



An
Bord
Pleanála

Inspector's Addendum Report

ABP-314313-22

Development	Construction of a 5-storey mixed-use building accommodating 1 no. commercial unit and 15 no. apartments
Location	Land located at intersection of Main Street & Parnell's GAA Club access road, Coolock, Dublin 5.
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	4108/21
Applicant	KTPCC Development Company Limited
Type of Application	Planning Permission
Planning Authority Decision	Grant Permission
Type of Appeal	First against Conditions & Third Party
Appellants	KTPCC Development Company Limited Coolock Residents Association
Observers	Seán Haughey TD Marie Henvey Padraig Kent

Date of Site Inspection

16th January 2024

Inspector

Margaret Commene

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1.0 Introduction & Background

- 1.1. This report is an addendum report to the Inspector's Report in respect of ABP Ref. ABP-314313-22, dated the 24th January 2024. Appeal ABP Ref. ABP-314313-22 concerns an application for construction of a 5-storey mixed-use building, accommodating 1 no. commercial unit and 15 no. apartments, served by 10 no. car parking spaces and 25 no. bicycle parking spaces.
- 1.2. On 14th July 2022, the Local Planning Authority issued a Notification of Decision to Grant Permission subject to 13 no. conditions.
- 1.3. A first party appeal (against conditions) and a third party appeal were received by the Board on 9th August 2022 and 10th August 2022, respectively. At the time of the determination of the application by the Local Authority, and the submission of the first and third party appeals, the proposed development was subject to the provisions of the Dublin City Development Plan 2016-2022. However, the Dublin City Development Plan 2022-2028 came into effect on 14th December 2022. Further to this, in the intervening period the Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities (2024) have been introduced (in January 2024).
- 1.4. Following consideration of the original Inspector's Report prepared in respect of appeal ABP Ref. ABP-314313-22 (dated 24th January 2024) at a Board meeting held on the 7th February 2024, the Board issued Board Direction BDD-015369-24 on 8th February 2024 which sets out the decision of the Board to defer consideration of the case and to issue a Section 137 notice to the parties in relation to the subject development. Section 137(1) of the Planning and Development Act 2000 (as amended) provides that the Board in determining an appeal may take into account matters other than those raised by the parties if the matters are matters to which, by virtue of this Act, the Board may have regard. Section 137(2) provides that the Board shall give notice in writing to each of the parties and to each of the persons who have made submissions or observations in relation to the appeal or referral of the matters that it proposes to take into account under subsection (1).
- 1.5. The notice issued under Section 137, on the 23rd February 2024, read as follows:
 1. *The Board noted that the subject application was assessed by the Planning Authority having regard to the Dublin City Development Plan 2016-2022. In the*

intervening period since the subject application was determined, the Dublin City Development Plan 2022-2028 has been adopted. The Board notes that a residential use (specifically residential car parking) is located on lands where the land use zoning objective is Z15 as indicated in the Dublin City Development Plan 2022-2028. The Board further notes the limitations and restrictions applicable on such zoned lands with regards to residential use, as indicated in Section 4.17 of the abovementioned statutory plan.

2. The Board also notes the recently issued 'Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities' (prepared by the Department of Housing, Local Government and Heritage), and, in particular, notes matters pertaining to:

- a. Density ranges as set out in Section 3.3.1 and Table 3.1; and*
- b. Car parking requirements in Section 5.3.4 including SPPR3 of the said guidelines.*

1.6. The parties were requested to submit any submission or observation that they may have in relation to these matters by 14th March 2024.

1.7. Responses were received within the prescribed time from:

- Coolock Residents Association; and
- SCA Planning on behalf of KTPCC Development Company Limited.

1.8. This addendum report sets out a summary of the responses received from these parties to the appeal and sets out an assessment of the key issues raised.

2.0 Responses Received

2.1. Coolock Residents Association

2.1.1. On the 14th March 2024, the Board received a response to the Section 137 request from Coolock Residents Association. The main points contained therein are as follows:

- As the land on which the car park is proposed is zoned Z15, it is asked that the Board refuse permission for said car park.
- The absence of a car park to serve the development, together with a shortage of car parking in the adjacent building under construction, is likely to create serious

parking and other traffic problems in Coolock Village (in particular, during busy traffic periods, such as during school opening and closing times and evening rush hour traffic). This in turn will create safety hazards for pedestrians/cyclists and a loss of trade in the context of local businesses.

- A lack of car parking will negatively impact residential amenity of future residents of the proposed development.

2.2. SCA Planning on behalf of KTPCC Development Company Limited

2.2.1. On the 21st March 2024, the Board received a response to the Section 137 request from SCA Planning on behalf of the first party appellant, KTPCC Development Company Limited. The main points contained therein are as follows:

- The original grounds of appeal submitted set out the planning history and explained that the site of the proposed development forms part of the overall development of land that formed part of the Channel College school grounds (under Reg. Ref. 3563/09/ABP Ref. PL29N.235606, subsequently extended under Reg. Ref. 3563/09x1), for which a parent master plan permission was devised in 2009 and for which planning permission has been in existence since 2010. This permission has been put in to effect and has been substantially completed. In that context, the car parking spaces referred to in the planning application are permitted development already constructed and available to the proposed development to whatever extent required.
- Referring to Section 3 of the Planning and Development Act, 2000 (as amended), it is argued that there is no development required in respect of car parking and no material change in the use of the permitted/constructed car parking spaces. There will be no new development on lands zoned Z15.
- In response to Transportation Department concerns raised regarding impediments to access due to the existing gates, the applicants were asked by way of further information request to review the accessible parking bay. As a result, the no. of parking spaces was reduced from 10 no. to 9 no. to ensure appropriate access.
- With regards to the density ranges included in the 'Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities, 2024', the site is located in an established urban neighbourhood and these

guidelines outline a density range of 50 dpha to 250dpha in such areas in Dublin. The proposed density is 214dpha which is within this density range and also strengthens this urban centre which is within the MASP, consistent with these guidelines.

- With regards to the car parking, in the ‘Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities, 2024’, indicates that in urban neighbourhoods in Dublin car parking should be minimised, substantially reduced or wholly eliminated (SPPR3). The applicant provided car parking spaces to comply with the requirements of the Dublin City Development Plan and as they were allocated to the subject site in the original 2009 master plan /in the parent planning permission.
- These 2024 guidelines note that DMURS supports on-street car parking due to the efficiency of turnover of spaces that are not allocated to a specific user. In this vein, the applicants will accept a condition that the existing car parking spaces shall not be allocated, leased or sold in conjunction with any particular unit in a permitted development and shall be available for use by the general public.
- The proposal is in line with the Dublin City Development Plan and 2024 Guidelines in relation to car parking allocation and density.

3.0 Assessment

Having reviewed the appellant responses received, I am satisfied that the main matters to be considered in this addendum report to the original Inspectors Report for appeal ABP Ref. ABP-314313-22 (dated 24th January 2024), are as follows:

- ‘Z15 - Community and Social Infrastructure’ land use zoning objective included in the Dublin City Development Plan 2022-2028.
- Density ranges and car parking requirements included in the ‘Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities, 2024’.

3.1. ‘Z15 - Community and Social Infrastructure’ land use zoning objective included in the Dublin City Development Plan 2022-2028

- 3.1.1. As noted at Paragraph 1.3 above, at the time this application was prepared/considered by the Planning Authority, the Dublin City Development Plan 2016-2022 was the relevant development plan. The Dublin City Development Plan 2022-2028 came into effect on 14th December 2022 and formed the basis of assessment in the context of the original Inspector's Report (dated 24th January 2024).
- 3.1.2. In the context of the 'Z15 - Community and Social Infrastructure' land use zoning objective, the first party appellant argues that there are no works required in respect of the existing car parking spaces and no material change in the use of the permitted/constructed car parking spaces. Therefore, there will be no new development (as defined by Section 3 of the Planning and Development Act, 2000 (as amended)) on lands zoned 'Z15 - Community and Social Infrastructure'. Firstly, with regards to their contention regarding 'works', I note that at further information stage the no. of parking spaces was reduced from 10 no. to 9 no. and the 2 no. easternmost spaces were altered to provide 1 no. limited mobility parking space. This change addressed concerns raised by the Transportation Planning Section regarding impediments to access caused by the existing access gates.
- 3.1.3. With regards to their contention regarding 'material change of use', I note that it is correctly stated that the parking spaces were developed on foot of Reg. Ref. 3563/09/ABP Ref. PL29N.235606 (subsequently extended under Reg. Ref. 3563/09x1) and are already in existence on site. However, in the context of this development, they were to serve attendees of the permitted medical centre/shop unit and sports grounds/facilities as opposed to residential units proposed within the development. I note that the medical centre/shop unit (pharmacy) permitted as part of this development were not constructed on the subject site. As a result, the applicable car parking spaces have been used in conjunction with the sports grounds/facilities.
- 3.1.4. Having regard to the works proposed to the car parking area and the resultant change of use (from sports/recreational to residential), I contend that development is proposed in the context of the 'Z15 - Community and Social Infrastructure' zoned land. Having examined the received submissions, I consider that no significant new information or comment has been made that would result in a different conclusion being reached in the context of this matter or result in a change to the recommendation originally made. As per Section 7.1 of the original Inspector's Report, I consider use of the applicable car parking area to serve the proposed residential development, to be a material

contravention of the 'Z15 - Community and Social Infrastructure' zoning objective. I therefore recommend that permission for the proposed development is refused.

3.2. Density ranges and car parking requirements included in the 'Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities, 2024'

3.2.1. As noted at 1.3 above, these guidelines were published in January 2024 subsequent to both the application being lodged and the Planning Authority's consideration of the same. These guidelines replace the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns & Villages), published in 2009. The provisions of the new Guidelines are to be applied in a manner that is consistent with the existing guidelines that are still in force and having regard to the provisions of the statutory development plan for the area, which will ordinarily have primacy over the guidelines. The SPPRs, however, are mandatory, and take precedence over development plan provisions, where differences exist.

3.2.2. Section 5.3.4 of these 2024 Guidelines, specifically referred to in the Board Direction BDD-015369-24, deals with quantum, form and location of car parking. It states, among other things, that: - *'car parking ratios should be reduced at all urban locations, and should be minimised, substantially reduced or wholly eliminated at locations that have good access to urban services and to public transport. In areas where car parking is reduced local authorities should be satisfied that the mobility needs of residents and workers can be satisfied (e.g. through shared mobility solutions such as car and bike share)'*. This section of the guidelines includes Specific Planning Policy Requirement 3 which requires the following:

(i) In city centres and urban neighbourhoods of the five cities, defined in Chapter 3 (Table 3.1 and Table 3.2) car-parking provision should be minimised, substantially reduced or wholly eliminated. The maximum rate of car parking provision for residential development at these locations, where such provision is justified to the satisfaction of the planning authority, shall be 1 no. space per dwelling.

3.2.3. The first party appellant notes that these 2024 guidelines reference the DMURS supporting on-street car parking due to the efficiency of turnover of spaces that are not allocated to a specific user. They go on to state that they are willing to accept a condition that the existing car parking spaces shall not be allocated, leased or sold in

conjunction with any particular residential unit and shall be available for use by the general public.

- 3.2.4. The prospect of omitting the proposed development's car parking area, by way of condition, to address the resultant material contravention of the 'Z15 - Community and Social Infrastructure' zoning objective was considered in Section 7.1 of the original Inspector's Report. The same arguments against a 'car-free' development discussed therein can be made in the context of the condition proposed by the first party appellant. I do not consider the inclusion of such a condition to be appropriate and consider some degree of allocated parking to be necessary in this instance given the site context, its suburban location, its falling within car parking Zone 3 and the nature of the development proposed. I also consider that such a shared parking arrangement could lead to conflicts between residents/users of the sports facilities/grounds.
- 3.2.5. The following density range is set out, in Table 3.1 of the 2024 Guidelines, in the context of urban neighbourhoods of Dublin and Cork: - 50 to 250 dwellings per hectare (net). The additional submission received from the first party appellant does not propose any changes to the quantum of apartments proposed and therefore the resultant density remains at 214 units per hectare.
- 3.2.6. I refer to my previous Inspector's Report, more specifically Section 7.4, which included an assessment regarding the appropriateness of the proposed density in the context of the subject site. This assessment included consideration of the density ranges outlined in the 2024 Guidelines. Having considered the additional submissions received, I note that my original conclusion remains unaltered in the context of the appropriateness of the proposed density. I consider that given the site's location in a serviced residential area adjacent to Coolock Village, its proximity to public transport services and the infill nature of the subject site, the provision of a higher density residential development on the subject site is considered acceptable in principle consistent with the provisions of the Development Plan and Government policy seeking to increase densities and, thereby, deliver compact urban growth.

4.0 Recommendation

- 4.1. I refer to the previous Inspector's Report and recommendation on this application dated 24th January 2024. Having regard to the submissions received, my

recommendation remains unchanged, and I therefore recommend that permission is refused for the reasons and considerations set out below set.

5.0 Reasons and Considerations

Having regard to the Z15 zoning applying to part of the subject site, the objective of which is to protect and provide for community uses and social infrastructure and the failure to satisfy the exceptional criteria for 'Open for Consideration Uses' on these lands, it is considered that the proposed development, which is entirely residential/commercial in nature, would materially contravene the said zoning objective. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Margaret Commane
Planning Inspector

17th May 2024