



An
Bord
Pleanála

Inspector's Report ABP 313307-22

Development	72 apartments
Location	Site adjoining former Columban Missionary's site at junction of R139 and The Hole in the Wall Road, Donaghmede, Dublin 13
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3159/21
Applicant	Veni Vidi Vici Ltd.
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	Permission
Appellant	Veni Vidi Vici Ltd.
Observer	Grattan Hall Management CLG
Date of Site Inspection	06/01/23
Inspector	Pauline Fitzpatrick

1.0 Site Location and Description

The site, which has a stated area of 0.19 hectares and is irregular in shape, is located at the junction of the R139 (Clarehall Avenue) and The Hole in the Wall Road, Donaghmede. There is an existing pump house on the site. The roadside boundaries are delineated by a low wall with railings with a hoarding erected along the northern boundary with the former Columban Brothers Missionary site. The site is overgrown and level.

The surrounding area is characterised by residential developments. The Grattan Wood residential scheme comprising of 4-5 storey apartment blocks is approx. 85 metres to the north of the site with the former Columban Fathers Missionary site in-between on which over 400 residential units have been granted permission under ref. ABP 310944-21. Construction has commenced on the site. Grange Abbey, located to the east and south east, comprises of semi-detached dwellings.

R139 (Clarehall Avenue) to the south is a heavily trafficked, wide single carriageway with bus lanes along which the 50kph speed limit is applicable in the immediate vicinity. The Hole in the Wall Road to the east is also a single lane carriageway along which the 50 kph speed limit applies. There is a 4-arm roundabout to the front of the site with signalised pedestrian crossings on each arm.

2.0 Proposed Development

The application was lodged with the planning authority on the 14/07/21. Unsolicited further information was submitted 27/08/21 with further plans and details submitted 15/02/21 following a further information request dated 09/09/21.

As amended the proposal is for

- 72 apartments with the following mix:
 - 30 no. 1 bed
 - 38 no. 2 bed
 - 4 no. 3 bed
- ESB substation

- New access from R139
- 44 no. parking spaces
- 158 cycle spaces
- Communal open space (135 sq.m. at ground floor level and 290 sq.m. at 7th floor).

The pump house on site is to be demolished.

The building varies in height from 7 storeys up to 13 storeys. By way of further information a low rise option was put forward providing for a 9 storey tower with the rest of the building at 7 storeys. However the scale and form of the building as originally proposed is stated as being the preferred option.

The application is accompanied by:

- Planning Application Report (amended by way of FI)
- Community Infrastructure Audit
- Landscape Development Report (amended by way of FI)
- Landscape Visual Appraisal (amended by way of FI)
- Engineering Report and Flood Risk Assessment
- Preliminary Construction and Environmental Management Plan
- Transportation Assessment Report (supplemented by way of FI)
- Arboricultural Report
- Telecommunications Assessment
- Operational Waste Management Plan
- Wind Microclimate Desk Study
- Daylight and Sunlight Assessment (supplemented by way of FI)
- Building Lifecycle Report
- Appropriate Assessment Screening Report
- CGIs. (amended by way of FI)

3.0 Planning Authority Decision

3.1. Decision

Grant permission for the above described development subject to 26 conditions. Of note:

Condition 6: (c) wayleave to be retained to allow for potential future pedestrian link to the adjoining permitted residential development.

Condition 8: (a) Tower element to be reduced to 7 storeys with the side wings reduced to a maximum of 6 storeys.

(b) The resultant unit mix to comply with the requirements of SPPR1 as amended by SPPR2 of the 2020 Apartment Guidelines.

(c) the existing level of car and cycle parking to be maintained.

Condition 24: privacy/overlooking mitigation measures.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The **1st Planner's** report dated **07/09/21** notes:

- As the 2016 development plan has no upper unit density limit each case to be assessed on its merits.
- Although not as centrally located as Donaghmede Shopping Centre or the KDCs in the LAP it is still a reasonably accessible urban site. In addition to existing bus services and QBCs, the development will be within the wider catchment of the DART station at Clongriffin (1.4 km away) and will be c.330 metres away from Main Street to the north along which the future Bus Connects Corridor 1 route will traverse. As such the density is acceptable due to the availability of public transport existing and proposed, noting recent precedents for higher density SHD proposals in the wider area and current national policy on residential development and urban consolidation.

- The footprint is nearly identical to the scheme previously refused on the site. It is similar in bulk and form and steps up in height from the west to the corner.
- The development in conjunction with the future redevelopments of Z1 zone lands to the north will create a consolidated urban streetscape. It is considered that these sites can set their own character and are not considered to be tied or bound by any existing form of development in the local area which are low rise and lower in density.
- Clear CGIs required.
- The design with undercroft car parking has the potential to create dead frontage onto the public street.
- Green linkage into the adjoining SHD site's communal open space to be explored.
- The apartment provision and unit mix will add to the variety and profile of the residential tenure of the local area.
- There are potential overlooking conflicts arising from the proximity of the 7th floor apartments located adjacent to the communal space and entrance zone. Balcony treatments and screening to be addressed by way of condition.
- The communal open space at ground floor level is not discernible on the plans.
- Sunlighting/daylighting required to be amended.
- Impacts on overlooking/privacy of adjoining permitted development needs to be assessed.
- Contents of other internal reports (summarised below) noted.

A request for further information recommended.

The **2nd Planner's** report dated **14/03/22** following further information notes:

- The Transportation Planning Division assessment and recommendation noted.

- In order to proportionally step up into the corner from the latest permitted SHD development at St. Columbans, the tower should be reduced to 7 storeys. In order to reduce potential massing it is then recommended that the wing to the east of the tower be reduced to a maximum of 6 storeys with a communal open space roof terrace over. The reduction in the number of storeys would result in the reduction of the number of units from 72 to 42. In relation to the amended 6th floor level and using the blueprint of the tower element as the cut-off point it is recommended that Apt 06-06 – a 2 bed(3P) unit be amalgamated with Apt.6.05 – a 1 bed unit to form a 2 bed (4P) unit. This would give 21 no. 1 bed units which is the maximum allowable under SPPR1.
- Whilst the 1st floor residential level is now closer to the street and provides for additional passive surveillance the 1st floor apartment units should still be relatively private domains. It is recommended that the balconies to the lower level units are fitted with opaque glass to the rear of the balustrade railings which should further enhance their privacy.
- No clear mapping of where the ground floor communal open space is being provided. The Daylight/Sunlight report only assesses the 7th floor terrace space.
- 446 sq.m. communal open space required. Only 285 sq.m. of usable space being provided. With the recommended reduction in building heights and commensurate reduction in apartment units the communal open space will be sufficient.
- While various neighbouring permitted schemes' elevations and windows were allowed in close proximity to the site on the basis that the subject site was considered to be undevelopable, it is appropriate that the privacy of future occupants of both sites be accommodated as best as possible. Obviation requirements detailed. There could be a relaxation of some of these measures if there was certainty that the permitted SHD scheme adjoining was to be constructed rather than a version permitted under ref. 2403/18.

A grant of permission subject to conditions recommended.

3.2.2. Other Technical Reports

Engineering Department – Drainage Division in a report dated **11/08/21** has no objection subject to conditions.

City Archaeologist in a report dated **03/08/21** has no objection subject to conditions.

Environmental Health Officer in a report dated **06/08/21** requires a Construction Management Plan.

1st report from Transportation Planning Division dated **27/08/21**:

- Does not accept the view that the site is in a highly accessible location or in close proximity to the Clongriffin DART station as to justify the parking provision at a ratio of 0.6 spaces per unit. Future proposed transport projects cannot be used as a primary reason for a reduced carparking ratio.
- It is not supported by a car parking management plan or any information on how the development will prevent the potential for overspill car parking onto the surrounding road network.
- Design of cycle parking required to be altered.
- Details of site servicing required.
- Estimated trip generation to be reviewed. It is clear that there is a high level of car ownership within the area and a higher level of commuting modal share for cars than what is presented by the TRICS data.
- Only the capacity of the proposed priority junction has been assessed. The impact of a left turn exit only should be assessed. In terms of the R139 it is not clear whether the proposed right turn access pocket could have a negative effect on the adjacent roundabout junction due to potential existing capacity issues.

A request for further information recommended.

The **2nd report from Transportation Planning Division** dated **07/03/22** following FI considered that having regard to the additional information which provides a robust and comprehensive rationale for the proposed carparking level together with recent precedents in the vicinity, the retention of car parking at a ratio of 0.6 spaces per unit

is acceptable. It does not support the sale of car parking spaces with apartment units. The amended access arrangements are acceptable. No objection to the proposal subject to conditions.

Parks, Biodiversity and Landscape Services in a report dated **03/09/21** notes:

- There is no public open space provided which is acceptable as there is sufficient provision in the local area. Financial contribution in lieu of same acceptable.
- Clarification of extent of communal open space. It will need to include a children's play space.
- Details required on building's roadside interface.
- Public street trees to be retained and protected.

A request for further information recommended.

The **2nd report** from **Parks, Biodiversity and Landscape Services** dated **07/03/22** has reservations as to the adequacy of the communal amenity space. A reduction in the number of residential units may suffice. A schedule of conditions recommended should permission be granted.

3.3. **Prescribed Bodies**

Irish Water in a report dated 16/08/21 requires further information on diversion of foul sewer.

3.4. **Third Party Observations**

An objection to the proposal received by the planning authority is on file for the Board's information. Issues raised relate to excessive plot ratio and density, height, scale and design of the building, visual impact, impact on adjoining property and lands, presence of Irish Water infrastructure, access and adequacy of parking, residential amenities and adequacy of open space.

4.0 Planning History

Of relevance:

ABP 308134-20 – SHD application for 122 BTR shared accommodation apartments refused permission 14/12/20 on the grounds that the shared living accommodation was unsuitable in a location lacking a major employer in the area, insufficient public transport provision and location at a remove from the city centre.

ABP 310944-21 – permission granted 12/11/21 for SHD development of 413 apartments, creche and associated works on the former Saint Columban’s Missionary site and No.25 Hole in the Wall Road immediately to the north.

3403/18 – permission granted for 225 BTR units on the above site.

5.0 Policy Context

5.1. Development Plan

Since the planning authority’s assessment and decision on the application the Dublin City Development Plan 2022 came into effect.

The site is within an area zoned Z1 – sustainable residential neighbourhoods, the objective for which is to protect, provide and improve residential amenities.

Chapter 4 – Shape and Structure of the City

Of note:

Policy SC10 – Density

Policy SC11 – Compact Growth

Policy SC12 – Housing Mix

Policy SC16 – Building Height Locations

To recognise the predominantly low rise character of Dublin City whilst also recognising the potential and need for increased height in appropriate locations including the city centre, Strategic Development Zones, Strategic Development Regeneration Areas, Key Urban Villages and other locations as identified in Appendix 3, provided that proposals ensure a balance with the reasonable protection

of existing amenities and environmental sensitivities, protection of residential amenity and the established character of the area.

Policy SC17 – Building Height

Policy SC18 – Landmark/Tall Buildings

Chapter 5 – Quality Housing and Sustainable Neighbourhoods

Of note:

QHSN36 – High Quality Apartment Development

Policy QHSN38 – Housing and Apartment Mix

Chapter 13 - Strategic Development Regeneration Areas

The site is within SDRA 1 – Clongriffin/Belmayne and Environs

The overall urban structure envisaged by the LAP (as indicated in the Belmayne Masterplan) is comprised of two Key Urban Villages (KUV), Clongriffin Train Station to the east and at Malahide Road (Clarehall / Northern Cross) to the west, connected by a Main Street boulevard, greenways and interspersed by a network of urban squares, parks and green spaces.

Height

- Building heights shall respond to the proposed urban structure and land uses and activities. In general, the KUV centres at Belmayne Town Centre and Clongriffin Train Station shall contain the greatest building heights, in order to reinforce their status as a KUV, subject to amenity and design safeguards.
- Gateway buildings form a key structuring element, enhancing legibility and avoiding the proliferation of monolithic heights. As such, locally higher buildings shall be located within the KUV and along the Belmayne-Belcamp link, as illustrated.
- The following building heights shall be applied:
 - Minimum heights of 5 storeys to the Key Urban Village centres at Clongriffin Rail Station and Belmayne Town Centre at the R139/R107 junction.
 - Minimum heights of four to five storeys for Main Street Boulevard.

- A locally higher building adjacent to the rail station and at the junction of Malahide Road / R152.
- Any proposed height must have regard to existing neighbourhoods and character, in order to protect residential and visual amenity.

Chapter 15 sets out the development standards for residential development.

Table 15-1 sets out the documentation required to accompany residential schemes.

Table 15.4 – 10% minimum public open space within zone Z1.

Section 15.9 sets out apartment standards

Appendix 3 – Achieving Sustainable Compact Growth, Policy for Density and Building Height in the City.

A comprehensive set of performance based criteria are detailed for the assessment of applications where significant urban intensification is proposed. These criteria are to ensure that a form and intensity of urban development is achieved that contributes to the overarching objectives of the plan to create sustainable communities and high quality places for people to live and work. The guidance is to ensure the highest standard of design and the protection of existing amenities and the natural and historical assets of the city. Guidance regarding landmark buildings is also set out.

Table 1 – Density Ranges

SDRA - 100 – 250 units per hectare (net)

There will be a general presumption against schemes in excess of 300 units per hectare. Schemes in excess of this density will only be considered in exceptional circumstances where a compelling architectural and urban design rationale has been presented.

It is acknowledged that schemes of increased density are often coupled with buildings of increased height and scale. Where a scheme proposes buildings and density that are significantly higher and denser than the prevailing context, the performance criteria set out in Table 3 shall apply.

Table 2: Indicative Plot Ratio and Site Coverage

	Plot Ratio	Site Coverage
Regeneration Area	1.5-3.0	50-60%

All proposals with significant increased height and density over the existing prevailing context must demonstrate full compliance with the performance criteria set out in Table 3.

The general principle is to support increased height and higher density schemes in the city centre, Strategic Development Regeneration Areas, Key Urban Villages, areas close to high frequency public transport and some other areas (as identified) considered as suitable for increased intensity of development.

Appendix 5 – Transport and Mobility: Technical Requirements

Table 2 sets out the maximum Car Parking Standards

The site is within parking zone 3

Apartments – 1 space per dwelling

5.2. EIA Screening

Having regard to the nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

5.3. Natural Heritage Designations

None in the vicinity.

6.0 The Appeal

6.1. Grounds of Appeal

The submission by Stephen Little & Associates on behalf of the 1st Party refers. The appeal is against condition 8 which requires the tower element be reduced in height to 7 storeys with other elements reduced to 6 storeys. Reference is made to the 2016 Development Plan, applicable at the time of the lodgement. The grounds of appeal can be summarised as follows:

- The reduction in height will result in a reduction in the number of units to 42 no.
- The proposal is supported by regional and local planning policy.
- The form and scale of the building acts as a landmark within the neighbourhood. The density and height proposed is designed around providing a high-quality urban edge to the Clare Hall Road with a clear rhythm of architectural language along the south elevation and a distinct vertical emphasis on the taller element addressing the junction. The reduction in height will have a detrimental impact on the design and appearance of the building.
- The permitted reduced scheme of up to 7 storeys (approx. 21.3 metres) is in excess of the development plan limit of 16 metres. Importance should be asserted on finding appropriate heights and layout for the proposed development.
- The visual appearance of the building decreases as the height of the tower element reduces (booklet of drawings submitted in support).
- A one floor difference between the two volumes will look poor from an architectural and urban design perspective with the building appearing to look more 'square' in nature as opposed to a strategic increase between the two volumes.
- The Board's stance with regard to ensuring appropriate density is noted. Precedent cases cited in support - ABP ref. 308834 and ABP ref. 312492.

- The Board did not raise any particular objection to the proposed 10 storey height of the previous SHD application on the site under ref. ABP 308134-20.
- The reduction in height is not merited from an architectural or visual amenity perspective.
- There is uncertainty as to what is required by the condition relative to the planner's assessment.

6.2. Planning Authority Response

None received.

6.3. Observations

A submission by BPS Planning and Development Consultants on behalf of Grattan Hall Management CLG which represents Grattan Wood can be summarised as follows:

- It supports condition 8 attached to the planning authority's decision.
- The scheme, located between 85 and 125 metres to the south of Grattan Wood, would be highly visible from same.
- The site is not suitable for a 'landmark' building.
- Condition 1 has not been appealed which references the scheme as amended by way of further information. The scheme was reduced in height from 13 storeys to 9 storeys in the said further information.
- The Board refused permission for a development of comparable height on the site under ref. ABP 308134-20.
- Removal of condition 8 would result in a material contravention of the development plan.
- The original scheme density was excessive and its reduction by 40% is justified.
- The applicant has not appealed condition 24 and therefore accepts that the scheme raises privacy concerns.

- The site is not located in the SDRA 1 North Fringe Clongriffin-Belmayne LAP as claimed.
- The scheme is deficient in many aspects.

7.0 Assessment

7.1. Preliminary Considerations

Development Plan

- 7.1.1. Of material consideration is the fact that since the planning authority's assessment and decision on the application the Dublin City Development Plan 2022 has come into effect. There are significant differences between the documents with specific note had to the policy and guidance on building height and indicative acceptable densities. I note that the new plan would have been reviewed by the OPR to ensure its compliance with national and regional policy. I consider that the provisions of the new development plan have a direct bearing on the acceptability or otherwise of condition 8.
- 7.1.2. I would also bring to the Board's attention that the Clongriffin-Belmayne LAP 2012-2018 which was extended to 2022 has now expired.

Nature and Extent of Proposed Development

- 7.1.3. Permission is sought for 72 no. apartments in a building that ranges from 7 to 13 storeys with an overall height of approx. 39 metres. Whilst the agent for the observer considers that the applicant reduced the scale of the building to 7-9 storeys by way of further information, it is my reading of the totality of the documentation accompanying the said further information response that the reduced scale option was put forward for consideration, only, but that the nature and extent of the development as sought was for the 13 storey scheme. In this regard I refer the Board to section 2.2 of the planning report accompanying the response. From my interpretation of the planner's report following further information this was also the conclusion reached. I also note that the response was not accompanied by revised public notices which would normally be required where the information submitted was considered to be material.

Appropriate Assessment

- 7.1.4. Having regard to the nature and extent of the development, the location of the site on fully serviced lands and to the distance to the nearest European Sites, it is concluded 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.

Preliminary Considerations - Conclusion

- 7.1.5. Having regard to the Z1 residential zoning provisions for the area, the planning history on the site and adjoining lands, the documentation accompanying the application, as amended way of further information, its assessment by the planning authority and having visited the site, I am satisfied that the determination of the application by the Board, as if it has been made to it in the first instance, would not be warranted. Accordingly, I consider that it is appropriate to use the provisions of Section 139 of the Planning and Development Act 2000, as amended, and to consider the issues arising out of the disputed condition only.

7.2. Condition 8

Zoning Provisions and Density

- 7.2.1. As noted above the site is zoned Z1, comparable to the provisions of the previous plan, the objective for which is to protect, provide and improve residential amenities.
- 7.2.2. As per Map K of the development plan the site is located between but outside of the key urban villages of Donaghmede (to the south) and Clongriffin/Belmayne (North Fringe) to the north and is within the south-eastern most extent of the Clongriffin and Belmayne and Environs Strategic Development and Regeneration Area.
- 7.2.3. In terms of density the general principle as espoused in the development plan is to support increased height and higher density schemes in the city centre, Strategic Development Regeneration Areas, Key Urban Villages, areas close to high frequency public transport and some other areas (as identified). However the plan differs from its predecessor in that acceptable parameters for density within specified areas are detailed.
- 7.2.4. The proposal for 72 no units on a 0.19 hectare site equates to a density of 370 units per hectare. This exceeds, materially, the 100-250 range for sites within SDRAs as

set out in Table 1 of Appendix 3. Indeed it exceeds the 300 unit per hectare ceiling set out in the plan which states that there is a general presumption against schemes in excess of same save in exceptional circumstances where a compelling architectural and urban design rationale has been presented. In terms of site development indicators I also note that the plot ratio at 3.8 materially exceeds the indicative criteria of 1.0-3.0 for such regeneration areas. The site coverage at approx. 40% is within the 50-60% parameters.

- 7.2.5. The requirements of condition 8, in reducing the height of the tower component to 7 storeys (6 floors of apartments over ground floor elements) and reduction of the 'east' wing to the tower to 6 storeys (5 floors of apartments over ground floor), would result in a reduction in the number of units by 29 no. to a maximum of 43 no. This does not account for any internal modifications required to ensure that the unit mix accords with the SPPR1 requirements as stipulated in the condition which would require the amalgamation of Apt 02.05 and Apt 02.06 (or equivalent apartments on other floor levels) which would further reduce the overall number of apartments to 42 thereby ensuring that 1 bed units do not exceed the 50% unit mix ceiling. This equates to a density of 227 units per hectare bringing it within the parameters for such a site located within the SDRA. The plot ratio would also be decreased bringing it within the acceptable limits (in the region of 2.3).
- 7.2.6. The reduction in the number of units would also have a positive knock on impact in terms of the adequacy of the communal open space. Having regard to the minimum requirements as set out in Appendix 1 of the Apartment Guidelines to which the development plan refers I calculate that in the region of 246 sq.m. is required. The roof terrace being provided equates to 285 sq.m.
- 7.2.7. In addition I note that 44 car parking spaces are to be provided which marginally exceeds the maximum of 1 space per apartment at this location (zone 3). In this regard I note that this is a reduction on the previous development plan maximum requirement of 1.5 spaces per unit.

Height

- 7.2.8. The new development plan, in having regard to the Building Height Guidelines, does not specify maximum or minimum height requirements but identifies areas which

may be suitable for increased height. Such areas include the city centre and SDRAs.

- 7.2.9. The said plan, in setting out the guiding principles for the Clongriffin/Belmayne and Environs Strategy Development Regeneration Area (chapter 13), identifies locations where increased height would be appropriate with the key urban centres (KUVs) at Belmayne Town Centre and Clongriffin Train Station to contain the greatest building heights, in order to reinforce their status as KUVs. Locations for locally higher 'gateway buildings' are identified within the KUV and along the Belmayne-Belcamp link, as delineated on Figure 13-1. The appeal site is not identified for such purposes. Minimum heights for KUVs and locations identified for the locally higher buildings, only, are stipulated (4/5 storeys).

As required by Appendix 3 all proposals with significant increased height and density over the existing prevailing context must demonstrate full compliance with the performance criteria set out in Table 3. In the context of the said performance criteria I submit:

- The 13 storey element would not respect or complement existing and permitted development which does not exceed 7 storeys and would not provide an appropriate transition in scale. It is accepted that the massing has been broken down by use of height gradation.
- Is not appropriately located on a site identified for higher buildings for the SDRA. Such identified locations are more attuned with the locations of greater activity with the purpose of reinforcing the legibility of the areas in a cohesive manner and reinforcing the role and function of streets and places. The site is at a remove from these locations, located at the southern extent of the SDRA area and does not contribute to such legibility.
- Whilst the building design is acceptable in isolation, I do not consider that its height would integrate in a cohesive manner in the wider area or make a positive contribution to the neighbourhood. I do not consider the height would enhance the urban design context and would be at variance with the existing and emerging pattern and scale of the development in the vicinity.
- I am not satisfied that the building would have a positive impact on the area. The excessive density cannot be ignored and significantly exceeds the 300

limit imposed in the current development plan save in exceptional circumstances. In my opinion such circumstances do not arise in the current case. In addition the plot ratio exceeds the parameters for such SDRA sites. On simple metrics alone the calculations suggest over development of the site.

- As noted above the adequacy of the communal open space falls short of the minimum requirement. Save for this shortcoming acceptable amenities for prospective occupants within the 13 storey building including private open space would be provided with units having adequate daylighting and sunlighting whilst potential negative microclimatic effects are avoided. Issues arising in terms of potential overlooking of adjoining permitted development can be addressed by way of condition.
- In the context of the prevailing low density suburban type housing predominant in the area the proposal, coupled with that permitted, the proposal would allow for a greater housing mix that heretofore exists.

7.2.10. In the context of the existing and permitted development in the vicinity including the permitted SHD residential scheme on the Columban Brothers Missionary site to the north comprising of over 400 residential units in two buildings ranging in height from 5 to 7 storeys and the fact that the site is not identified as a location for a locally high building I consider that the proposed 13 storey element would represent an unacceptable abrupt transition at this location which would be visually intrusive and dominant.

7.2.11. In order to allow for the development at this location to culminate into a local wayfinding corner structure the 7 storey height (6 floors of apartments over ground floor) as recommended by the planning authority is appropriate with the wing to the east of the 'tower' element reduced to 6 storeys (5 floors of apartments over ground floor) to allow for a reduction in the massing of the building. The wording of the condition can be amended to address the perceived confusion as stated by the agent for the applicant.

Conclusion

- 7.2.12. I submit that the development as proposed by reason of its density and plot ratio well in excess of the parameters set out in the current development plan entailing a height materially in excess of that prevailing or permitted in the vicinity at a remove from the locations within the SDRA identified as suitable for higher buildings would constitute overdevelopment of the site and could be seen to contravene materially the new city development plan.
- 7.2.13. The provisions of condition 8 by seeking the reduction in the building height allows for a greater integration and assimilation with the emerging pattern of development at the southern extent of the SDRA whilst reducing both the density and plot ratio to within the plan's indicative parameters. It also has the positive knock-on impacts in terms of adequacy of communal open space and car parking provision.

8.0 Recommendation

I recommend that the planning authority be directed to **AMEND** condition 8 as follows for the stated reasons and considerations.

Condition 8:

The development shall be amended as follows:

- (a) The tower element of the proposed development shall be reduced to 7 storeys (ground floor with 6 floors of apartments over)
- (b) The eastern wing of the development outside the footprint of the tower element shall be reduced to 6 storeys (ground floor with 5 floors of apartments over). Communal open space by means of a roof terrace shall be provided over.
- (c) Apt. 02.05 and Apt 02.06 (or equivalent apartments on floors 3 to 6) shall be amalgamated to provide for 1 no. 2 bedroom apartment.

The above amendments shall provide for a maximum of 42 no. apartment units.

Revised plans and drawings showing the necessary alterations shall be submitted for the written agreement of the planning authority prior to commencement of development.

Reason: In the interests of the visual amenities of the area and of property in the vicinity and to ensure an appropriate quantum and density on the site.

9.0 **Reasons and Considerations**

Having regard to the provisions of the Dublin City Development Plan, 2002, including the density and plot ratio parameters for sites within Strategic Development Regeneration Areas and the locations identified for increased height within SDRA 1 – Clongriffin/Belmayne and Environs, the reduction in the height of the proposed development as required by condition 8 and consequent reduction in density and plot ratio would result in a development which would be in accordance with the development plan provisions and would be in accordance with the proper planning and sustainable development of the area.

Pauline Fitzpatrick
Senior Planning Inspector

January, 2023