

DEPUTY PLANNING OFFICER

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| APPLICATION NO. PROPOSAL | 2409/19 Permission is sought for developments of lands comprising the following properties: (i) Nos. 23-24 Mountain View Avenue; (ii) Adjoining unnamed property to the immediate south fronting on to Mountain View Avenue; and (iii) 2 no. unnamed properties (Eircodes D6WX361 & D6WH968) fronting on to Mountain View Avenue to the rear of Nos. 226-230 Harold's Cross Road. The site is bounded to the north and west by Mountain View Avenue, Dublin 6 and to the east by No. 14 Mountain View Avenue and Nos. 226-230 Harold's Cross Road. The development will consist of the following: (i) Demolition of 4 no. single storey light industrial/commercial units and 1 no. two storey dwelling; (ii) Construction of a 3 no. storey 7 no. bay hipped roof terrace block, with rooflights, to comprise of 4 no. three-bedroom townhouses, 3 no. two-bedroom apartments and 5 no. one-bedroom apartments. Each townhouse to be provided with 1 no. internalised parking space accessed from exiting laneway on Mountain View Avenue with private amenity space to include east-facing courtyard at ground floor level, east-facing terrace and west-facing balcony at first floor level and east-facing balcony at second floor level. Each apartment will be served by west-facing balcony/terrace and provided with access to service area with bin store, bicycle parking (23 no. spaces); car parking (3 no. spaces), and communal amenity space located at ground floor level; and (iii) boundary treatment, provision of new public footpath, SuDS drainage and all associated ancillary works necessary to facilitate the development. |
| LOCATION | 23-24, Mountain View Avenue, Dublin 6 & rear of Nos. 226-230 Harold's Cross Road |
| APPLICANT | New Grove Property Ltd |
| DATE LODGED | 09-Aug-2019 |
| ZONING | |
| APPLICATION TYPE | Permission |

KS/NOB
05/09/19

Site Notice: Site notice in order on the 1st April 2019

Decision Due: 26th April 2019

Pre Planning Meeting(s):

PAC0534/18- Pre-planning consultation in relation to Demolition of existing commercial/industrial units and construction of 18 units: 142906 no. studio apartment; 8 no. one bed apartments; 2 no. 2 bed apartments; 6 no. 2 bed duplex apartments and 1 no. two bed mews house.

Site Location and Description:

The site is located to the south of Dublin City Centre, and is situated on the western side of Harold's Cross Road; to the rear of nos 226-230 Harold's Cross Road and on the eastern side of Mountain View Avenue. The site contains 4no single-storey commercial/industrial units and 1no. two-storey dwelling. The surrounding area is predominantly residential in character.

Proposed Development:

Planning permission is sought for development consisting of;

- (i) Demolition of 4 no. single storey light industrial/commercial units and 1 no. two storey dwelling;
- (ii) Construction of a 3 storey hipped roof terrace block, with rooflights, to comprise of 4 no. three-bedroom townhouses, 3 no. two-bedroom apartments and 5 no. one-bedroom apartments. Each townhouse to be provided with 1 no. internalised parking space accessed from exiting laneway on Mountain View Avenue with private amenity space to include east-facing courtyard at ground floor level, east-facing terrace and west-facing balcony at first floor level and east-facing balcony at second floor level. Each apartment will be served by west-facing balcony/terrace and provided with access to service area with bin store,
- (iii) bicycle parking (23 no. spaces);
- (iv) car parking (3 no. spaces), and communal amenity space located at ground floor level; and
- (v) boundary treatment, provision of new public footpath, SuDS drainage and all associated ancillary works necessary to facilitate the development.

Planning History:

No planning history found.

Observations/Submissions:

Two submissions have been received from third parties. The following planning issues were raised:

- Request that the footpath proposed would continue to the front of the entire site, to improve the safety of pedestrians in the area.
- Mountain View Avenue is a very narrow cul-de-sac and any works along the road will affect access for residents and emergency services.
- It is difficult to turn out of Mountain View Avenue onto Harolds Cross Road due to existing traffic and there are 10 large developments proposed or under construction in the area that will lead to further congestion.
- During the development of 2282 on Mount View Avenue, heavy trucks, machinery, vans and cars persistently trespassing on the Mountain View Court property.
- There is inadequate provision for parking for residents and or visitors and this would not be in compliance with the City Development Plan.
- The height of the proposal is excessive on such a narrow laneway and is out of proportion and keeping with the rest of the avenue.
- The existing apartment block on Mountain View Avenue should not be used as an example as it is compact and set back from the lane.
- The proposal would take considerable light from the avenue and nearby dwellings.
- The proposed west-facing balconies will result in loss of privacy and overlooking of neighbouring properties.
- The report takes no account of the fact the proposed building would significantly overlook the apartments on the western side of Mountain View Avenue.
- Construction works will generate excessive noise.
- The balconies and terraces will lead to noise disturbance on the lane.
- Concern about the future management and care of the development. No details have been submitted in relation to a management company for the development.
- The proposed development would restrict any future development of no 226 Harold's Cross Road.
- There is little or no amenity area for the occupants of the proposed development.
- Concern in relation to the large underground attenuation tank and the impact it will have on 226 Harolds Cross road.
- The flood report regards this site as a greenfield run-off site however it is almost entirely covered with buildings and soft landscaping is almost non-existent.
- Having regard to the density of this development, its closeness to the Poddle River, it is considered that there is a potential flood risk with this development and consequently a danger to residents nearby.
- There would be a traffic hazard associated with the car parking for the town houses which would be located on the corner at the 90 degree bed in Mountain View Avenue.

The issues raised in these submissions are taken into consideration in the overall assessment of the proposal.

Interdepartmental Report(s):

Archaeology, Conservation & Heritage Section: No objections subject to conditions

Drainage Division: No objection subject to standard conditions.

Transportation Planning Division: Additional Information requested

National Planning Policy

New Apartments - Guidelines for Planning Authorities (March 2018)

Dublin City Council Planning Policy

Section 16.10.1 of the Dublin City Development Plan 2016-2022 refers to Residential Quality Standards for Apartments.

Planning Assessment:

Compliance with Apartment Guidelines 2018

- Location

The proposed development is located within Harold's Cross. It is also located approximately 2.5km to the south of Dublin City Centre; which is accessible by bus, cycling or walking. Having regard to the location of the proposed development within an urban area, close to a high frequency urban bus service and close to the amenities in Harold's Cross, it is considered that the location of this residential development is appropriate.

- Housing mix

The proposed apartment development would comprise 5no (41.6%) one-bed apartments, 3no (25%) two-bed apartments and 4no (33 %) three-bedroom town houses. The proposed mix would be in accordance with **Specific Planning Policy Requirement 2** set out in the Apartment Guidelines (2018)

- Floor area

A schedule of units is set out in the planning report submitted with the application. Having examined the schedule and the drawings submitted, it considered that the proposed apartments would be in compliance with **Specific Planning Policy Requirement 3** of the Apartment Guidelines (2018).

- Dual aspect

All of the proposed apartments development would be dual aspect and such the development would be in accordance with **Specific Planning Policy Requirement 4** of the Apartment Guidelines (2018).

- Floor to ceiling

The ground floor units of the units in the new apartment blocks would have a minimum floor to ceiling height of 2.5m. It is noted that that **Specific Planning Policy Required 5** states that *For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, planning authorities may exercise discretion on a case-by-case basis, subject to overall design quality.* While it is noted that the site is 0.0737ha, it is considered in the interest of the residential amenities of the apartments that the applicant be requested to consider floor to ceiling heights of 2.7m.

- Lift and stair cores

Each apartment core comprises less than the maximum 12 apartments per floor per core and as such complies with **Specific Planning Policy Requirement 6** of the Apartment Guidelines (2018).

- Internal storage

A schedule of units is set out in the planning report submitted with the application. Having examined the schedule and the drawings submitted, it considered that the proposed apartments would be in achieve the minimum internal storage required.

- Private amenity space

It is proposed to provide all apartments and townhouses with private amenity space and all of these comply with the requirements set out in Appendix 1 of the Apartment Guidelines (2018).

- Security

The design of the proposed development provides for surveillance of the street, communal open space and cycle parking.

- Communal facilities

Refuse storage would be provided between the townhouses and the apartment.

- Operation and management of development

No details have been submitted with the application. In the event of a grant of permission, this issue can be dealt with by way of condition.

Zoning & Council Policy

The site is located in an area zoned Z4 with an objective to “*To provide for and improve mixed-services facilities*” and residential development would be permitted in principle under the Z4 zoning objective subject to compliance with the provisions of the City Development Plan.

Building Height

The proposed development would be 12.4m high. This would be in accordance with Section 16.7.2 Height Limits and Areas for Low-Rise, Mid-Rise and Taller Development set out in the City Development Plan.

Plot ratio & site coverage

It is noted that the plot ratio for the proposed development would be 2.1 and the proposed site coverage would be 54% both of which are in compliance with Sections 16.5 and 16.6 of the City Development Plan 2016-2022.

Residential Amenity

- Sunlight/Daylight

No sunlight/daylight analysis has been submitted with the application. It is considered that floor-to-ceiling height can significantly affect the amenities of the individual apartment unit. It is noted however that all of the ground floor rooms have floor to ceiling heights of 2.5m. The applicant should be requested to consider increasing these floor to ceiling heights to 2.7m. In addition, concern is raised in relation to the amenity value of the courtyard and terrace for townhouses 1 & 2 having regard to their proximity to the gable wall of no. 14 Mountain View Avenue. Having regard to the above, it is considered that the applicant should be requested to submit a study and to demonstrate reasonable compliance with the BRE Site layout for Planning for daylight.

- Overlooking

It is noted that the development would not directly oppose any residential development. The main issue of concern relates to the proximity of the proposed terrace and balcony at first and second floor levels of the townhouses to the residential properties on Mountain View Avenue. These residential properties have very limited private amenity space and this terrace would be located 3m from the shared boundary with no. 14 Mountain View Avenue and the Planning Authority has serious concerns with regard to overlooking of the private amenity space. It is considered that the applicant should be requested to address this issue.

Design and Visual amenity

The proposed development would comprise 4 townhouses and 8 apartments that would form a new streetscape onto Mountain View Avenue. The development would be three and a half storeys or 12.2m in height and has been designed into 7 ‘bays’ and each bay would have a pitched roof. The proposal provides a new footpath which connects to the existing footpath to the north of Mountain View Avenue. The building line would then step forward along the southern side of the site to meet the building line of the neighbouring property to the south.

The proposed development would use reconstituted stone finish to be fair faced poured concrete on the ground floor and external masonry facing brick work with natural coloured mortar joints on the upper floors. Contemporary aluminium finished windows and doors and steel flat bar balustrade for balconies have also been selected.

Having regard to the design, materials and finishes proposed, It is considered that the proposed development would have a positive impact on the visual amenity of the area.

Open Space

Communal open space is provided to the rear of the apartments, on the southern side of the site. The proposed communal space for the development would be secure and would benefit from passive surveillance, and would comply with the standards for communal open space are set out in Section 16.10.1 of the City Development Plan 2016-2022.

It is not proposed to provide public open space on the lands. Section 16.10.1 states that *separate from the requirement for communal space is the City Development Plan (Section 16.10.3) requirement for public open space. A payment in lieu can be considered for non-provision.* It is considered that in the event of a grant of permission, a condition should be applied requiring a payment in lieu of public open space.

Flood Risk Assessment

A Flood Risk Assessment of the proposed development, prepared by MTW Consultant Engineers is submitted under the Drainage report with the application. The proposed development would be located in a Flood Zone C area which is an area where the probability of flooding from rivers and the sea is low (less than 0.1% or 1 in 1000 for both river and coastal flooding). While residential developments are classed as highly vulnerable developments in the Planning Systems and Flood Risk Management: Guidelines for Planning Authorities, their location in Zone C does not require a justification test under these Guidelines. The report concludes that the flood risk of the development is extremely low. It is noted that the report of the Drainage Section does not raise any objections to the proposed development subject to conditions. Having regard to the report submitted and the report of the Drainage Section, the proposed development would be considered acceptable with regard to flood risk.

Archaeological impact

It is noted that the proposed development is located in close proximity to the Zone of Archaeological Constraint for the Recorded Monument DU018-050 (settlement), which is listed on the Record of Monuments and Places (RMP) and is subject to statutory protection under Section 12 of the National Monuments (Amendment) Act 1994. Further, the site in question is located within the Zone of Archaeological Interest in the Dublin City Development 2016-22. In the event of a grant of permission a condition should be attached in relation to the discovery of archaeological material on the site.

Traffic impact

The report of the Transportation Planning Division raises serious concerns about the impact of increased traffic from the proposed development having regard to existing congestion and limitations on Mountain View Avenue. The report recommends that the applicant should be requested to conduct a Traffic Impact Assessment examining these issues and providing measures to alleviate these concerns.

Cycle Parking

Table 16.2 of the Development Plan 2016-2022 requires 1 cycle parking space per residential unit. Bike rack secure lockers are proposed on the eastern side of the site. 23 cycle spaces are proposed, to be located at ground floor level in the communal parking area in close proximity to the proposed stair cores in secure bike lockers. The quantum and location of the proposed cycle parking spaces is agreeable to the Transportation Planning Division.

Car Parking

The subject site is located in Zone 3 of the Dublin City Development Plan 2016 – 2022. Table 16.1 of the development plan sets out the maximum requirement for car parking for residential units in this area as 1.5 spaces per unit. This results in a maximum permissible number of 18 car spaces for the proposed development. There are concerns however that the provision of car parking may

lead to overspill of parking onto Mountain View Avenue. The Transportation Planning Division recommend that the applicant be requested to submit a car parking strategy and car parking management plan for the proposed development.

Environmental Impact Assessment Screening Consideration

Having regard to the nature of the development, comprising a residential development in an urban context, it is not considered that there will be any real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore be excluded at preliminary examination and a screening determination is not required.

Appropriate Assessment:

Having regard to the nature and scale of the proposed development and the proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

Recommendation:

Reasons and Considerations

While the proposal for residential development may be acceptable in principle under the zoning objective of the site, there are a number of issues that require additional information in order to allow a full assessment of the proposed development.

Additional information was sought on 26th April 2019

The following additional information was requested;

It is recommended that additional information be requested as follows:

1. The Planning Authority has serious concerns in relation to the impact of the proposed townhouses on the residential amenity of the residential properties on Mountain View Avenue, in particular the loss of privacy as a result of the first floor terrace and second floor balcony. The applicant is requested to submit proposals to address this issue.
2. In addition to no. 1 above, and having regard to the restricted nature of the site, and proximity to the neighbouring dwellings on Mountain view Avenue, the applicant is requested to submit a shadow analysis demonstrating the impact of the proposed development on the neighbouring properties along Mountain View Avenue.
3. The applicant is also requested to submit a Sunlight/Daylight study of the proposed development in accordance with BRE Site layout for Planning for daylight including the calculations used.
4. The applicant is requested to consider increasing the floor-to-ceiling height of the proposed ground floor units.
5. The Planning Authority have serious concerns in relation to the impact of increased traffic from the proposed development onto Mountain View Avenue, having regard to existing congestion and limitations on this road. The applicant is requested to conduct a Traffic Impact Assessment and examine these issues and consider providing measures to alleviate these concerns.
6. The applicant is requested to consider the continuation of the proposed footpath along the full length of the site and to submitting plans indicating this proposal.
7. The Planning Authority has serious concerns that an under provision of car parking spaces might lead to overspill parking on Mountain View Avenue. In this regard, the applicant is requested to submit a car parking strategy and car parking management plan for the proposed development. The car parking strategy should outline the rationale for the under provision of car parking spaces and should be informed by an analysis of Census

data in relation to the car ownership levels by apartment occupiers in this electoral area and mode split. The strategy should also indicate how car parking will be assigned and managed in the long term and should clearly demonstrate a commitment by the Management Company to continual management of car parking within the development.

8. It is unclear if a car in the rearmost space can safely reverse out and exit the site in a forward motion. The applicant is requested to submit swept path analysis illustrating that this is possible.
9. The applicant is requested to provide further information regarding the type and design of cycle parking proposed including drawings or photographs of examples of the type of parking proposed. Cycle parking should be secure and sheltered and should allow both wheel and frame to be locked.
10. The applicant is requested to submit proposals to ensure that vehicles entering/leaving the proposed development are aware that pedestrians/cyclists have priority both across the site entrance and within the shared entrance. Proposals may include the addition of signage, demarcation of lines or change in surface materials.
11. The applicant is requested to provide details in relation to how the proposed development will be accessed and served by deliveries, refuse vehicles and emergency vehicles. Details should include reference to the type of vehicles used, frequency and if it is proposed to take place within the site. Swept path analysis should be submitted where necessary to illustrate the vehicular movements of these services.
12. The applicant is requested to submit a Construction Management Plan. It should provide details of intended construction practice for the development, including traffic management, hours of working, noise management measures and off-site disposal of construction/demolition waste. It should identify measures to be taken to ensure no disruption or obstruction to Mountain View Avenue occurs and that access to residential properties along is not compromised during construction.

Additional information was received on 9th August 2019

Further Observations/Representations

None received.

Further Consultations

Transportation Planning Division: Report received on 30th August

Assessment

Item: Impact on residential properties on Mountain View

The additional information response and drawings received indicate that the first and second floor plans have been revised and the proposed terraces at first floor level have been omitted from the proposed development. In addition, the windows on the rear elevation at third floor level have been redesigned so that they would be angled away from the existing residential development. Having regard to the above, it is considered that the applicant has satisfactorily addressed the concerns raised and no overlooking of existing development by the proposed development would occur.

Item 2: Shadow Analysis

A Daylight Analysis and Overshadowing Report, prepared by Hefferenan3D, is submitted in response to the additional information request. It is noted that there would be an increase in overshadowing from the proposed development in particular during March.

Item 3: Sunlight and Daylight Study

The analysis and results of the daylight study are noted and considered acceptable and in accordance with the BRE Site Layout for Planning for Daylight Guidelines.

Item 4: Floor to Ceiling height

The floor to ceiling height on the ground floor has been increased by 0.2m from 2.5m to 2.7m. The overall height of the development has subsequently been increased by 0.2m also. This is considered acceptable.

Item 5: Traffic Impact

Item 6: Continuation of footpath

Item 7: Provision of Car parking

Item 8: Swept Path Analysis

Item 9: Cycle Parking

Item 10: Pedestrian/Cyclist safety

Item 11: Access arrangements

Item 12: Construction Management Plan

The Transportation Planning Division Report (30/08/19) has assessed the additional information in relation to the above items. The report notes that the Transport Planning Division is generally satisfied with the response to these items. However they are still not satisfied in relation to Item 8 regarding the details on swept path analysis for refuse and emergency vehicles. The report recommends that clarification of Further Information be requested in this regard.

Recommendation

Having regard to the report from the Transportation Planning Division, it is recommended that clarification of further information be requested as follows.

1. The submitted swept path analysis drawing does not indicate how a refuse vehicle would turn on Mountain View Avenue. Furthermore, the applicant has not submitted a swept path analysis drawing demonstrating that a fire tender can access and exit the proposed development. The applicant is requested, therefore, to submit a swept path analysis drawing indicating that a refuse vehicle can turn on and exit Mountain View Avenue and that a fire tender can access the proposed development and turn on and exit Mountain View Avenue.