



An
Bord
Pleanála

**S. 6(7) of Planning and
Development (Housing) and
Residential Tenancies Act 2016**

**Inspector's Report on
Recommended Opinion
308090-20**

Strategic Housing Development

Demolition and removal of existing buildings and construction of 112 apartments and associated works

Location

Maxol Filling Station and a vacant motor sales/service garage (formerly Michael Grant Motors), Beach Road, Dublin 4

Planning Authority

Dublin City Council

Prospective Applicant

Maxol Property Ltd

Date of Consultation Meeting

16th December 2020

Date of Site Inspection

05th December 2020

Inspector

L. Dockery

1.0 Introduction

Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority and the documentation received from the prospective applicant, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

2.0 Site Location and Description

2.1 The subject site, which has a stated area of 0.385 hectares, is located on the west side of Beach Road, to the south-west of the junction with Church Avenue. The site has its main frontage onto Beach Road but also has frontage onto Church Avenue. It is occupied by an existing garage premises with vacant car sales outlet and surface car parking area at the northern end of the site; service station forecourt with canopy to south and ancillary retail in between the two.

It is bounded to the north by residential buildings on Church Avenue; to the west by residential development and St Matthew's National School; to the south by houses on Cranfield Place; and to the east by Beach Road.

There is an existing area of public open space opposite the site, the Irish mercantile Marine Memorial park, which is separated from the site by a number of traffic lanes.

3.0 Proposed Strategic Housing Development

3.1 The proposed development comprises the demolition of existing buildings and construction of 112 residential apartments, together with associated site

development works. A Material Contravention Statement has been submitted in relation to the matter of height.

3.2 The main issues highlighted by the applicants between the extant permission on site and the current proposal are:

- One additional storey, now 6 storey in height
- Increase in units numbers from 83 to 112
- Change to apartment mix- previously 24 x 1 bed;49 x 2 bed and14 x 3 bed; currently proposing 50/50 split between 1 and 2 bed unit
- Internal community area at GL (stated floor area of 307 square meters)
- Minor changes to location of balconies

The following details are noted:

Parameter	Site Proposal
Application Site	0.385 ha
No. of Units	112 apartments in single block
Density	291 units/ha
Height	6 storey over single storey basement (19m excluding lift overruns)
Plot Ratio	3.18
Site Coverage	44%
Other Uses	None
Parking	80 car parking spaces 224 bicycle parking spaces 3 motorbike spaces
Vehicular Access	Basement accessed from Beach Road

Part V	11 units (8 x one-bed and 3 x two-bed)
--------	--

The breakdown of unit types is as follows:

Unit Type	Studio	1 bed	2 bed	3 bed	Total
Apartments	-	56	56	-	112
% Total	-	50%	50%	-	100%

4.0 National and Local Planning Policy

4.1 National

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual)
- Sustainable Urban Housing: Design Standards for New Apartments (2018)
- Design Manual for Urban Roads and Streets (2013)
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009)
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018)
- Childcare Facilities, Guidelines for Planning Authorities (2001)
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (2018)

Other documents of note are:

- National Planning Framework, 2018
- Regional Spatial and Economic Strategy for the Eastern and Midland Region, 201

4.2 Local

The Dublin City Development Plan 2016-2022 is the operative County Development Plan.

Zoning

'Objective Z1' which seeks to 'protect, provide and improve residential amenities'.

Development Plan Standards

Indicative Plot Ratio 0.5 and 2.0

Indicative site coverage is 45-60%

The northern part of the site is included within a Zone of Archaeological Interest.

Surrounding zoning Objectives include houses on lands zoned 'Objective Z2' on the northern side of Church Avenue and Z9 (Open Space) to the east of the site. The area between Irishtown Road, Bath Street and Church Avenue is a non-statutory Conservation Area associated with Irishtown village centre.

There are a number of policies within the Development Plan relating to residential development.

5.0 **Planning History**

The most relevant history pertaining to the subject site is as follows:

Reg. Ref. 2001/18 (ABP-302082-18)

Permission GRANTED for 83 apartments, 5 storey over basement residential scheme (Nov. 2018)

Reg. Ref. 3173/10

Permission REFUSED for demolition of car showrooms and motor servicing area and construction of single storey 'drive-thru' restaurant

6.0 **Section 247 Consultation(s) with Planning Authority**

6.1 It is stated by the planning authority that pre-application consultations took place with the planning authority on 1st April 2020 and 02nd July 2020.

7.0 **Submissions Received**

Irish Water

Irish Water has assessed and has issued a Confirmation of Feasibility for 116 residential units for connection(s) to the Irish Water network(s).

Where any proposals by the applicant to build over or divert existing water or wastewater services the applicant is required to submit details to Irish Water for assessment of feasibility and have written confirmation of feasibility of diversion(s) from Irish Water ahead of any SHD application to the board.

8.0 **Forming of Opinion**

Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the planning authority submissions and the discussions which took place during the tripartite

consultation meeting. I shall provide brief detail on each of these elements hereunder.

8.1 Documentation Submitted

- 8.1.1. The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. This information included, inter alia, completed application form, a completed pre-connection enquiry feedback form from Irish Water, Statement of Consistency, Material Contravention Statement, Planning Report, Design Statement, Childcare Audit, Archaeological Assessment; Community Infrastructure Audit, Daylight Assessment, Housing Quality Assessment, Part V details, architectural drawings, Traffic and Transportation Assessment; Site Specific Flood Risk Assessment, engineering drawings, Ecological impact Assessment and EIA Screening Report.
- 8.1.2. I have considered all of the documentation submitted by the prospective applicant, relating to this case.

8.2 Planning Authority Submission

- 8.2.1 In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Dublin City Council, submitted a note of their section 247 consultations with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on 01st October 2020.

The planning authority's 'opinion' included the following matters: section 247 consultations, internal reports, development proposal, planning history, site description, policy context, details of prospective development, residential standards, open space/public realm; design/layout; crèche; height/visual; aspect; daylight; elevational treatment; microclimate impacts; urban design; impact on adjoining occupiers;; EIAR and AA Screening

The report concludes as follows:

- In general, no objections to principle to the redevelopment of the site

- Discrepancy in drawing noted
- Questions figure for dual aspect, should only include corner and through units
- Further details required in relation to interface between site and public footpath at Beach Road
- Further details required in relation to proposed materials- durable, high quality, in keeping with the area
- Impact on views of the tower of St. Matthew's Church, which dates to 1713
- More detailed shadow study required regarding potential for overshadowing of existing dwellings on Church Avenue, showing impact of proposal on these during summer months. Should also include impact of this proposal relative to permitted development
- Concerns in relation to accessibility and usability of public open space given its location behind existing dwellings on Church Ave and narrow access
- Decontamination of site
- Matters raised in drainage, transportation and parks and Landscape Services reports

8.2.2 I have reviewed and considered all of the documentation submitted by the planning authority relating to this case.

8.3 Consultation Meeting

8.3.1 A Section 5 Consultation meeting took place via Microsoft Team due to Covid-19 restrictions in place on the 16th day of December 2020, commencing at 09.30 am. Representatives of the prospective applicant, the planning authority and An Bord Pleanála participated. An agenda was issued by An Bord Pleanála prior to the meeting.

8.3.2 The main topics raised for discussion at the tripartite meeting were as follows:

- Visual and Residential Amenity
- Public Realm/Public open space
- Transportation matters
- Drainage and Flood Risk
- Any other matters

8.3.3 In relation to visual and residential amenity, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

Visual Amenity

- Extant permission on site – ABP-302082-18 and justification for additional height
- Potential visual impacts on St. Matthew’s Church and nearby conservation areas; proposed heights relative to heights permitted under extant permission
- Submission of additional CGI’s/visualisations
- Materials/finishes- need for high quality development

Residential Amenity

- Potential impacts on nearby residential properties development in terms of overlooking, overshadowing, overbearing and noise over and above that previously permitted on the site
- Compliance with Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018); schedule of floor areas
- Aspect- clarification required regarding calculation of dual aspect units
- Internal daylight/sunlight analysis to ensure adequate amenity of future residents including sunlight analysis to areas of open space,

8.3.4 In relation to public realm/public open space, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Interface between proposed building and Beach Road/Church Road
- Location of public open space provision and the desire to ensure that it is functional and usable; permeability/accessibility; daylight/sunlight; interface between public/private realm and open space areas; landscaping/boundary treatments

8.3.5 In relation to transportation matters, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Report of Transportation Division of planning authority, as contained in Addendum B of Chief Executive Opinion

8.3.6 In relation to drainage and flood risk matters, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Report of Drainage Planning Division of planning authority as contained in Addendum B of Chief Executive Opinion
- Report of Irish Water to An Bord Pleanála dated 21st September 2020

8.3.7 In relation to other matters, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Submission of schedule of floor areas; Building Lifecycle Report Plan; landscaping/boundary treatments; submission of CGIS/visualisations/cross; address any material contraventions of City Development Plan

8.4 **Conclusion and Recommendation**

8.5 Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

8.6 I have examined all of the information and submissions before me including the documentation submitted by the prospective applicants, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the section 28 Ministerial Guidelines and local policy via the statutory plans for the area.

8.7 Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act: **constitutes a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.**

8.8 I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

9.0 **Recommended Opinion**

The Board refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, **An Bord Pleanála is of the opinion that the documentation submitted would constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**

Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission arising from this notification:

1. A report, including CGIs, visualisations and cross sections, as necessary, which clearly show the relationship between the proposed development and existing development in the immediate and wider area. The applicant should include details which include rationale/justification for the heights/setbacks proposed. Details should also include interactions with nearby Protected Structures, residential development, boundary treatments and public realm. Detailed

proposals for the interface between the proposed development and Beach Road/Church Road should also be submitted.

2. A report that specifically addresses the proposed materials and finishes and the requirement to provide high quality and sustainable finishes and details. Particular attention is required in the context of the visibility of the site and to the long-term management and maintenance of the proposed development. In this regard, a life cycle report shall also be submitted in accordance with section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2018). This report should specifically address proposed materials, finishes and detailing which seek to create a distinctive character for the development, avoiding blank facades, dead frontage and render finishes. The documents should also have regard to the long term management and maintenance of the proposed development.
3. A Daylight/Sunlight analysis, showing an acceptable level of residential amenity for future occupiers and neighbours of the proposed development, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development and in adjacent properties. A month-by-month assessment of average daylight hours within the public open space should be provided within the Daylight and Sunlight Analysis document to allow for a full understanding of the year round level of overshadowing of the primary outdoor recreation area for the development should be submitted.
4. A housing quality assessment which provides specific information regarding the proposed apartments and which demonstrates compliance with the various requirements of the 2018 Guidelines on Design Standards for New Apartments, including its specific planning policy requirements. This should also include a schedule of floor areas for all proposed units, clearly setting out the aspect (single, dual, triple) of each unit
5. A detailed landscaping plan for the site which clearly differentiates between areas of public, communal and private open space and which details exact figures for same. Details should also include proposals for hard and soft landscaping including street furniture, where proposed, which ensures that areas of open

space are accessible, usable and available for all. Additional cross sections, CGIs and visualisations should be included in this regard.

6. Justification for lack of childcare facility which includes childcare demand analysis and likely demand for childcare places resulting from the proposed development
7. Additional details in relation to surface water management for the site, having regard to the requirements of the Drainage Division as indicated in Addendum B of the Planning Authority's Opinion. Any surface water management proposals should be considered in tandem with a Flood Risk Assessment specifically relating to appropriate flood risk assessment that demonstrates the development proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk.
8. Additional details and justification for the proposed development in relation to roads, access and circulation, having regard to the report of the Transportation Division of the planning authority as detailed in Addendum B of their Opinion.

Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

1. Irish Water
2. Department of Culture, Heritage and the Gaeltacht
3. Transport Infrastructure Ireland
4. National Transport Authority
5. An Taisce-the National Trust for Ireland
6. Heritage Council
7. Failte Ireland
8. An Comhairle Ealaíonn
9. Dublin City Childcare Committee

PLEASE NOTE:

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the

forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

Lorraine Dockery
Senior Planning Inspector

22nd December 2020