



An
Bord
Pleanála

Inspector's Report ABP310081-21

Development

Refurbishment and upward extension of an existing mixed-use development increasing the height of the building from 4/5 storeys to 6/7 storeys and increasing the number of residential units to 131.

Location

Alexandra Place, East Road, Dublin 3.

Planning Authority

Dublin City Council.

Planning Authority Reg. Ref.

3703/20.

Applicants

Development Ocht Limited.

Type of Application

Permission.

Planning Authority Decision

Grant.

Type of Appeal

Third Party -v- Grant.

Appellants

Caledon Court Management
Committee.

Observers

None.

Date of Site Inspection

23rd July, 2021.

Inspector

Paul Caprani.

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1.0 Introduction

ABP310081-21 relates to a third party appeal against the decision of Dublin City Council to issue notification to grant planning permission for the refurbishment and upward extension to an existing mixed-use development from 4/5 storeys to 6/7 storeys increasing the number of residential units from 73 to 131 units. The grounds of appeal argue that the proposed development is visually inappropriate and will have an unacceptable impact on the residential amenities of the area. An observation was also submitted supporting the grounds of appeal. The subject site is located at the Alexandra Place apartments on East Road at the edge of the dockland area in the North-East Dublin Inner City. There is a concurrent application and appeal on the lands contiguous to the southern boundary of the site for a 106 bedroom hotel. This development has also been the subject of a third-party appeal.

2.0 Site Location and Description

- 2.1. The appeal site is located in the inner suburban area of East Wall and, as the crow flies it is located 2 kilometres north-east of O'Connell Bridge. The site fronts onto the East Road, a distributor road linking Sheriff Street to the south with the East Wall Road to the north-east. The subject site is rectangular in shape and occupies an area of 3,352 square metres (0.33 hectares). It currently accommodates a mixed-use development 4 and 5 storeys in height comprising of three co-joined blocks accommodating 73 apartments and 3 ground-floor commercial units. Lands to the immediate south of the site accommodate two-storey redbrick Edwardian period terraced houses which are ubiquitous throughout the East Wall area. Lands to the immediate north of the subject site accommodate access to An Post sorting office and depot, the main building of which is located directly to the rear of the subject site. Further north two-storey redbrick dwellings face onto Ravensdale Road.
- 2.2. Lands on the eastern side of East Road formerly accommodated dockland uses but in more recent years have been the subject of largescale redevelopment most notably the construction of the Beckett building - a large six storey building to the immediate north-east of the subject site which currently accommodates Facebook headquarters. Directly opposite the site on the eastern side of the road is the Island Quay apartments which comprises of blocks of residential units between four and

eight storeys in height which step back from the East Road. The Teeling Way residential development is located on the opposite side of the road to the immediate south-east of the subject site. It comprises of a configuration of three-storey residential blocks. Lands further to the south-east of the site on the opposite side of the road have been the subject of a grant of planning permission under Strategic Housing Development for 554 apartments including a 15 storey block on vacant lands between the Teeling Way residential development and the railway line to the south. Permission for this SHD scheme was granted in September 2019. Lands along the southern boundary of the site are currently vacant. As mentioned above there is a concurrent application and appeal with the Board for a hotel development on these lands (309406-21).

- 2.3. The existing building on site has frontage onto the entire length of the site facing East Road. The rear portion of the building accommodates exclusively residential accommodation which is setback from the boundary of the site and faces onto two areas of communal open space one of which runs along the southern side of the site and the other along the northern boundary of the site. The apartment blocks incorporate recessed balconies facing onto the communal open space at all four levels. The existing development accommodates 73 units.
- 2.4. Two bus routes run along the East Road (Bus No. 53 and 151). The planning report submitted with the application indicate that the residential units are under the ownership of Harts Alexandra Limited. Whereas the residential common areas, car park ancillary area and communal amenity areas are owned by a multi-unit development management company for Alexandra Place.

3.0 Proposed Development

- 3.1. The proposal currently before the Board involves an upward extension on the existing apartment block in order to provide two additional floors increasing the height of the building from 4 to 5 storeys to 6 to 7 storeys in order to accommodate an additional 58 units and a new fifth and sixth floor level. The proposal also involves the modification and expansion of exiting units at third floor level. The overall mix of units in the development (both existing and proposed) will be 17 studio units, 36 one-bedroom units, 72 two-bedroom units and 6 three-bedroom units.

3.2. The development will also comprise of the following:

- The reconfiguration of the existing basement to provide a new gymnasium space, 55 car parking spaces, bicycle parking, refuse storage etc.
- A change of use of an existing vacant commercial unit and part of a vacant creche to accommodate new gymnasium space at ground floor level.
- A change of use of the remaining part of the creche to provide a new one-bedroomed apartment and entrance foyer/concierge area at ground floor level.
- It is proposed to incorporate a partial demolition of the upper two floors (third and fourth floor level). The third level would be reconstructed and the number of units will be increased from 10 units to 16 units (4 studio units, 4 one-bedroom units and 8 two-bedroom units). The proposal will also incorporate extensions to four existing units at third floor level.
- At fourth floor level it is proposed to demolish the existing three units and to construct a new fourth floor accommodating 24 units (6 studio units, 10 one-bedroom and 8 two-bedroom units).
- It is also proposed to construct a new fifth and sixth floor which will accommodate 23 new units at fifth floor level (5 studio units, 9 one-bedroom units and 9 two-bedroom units) and a new sixth floor comprising of 7 units (2 studios and 5 one-bedroom apartments).
- The proposal will also involve the upgrading of the external façade and existing communal amenity spaces and the provision of a new landscaped roof garden above sixth floor level.

4.0 Planning Authority's Decision

4.1. Decision

- 4.1.1. Dublin City Council issued notification to grant planning permission for the proposed development subject to 16 conditions.

4.2. Documentation Submitted with the Planning Application

- 4.2.1. A number of planning reports were submitted with the planning application. The contents of each of the reports are briefly summarised below.
- 4.2.2. The **Planning Context Report** report was prepared on behalf of the applicant by Simon Clear and Associates, Planning Consultant. It sets out details of the site location and description and the planning history pertaining to the site. It also provides details of the planning policy context which informs the planning issues relating to the site. It is noted that a pre-application consultation was held with Dublin City Council on 20th June, 2019 and the 20th February, 2020 in relation to both the subject development and the proposed hotel. The report goes onto detail the proposed development and assesses the proposal in accordance with development standards set out in relevant national guidelines and the City Development Plan. It notes the various other reports that were submitted with the application which are detailed below.
- 4.2.3. Also submitted was a **Design Statement** prepared by Douglas Wallace Architects. It sets out details of the site context and the rationale for the proposal. It states that the applicants are seeking to create a new high quality residential development at higher densities having regard to the central and very well serviced location of the proposal adjacent to the city centre. The proposal seeks to upgrade the existing amenities associated with the apartment and to provide a building with coherent massing. The report outlines details of the new apartment units in terms of sizes, mix and orientation. It provides greater details of the materials and composition of the external elevations. The block fronting onto East Wall Road (Block A) will incorporate elongated windows so as to provide a much more contemporary and coherent architectural elevation. In the case of Blocks B and C to the rear facing onto the courtyard areas, it notes that the existing facades are of patchwork, of brickwork and render finishes and it is proposed to upgrade and refinish all areas of these facades. The report goes on to assess the proposed development in terms of separation distances and also details the daylight, sunlight and shadow impact analysis arising from the proposed development. Details in relation to open space and landscaping and car and cycle facilities for new residents are detailed. In terms of Part V, it is

stated that meetings are on-going with Dublin City Council to fulfil this statutory requirement.

- 4.2.4. A **Screening Statement for Appropriate Assessment** was submitted. It identifies Natura 2000 sites that could be potentially affected by the proposed development in the context of a potential 'source – pathway – receptor' link. It is concluded that there are no elements of the project that could lead to a risk of significant impacts on Natura 2000 sites in the vicinity. On this basis it is concluded that a Stage 2 Appropriate Assessment is not required.
- 4.2.5. **Daylight and Sunlight Assessments** were also carried out by Digital Dimensions. In relation to the average daylight factor (ADF), 24 habitable rooms were assessed at ground floor and first floor level (worst case scenario) and it was found that all habitable rooms meet the relevant criteria¹. With regard to the ground floor living room for the dwellinghouses on Caledonian Court (to the immediate south of the site), it notes that the living room/kitchen in each of the 14 houses also meet the criteria in relation to average daylight factors in that in no cases does the average daylight factor drop below 80% of its former value.
- 4.2.6. With regard to sunlight the gardens and open spaces, the BRE document indicates that for an amenity area to have good quality sunlight throughout the year, 50% of the open space should receive in excess of 2 hours of sunlight on the 21st March. The analysis undertaken concludes that the proposed development would meet the recommendations of the BRE Guidelines for gardens and open spaces in the context of the criteria set out in the BRE Guidelines. Also submitted as Appendix A are shadow casting diagrams for March, June and December.
- 4.2.7. A separate Document in relation to **Waste Management** provides details of the estimated waste arisings from the proposed development and the waste storage and collection infrastructure to be provided. It is stated that the implementation of the operational waste management plan will ensure a high level of recycling, reuse and recovery. It is stated that all recyclable materials will be segregated at source to reduce waste contractor costs and to ensure maximum diversion away from landfill.

¹ BS 8206 2008 'Lighting for Buildings – Part 2 Code of Practice for Daylighting' (BSI 2008) and BRE 'Site Planning for Daylight and Sunlight (2nd Edition) BRE 2011.

- 4.2.8. A **Construction, Traffic and Demolition Waste Management Plan** was also submitted. It provides details of waste management, demolition procedures, record keeping, construction traffic and site access as well as site logistics and mitigation measures to minimise impacts from air quality and noise and vibration.
- 4.2.9. A separate report by GDCL Consulting Engineers specifically deals with the issue of **flood risk assessment**. It is noted that the proposed development is located within the Flood Zone A which has a high probability of flooding. The proposed site is located within Flood Zone A for tidal flooding. However, the site is located in an area that benefits from flood defence measures. Furthermore, as part of the mitigation measures to reduce the associated flood risk, all highly vulnerable spaces shall be located above the 0.1% AEP flood level in addition to climate change allowance with a minimum finished floor area of 4.08 metres AOD. A number of other mitigation measures are also proposed to mitigate against the threat of flooding.
- 4.2.10. A separate **Engineering Services Report** provides details of surface water attenuation measures to be incorporated into the development as well as details of foul drainage and water supply.
- 4.2.11. A separate **Sustainability Report** by SEHA Technical Services provides details of energy performance standards under Part L of the Building Regulations and sets out details as to how the proposal will comply with and exceed the specified energy efficient standards.
- 4.2.12. A **Traffic and Transportation Statement** notes that the total maximum of car parking allowed under the Dublin City Development Plan is 131 spaces. It is proposed to provide 55 car parking spaces which represents a parking ratio of 0.41 spaces per apartment. The subject site meets all the requirements for significantly reducing or eliminating the provision of private car parking on the basis that:
- It is a high-density development.
 - Comprising wholly of apartments.
 - In a central location which is well served by public transport.
- 4.2.13. The proposal is fully in accordance with sustainable transport strategies which seek to reduce car dependency. It is stated that the proposed level of car parking is an

appropriate balance of supply to avoid overspill of parking and to encourage modal shift.

- 4.2.14. In terms of cycle parking provision it is stated that a total of 212 dedicated bicycle parking spaces are located within the basement with 10 visitor spaces at ground floor level. The proposal exceeds the development standard of 1 space per unit.
- 4.2.15. In terms of traffic impact it is stated that the additional 58 residential apartments will give rise to an additional two-way car trip generation of 14 vehicles during the AM peak hour and 15 trips during the PM peak hour. The impact on the surrounding road network is deemed to be negligible.
- 4.2.16. A **Preliminary Travel Plan** (mobility management plan) was also submitted which sets out details of measures to encourage more sustainable forms of transport and commuting. It notes that the proposed development is within 650 metres (8 minutes walking) of Dart and Luas services.
- 4.2.17. Also submitted was a **Landscape Design Report** prepared by Cunnane Stratton Reynolds on behalf of the applicant. It contains a landscape masterplan.
- 4.2.18. Finally, a series of **photomontages** were submitted prepared by Digital Dimensions.

4.3. **Initial Assessment by Planning Authority**

- 4.3.1. A report from the Engineering Department Drainage Division stated that there is no objection to this development subject to the developer complying with the Greater Dublin Regional Code of Practice for Drainage works. Furthermore, as the site is located in a high risk flood zone all mitigation measure described in the flood risk assessment shall be implemented in full. A number of other standard conditions were also set out.
- 4.3.2. A report from the Transport Planning Division recommends further information regarding how it is proposed to allocate and manage the car parking spaces amongst the existing residential units and the applicant is requested to submit a car parking management strategy for the overall development outlining how the car parking spaces will be managed/assigned.
- 4.3.3. The initial planner's report requested additional information in relation to the following issues:

- Concern is expressed that Blocks B and C are to be updated with the expansive use of render rather than more robust materials such as brick or stone. It is suggested that this material will be more difficult to maintain. The applicant is requested to review the materials proposed.
- There are also concerns regarding the location of the exercise studio adjacent to the new one-bedroom apartment at ground floor level. Particular in terms of noise levels.
- The applicant is also requested to clarify whether the gym is for the use of the residents only or is to be let as an independent gym.
- The concerns expressed in the transportation planning division's report with regard to the allocation and assignment of car parking spaces throughout the scheme are also highlighted and the applicant is requested to address this.

The further information request was made on the 12th January, 2021.

4.4. Further Information Response

- 4.4.1. A response was submitted on behalf of the applicants by Simon Clear and Associates which contained three separate reports. Details of the appeal response is set out below.
- 4.4.2. In relation to the elevational treatments it is proposed to amend the external elevations in their entirety with the more robust and durable brick finish throughout the facades of Blocks B and C including to the recessed balconies. Updated elevational drawings prepared by Douglas Wallace Architects and 3D visualisations are submitted.
- 4.4.3. In relation to noise, concerns with regard to the new one-bedroom unit at ground floor level a gymnasium acoustic assessment report was submitted. A number of mitigation measures were proposed with regard to operational hours, music level limits, floor upgrades, wall upgrades and ceiling upgrades, all of which, it is contended with result in adequate noise attenuation.
- 4.4.4. The gym in question will be used for the residents of Alexandra Place and will also be open to the public. The gym has been designed with separate controlled residential and public entrances at ground floor level.

- 4.4.5. A separate report from NRB Consulting Engineers parking strategy and management plan sets out details of the allocation of car parking spaces. Of the 55 car parking spaces to be provided they are to be allocated as follows:
- A total of 24 spaces are to be allocated to the existing private residential tenants (either owned or leased).
 - Two spaces are leased to a local credit union business.
 - Three spaces are dedicated for mobility impaired uses.
 - The remaining 26 spaces are available for both visitors and prospective new residential users. It is stated that the occupancy survey confirms that the existing car park is currently underutilised which reflects the existing low car ownership levels in the vicinity. Car parking within the development will be managed and controlled and monitored by a management company.

4.5. Further Assessment by Planning Authority

- 4.5.1. A new report prepared by the Transportation Planning Division on foot of the additional information submitted recommends that planning permission be granted subject to six conditions.
- 4.5.2. A further planner's report was prepared noting the additional information submission. It is considered that the information submitted addresses the Planning Authority's concerns adequately and it notes that the proposed extension will provide additional residential units and a more intensive form of development thereby adding to the vitality of the area. It is also considered that the proposal will provide a high standard of residential amenity for future occupants and will not result in a level of impact that would be unacceptable. It is therefore recommended that planning permission be granted subject to 16 conditions.

5.0 Planning History

- 5.1. No history files are attached to the appeal file. The parent permission relating to the subject site was granted planning permission in 2005 under An Bord Pleanála Reg. Ref. PL29.209458 for the construction of 73 apartments, 3 retail units, a creche and 82 car parking spaces on the subject site. Two subsequent applications were made

under Reg. Ref. 2355/18 where permission was refused for a change of use of a vacant creche to 3 apartments. Permission was refused due to the unsatisfactory residential amenity for the proposed units. It appears that this decision was not subject to an appeal.

- 5.2. Under Reg. Ref. 3850/18 permission was granted for the amalgamation of the office/retail units and their change of use to a gym together with alterations to existing access arrangements.
- 5.3. Under Reg. Ref. 3776/06 planning permission was refused to increase the number of apartments on the fourth floor from 15 two and three-bedroom penthouse apartments to 21 two-bedroom apartments and modification was also sought to increase the roof size from 237 square metres to 425 square metres.

6.0 Grounds of Appeal

- 6.1. The decision of Dublin City Council was the subject of a third-party appeal on behalf of Caledon Court Management Committee by Hughes Planning and Development Consultants. The grounds of appeal are outlined below.
- 6.2. It is stated that the appellants are generally favourable to the development of the site subject to protection of existing residential amenity. It is submitted that the proposal in its current form is unsuitable and will seriously compromise the amenity of the adjoining area. The proposal for an eight storey (*sic*) over basement building is excessive on the subject site. The grounds of appeal go on to outline the site location and description, the site planning history and the proposed development.
- 6.3. The subject site is located within proximity to Z2 zoned lands – (Residential Conservation Area) which are considered to be more sensitive in terms of potential adverse impacts. The proposed development is considered excessive and overbearing considering the confined nature of the site. The provision of a 6/7 mixed-use structure would diminish the residential amenity of the adjoining Z2 zoned lands. And this is considered to be a contravention of Dublin City Council's zoning objective.

- 6.4. The proposal is also contrary to Section 16.10.10 of the Dublin City Development Plan which relates to infill development. It is argued that the provision of a 6/7 storey structure is not sympathetic with the existing character of the area.
- 6.5. Reference is also made to Section 14.7 of the Dublin City Development Plan which highlights the importance to avoid abrupt transitions in scale between different land use zonings.
- 6.6. In terms of building height, it is acknowledged that the proposal at 24 metres high complies with the height limits set out in Section 16.7.2 of the development plan for inner city areas. However, it is argued that the proposal does not sit comfortably with the surrounding context and will have an adverse effect on the historic environment at citywide and local level. As such the development is contrary to Policy SC16, SC17 and SC18. The development is not consistent with the established building heights within the environs of the site.
- 6.7. It is argued that the proposed increase in height has not taken into consideration the overlooking and overbearing impact on surrounding dwellings. It has also had little regard to daylight and sunlight standards which are key considerations in protecting privacy and amenities of adjacent properties.
- 6.8. It is also argued that the proposal in impacting on the character of the area is contrary to many statements contained in the *Sustainable Residential Development in Urban Areas Guidelines*. It is also contrary to the policy statements in respect of privacy and amenity contained in “*Best Practice Urban Design Manual – Department of Housing.*”
- 6.9. The height and scale of the proposed development will have an overbearing impact on surrounding residential areas and would result in an over scaled, bulky and intrusive mass in close proximity to established residential properties including those at Caledon Court.
- 6.10. It is argued that the proposed 131 unit residential development in combination with the proposed hotel development will have serious impacts on the existing road network and will result in a significant increase in the volume of traffic and the reduction of road safety standards. There is concern that the lack of car parking spaces will give rise to parking overspill which will lead to illegal on-street parking for occupants and visitors to the apartments. Furthermore, when considered in

conjunction with the adjoining hotel development, it is considered that the proposal will generate significant additional traffic thereby reducing road safety.

- 6.11. The proposal will also give rise to noise and disruption due to the ground floor level gymnasium and the additional servicing and deliveries to the commercial units. The adjoining hotel will increase noise pollution for the residences of the proposed apartment units.
- 6.12. It is argued overall therefore that the proposed development in conjunction with the adjoining hotel will result in an over scaled development which will make the area less attractive to potential buyers and on the basis of the above arguments it is recommended that the decision of Dublin City Council be overturned and planning permission be refused for the development.

7.0 Appeal Responses

- 7.1. A response to the appeal was received on behalf of the applicants from Simon Clear and Associates.
- 7.2. It is stated that the current site is occupied by a dated and architecturally poor development. It is requested that the Board should address the development that is the subject of this appeal on its own merits.
- 7.3. With regard to the impact of the proposed development on Z2 zoned lands, it is stated that the subject site is bounded to the west and north by the An Post facility and to the east by the East Road. Therefore, the appellant's agent is incorrect in suggesting that the proposal adjoins Z2 zoned lands. Furthermore, the proposal does not relate to infilled housing but relates to the refurbishment of an established residential apartment building with frontage onto East Road. Therefore, the development is more properly described as regeneration and redevelopment of an existing property in a Z14 SDRA location. Furthermore, as the development does not abut a different land use zoning area, policies in relation to transition zones as set out in the development plan do not apply.
- 7.4. It is argued that the proposed development is fully in keeping with the emergent pattern of development in the area i.e. the docklands area which is the subject of considerable regeneration and redevelopment at the current time.

- 7.5. In terms of building height it is noted that the appellant specifically relies on the policy statements contained in the Dublin City Development Plan. No reference is made to the National Planning Framework, the Regional Planning Guidelines or Section 28 Guidelines in relation to building heights all of which emphasise the need to develop urban sites at more sustainable densities which will inevitably lead to greater building heights. Notwithstanding this point, it is acknowledged that the development does not exceed the height for residential development allowed in the Dublin City Development Plan.
- 7.6. Arguing that the proposed development has not had due regard to overlooking, overbearing and sunlight/daylight impacts is not tenable. All necessary studies in this regard were carried out and the results influenced the design of the proposed development as indicated in the documentation submitted with the application and the further information submitted to the Planning Authority.
- 7.7. Any redevelopment for SDRA lands which the subject is located, will necessitate regeneration and redevelopment at densities greater than the historic prevailing densities in the area.
- 7.8. In terms of traffic and sustainable transport issues, it is stated that the East Wall Road accommodates bus routes and the site is very close to the docklands mainline station (terminus of the Maynooth line) and is within close range of the Luas Red line with links for the Dart at Connolly Station and the Luas Green line at Abbey Street. On this basis it is argued that the ratio of car parking provision is appropriate.
- 7.9. It is noted that residential and commercial development is permitted in principle in the Z14 zone.
- 7.10. In conclusion therefore it is argued that the proposed development is fully in accordance with national policy to encourage higher density developments in appropriate urban locations. The proposal will not give rise to any overlooking of Caledon Court and there will be no adverse effect on Caledon Court as a result of overshadowing. Furthermore, the proposed development when constructed, will not be the tallest building in the vicinity and the Planning Authority have indicated that a modernisation and upgrading of the development would be acceptable.

8.0 Planning Policy Context

8.1. National Planning Framework

- 8.1.1. One of the key goals set out in the National Planning Framework is to achieve compact growth. This is sought by carefully managing the sustainable growth of compact cities, towns and villages. It is noted that the physical format of urban development in Ireland is one of the greatest national development challenges. Presently the fastest growing areas are the edges and outside our cities and towns. This results in a constant process of infrastructure and services catch up in building new roads, new schools, services and amenities and a struggle to bring jobs and homes together meaning that there were remarkably high levels of car dependents and that it is difficult to provide good quality transport. It also results in a gradual process of rundown of the city and town centre.
- 8.1.2. Development which takes places in the form of greenfield sprawl extends the physical footprint of the urban area and works against the creation of attractive liveable high quality urban spaces in which people are increasingly wishing to live, work and invest.
- 8.1.3. A preferred approach would be the compact development that focuses on reusing previously developed brownfield land building up infill sites which may not have been built on before and reusing and redeveloping existing sites and buildings. National Policy Objective 3B seeks to deliver at least half of all new homes that are targeted in the five cities and suburbs of Dublin, Cork, Limerick and Galway within their existing built up footprints. National Policy Objective 13 seeks that in urban areas planning and related standards including in particular building height and car parking will be based on performance criteria that seek to achieve well designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes provided public safety is not compromised and the environment is suitably protected.
- 8.1.4. National Policy Objective 35 seeks to increase residential density in settlements, to a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

8.2. Rebuilding Ireland Action Plan for Housing and Homelessness

- 8.2.1. Pillar 3 of this national strategy seeks to build more homes by increasing the output of private housing to meet demand at affordable prices. In terms of housing supply requirements, it is noted that current completion levels must double in the next four years. It is also noted that there is a significant requirement to expand the 'build to rent' sector which is not being catered for in the current construction levels. There is also a need to increase the level of social housing. The Rebuilding Ireland Policy emphasises the need to supply and build more homes with delivery of housing across the four Dublin Local Authorities.

8.3. Sustainable Urban Housing Design Standards for New Apartments

- 8.3.1. These guidelines note that in the short term to 2020 the Housing Agency has identified a need for at least 45,000 new homes in Ireland's five major cities more than 30,000 of which are required in Dublin City and suburbs. This does not include the additional pent-up demand arising from undersupply of new housing in recent years. In broader terms there is a need for an absolute minimum of 275,000 new homes in Ireland's cities up to 2040 with half of these located within built up areas. This necessitates a significant and sustained increase in housing output and apartment type development in particular. Specifically, there is a need:
- To enable a mix of apartment types that better reflects contemporary household formation and housing demand patterns and trends, particularly in urban areas.
 - Make better provision for building refurbishment and small scale urban infill schemes.
 - Address the emerging build to rent and shared accommodation sectors.
 - Remove requirements for car parking in certain circumstances where there are better mobility solutions to reduce costs.
- 8.3.2. In terms of identifying the types of locations within cities that may be suitable for apartment development the guidelines note the following:
- 8.3.3. In central and/or accessible urban locations such locations are generally suitable for small to large scale higher density development that may wholly comprise of apartments. These include

- sites within walking distance of the principal city centres or significant employment locations that may include hospitals and third level institutions,
- sites within reasonable walking distance (i.e. up to 10 minutes or 800 metres to 1,000 metres) to or from high capacity urban public transport stops such as Dart or Luas, and
- sites within easy walking distance i.e. up to five minutes to and from high frequency urban bus services.

8.4. Urban Development and Building Heights - Guidelines for Planning Authorities

- 8.4.1. These Guidelines again highlight the need for a development plan to place more focus in terms of planning policy and implementation on reusing previously developed brownfield land and building up urban infill sites. It notes that increasing building height is a significant component in making the optimum use of the capacity of sites in urban locations where transport, employment, services and retail development can achieve a requisite level of intensity for sustainability. Accordingly, the development plan must include the positive disposition towards appropriate assessment criteria that will enable the proper consideration of development proposals for increased building height linked with the achievement of greater density of development.
- 8.4.2. It is acknowledged that taller build will bring much needed additional housing and economic development to well-located urban areas and that they can also assist in reinforcing and contributing to a sense of place within the city or town centre.
- 8.4.3. The Guidelines note that statutory development plans have tended to be overtly restrictive in terms of maximum building heights in certain locations and crucially without the proper consideration of the wider planning potential of development sites and wider implications of not maximising these opportunities by displacing development that our wider society and economy needs to other locations that may not be the best place to accommodate it. Such displacement presents a lost opportunity in key urban areas of high demand for new accommodation whether it is for living, working, leisure or other requirements in the built environment.
- 8.4.4. Planning policy must therefore become more proactive and more flexible in securing compact urban growth through a combination of facilitating increased densities and

building heights while also being mindful of the quality of development and balancing amenity and environmental considerations. Appropriate identification and siting of areas suitable for increased densities and height will need to consider environmental sensitivities of the receiving environment as appropriate throughout the planning hierarchy.

8.4.5. Paragraph 2.8 notes that historic environments can be sensitive to largescale tall buildings. In that context Planning Authorities must determine if increased height buildings are appropriate in these particular settings.

8.4.6. Taking into account the foregoing, the specific planning policy requirement of the above guidelines under SPPR1 is

- 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 the statutory plans, areas where increased building heights 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.

8.4.7. Special planning policy requirement SPPR2 states that in driving general increases in building heights, Planning Authorities shall also ensure appropriate mixtures of uses, such as housing, commercial and employment development, are provided for in the statutory plan context.

8.5. Development Plan Provision

8.5.1. The site is governed by the policies and provisions contained in the Dublin City Development Plan 2016 – 2022.

8.5.2. The site is governed by the zoning objective Z14 to seek the social, economic and physical development and/or rejuvenation of an area with mixed use of which residential Z6 would be the predominant use.

8.5.3. Chapter 15 of the development plan sets out policies and provisions with regard to strategic development and regeneration areas guiding principles for development. The subject site is designated as SDRA6.

- 8.5.4. Section 15.1.1.7 specifically relates to the SDRA of the docklands area. It states that social sustainability is central to the regeneration strategy for docklands. The regeneration of docklands is about people, it is not just physical and economic aspects. Dublin City Council will actively pursue a community and social development agenda reintegrating and connecting the docklands communities to its range of services and expertise across all sectors.
- 8.5.5. With regard to housing, the development plan seeks to ensure a holistic approach to housing that will achieve successful integration of residents, neighbours and the wider community.
- 8.5.6. Promote the expansion of the docklands residential population, cater for likes of cycling requirements for the existing population and provide recreational facilities for children across a range of ages.
- To provide for residential choice with schemes conducive to family living, long term rental and homeownership.
 - To ensure successful interaction between the SDZ scheme and the surrounding streets and public realm to retain and foster a strong sense of neighbourhood within communities.
 - To ensure that residential developments optimise the unique docklands character in terms of visual context, maritime location, heritage assets and community identity.
 - To safeguard residential amenity and ensure appropriate transition in scale. The design of new development shall have regard to the context, setting and amenity of existing housing within the SDZ and wider docklands area.
 - To ensure that all proposals meet obligations under Part V and Dublin City Council's Housing Strategy.
 - To encourage all front doors and defensible open spaces as far as practical.
 - To explore opportunities to address the social housing legacy issues associated with the partly implemented Section 25 certificates.
 - To encourage local employment and explore new opportunities for local employment both in the construction sector and elsewhere.

- To maximise educational opportunities and access to employment for local residents.
- To integrate the public realm, streets and routes of docklands with the surrounding city.

8.5.7. Chapter 5 of the development plan relates to Quality Housing.

8.5.8. Policy QH5 seeks to promote residential development addressing any shortfall in housing provision through active land management and co-ordinated planned approach to developing appropriately zoned lands at key locations including regeneration areas, vacant sites and underutilised sites.

8.5.9. Policy QH6 seeks 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 which are socially mixed in order to achieve a socially inclusive city.

8.5.10. Policy QH7 seeks 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.

8.5.11. Policy QH8 seeks to promote the sustainable development of vacant or underutilised infill sites and to favourably consider higher density proposals which respect the design of the surrounding development and character of the area.

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

8.5.13. Policy QH19 seeks to promote the optimum quality and supply of apartments for a range of needs and aspirations, including households with children, in attractive sustainable mixed income, mixed use neighbourhoods supported by appropriate social and other infrastructure.

8.5.14. Section 16.7 relates to building height in a sustainable city. Dublin City Council acknowledges the intrinsic quality of Dublin as a low-rise city and its policy is that it

should predominantly remain so. There was a recognised need to protect conservation areas and the architectural character of existing buildings, streets and spaces of artistic civic or historic importance. In particular, any new proposal must be sensitive to the historic city centre, the River Liffey and Quays, Trinity College, Dublin Castle, the historic squares and the canals.

8.5.15. It is important to protect and enhance the skyline of the inner city and to ensure that any proposals for high buildings make a positive contribution to the urban character of the city and create opportunities for place making and identity. In the case of low-rise areas (which the subject site is located) a maximum height of 28 metres may be permissible.

8.5.16. In terms of aspect natural lighting and sunlight penetration the development plan notes that daylight animates the interior and makes it attractive and interesting as well as providing light to work or read by. Good daylight and sunlight contribute to making a building energy efficient, it reduces the need for electronic lighting while winter solar gain and reduce heating requirements.

9.0 Natural Heritage Designations

9.1.1. The site is not located within or proximate to designated Natura 2000 sites. The closest Natura 2000 site is located approximately 750 metres to the north of the subject site. It is the South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024).

10.0 EIA Screening Assessment

10.1.1. An environmental impact assessment screening report was not submitted with the application. Class 10(b) of Schedule 5 of Part 2 of the Planning and Development Regulations 2001 (as amended) provides for mandatory EIA in the following classes of development.

- Construction of more than 500 dwelling units.
- Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

10.1.2. The proposed development to provide additional floors onto the existing residential development in order to provide an additional 58 units. This is significantly below the threshold of 500 dwelling units noted above. The site has an overall area of c.0.35 hectares and is located within an existing built-up area but not a business district. The site area is therefore well below the applicable threshold of 10 hectares. The introduction of a mixed-use/residential development above an existing established apartment block will not have an adverse impact in environmental terms on surrounding land uses. It is noted that the site is not designated for the protection of landscape or natural or cultural heritage and the proposed development is not likely to have a significant effect on any European site (as discussed below in my AA screening section of this report). Furthermore, there is no hydrological connection present such as would give rise to significant impact on nearby watercourses. The proposed development would not give rise to significant levels of waste pollution or nuisances that differ from that arising from other housing type developments in the neighbourhood. It will not give rise to a risk of major accidents or risk to human health. The proposed development would use public water and drainage services of Irish Water and Dublin City Council upon which its effects would be marginal.

10.1.3. Having regard to:

- the nature and scale of the proposed development which is under the mandatory threshold in respect of Class 10 – Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),
- the location of the site on lands which are zoned for strategic development and regeneration under the provisions of the Dublin City Development Plan and the results of the Strategic Environmental Assessment of the Dublin City Council Development Plan undertaken in accordance with the SEA Directive (2001/42/EC),
- the location of the site within an existing built-up area which is served by public infrastructure and the existing pattern of residential development in the vicinity,
- the location of the site outside any sensitive locations specified in Article 109 of the Planning and Development Regulations 2001 (as amended) and the

mitigation measures proposed to ensure no connectivity to any sensitive location,

- the guidance set out in “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development” issued by the Department of the Environment, Heritage and Local Government (2003), and
- the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),

I have concluded that by reason of the nature, scale and location of the subject site, the proposed development would, not be likely to have significant effects on the environment and that on preliminary examination, an environmental impact assessment report for the proposed development would not be necessary in this case.

11.0 Planning Assessment

I have read the entire contents of the file, have had particular regard to the issues raised in the grounds of appeal and visited the subject site and its surroundings. I consider that the critical issues in determining the current application and appeal before the Board are as follows:

- Principle of Development
- Impact on Adjacent Residential Conservation Areas
- Building Height
- Residential Amenity Issues
- Impact on Traffic and Road Safety
- Other Issues

Each of these issues are dealt with under separate sub-headings below.

11.1. Principle of Development

- 11.1.1. The Board will be fully aware that residential use is already established on site under the grant of the parent permission (PL29N.209458) where permission was granted

for the construction of 73 apartments, 3 retail/office units, creche and 82 car parking spaces. This permission has been implemented. The subject site is governed by the Z14 zoning objective where residential use is a permissible use under this zoning objective. Furthermore, SDRA6 includes numerous policies to increase and promote the expansion of the docklands residential population and to provide for residential choice with schemes conducive to family living, long-term rental and home ownership. It is considered that the expansion and extension of the existing residential development on the subject site would sit comfortably with policies and provisions contained in the development plan for residential objectives in the docklands area.

- 11.1.2. It is also apparent that the proposed development would fulfil and promote the objective espoused in the National Planning Policy Framework and various policy statements contained in the Ministerial Guidelines on residential development and building heights referred to in Section 8 of my report above. Both documents seek to provide for higher density within the footprint of existing urban areas with a primary focus on the consolidation and more compact development within urban and suburban areas where they can avail of existing physical, social and infrastructure, be located in close proximity to employment opportunities and encourage more sustainable transportation patterns through walking, cycling and use of public transport. The subject site being located within 2 kilometres of the city centre is ideally located to fulfil these national objectives. The proposed intensification of residential use on the subject site therefore complies with national policy.
- 11.1.3. The proposal would also contribute to addressing the acute lack of housing supply which the State is currently experiencing nationally, and particularly in Dublin. The provision of 58 additional apartments on the subject site will contribute towards increasing housing supply and therefore will assist in addressing the shortfall in housing supply provision.
- 11.1.4. In conclusion therefore I would consider that the provision of additional residential accommodation on the subject site complies with and fulfils national planning objectives and therefore, subject to qualitative safeguards, which are assessed in more detail below, the intensification of residential use on the subject site is acceptable in principle.

11.2. Impact on Adjacent Residential Conservation Areas

- 11.2.1. The grounds of appeal argue that the proposed development is located within proximity to Z2 zoned lands which are considered significantly more sensitive in their ability to accommodate and absorb higher density development. It is also argued that the proposal is contrary to Section 14.7 of the Dublin City Development Plan where it is stated that it is important to avoid abrupt transitions in scale between various land use zones. In relation to this point I would request the Board to consider that the subject site is located within an area which is designated as a strategic development and regeneration area. As such the area is earmarked for regeneration which, according to Section 15.1.1.6 of the development plan, seeks to consolidate the area as a vibrant economic, cultural and amenity quarter for the city whilst nurturing sustainable neighbourhoods and communities. The site therefore is an area in transition, and this is reflected in the more recent grants of planning permission for residential and commercial development that go considerably beyond the building heights of the Z2 Residential Conservation Areas in the vicinity. Specifically, I would refer to the Island Key developments parts of which rise to 8 storeys in height directly opposite the subject site. The Beckett building is also a largescale commercial structure that rises to c.6 storeys in height. Furthermore, on vacant lands c.60 metres to the south-west of the subject site, The Board granted permission for an SHD development incorporating a 15 storey element which the Board considered to be appropriate at this location. In this context and in the context of national and regional planning policy to develop brownfield sites in urban areas at greater densities, an increase in the height of the current apartment block from 4 to 5 storeys to 6 to 7 storeys cannot be considered inappropriate notwithstanding any proximity to Residential Conservation areas.
- 11.2.2. Finally, in relation to this issue it is not tenable in my view to restrict development to the heights associated with existing buildings in conservation areas/residential conservation areas (i.e. for the most part two storeys) and fulfil in any meaningful way the objectives of national and regional policy to build more sustainable densities in order to radically increase housing supply where existing social and physical services exist.
- 11.2.3. The Board will also note that while the proposed apartment development is located in close proximity to designated residential areas on Caledon Road and Caledon

Court as well as Ravensdale Road to the north-east, the confines of the site are not contiguous to this residential zoning. There is a buffer zone between the subject site. There is a c.15 metre buffer zone between the south-western boundary of the site and Caledon Court and a c.25 metre buffer zone between the north-eastern boundary of the site and the rear boundaries of the dwellings which form part of the Residential Conservation area fronting onto Ravensdale Road. The fact that a buffer zone exists between the subject site and the Residential Conservation areas, this in my view will dilute any abrupt transition in scale between the zones in question. The proposed 6 to 7 storey structure will not be located adjoining or contiguous to lands which are designated as Residential Conservation areas.

11.3. Building Height

- 11.3.1. Concerns are expressed that the building height in this instance is inappropriate and represents a radical departure from the prevailing building height in the surrounding area. It is also argued that the development plan acknowledges that Dublin is intrinsically a low rise city and that any new proposals for increased building height must be assessed in the context of the existing built form and skyline and any potential effect on the historic environment at a citywide and local level. In response to this issue, the Board should note that a maximum height of 23.25 metres is in fact below the stipulated height in the development plan which allows residential buildings of up to 24 metres in “low rise” areas of the inner city. The proposal therefore does not contravene the development plan in terms of permitted limits in respect of building height. Furthermore, the contents of the third party appeal fails to make any reference to more recently adopted Government Guidelines under the provision of Section 28 of the Act which specifically relate to building height. The Urban Development and Building Heights, Guidelines for Planning Authorities were issued in December 2018 and therefore post-date the policies and provisions contained in the development plan. It acknowledges that in order to meet the needs of a growing population without growing urban areas outwards, this in turn will require increases in building height as a significant component of making optimal use of the capacity of sites in urban locations where transport, employment services and retail development can achieve a requisite level of intensity and sustainability. It is considered that the proposal and site in question would meet the appropriate criteria, in terms of existing infrastructure, centrality and public transport provision. Taller

buildings will bring much needed additional housing and economic development to well located urban areas and they can assist in reinforcing and contributing to a sense of place.

11.3.2. Section 3.2 of the Guidelines on Building Height set out development management criteria which should be taken into consideration in permitting higher buildings. It is considered that the proposal meets the criteria set out in the Guidelines in that:

- The site is well served by public transport.
- The site is in close proximity to the city centre.
- The proposal successfully integrates and enhances the character of the public realm with the refurbishment of the existing building and incorporating a more contemporary aesthetically pleasing style.

11.3.3. Finally, in relation to this issue I would reiterate the fact that the area can be characterised as an area in transition and there are numerous precedents for larger scale buildings in the area including the granting of a 15 storey building as part of the SHD development under Reg. Ref. ABP304710-19, makes the increase in height proposed under the current application to be modest in comparison.

11.3.4. It is my considered view therefore that the introduction of two additional storeys on the subject site having regard to development plan policy and national planning guidelines is acceptable.

11.4. Residential Amenity Issues

11.4.1. The grounds of appeal suggest that issues in relation to overlooking, overbearing and daylight and sunlight penetration issues did not inform the overall design of the proposed development. It is clear from the information contained on file including the planning context report submitted with the application and the design statement and the specific report prepared by Digital Dimensions in relation to the daylight and sunlight assessment that all these issues were taken into consideration when designing the proposed development. For the purposes of providing a comprehensive analysis of the scheme for the Board, an independent assessment of these specific issues is set out below.

11.4.2. In terms of overlooking, I note that the distance between the closest windows on the south-western elevation of the proposed apartment block are c.24 metres from the

south-western boundary of the site. The windows in question are located at an oblique angle which will reduce the potential for direct overlooking. Any windows or external terraces on the southern elevation are located in excess of 27 metres from the rear elevations of the dwellings facing on Caledon Court.

- 11.4.3. The Board will be aware that there is a concurrent application and appeal in respect of a hotel development on lands to the immediate south-west of the subject site (309406-21). Any overshadowing, overbearing, overlooking issues are the subject of a separate planning assessment under this separate application and appeal.
- 11.4.4. In relation to overlooking issues in respect of the rear gardens facing onto Ravensdale Road, the Board will note that the separation distance between the proposed apartment block and the dwellings in question are in excess of 30 metres which can be considered generous in the case of an urban area. The northern elevation overlooks an access and parking area associated with the An Post depot to the rear. Furthermore there are no windows to the rear of the building (north-west elevation) which overlooks this area.
- 11.4.5. Finally, in relation to this issue the Board will note that there is an existing four storey block of apartments on the subject site with fenestration arrangements similar to that proposed under the current application. It is not considered that the issue of overlooking will be exacerbated to any material extent with the incorporation of two additional floors onto the building having regard to the separation distances involved.
- 11.4.6. I consider that a similar case can be made in respect of the impact of the proposed development in terms of being overbearing on adjoining residential development. The subject site incorporates sufficient separation distances between the development and residential development in proximity to the north-east and south-west (Ravensdale Road and Caledon Court). Separation distances in excess of 20 metres would in my view ensure that the proposed development will not give rise to any overbearing impact. There is an established building of four to five storeys on site and the increase of this building by two additional storeys will have a marginal increase in terms of having an overbearing impact on adjoining residential development.
- 11.4.7. Finally, in relation to this matter I would reiterate the points already made with regard to developing brownfield sites at more sustainable densities in accordance with local

and national policy. Any potential diminution in amenity standards through overlooking and being overbearing must be balanced against these wider strategic planning objectives.

- 11.4.8. With regard to overshadowing and daylight and sunlight penetration, as already referred to, a detailed report was submitted in respect of daylight and sunlight issues. Firstly, the Board should note that there are no windows directly facing the subject site on the gable ends of the dwellings on Caledon Court. Having regard to the separation distances between the subject site and dwellings in the vicinity and having particular regard to Figure 3 of the report on the daylight and sunlight assessment, it is clear that the proposed apartment scheme would not have an impact on daylight in the houses on Ravensdale Road to the north or Caledon Road as the ground floor windows of these dwellings do not subtend an angle of 25 degrees and as such there will be no impact on daylight to adjacent residential buildings.
- 11.4.9. In terms of average daylight factor BS8206-2 gives minimum values of ADF of 2% for kitchens and living rooms which include a kitchen, 1.5% for living rooms and 1% for bedrooms.
- 11.4.10. 24 habitable rooms at ground and first floor on the south and west elevation of the apartment development were assessed. The modelling undertaken in respect of the ground and first floor apartments indicate that in all cases the bedrooms and living rooms meet the criteria set out under BS8206-2. In relation to the impact on the dwellinghouses on Caledon Court the average daylight factor will be slightly diminished as a result of the proposed development. (It is noted that the living room/kitchen areas in the dwellings in Caledon Court do not meet the average daylight factor standards of 2 as set out in BS8206-2). Most of the living room/kitchen areas receive an average daylight factor of between 1.83 and 1.58. The proposed development in conjunction with the hotel development will have a limited impact on the average daylight factor received in the living room/kitchens of Caledon Court. However, in no case will the average daylight factor as a result of both developments (increase in apartments and the adjoining hotel development) drop below 80% of their former value. BS 8206-2 2008 notes that, *“if following construction of a new development the no-skyline were to move so that the area of the existing room which does not receive direct skylight was reduced to less than 0.8*

times of its former value this would be noticeable to the occupants and more of the room would appear poorly lit". From the analysis undertaken, it appears that none of the rooms potentially affected by the proposed development would be reduced to less than 0.8 times of its former value and therefore the impact of the proposed development on the average daylight factor to the dwellings at Caledon Court would comply with BS8208 Part 2 of 2008.

- 11.4.11. With regard to sunlight to gardens and open spaces, BRE Guidance indicates that for an amenity area to have good quality sunlight throughout the year, 50% of the amenity area should receive in excess of 2 hours sunlight on the 21st March. The analysis undertaken indicates that 93% of the general amenity area at roof level will receive in excess of 2 hours sunlight on 21st March.
- 11.4.12. The Board will note that the analysis undertaken does not examine the potential impact arising from the additional floors on the existing amenity areas along the northern and southern boundaries of the site. It is suggested that the increase in height of the apartment development together with a proposed hotel development on lands immediately south-west of the subject site could have a material impact on the levels of sunlight penetration to the existing open spaces serving the apartment block. That is not to say that the amenity areas would not meet the criteria set out in the BRE Guidance. However, it appears that the sunlight and daylight assessments do not adequately demonstrate that the cumulative impact from both developments could have a material impact on sunlight penetrations to the existing open spaces. In this regard prior to determining the application the Board may wish to seek further information from the applicant with regard to the impact of the proposed development in conjunction with the hotel development on sunlight penetration to the existing open spaces serving the existing residential units on Floors 1 to 4.
- 11.4.13. The new roof-top amenity area will however provide additional open space in excess of the minimum requirements of the development and this new open space will not be overshadowed and a result of the hotel development. It may allay the Boards concerns with regard to the impact of the overall developments on public open space and amenity areas in terms of overshadowing.

11.5. Impact on Traffic and Road Safety

- 11.5.1. The proposed development will result in a reduction of the number of car parking spaces from 82 to 55. The reduction in car parking spaces will reduce the potential for trip generation in and out of the proposed development. This will have consequential beneficial impact in terms of improving the capacity of the road network in the immediate vicinity of the site and reduce the potential for traffic congestion in the immediate area. Concerns are expressed in the grounds of appeal however that the lack of car parking particularly for the residential element of the subject site will result in excessive parking demand in the area and could result in overspill car parking in the surrounding streets particularly residential streets in the immediate vicinity of the site. I note that roads in the vicinity of the site are narrow and there appears to be no controlled parking regime in the form of pay and display in the residential areas in the vicinity of the subject site. The threat of overspill car parking into the roadway serving the residents of Caledon Court will not be an issue in my opinion as this is a gated community therefore access to the Court will not be freely available.
- 11.5.2. Based on the information submitted including the parking strategy and management plan I am satisfied that (a) the applicant has clearly demonstrated that there is no overdemand for parking associated with the existing basement car park. CSO small areas statistics indicate that similar apartment developments in the area including the Island Key apartments directly opposite the site have relatively low car ownership typically c.0.6 cars per household. Furthermore, a survey of the existing car park occupancy of the existing basement car park during February, 2021 suggest that there are ample spaces available within the existing car park and that the car park is very much underutilised presently. It would be reasonable to conclude on the basis of the evidence submitted with the application that there is not a strong demand for car parking in the area as the grounds of appeal might suggest.
- 11.5.3. Furthermore, national planning policy would again suggest that lower levels of car parking in apartment developments in the city centre are more preferable on the basis of encouraging and maintaining more sustainable transportation options including cycling, walking and utilising public transport. *The Sustainable Urban Housing: Design Standards for New Apartments* state in paragraph 4.19 that in central or accessible urban locations (such as the subject site) and in larger scale higher density developments, comprising wholly of apartments in more central

locations that are well served by public transport, the default policy is for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances. The policies above would be particularly applicable in highly accessible areas such as in or adjoining city cores or at the confluence point of public transport systems such as rail and bus stations located in close proximity. The subject site is located less than 10 minutes walking distance to a Luas stop and a suburban train station (Connolly Station) and is served directly by two bus routes on East Road. The site is also c.1 kilometre from North Strand Road which accommodates a large number of high frequent bus routes. On the basis of the above I consider the car parking provision to be appropriate to serve the development.

- 11.5.4. The grounds of appeal highlight additional concern arising from the proposal in relation to potential noise and disruption. The proposed ground floor level gymnasium is a serious concern for noise generation. This issue was raised by the Planning Authority in its request for additional information. In response submitted a gymnasium acoustic assessment providing details of the upgrades that are to be incorporated in order to attenuate any potential noise from the gym. With the implementation of these attenuation features including floating floors and independent wall linings the noise levels emanating from the gym will be kept to an acceptable level.
- 11.5.5. With regard to noise pollution associated with the adjoining hotel and outdoor cafes etc., the current application and appeal before the Board relates to the residential element only and the proposed hotel development will be the subject of a separate assessment where issues in relation to noise and disturbance will be assessed. However, it is sufficient to say in this instance that the site is located in the periphery of the city core in an urban area with various mixed land uses. Any hotel development will be evaluated in this context.
- 11.5.6. Finally, the grounds of appeal conclude that due to impacts on adjoining residential amenity that the proposed development will result in a devaluation of property. I am satisfied based on my assessment above that the proposed development will have an acceptable impact on surrounding residential amenity and furthermore will contribute to wider strategic objectives contained in the development plan and in national policy guidelines which seeks to provide much needed residential

accommodate within existing built-up areas that can avail of appropriate social and physical infrastructure. Furthermore, I am satisfied that the proposed development with the provision of additional housing units is fully in accordance with the regeneration strategy for the docklands and will help regenerate and revitalise the area in accordance with the strategic objectives set out in the development plan. On this basis I would reject the appellant's assertion that the proposed development will result in a devaluation of property in the area.

11.6. Other Issues

11.6.1. In the interest of providing a de novo and comprehensive assessment to the Board it is proposed to briefly assess the proposal in respect of issues not specifically raised in the grounds of appeal.

11.6.2. With regard to apartment layout and size I note that the apartment floor areas have all been designed to comply with SPPR3 of the Sustainable Urban Housing: Design Standards for New Apartments. All the proposed units exceed the minimum size standards of

- 37 square metres for a studio apartment.
- 45 square metres for a one-bedroomed unit.
- 63 square metres for a two-bedroomed unit (3 person).
- 73 square metres for a two-bedroomed 4-person unit.

11.6.3. SPPR4 requires that a minimum of 33% of units in more central and accessible urban locations will incorporate dual aspect apartments. In suburban or intermediate locations it is the objective that there shall be generally a minimum of 50% dual aspect apartments in a single scheme. The proposed development in this instance incorporates 60% of the units proposed or dual aspect.

11.6.4. In terms of unit mix Specific Planning Policy Requirement 1 requires that apartment developments may include up to 50% one-bedroom or studio type apartments (with no more than 20 to 25% of the total proposed development as studios) and there should be no minimum requirement for apartments with 3 or more bedrooms. 13% of the proposed units (17 units) are studio apartments. 27% of the units proposed are one-bedroomed apartments (36 units) whereas 55% of the units are two-bedroomed

(72 apartments both three and four person) and 5% of the apartments are three-bedroom (6 units). The proposed development fully accords therefore with Specific Planning Policy Requirement 1.

- 11.6.5. The new roof garden will provide a significant and additional level of communal open space. The planning report submitted with the application indicates that the roof garden alone will provide more than 100% of the required quantum of communal open space for the entire development.
- 11.6.6. It appears from the schedule of accommodation submitted with the planning application form (see Drawing PL-109 and PL-110) that the proposed layout and design complies with the required minimum floor areas and standards including storage space and private amenity space as set out in Appendix 1 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities.

12.0 Conclusions and Recommendation

Arising from my assessment above therefore I consider the proposed development to be in accordance with National Planning Policy and Development Plan Policy to provide additional residential accommodation within existing built-up areas on infill sites subject to design and layout considerations. I have assessed the proposed development in terms of its design and layout and I would likewise conclude that the proposed development will not have an unacceptable or material impact on the amenities of adjoining development. I therefore recommend that the decision of the Planning Authority be upheld in this instance and that planning permission be granted for the proposal.

13.0 Appropriate Assessment

I note that an appropriate assessment screening report was submitted with the application. Having regard to the fact that the proposal represents an extension in terms of the provision of additional floors onto an existing residential development, the location of the proposed development in an urban area which is served by public infrastructure, the nature of the receiving environment and the proximity of the

nearest European site which is located at its closest point c.700 metres to the north of the subject site, I would agree with the conclusions reached in the appropriate assessment screening report submitted with the application that no appropriate assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

14.0 Decision

Grant planning permission for the proposed development in accordance with the plans and particulars lodged based on the reasons and considerations set out below.

15.0 Reasons and Considerations

Having regard to the Z14 zoning objective relating to the site which seeks the social, economic and physical development and/or rejuvenation of an area with mixed use, of which residential and “Z6” would be the predominant uses together with the provisions contained in the National Planning Framework and the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, it is considered that the proposed development, subject to compliance with conditions set out below would not seriously injure the amenities of the area or property in the vicinity, would not be prejudicial to public health and would generally be acceptable in terms of traffic safety and convenience. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

16.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the plans and particulars submitted to the planning authority on the 4th day of March, 2021, 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 the commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

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

Reason: In the interest of visual amenity.

3. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

4. The developer shall enter into water and/or wastewater connection agreement with Irish Water prior to the commencement of development.

Reason: In the interest of orderly development.

5. Car parking spaces shall not be sold within units but shall be assigned and managed in a separate capacity via leasing or permit arrangements to serve the residential development, save for existing arrangements in place as detailed in the documentation submitted to the planning authority on the 4th day of March, 2021.

Reason: In the interest of orderly development.

6. The management company of the development shall undertake to implement the measures outlined in the Mobility Management Plan to ensure that future tenants comply with the strategy. A mobility manager for the overall scheme shall be appointed, details of which shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: To encourage and maintain sustainable transport options within the scheme.

7. Details of all cycle parking provision shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: To ensure adequate cycle parking facilities are provided as part of the scheme.

8. The site development and construction works shall be carried out in such a manner so as to ensure that the adjoining streets are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public road, the said cleaning works shall be carried out at the developer's expense.

Reason: To ensure that the adjoining roadways are kept clean and in a safe condition during construction works and in the interest of orderly development.

9. The numbering of the scheme shall be agreed in writing with the planning authority prior to the occupation of the units.

Reason: In the interest of orderly apartment numbering.

10. Prior to the commencement of development, and on the appointment of a contractor, a construction management plan shall be submitted to the planning authority for written agreement. This plan shall provide details of the intended construction practice for the development, including a detailed traffic management plan, hours of working, details of service access and delivery arrangements during the construction works, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of orderly development and to safeguard residential amenities in the vicinity.

11. During the construction and demolition phase the proposed development shall comply with British Standard 5228 (Noise Control on Construction and

Open Sites Part 1: Code of Practice for Basic Information and Procedures of Noise Control).

Reason: To ensure a satisfactory standard of development in the interests of residential amenity.

12. No additional development shall take place above the roof parapet, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant other than those shown in the drawing submitted unless authorised by a separate grant of planning permission.

Reason: To protect the residential amenity of property in the vicinity and the visual amenities of the area.

13. (a) The communal open spaces, including hard and soft landscaping, car parking areas, accessways, communal refuse/bin storage, and all areas not intended to be taken in charge by the local authority shall be maintained by a legally constituted management company.
- (b) Details of the management company contract, the drawings/particulars describing parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with the planning authority before any of the residential units are made available for occupation.

Reason: To provide for the satisfactory future maintenance of this development in the interests of residential amenity.

14. The applicant shall comply with the Code of Engineering Practice for works, on, near or adjacent to the Luas Light Rail System. Details of compliance shall be agreed with Transport Infrastructure Ireland.

Reason: In the interest of orderly development.

15. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for

and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

16. 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 of roads, footpaths, watermains, drains, 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 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 of the development.

17. The developer shall pay to the planning authority a financial contribution of €333,678 (three hundred and thirty-three thousand six hundred and seventy-eight euro) in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default

of such agreement, the matter shall be referred to An Bord Pleanála to determine.

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

18. The developer shall pay to the planning authority a financial contribution of €232,000 (two hundred and thirty-two thousand euro) in respect of public open space benefiting the development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under Section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to 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. The application of any indexation required by this condition shall be agreed between the planning authority and the development or, in default of such agreement, the matter shall be referred to the Board to determine.

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

19. The developer shall pay to the planning authority a financial contribution of €116,000 (one hundred and sixteen thousand euro) in respect of the Luas C1 Line Scheme 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, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall

be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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.

Paul Caprani,
Senior Planning Inspector.

1st September 2021.