accept the change in townscape as beneficial with moderate or minor effect.

- The proposed development meets criteria for higher buildings as set out in the Building Height guidelines and is well placed to absorb the greater height and density and scale and design of the proposed in the context of its urban surroundings and accessibility.
- The potential impacts on the receiving environment relative to the previously permitted proposal are minimal and benefits the immediate vicinity as a sustainable brownfield infill development.
- The proposed infill development which is compliant with the 'Z1' zoning, accords with the CDP where in Section 16.10.10 there is scope for relaxation of standards if it ensures optimum utilisation in development of vacant derelict and underutilised sites in that it meets high standards in design and in accommodation and there is an appropriate transport strategy in the application.
- Environmental, Impact Assessment (and an EIS) is not required. An Appropriate Assessment Screening report was included in the application in which it is demonstrated that no issues arise.

5.2. Planning Authority Response

5.2.1. There is no submission from the planning authority on file.

5.3. Observations

5.3.1. Multiple Observer submissions have been lodged with the Board by individuals and groups of residents, residents' organisations, businesses sports clubs, schools, and community groups, organisations and representatives of community facilities representatives, and public representatives.

5.3.2. The submission has also been received from Transportation Infrastructure Ireland Prescribed Body and details of its contents are set out in para 5.3.6 below.

5.3.3. A full list of the Observer parties is available on Pages 2-4)

5.3.4. The issues raised in the submissions are relatively similar across the submissions. relate primarily to objections over the following issues: -

- The reasoning for the decision for refusal of permission by the planning authority are well considered, clear and unambiguous and are also applicable to the alternative option for a twelve-storey proposal included in the appeal.
- There is no objection in principle to appropriate redevelopment of the site as a residential infill.
- The twelve-storey option should not be included within the appeal and it should not be taken into consideration in connection with the appeal. A new application is required and it should have been submitted for consideration in a separate application. It does not overcome the issues that render the fifteen-storey proposal unacceptable and permission should be refused for it.
- Excessive density of development (circa 658 units per hectare) and plot ratio (6.2) on the site and for the village location beyond the urban core of the city. The permitted seven storey development itself is too high in density at 356 units per hectare.
- The site is too small for the national policy objectives as reflected also in the RSES and associated MASP regarding density and intensity to be relevant. This is applicable for underutilised lands in the Dockland and Poolbeg. There is no policy context for the increased height in the area where the site is located. The location in the immediate neighbourhood is outside the SDRA and cannot be considered of strategic or national importance.
- The site is not a 'landmark' or 'gateway' site
- Excessive height and scale for the location, and for the low-rise city and on contravention of CDP policies and standards and undesirable precedent for similar development in the area.
- The permitted development of seven storeys does deliver the national policy objectives for compact urban growthy (Objective 10) in existing building up areas.
- Overbearing impact on historic village, streetscape and surrounding development which includes small cottages.

- Abrupt and unacceptable transition in scale to existing development and it does not complement the surrounding development especially at Pembroke Cottages.
- Negative visual impact, incompatible with the established character of the urban environment and residential conservation area in vicinity.
- Conflict with the zoning objective with adverse impact on residential amenities due to overbearing impact overlooking and overshadowing, and schools and incompatibility with established village environment.
- Likelihood of occupancy leading to creation of a transient community with little or no community gain as opposed to contribution to the creation of stable, sustainable and socially inclusive neighbourhood.
- Social and affordable housing provision (Part V) should be provided for within the complement of units in the development and not off site. It is not acceptable for the applicant to be granted an exemption certificate. Inclusion of provision within the scheme would have contributed to an appropriate mix within the scheme.
- Overdevelopment and insufficient open space provision with the development making no contribution to public amenity accessible to the community.
- The amenity spaces within the scheme cannot be regarded as an amenity benefitting the local community.
- Additional demand for heavily utilised local infrastructure, local services and facilities including school places.
- Insufficient parking provision creating additional demand for parking on the local road network. Area 3 requires on-site parking provision at 1.5 spaces per unit.
- Additional traffic generation on the congested road network.
- Public safety concerns.
- Construction stage disruption in the area.
- Insufficient capacity at Ringsend Treatment plant to accept additional wastewater.

- Basement level facilities unsuitable due to flooding risk in the area.
- Construction stage noise, vibration and air pollution and nuisance and public safety concerns
- Undesirable precedent for similar development.

5.3.5. **Transportation Infrastructure Ireland, Prescribed Body (TII)**

In a statement received by the Board on 22nd October, 2020, it is recommended that conditions be attached with requirements for a section 49 supplementary development contribution condition be attached, if permission is granted and, notification that to compliance with the relevant Code of Practice issued by TII retain got works near or adjacent to LUAS light rail system.

6.0 **Assessment**

- 6.1. The application site has the benefit of a recent grant of permission for demolition of the existing buildings and construction of a seven-storey apartment block on the site which itself is significantly larger in scale and greater in height than surrounding development. The current fifteen storey proposal for which the planning authority decided to refuse permission is for a substantively higher development (at almost fifty metres) and more dense development of forty-eight apartments at 658 units per hectare. In the appeal, without prejudice to the original fifteen storey proposal, an alternative option for a twelve-storey block incorporating provision for different materials and finishes has been included for consideration.
- 6.2. At application and appeal stages, multiple third-party submissions were lodged which indicate support for the reasoning attached to the planning authority decision and in which there are several issues of concern shared by most of these parties. An assessment follows in which both the original fifteen storey and the alternative twelve storey option proposed for consideration, in the appeal are concurrently addressed, taking into account the issue's raised in the observer submissions and the issues considered central to the determination of the decision are:
- Principle and Justification for the Proposed development having regard to strategic policy.

- Building Design, Height and Form – Visual Impact.
- Impact on residential amenities of existing properties.
- Dwelling mix, residential quality standard and nature of occupancy.
- Density of Development.
- Traffic and Parking.
- Environmental Assessment Screening
- Appropriate Assessment Screening

6.3. Principle and Justification for the Proposed development having regard to strategic policy.

- 6.3.1. Although details as to history and special interest of the existing building and heritage value, if any, are unavailable, the proposed demolition to facilitate an apartment development has been established by way of the prior grant of permission for the seven storey, twenty-six-unit apartment block. (P. A. Reg. Ref. 2043/20.) Furthermore, there are no doubt as to the acceptability, in principle, of residential use having regard to the ‘Z1’ zoning objective.
- 6.3.2. A residential infill scheme on underutilised brownfield site in an inner urban serviced location, would be consistent with the national policy for optimum usage of such lands consistent with sustainable development and consolidation of the city as encouraged in the policies within the NPF, associated national policy and regional policy by way of the RSES and, within it, the MASP for the Dublin area. However, any such proposal must be demonstrated to be of quality and consistent with high planning standards in all relevant respects having regard to relevant statutory guidance and in particular as provided for under Section 28(c) of the Act., namely, *Urban Development and Building Height Standards (2018)* (Building Height Guidelines) *Sustainable Urban Housing Design Standards for New Apartments*, (2018). (Apartment Guidelines) and the specific planning policy requirements (SPPRs) therein.
- 6.3.3. The application site is outside SDZ areas in the SDRA, the Poolbeg West SDZ area being some distance to the east and the Docklands on both sides of the river being to the west, beyond the East Link Bridge. Ringsend in which the site is located is

between these areas and to the east side of the East Link Bridge. Ringsend is distinct and separate in terms of the characteristics of the built environment and land uses and there is no specific planning framework with specific objectives as might be provided for in a local area plan.

- 6.3.4. Furthermore, the site is not subject to the 'Z14' zoning objective: *to seek the social economic and physical development and/or rejuvenation of an area with mixed use of which residential and Z6 (enterprise and employment) would be predominant uses.* As such, the site is within the SDRA area, and is without the benefit of the 'Z14' zoning objective, which applies to most sites suitable for regeneration in the SDRA as provided for in section 15.1.1.6 of the CDP outside SDZ designated areas and without the benefit of an adopted local area plan that provides for mid-rise development at high densities. The proposed development is therefore proposed for consideration, in the absence of an appropriate holistic and integrated policy framework, for the Ringsend area as provided for in section 2.7 of the Building Height Guidelines. There is no specific policy framework with objectives to facilitate consideration of the proposal for a fifteen storey or (twelve storey) high density development on an infill site as proposed.
- 6.3.5. Nevertheless, the site is in commercial/industrial use and underutilised, having regard to the location and availability of services and facilities. Its redevelopment in sustainable residential and related uses as provided for under the 'Z1' zoning objective is to be supported and encouraged. The proposed development is regarded as 'infill' as provided for in section 16.10.10 of the CDP which allows for relaxation of some development management standards such as plot ratio and site coverage and should be considered having regard to the Apartment Guidelines 2018 and the Building Height Guidelines 2018.
- 6.3.6. However, notwithstanding national policy objectives supporting higher density and maximisation of underutilised and vacant sites contributing to sustainable consolidation of the city, there are the constraints by virtue of the absence of a specific integrated policy framework in the form of an adopted local area plan and the character of the receiving built environment at Ringsend which includes the Pembroke Cottages within area subject to the 'Z2' zoning objective. (Residential conservation area). Consideration of the proposed development is compromised having regard to the provisions of section 2.7 of the Building Height Guidelines which

provides for the achievement of national policy objectives for urban compact growth accommodating increased densities and height through an active land management centred approach in development plans, SDZs and LAPs and section 16.7.2 of the CDP which provides for the provisions of LAPs to be applied to consideration building heights.

6.4. Building Design, Height and Form – Visual Impact.

- 6.4.1. The maritime riverside location and existing urban context of one to three/four storey buildings and a mix of residential institutional and industrial/commercial uses are considerations in the assessment of the proposed development in the absence of an integrated policy framework for the area and in particular for the riverside frontage. However, the applicant's case is based on reference to the redeveloped areas to the west of the confluence of the Grand Canal, River Dodder and Liffey and the East Link Bridge characterised by the existing clusters of higher buildings on both sides of the river. These Dockland areas which are distinct from the built context of the site location and unrelated to the Ringsend area which there is also no integrated localised policy framework for future development are irrelevant to and inappropriate for justification for the proposed development. A structure such as that proposed may be appropriate for a site within a cluster in a regeneration area for which there is a supporting integrated policy framework.
- 6.4.2. Further to review of the visual montages and the LVIA submitted with the application and the appeal it is not agreed that the proposed block, either in the fifteen storey or the twelve-storey form is acceptable within the vistas along the riverside and cityscape views to the east in views from either side of the river on approach from the west. In views from vantage points along both sides of the river and the bridges from the west, and from the east on approach from Pigeon House Road and Pembroke Cottages to the east, along York Road and along the R131 to the visual impact would be profound and out of place for the location by virtue of excessive proportions in scale and height resulting in a monolithic insertion into the streetscape, notwithstanding the relatively modest slenderness ratio.
- 6.4.3. It is pointed out in the appeal that the site location is not within or vicinity of a statutory architectural conservation area that protected structures are not in the immediate vicinity in the streetscape. However apart from the riverside location, the

site's proximity to areas subject to the 'Z2' zoning objective, (*“residential conservation areas”*) is a material consideration with regard to impact of the proposed development both in terms of the visual and residential amenities of the individual properties and the public realm and the architectural characteristics.

- 6.4.4. It is also agreed with the planning officer that the proposed development would detract from the views of the terraced cottages, (Pembroke Cottages) overlooking the river which are of special interest. From vantage points within close proximity, such as along the street for Pembroke Cottages to the west the view of the structure would be obstructed but it would be visible in above existing structures in the wider area to the south and south east of Cambridge Road.
- 6.4.5. These impacts cannot be ameliorated by the substitution of the option for the reduced height twelve storey block. The form of the lower height structure would result in an increase in massing and block form, with adverse impacts attributable to scale due to the resultant changes to the proportions. However, the alternative finishes proposed, in conjunction with zinc cladding and glazing to achieve a lighter effect as proposed in the appeal visually would be more preferable. There is no objection to these finishes, subject to a compliance submission requirement, should permission be granted.

6.5. Density of Development.

- 6.5.1. The site coverage, for the fifteen-storey block proposed comes within the parameter of the indicative range of 45-50 percent in the CDP whereas the plot ratio at 6.2 is over three time the maximum within the indicative range 0.5 – 2.0 and correspondingly, although there is no indicative range in the CDP the density at 658 units per hectare is not unusual for mid-rise buildings it is extremely high. Both the fifteen-storey proposal and the lower density twelve storey option are indicative of incompatibility with the existing surrounding the development and, the necessity for plan led development in accordance with an adopted local planning framework.

6.6. Impact on residential amenities of existing properties.

- 6.6.1. It is noted that fenestration and private open space are confined to the north and south elevations, the north overlooking the river with no issues as to overlooking and overshadowing arising. However, as has been pointed out in the planning officer report there is scope for overlooking from the south elevation windows. It is

considered that there would be no undue or unreasonable potential for overlooking of the schools on Cambridge Road. There would be potential for perceptions of overlooking of residential properties to a greater degree than may be possible from the upper levels of the south elevation of the block in the fifteen and twelve storey form to a greater degree than is the case with regard to the permitted seven storey development. Overlooking potential towards residential properties to the west would be insignificant.

6.7. Dwelling mix, residential quality standards and nature of occupancy.

- 6.7.1. It is agreed that the proposed development is generally in accordance with the minimum requirement and standards of the Apartment Guidelines with regard to dwelling mix, configuration, unit size, and internal layouts, number of dual aspect units and private open space provision.
- 6.7.2. The application does incorporate communal amenity provision for residents by way of the proposed internal winter garden, roof level amenity space and landscaped communal space at the rear of the site which is provided along with internal communal workspace and gym at ground level. This provision is considered reasonable.
- 6.7.3. Contentions as to lack of meaningful the form of public amenity space or realm improvements are understandable and there is, according to section 16.10.3 of the CDP a requirement for ten per cent of the site area to be reserved. However, it is considered reasonable that public open space provision be omitted and that flexibility to be applied to the proposed development given the small, confined site size. The area benefits from amenities at Ringsend Park and the coastal location. There is the option for acceptance an offer of a financial contribution towards facilities in lieu. There is no objection to the proposed development in this regard.
- 6.7.4. A major concern expressed within several observer submissions is as to the nature of occupancy of the proposed development and scope for contribution to and integration into the existing urban neighbourhood at Ringsend. These concerns are considered reasonable. In terms of social infrastructure and services and facilities, having regard to section 16.10.4 of the CDP the lack of an adopted local policy framework hinders the scope for formulation of proposals and their assessment and in this regard.

6.7.5. An exemption certificate was issued to the applicant with regard to Part V requirements in that the site size is below the minimum for which obligations under Part V would apply. While there is no social and affordable provision within the overall proposed scheme there is an appropriate dwelling mix across one, two and three bed units which is reasonable and generally consistent with statutory guidance. There is no information included with the application as to whether the units would be sold separately, made available for renting or a combination of both. However, based on the information available, there is no substantive reason as to presumption of high transience in occupation or that the proposed development would not contribute to sustainable neighbourhood creation. It is beyond the scope of consideration of the application to incorporate some measures or restrictions that would determine the future relationship or integration into the local community.

6.8. Traffic and Parking.

6.8.1. The Transportation Department report includes remarks on potential for additional demand for parking on the local road network it also indicates acceptance of the current higher density proposal, having regard the location, transport options and the carshare scheme proposals incorporated in the application and recommendations are made for inclusion of a condition for a mobility and residential travel a management plans to be prepared.

6.8.2. However, it is considered that at full occupation, the original forty-eight-unit proposal which is almost double that of the permitted development, and to a lesser extent, the twelve-storey option, some increases in demand for on-street parking of privately owned vehicles on the local road network in the area in which parking supply is not subject to pay and display charges cannot be ruled out. There is no objection to the proposed access arrangements and parking layout within the site.

6.9. Environmental Impact Assessment Screening.

6.9.1. Having regard to the nature of the proposed development and its location on a brownfield site in a serviced central city area, removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.10. Appropriate Assessment.

- 6.10.1. An appropriate assessment screening report was included with the application which has been consulted for the purposes of appropriate assessment screening.
- 6.10.2. The site which at present is occupied by a two and one storey structure and is hard surfaced, is located in a long-established urban area is not within any European sites. The nearest European sites within a zone of influence are the South Dublin Bay SAC (000210) the qualifying interest for which is *Tidal Mudflats and sandflats* the North Dublin Bay SAC and the South Dublin Bay and River Tolka SPA (0004024), the North Bull Island SPA and the Poulaphouca Reservoir SPA the conservation interests for which comprise a range of bird species.
- 6.10.3. The project comprises demolition of existing buildings on small site of 730 square metres in area at York Road, within a built up, serviced area and for construction of a forty-eight-unit apartment development in a block with a maximum of fifteen storeys which is to be connected to the existing public infrastructure for foul and surface water disposal, the arrangements for which are in accords with SUDS and water supply.
- 6.11. There are no direct source-pathway receptor links between the site and the European sites. Indirectly, there is potential indirect connectivity through discharge from Ringsend Treatment Plant to Dublin Bay. The main threat to the European sites is that of potential for pollution arising from a range of activities to include polluted discharge of waters, abstraction of water from the reservoirs and, at demolition and construction stage dust emissions.
- 6.12. The project leads to marginal discharge of foul water to loadings on the municipal sewer and the completion of works at the Ringsend SWTP will ensure improvements to water quality standard in Dublin Bay. The project incorporates SUDS drainage systems and includes a green roof, bio retention areas attenuation storage prior to discharge restricted to greenfield rates, resulting in reduced runoff relative to the predevelopment situation.
- 6.13. Having regard to the nature and scale of the development and the location within the central city area it can be concluded that no appropriate assessment issues arise. The proposed development therefore would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

7.0 Recommendation

- 7.1. In view of the foregoing, it is recommended that the planning authority decision be upheld and that permission be refused based on the following reason and considerations.

8.0 Reasons and Considerations

Having regard to the Dublin City Development Plan, 2016-2022 according to which the site location comes within the Docklands Strategic Development Regeneration Area 16, in the area outside the designated SDZ areas and, subject to the zoning objective Z1: *“To protect, provide for and improve residential amenities it is considered that without the benefit of an adopted local area plan incorporating an integrated framework of specific policies and objectives for regeneration and for mid-rise development at higher densities, it is considered that the proposed development, would constitute haphazard development which is not plan led development, would be visually dominant, obtrusive, overbearing and incongruous and incompatible within the receiving, low profile built environment along the riverside streetscape and would detract from and seriously injure the visual amenities and architectural character of the existing development especially the Pembroke Cottages within the area subject to the zoning objective ‘Z2’ to protect and/or improve the amenities of residential conservation areas’.* As a result. the proposed development would be contrary to the proper planning and sustainable development of the area.

Jane Dennehy

Senior Planning Inspector
27th January, 2021.