



An
Bord
Pleanála

Inspector's Report ABP-318195-23

Development	Permission to amend planning permission reg. ref. 2725/21 by change of use in the lower ground/basement level, to remove car park usage.
Location	The former Fodhla Printing Works Site, Brookfield Road, Kilmainham, Dublin 8.
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	4203/23
Applicant(s)	Kavco Project 9 Limited
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Kavco Project 9 Limited
Observer(s)	Alva DeVoy & Judy Harmey
Date of Site Inspection	28 August 2024
Inspector	Gillian Kane

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	3
3.1. Decision	3
3.2. Planning Authority Reports	4
3.3. Prescribed Bodies	4
3.4. Third Party Observations	4
4.0 Planning History	5
5.0 Policy Context	6
5.1. Dublin City Development Plan 2022-2028	6
5.2. Natural Heritage Designations	7
5.3. EIA Screening	7
6.0 The Appeal	8
6.1. Grounds of Appeal	8
6.2. Planning Authority Response	9
6.3. Observations	9
7.0 Assessment	11
7.2. Parking Provision	11
8.0 AA Screening	14
9.0 Recommendation	14
10.0 Reasons and Considerations	14
Appendix 1 – Form 1: EIA Pre-Screening	

1.0 Site Location and Description

- 1.1.1. The subject site is located along Brookfield Road in the south Dublin inner city suburb of Kilmainham. The currently under construction site is bound to the north by the rear of no.s 77-79 Old Kilmainham, to the east by the rear/side boundary of no. 80 Old Kilmainham and the rear boundaries of no.s 4-8 Cameron Square. The southern most corner of the site comprises two single storey cottages: 26 and 28 Brookfield Road.
- 1.1.2. There is a construction vehicular entrance along Brookfield Road. The development permitted under Planning Authority reg. Ref 2725/21 is under construction and appears to be relatively close to completion.
- 1.1.3. The road level along the site frontage falls steeply to the north / towards Kilmainham Road to the north. The area has a mixture of terraced houses, in different states of repair and some small apartment developments. The site is within 500m of the site of the National Paediatric Hospital which is nearing completion.

2.0 Proposed Development

- 2.1. On the 21st July 2023, planning permission was sought to remove 18 no. car parking spaces (1 no. accessible, 2 no. EV, 5 car share and 10 no. standard) from the basement of a permitted development of 79 no. apartments.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 14th September 2023, the Planning Authority issued a notification of their intention to REFUSE permission for the following reasons:
 - 1 The proposed removal of car parking spaces including car share provision would have a negative impact on the permitted mobility strategy for the development under reg. ref. 2725/21, and would be contrary to conditions 1 and 9 of that permission.
 - 2 The applicant has not demonstrated that car-free development would be suitable for a development of this scale on this site. The development would be detrimental to the residential amenities, public roads and footpaths of the area due to the likelihood of overspill car parking on a

street which already provided with a low level of on-street car parking, and obstruction of footpaths arising from same. The proposed development would be contrary to Appendix 5, Section 4 of the Dublin City Council Development Plan 2022-2028, and the 'Z1' land-use zoning objective of the site, and would therefore not accord with the proper planning and sustainable development of the area.

3.2. **Planning Authority Reports**

- 3.2.1. **Drainage:** No objection subject to standard conditions.
- 3.2.2. **Transportation Planning:** 18 no. car spaces and 2 no. motorbike spaces to be removed. Permitted parking ratio was 0.16. excluding car share provision. No changes shown on drawings. Revised Mobility Management Plan submitted but no updated modal split targets provided. Details of increase in service and delivery trip generation not provided - previous permission provided for delivery in car park. No justification for eliminating car parking. Negative impact on local roads, on residents and on ability to provide family friendly living. Refusal recommended.
- 3.2.3. **Planning Report:** Notes planning history on site, that Further Information was sought on transportation issues and concludes that parking, service vehicle facilities, car club provision and EV charging were a notable feature of the original permission. Notes the report of the Transportation department and recommends refusal on those grounds.

3.3. **Prescribed Bodies**

- 3.3.1. None on file.

3.4. **Third Party Observations**

- 3.4.1. A number of submissions to the Planning Authority highlighted that providing 18 no. spaces (five of which are for club Cars) in a development of 79 no. apartments was already too little, that significant parking occurs on street, that other developments in the area including the new National Childrens Hospital creates significant demand for limited existing parking.

4.0 Planning History

4.1.1. **PL29S.247001**: Permission granted for the construction of a mixed use development comprising fourteen houses, office accommodation, associated works and landscaping at site of former Fodhla Printing Works

4.1.2. Planning Authority reg. ref. **2725/21**: Planning permission was granted for the construction of a BTR residential development of 79 no. apartments and all associated site works. An appeal ABP-312072-21 was withdrawn. Condition no. 9 of the decision is as follows:

9 The developer shall comply with the following requirements of the Transport Planning Division of Dublin City Council:

- i) At the vehicular access/exit point to the development, the public footpath shall be continued at a raised level across the site entrance and exit, but shall be ramped and dropped as necessary (e.g. 32mm kerb over carriageway) to facilitate car-entry/exit. Measures shall be implemented, including contrasting materials, signing, and road marking, etc. to ensure that vehicles entering/leaving the development are aware that pedestrians/cyclists have priority across the site entrance and that vehicles must yield right-of-way. Details shall be agreed in writing with the Environment and Transportation Department prior to commencement of the development.
- ii) Details of the materials proposed in public areas and area to be taken in charge are required and shall be in accordance with the document Construction Standards for Roads and Street Works in Dublin City Council and shall be agreed in writing with the Roads Maintenance Division of Dublin City Council prior to commencement of development.
- iii) Of the total 18 no. car parking spaces, 5 no. parking spaces shall be allocated to car share. Electrical Charging facilities shall be provided for a minimum of 2 no. car share spaces and 2 no. standard car spaces. All additional car parking spaces shall be future proofed for EV charging points and equipment. Car parking spaces shall be permanently allocated to the proposed use and shall not be sold, rented or otherwise sub-let or leased to other parties.

- iv) A minimum of 144 resident cycle spaces, inclusive of 4 no. non-standard bicycle parking spaces i.e. cargo and accessible bike spaces, shall be provided within secure and sheltered storage and/or compounds. Residents bicycle parking shall be secure, conveniently located, sheltered and well lit. Electric bike charging facilities shall be provided. Key/fob access should be required to bicycle compounds. All cycle parking design including a minimum 26 no. visitor parking spaces shall allow both wheel and frame to be locked.
- v) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.
- vi) The developer shall be obliged to comply with the requirements set out in the Code of Practice.

Reason: In the interests of traffic safety.

- 4.1.3. **ABP-318561-23:** A concurrent appeal of Planning Authority reg. ref. 4452/23 lies with the Board. Permission to amend 2725/21 to add 7 no. apartments and a 6th floor with all associated site works was refused by Dublin City Council and appealed by the first party.

5.0 Policy Context

5.1. Dublin City Development Plan 2022-2028

- 5.1.1. The subject site is zoned Z1, Sustainable Residential Neighbourhoods, which has the stated objective 'to protect, provide and improve residential amenities'.
- 5.1.2. The northern part of the subject site is located in the registered monument DU018-020, Historic City.
- 5.1.3. With regard to car parking, the following is relevant:
- 5.1.4. **SMT27** Car Parking in Residential and Mixed Use Developments (i) To provide for sustainable levels of car parking and car storage in residential schemes in accordance with development plan car parking standards (see Appendix 5) so as to promote city centre living and reduce the requirement for car parking. (ii) To encourage new ways of addressing the transport needs of residents (such as car

clubs and mobility hubs) to reduce the requirement for car parking. (iii) To safeguard the residential parking component in mixed-use developments.

5.1.5. **Table 15-1** which requires a Traffic & Transport Assessment for developments of more than 50 residential units, and a Mobility Management Plan / Travel Plan for developments of 20 or more residential units.

5.1.6. **Section 4.0 of Appendix 5** states that a relaxation of maximum car parking standards will be considered in Zone 1 and Zone 2 for any site located within a highly accessible location. Applicants must set out a clear case satisfactorily demonstrating a reduction of parking need for the development based on the following criteria:

- Locational suitability and advantages of the site.
- Proximity to High Frequency Public Transport services (10 minutes' walk).
- Walking and cycling accessibility/permeability and any improvement to same.
- The range of services and sources of employment available within walking distance of the development.
- Availability of shared mobility.
- Impact on the amenities of surrounding properties or areas including overspill parking.
- Impact on traffic safety including obstruction of other road users.
- Robustness of Mobility Management Plan to support the development.

5.2. **Natural Heritage Designations**

5.2.1. The subject site is 6km from the South Dublin Bay and River Tolka Estuary SPA (004024) and the South Dublin Bay SAC (000210).

5.3. **EIA Screening**

5.3.1. Having regard to the nature of the site on lands zoned for urban development, the availability of public sewerage and water supply, the absence of features of ecological importance within the site which has been extensively developed, the

nature of the adjoining land uses as residential and commercial, I conclude that there is no real likelihood of significant effects on the environment based on the nature, size and location of the proposed development. No EIAR is required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. An agent for the applicant has appealed the decision of the Planning Authority to refuse permission. The grounds of the appeal can be summarised as follows:

- It is submitted that the proposal to remove 18 no. car spaces does not in any way interfere with the mobility strategy of permitted development and would accord with emerging planning policy on eradicating or reducing car dependency in city centre developments.
- Permission was granted at Newmarket Square ABP-312268-21 for a development with 5 no. spaces only.
- Permitted car spaces are no longer required. All bicycle parking, plant and bin storage will be retained.
- The revised mobility management plan sets out how the development complies with car-free development criteria in Appendix 5 of the DCC Development Plan 2022-2028. Plan sets out the abundance of transport options including car and bicycle sharing within 200m of the site.
- Area vacated by the permitted car parking will be used for bicycle parking, plant and bin storage in a newly configured way that will provide greater space for manoeuvring.
- Fig 4.0 shows proposed lower ground / basement with zero car parking spaces.
- Proposed development to remove car parking complies with Sustainable Residential Development in Urban Areas and Best Practice Urban Design Guidelines 2009 which seek to maximise access to and encouraging use of public transport, cycling and walking.
- Proposed development to remove car parking complies with section 4.2.1 of the Sustainable Urban Housing Design Standards for New Apartments 2023, as it

retains all bicycle parking, is strategically located for public transport and so, should minimise car parking.

- Proposed development to remove car parking complies with the 2023 Draft Sustainable Compact Settlement Guidelines, section 5.3.4 which shows that where parking is reduced, people chose other options. The guidelines recommend that area that have good access to urban services and public transport should have substantially reduced or wholly eliminated car parking.

6.2. Planning Authority Response

6.2.1. None on file.

6.3. Observations

6.3.1. An agent on behalf of Alva DeVoy of 7 Brookfield Road and Judy Harmey of 25 Brookfield Road has submitted an observation, which can be summarised as follows:

- Fully support the decision of the Planning Authority to refuse permission. Others in area wish to support Planning Authority decision.
- The transportation department voiced concerns about overspill parking onto Brookfield Road. This generated a Further Information request and condition no. 9 of the decision.
- Move to car-free must be gradual and balanced. Inadequacy of local cycling infrastructure cited by Planning Authority.
- Development provides only half of maximum allowed under development plan, justified by cycling accessibility / permeability.
- Applicants Mobility Management Plan acknowledges that cycle facilities are not provided in immediate area. Not conducive to any further reduction in parking.
- Definition of car storage in appeal is unclear. Not all residents will work in the city centre and so will need a private car parking space.
- Of the appellants comparison examples, one is closer to the city centre and the other (beside a large shopping centre) has 24 no. car spaces.

- The policy context has not altered since permission was granted. The revised car parking standards of the 2022 development plan were devised with the overarching thrust of reduced reliance on private car. Section 4.0 of Appendix 5 provides for a relaxation of standards in certain listed criteria. The appellant has not demonstrated compliance with these criteria.
- Appendix 5 provides for a relaxation of standards, not a zero parking provision. The 2021 decision of the Planning Authority was correct.
- The appeal fails to address public transport accessibility, walking and cycling routes pertaining to mobility management.
- The appeal fails to consider the impact on the amenities of the surrounding area, as required by section 4.0 of appendix 5.
- The surrounding neighbourhood already experiences a dramatic shortfall in on-street parking, as many houses have no off-street parking. The numerous developments, including the Childrens Hospital in the area have exacerbated the problem. Brookfield Road has double-yellow lines along the site boundary.
- Section 2.4 of appendix 5 requires car-free developments to identify locations for drop off / pick up areas for deliveries. The 2021 scheme does not have such areas. The permitted development requires all service activity to occur kerbside on Brookfield Road, exacerbating the demand for on-street parking.
- While residents might forgo car ownership, visitors and deliveries will require parking.
- The experience of the streets surrounding Crumlin Hospital is evidence of what will occur at the subject site. The Observers have genuine and reasonable concerns about availability of on-street parking.
- As noted in the Ballyboden Tidy Towns High Court case, capacity on public transport and frequency of services are separate issues to be determined. No assessment of capacity on the Luas and bus networks has been submitted.
- Proposed development fails to accord with the development plan requirements for the provision of EV charging.
- The Board is requested to refuse permission.

7.0 Assessment

- 7.1.1. I have examined the file including all reports of the Planning Authority, the planning history, considered national and local policies and guidance, the submissions of all parties and inspected the site. I have assessed the proposed development and I consider that the single issue is the proposed removal of all car parking spaces from the permitted development.

7.2. Parking Provision

- 7.2.1. Permission was granted in 2021 for a part two, part six storey building of 79 no. BTR apartments, resident support facilities, resident services and amenities. Plans and particulars showed 18 no. car parking spaces, 140 no. bicycle spaces, 2 no. motorcycle spaces, plant rooms and bin storage at basement level. The application was accompanied by a Traffic and Transport Report and a Residential Travel Plan. Condition no. 9 of the Planning Authority decision refers to the requirements of the Transport Planning Division of Dublin City Council, two parts of which specifically refer to car parking.
- 7.2.2. The applicant seeks permission to omit the permitted car parking spaces and use the now existing basement for bicycle parking, plant and bin storage in a newly configured way according to the appeal submission.
- 7.2.3. As part of the particulars submitted to the Planning Authority, a Mobility Management Plan and a Design Statement were submitted. The Design Statement notes that the subject site is in Parking Zone 1 and within such areas, appendix 5 of the development plan states that a relaxation of maximum car parking standards will be considered. The Statement states that Brookfield Road is a highly accessible location. The Statement states that the proposed development to remove car parking is in compliance with national, regional and local development plan policies to reduce dependency on private car and to increase more sustainable modes of transportation.
- 7.2.4. The subject site is 100m from a main entrance to the National Paediatric Hospital. According to the Mobility Management Plan, the site is a five minute walk to Kilmainham and the G-Spine bus route, a seven minute walk to Rialto and a 15 minute cycle of the city centre. Details of cycle routes, walking routes and bike share facilities are provided. In terms of accessibility to public bus, the plan provides details

of Bus Connects G-Spine and route 60, route no. 13 on the Old Kilmainham Road and routes 68 and 123 on the South Circular Road within a short walk of the site. Orbital Routes O and S2 are stated to pass near to the site (diagram provided). In terms of Luas / rail, the plan states that the rialto Luas stop is a six minute walk from the site and the St James Luas stop is a nine minute walk. Luas connects to Busaras and mainline train services at Heuston and Connolly. Details of car sharing clubs in the city centre, taxi services are provided.

- 7.2.5. That the previous permission was granted with car parking provided need not restrict the subject development from being amended. While the assessment of the appeal will take the planning history into consideration, the overarching consideration must be whether the proposed development complies with planning policy and the proper planning and sustainable development now.
- 7.2.6. I note that the Design Statement states that the proposed development “frees up” space for additional bicycle parking and / or additional residents storage. The Mobility Management Plan (July 2023) states (section 1.3) that “additional cycle parking, including cargo cycle parking can be accommodated...”. The Board will not that such additional space was not indicated on the plans submitted with the current application. This also ties in with the noting by the Planning Authority in their report that no reference to where deliveries will take place in the newly configured scheme. This is regrettable and may have allayed some of the concerns raised by the Observers. Should the Board decide to grant permission, the developer should be requested to liaise with the Planning Authority regarding the provision of delivery / collection locations for services such as waste / plant etc within the existing basement.
- 7.2.7. I note the proposals for a mobility manager / travel plan coordinator as provided in the mobility management plan and as required by SPPR 8 for BTR schemes. I consider however, that the greatest impact will arise from the knowledge of future residents - prior to signing rental agreements - that the development is a carparking free development. Future residents shall make the choice to live in the scheme, with the full knowledge, *in advance*, that alternative modes of travel will be necessary. I am satisfied that the location of the proposed development is such that public transport options will be utilised. I note that on-site car-parking is not the norm on the surrounding streets and while many of the houses in the area find on-street car

parking, the residents of a dedicated BTR development are not generally not the same demographic as those purchasing family / starter homes. I am satisfied that the proposed development will not cause an increase in on-street car parking and will not result in a traffic hazard.

- 7.2.8. I consider the proposed development to be in compliance with policy SMT27 which seeks to provide for sustainable levels of car parking and car storage in residential schemes and to encourage new ways of addressing the transport needs of residents (such as car clubs and mobility hubs) to reduce the requirement for car parking.
- 7.2.9. In terms of section 4 of Appendix 5, I am satisfied that the applicant has set out a clear case satisfactorily demonstrating a reduction of parking need for the development based on the location of the site, the proximity to High Frequency Public Transport services (10 minutes walk), walking and cycling accessibility/permeability, the range of services and sources of employment available within walking distance of the development, impact on traffic safety and a robust mobility management plan.
- 7.2.10. I note the submission of the Observer that development plan policies provide for a reduction in parking, however I draw the Boards attention to section 5.3.4 of the Compact Settlement Guidelines 2024, which states that in areas where car-parking levels are reduced studies show that people are more likely to walk, cycle, or choose public transport for daily travel and 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. To that end, SPPR3 of the of the Guidelines provides “ (i) In city centres and urban neighbourhoods of the five cities... car parking should be minimised, substantially reduced or wholly eliminated. I am satisfied that it has been demonstrated that the proposed development has good access to urban services and to multiple public transport options and therefore qualifies as being suitable for no car parking provision.
- 7.2.11. With regard to the Observers submission regarding cycle facilities, dedicated cycle facilities are not a prerequisite for residents to chose to cycle. With regard to the submission regarding public transport capacity, I am satisfied that the proposed

development complies with the requirements of national and local planning policy in relation to accessibility to public transport routes.

8.0 AA Screening

- 8.1.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located approx. 6km from the South Dublin Bay and River Tolka Estuary SPA (site code 004024). The proposed development comprises the removal of permitted car parking from a permitted dev of BTR units. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion stems from the limited scale and nature of the proposed development and the lack of connections to the nearest environmentally sensitive site.
- 8.1.2. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

- 9.1.1. I recommend permission be GRANTED for the following reasons and considerations and subject to the following conditions.

10.0 Reasons and Considerations

- 10.1.1. Having regard to the land-use zoning objective for the site as set out in the Dublin City Development Plan 2022-2028, to the planning history on the site and surrounding area, to the proximity of the site to the city centre, to Rialto and Kilmainham villages, to multiple public transport options, to many hubs of employment and urban services, the proposed omission of car parking from the under-construction development would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience, and would be in compliance with the policies and objectives of the

Dublin City Development Plan 2022-2028. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

- 1 The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

- 2 Prior to the opening / occupation of the development, the developer shall submit for the written approval of the Planning Authority, details of how deliveries to and collections from the site, such as waste collections etc shall be provided for within the existing basement.

Reason: In the interest of clarity.

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.

Gillian Kane
Senior Planning Inspector

05 September 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-318195-23	
Proposed Development Summary	Amendment of permitted development to omit proposed car parking	
Development Address	The former Fodhla Printing Works Site, Brookfield Road, Kilmainham, Dublin 8.	
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)	NO	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?		
No		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?		
No		No EIAR or Preliminary Examination required
4. Has Schedule 7A information been submitted?		
No		

Inspector: _____

Date: 05 Sept. 2024