



An  
Bord  
Pleanála

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

### **Inspector's Report on Recommended Opinion ABP-308937-20**

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<b>Strategic Housing Development</b>	763 no. apartments, creche and associated site works.
<b>Location</b>	Park West Avenue and Park West Road, Park West, Dublin 12.
<b>Planning Authority</b>	Dublin City Council South
<b>Prospective Applicant</b>	Greenseed Ltd.
<b>Date of Consultation Meeting</b>	17 <sup>th</sup> of February 2021
<b>Date of Site Inspection</b>	15 <sup>th</sup> of February 2021
<b>Inspector</b>	Karen Hamilton

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## 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, 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 (c.8.3ha) is located within the Park West Business Park, Park West Road, Dublin 12. The site is c. 8km to the west of Dublin City Centre. The main Dublin to Cork railway line runs along the northern boundary and the Park West & Cherry Orchard Train Station is located to the north west of the site on the opposite side of the Park West Avenue. The site is largely undeveloped aside from the Aspect Hotel Park West and associated car parking, located along the west, facing onto the Park West Avenue Road. To the east of the site are 2 storey warehouse units which house a range of light industrial uses. The lands to the south and west include a range of development of apartment buildings, ranging in heights from 5 to 7 storeys. The ground floor of the apartment building along Park West Avenue have retail/commercial areas which are currently vacant.

## 3.0 Proposed Strategic Housing Development

- 3.1. The proposed development would comprise of 7 no. predominantly residential Blocks (A-G) accommodating 763 no. residential units, mostly apartments aside from 49 no. duplexes.
- 3.2. The site has been split into three phases, with Phase 1 being the current proposal. The remainder of the site is within the applicant's ownership, as is a large expanse (6.55ha) of undeveloped land along the M50.

- 3.3. The main access into the site is via Park West Road to the south. The existing entrance into the Aspect Hotel, from Park West Avenue, will be retained for the hotel and Block G. Additional pedestrian and cycle crossings are proposed along Park West Avenue, to the west.

### Key Parameters

Parameters	Site
Area	8.3 ha gross (5.59 ha net)
Units	763 no. units 714 no. apartments & 49 no. duplexes
Height	Range from 2-15 storeys (15 for Block A, the landmark building)
Blocks	7 no. (A – G)
Dual Aspect	55.6 %
Density	128 units per ha
Public Open Space	13, 460m <sup>2</sup> (16%)
Communal Open Space	7,574m <sup>2</sup>
Car park spaces	530 no. (ratio 0.69 per unit) 327 no. @ ground/undercroft & 203 no. @ street level.
Bicycle parking	1,158 no. cycle spaces 750 no. residential & 404 no. visitor spaces
Commercial/ Retail	247m <sup>2</sup> (Block A 156m <sup>2</sup> , G 91m <sup>2</sup> )
Creche	Block G 410m <sup>2</sup>
Communal Amenity Space	48 m <sup>2</sup>
Hotel Car Park	2,112m <sup>2</sup>

## Breakdown of Apartment Blocks

Block	Height	Residential Units	Other uses
A	5-15 (c. 46m) (landmark building)	109 no. 98 apt & 11 duplex	Retail 156m <sup>2</sup>
B	2-8 (26m)	44 no. 38 apt & 6 duplex	-
C	2-8 (26m)	113 no. 107 apt & 6 duplex	-
D	2-8 (26m)	179 no. 169 apt & 10 duplex	-
E	2-8 (26m)	179 no. 169 apt & 10 duplex	-
F	2-8 (26m)	99 no. 93 apt & 6 duplex	-
G	1-9 (29m)	40 no apartments	Creche 410 m <sup>2</sup> Retail 91m <sup>2</sup>

## Unit Mix

Unit	no	percentage
1 bed	324	45%
2 bed	351	49%
3 bed	39	5%

## 4.0 Planning History

### Reg Ref 3436/18

Permission granted by Dublin City Council for the temporary retention of the carpark and the extension of The Aspect Hotel.

C 3 - a) The retention of the car parking is granted for a limited period of not more than three years from the date of this grant of permission, at which stage the use hereby approved shall cease, unless a further permission has been granted before the expiry of that date.

b) Permanent car parking for the Aspect Hotel shall be provided, as per development plan standards, as part of the overall development of the Masterplan for Sector 3.

## 5.0 Relevant Planning Policy

### 5.1. Dublin City Council 2016-2022

The lands are part of Strategic Development and Regeneration Area (SDRA) 4 and zoned Z14 *“To seek 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.”*

### 5.2. Park West Cherry Orchard LAP 2019

The site is identified as Site 6 and the key points for consideration are summarised below:

- The site should be developed as a new residential quarter in Park West.
- The height range is 7-8 storeys, increasing for a landmark building near the train station.
- Density 100-125 unit per ha.
- The Department of Education and Skills have identified a need for a new primary school to serve the existing and future development of the Park West area. A suitable location for the provision of a new Primary School has been identified to the south east corner of Site 6 addressing Park West Road.

- A social audit for community infrastructure should be submitted. Consideration should be given to the provision of local health care facilities, a place of worship and a community centre to serve the new and existing residential population.
- Development of this site should provide good quality linkages and connections to the north towards the train station and Cherry Orchard Park, to the west as part of the strategic green network, to the south to facilitate improved pedestrian access to the neighbourhood Plaza, and should also allow for future connections to the east.
- The buildings should address all primary and secondary streets, with active ground floors encouraged.
- Development should provide a continuous active frontage along Park West Avenue and Park West Road.
- Development along the western boundary of this site will be required to address the variance in levels between the site and Park West Avenue to ensure a high-quality streetscape to Park West Avenue.
- Ground floor retail units should be completed to a turn-key standard.
- Improvements to the interface to Park West Avenue and Park West Road should be provided to enhance pedestrian and cycle movement.
- Investigate the potential for the overhead ESB power lines to be relocated underground.
- Archaeological testing required.
- Continuing the water-based theme of Park West and its relationship with the Canal will be encouraged.

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

6.1. The PA submission includes a record for 2 no S.247 meetings on the 11<sup>th</sup> of March 2020 and the 27<sup>th</sup> of August 2020. The issues raised are summarised below:

- There are some concerns around the permeability of the site.

- There is a need to show compliance with the LAP.
- Details of the interface with the train station and access for those which are mobility impaired.
- There should be some consideration for a north south link between Blocks A, B & C.
- It would be preferable if there was a greater quantity of 2 bed units.
- Need more intimate play areas.
- The interface with the railway should be addressed as a new street and a transition from the railway line.
- More visual impact assessments are required.
- Transport Section concerns should be addressed.
- More details on materials are required.
- There is a preference for more 2 bed units.
- The dual aspect units should be over 50%.

## 7.0 **Prospective Applicant's Case**

### 7.1. **Statement of Consistency**

The Statement of Consistency summarises how the proposed development is broadly consistent with National, Regional and Local Policy (i.e. the Dublin City Development Plan 2016-2022 and the Cherry Orchard Local Area Plan 2019) and relevant Section 28 Guidelines.

### 7.2. **Statement of Material Contravention**

The applicant considers the proposed development is a material contravention of the development plan with regard the height of the 6 no blocks and the unit mix proposed.

#### Height

- In relation to the height, the proposed development is a material contravention of Section 16.7.2 as building heights exceed the maximum of 24 metres.



Generally, the heights of apartment blocks A to G range from 2-8 storeys, c. 7 – 26 metres.

- The applicant does not consider proposed landmark element of Block A at a height of c.46m is a material contravention of the development plan or the LAP on the basis that it is identified as a suitable location for a “mid-rise” (up to 50m) building in the Development Plan.
- A material contravention is justified with reference to SPPR3 of the Urban Development and Building Heights: Guidelines for Planning Authorities.

### Housing Mix

- In relation to the housing mix, the proposal includes 45% one bed and 49% two bed and 5% three bed. Section 16.10.1 of the development plan required fmax 25-30% one bed and min 15 % three bed.
- The applicant considers the mix can be justified having regard to SPPR1 and SPPR6 of the apartment guidelines.

## **8.0 Planning Authority Submission**

8.1. 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 the S.247 meeting, the planning authority opinion, along with interdepartmental reports and the relevant planning applications in the area. These were received by An Bord Pleanála on the 28<sup>th</sup> of January 2021. The issues raised are summarised below:

### **8.2. Planning assessment**

- There have been no commercial/ enterprise/ non- residential uses in the north western corner of the site fronting onto Park West Avenue, as per the LAP.
- The applicant should provide clarity as to the retail/ commercial provision in the vicinity of the site. The LAP requires 20% retail/ commercial.
- The density is acceptable considering the public transport provision to the site.
- The heights are generally acceptable.

- It would be more useful to see additional community use on the site.
- There are good linkages provided.
- A comprehensive booklet of photomontages should be submitted to address the principle key streets and also north/ north west, looking back into the site.
- The applicant shall clearly set out how the landmark building complies with Section 16.7.2 of the development plan, provide sufficient material to allow a proper assessment and include same in Statement of Consistency.
- Courtyard areas in Block A & B, internal courtyard of Blocks D & E and the linear park can not meet the BRE standards (minimum 2 hr sunlight for gardens and open spaces).
- A full sunlight and daylight analysis are required which should also address any overshadowing and indicate adequate levels of sunlight.
- The applicant is required to consult with ESB to remove the 2 pylons and the underground power lines along the northern boundary of the site. These works should be done in conjunction with Phase 1 of the proposal.
- The developer should contact Iarnrod Eireann before submitting any application.
- Section 16.10.2 of the development plan requires any proposal within units in excess of 50 units to be accompanied by an assessment of the school's capacity in line with the DES & DEHLG's Code of Practice on the Provision of Schools and The Planning System 2008. The applicant shall confirm if they have liaised with the Department of Education on the provision of the school in Phase 2.
- The temporary relocation of the hotel car park is proposed. A permanent solution for the hotel car park should be provided in Phase 3.
- A recycling facility should be provided in Phase 1 rather than Phase 2 and should be near the community/retail uses.
- The treatment of the ground floor of the Landmark building, fronting onto Park West Avenue (small corner shop/ undercroft parking) is not acceptable.

- A detailed Community & Infrastructure Audit should be submitted with any proposal.
- A detailed Masterplan and Phasing plan should be submitted with any application as follows:

Phase 1 - Construction of the access road, Blocks D, E & F,

Phase 2- Blocks A, B & C and associated car parks,

Phase 3 – Block G, existing access from Part West Ave and temporary carpark highlighted in blue.

### 8.3. Interdepartmental Reports

Drainage Division: No objection subject to further clarification on surface water management strategy.

Housing Department: The applicant has not engaged with the Council in relation to Part V and a meeting is required to issue a validation letter for the application.

Parks Department: A masterplan is required to indicate the open space and the connections. A high standard of finishes is required on the public plazas etc. A large number of the communal spaces which will not meet the BRE standards. The impact on biodiversity should be assessed.

Transport Section: Additional information and clarification on the following is required:

- A comprehensive mobility management strategy.
- The local street should not be 6m width.
- Junctions from Parkwest Ave and Parkwest Road shall be designed to be taken in charge.
- The entrances and overall design shall be that of local roads and have regard to the Local Streets Design.
- Additional discussions are required for the design of the pedestrian crossings and overall design to prioritise pedestrians within the scheme and throughout.
- The carparking ratio is acceptable and a Parking Management Strategy should be incorporated with the Residential Travel Plan in the submission.

- Mitigation measures should be clearly identified in the EIAR.

## 9.0 Irish Water

Irish Water has issued a Confirmation of Feasibility for 763 no apartments subject to the following:

### Water

- New connection to the existing network is feasible without upgrades.
- A new bulk meter and a new pressure reducing valve at the extreme of the existing 450 mm AC (1980) main would be required.

### Wastewater

- New connection to the existing network is considered feasible to the manhole approx. 165m from the development.
- The developer must survey a section of the sewer for possible sediments (survey must be done in accordance with Irish Water standards). If sediments are found they must be removed to create the required capacity.
- Proof of sewer condition before and after will be required prior to connection application stage with IW.

## 10.0 The Consultation Meeting

10.1. A section 5 Consultation meeting took place via Microsoft Teams on the 17<sup>th</sup> of February with representatives of the prospective applicant, the Planning Authority and An Bord Pleanála in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

10.2. The main topics raised for discussion at the tripartite meeting were based on the Agenda that issued in advance and contained the following issues:

1. Z14 zoning and quantum of commercial/retail proposed.
2. Development Strategy for the site to include inter alia:
  - Car parking Strategy;
  - Quality and design of the communal open space;

- Interface along the north of the site and Park Avenue West;
  - External Materials;
3. Phasing and Masterplan of the site.
  4. Transport Matters.
  5. Any other matters.

10.3. In relation to the **Z14 Zoning**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following;

- The inclusion and relocation of the hotel carpark relocation as part of the proposed development, the size of the carpark and the classification as other uses for the purpose of SHD compliance.
- The quantum of commercial /retail space proposed, the requirement to comply with the residential and commercial mix in the Z14 zoning and the Local Area Plan (LAP), and the justification for complying with the mix in the overall master planning for Site 6.
- The amount of vacant commercial/ retail units within the overall Park West complex and the potential alteration of those duplex units along Park West to be converted in the future, should the need arise, for use as other commercial/retail uses.

10.4. In relation to the **Development Strategy**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following;

- The proposed car parking strategy and the number of surface parking spaces along the north of the site, the impact on the public realm and the residential amenity of the future occupants of the ground floor north facing units.
- The design and layout of the communal open space areas, the integration of a range of play spaces and the provision of sunlight and daylight analysis for the communal courtyards.
- The external materials proposed on Block A, the landmark building and other Blocks A-G.

- The height strategy and unit mix proposed and the potential for any material contravention of the development plan.

10.5. In relation to the **Phasing and Masterplan**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following;

- The master planning for Site 6 of the LAP and the phasing and delivery of infrastructure both within and in the vicinity of the site.
- The proposed residential amenity services, the current community infrastructure in the vicinity and the requirement for a community and social infrastructure audit.
- The phasing and delivery of the crèche and the existing capacity of crèche facilities in the vicinity of the site.

10.6. In relation to the **Transport Matters**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following;

- The phased delivery of the road's infrastructure.
- The width of the internal network and the requirement to comply with DMURS.
- The works proposed along Park West Avenue and Parkwest Road.
- The location of the school site and the design of the road network required to accommodate the school traffic.

10.7. In relation to the **Any Other Matters**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following;

- Correspondence with the Department of Education.
- The rerouting of the overhead ESB infrastructure and correspondence with the utility provider.

## 11.0 **Assessment**

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.

I have examined all of the information and submissions before me including the documentation submitted by 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.

### **Conclusion**

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.

## **12.0 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)(i) and (ii) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that the **following specific information** should be submitted with any application for permission arising from this notification:

1. The proposed development shall be accompanied by an architectural report and accompanying drawings which outlines the design rationale for the proposed public interface along the north of the site, having regard to inter alia, the site's context along the railway line, the amount of surface car parking and the impact on the residential amenity of the future occupants of the ground floor units. The report should outline the height design rationale in light of the publication of 'Sustainable Residential Development in urban Areas' and the accompanying Urban Design Manual.
2. A detailed phasing and delivery plan, including timing and delivery of the works to on the site, the surrounding area and the overall Site 6 in the LAP. The phasing and masterplan documentation may include permanent solutions for the hotel carpark, justification and/or compliance with any required commercial/residential mix for the site, phasing and delivery of the infrastructure
3. A Traffic and Transport Assessment including, inter alia, a rationale for the proposed car parking provision should be prepared, to include details of car parking management, car share schemes, mobility management plan and Residential Travel Plan.
4. A Design Manual for Urban Streets and Roads (DMURS) compliance statement.
5. An Updated Sunlight/Daylight analysis showing an acceptable level, *inter alia*, details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development.
6. Updated landscape plans delineating the public open space and communal open space and including useable space for play provision necessary to comply with Section 4.13 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities.
7. A rationale for the proposed car parking provision should be prepared, to include details of local census, mobility split, car parking management, car share schemes and a mobility management plan.
8. Part V proposals.



9. Wind micro-climate study, including analysis of balconies.
10. A report that specifically addresses the proposed materials and finishes of the proposed structures including specific detailing of finishes and frontages including the maintenance of same, shopfronts and commercial units, the treatment of landscaped areas, pathways, entrances and boundary treatment/s. The treatment/screening of exposed areas of basement ramps and any podiums as well as the under side of the proposed highline structures should also be addressed. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the overall development. The documents should also have regard to the long term management and maintenance of the proposed development.
11. A drawing detailing all areas proposed for Taking in charge.
12. Response to issues raised in Addendum B of Planning Authority Report, received 28<sup>th</sup> of January 2021, which includes the internal report of the Transportation Planning Dept.
13. A Community and Social Infrastructure Audit.
14. An analysis of the childcare provision in the vicinity and justification for the absence of any childcare facility on the site.
15. Noise Impact Assessment including the impact of the traffic noise and any mitigation measures necessary to reduce a negative impact on the amenity of future occupants.

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. Transport Infrastructure Ireland.
2. Iarnrod Éireann.
3. Córas Iompair Éireann
4. Commission for Railway Regulation
5. South Dublin County Council
6. Department of Education
7. Irish Water

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.

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Karen Hamilton  
Senior Planning Inspector

22<sup>nd</sup> of February 2021