



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion

301680

Strategic Housing Development	354 residential units (347 apartments and 7 houses), creche and cafe. Associated works include new water services infrastructure.
Location	Griffith Demesne, Griffith Avenue, Marino, Dublin 9.
Planning Authority	Dublin City Council.
Prospective Applicant	Cairn Homes PLC.
Date of Consultation Meeting	2 July 2018.
Date of Site Inspection	14 June 2018.
Inspector	Stephen Rhys Thomas.

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

The subject site, which has a stated area of 3.06 Hectares (4 Hectares inclusive of Council roads area) is located on the northern side of Griffith Avenue, between Drumcondra Road and Malahide Road, Dublin 9. Griffith Avenue is notable for the length of its double row of London Plane trees. To the west of the site lies the Charlemont residential development, to the east is Scoil Mhuire primary school and St. Vincent's Catholic Church, both protected structures.

The site forms part of a larger area of institutional lands and adjoins the Marino Institute of Education and Centre of the European Province of the Congregation of Christian Brothers. The majority of the site is currently under grass, mostly overgrown with spoil from the construction of the roadway evident. The layout of the partly complete access road to Marino Institute from Griffith Avenue, permitted under PL29N. 234636, is visible. The roadside boundary to Griffith Avenue is comprised of a low wall, topped by railings and subdivided by pillars, a pedestrian gate is located to the east of the site and is notable by its classical design typology. The site rises noticeably away from Griffith Avenue in a northerly direction.

The proposed site encompasses a length of public road to the east, from the site frontage to slightly beyond the junction with Griffith Avenue and Malahide Road.

3.0 Proposed Strategic Housing Development

The proposed development which is subject of this pre-application consultation request comprises 354 residential units provided in a combination of houses and apartments on 4 Hectares (inclusive of 0.94 Hectares of DCC Roads lands) as follows:

347 units in 6 apartment buildings between 4 and 8 storeys:

- 1 bed apartments 61 units
- 2 bed apartments 215 units
- 3 bed apartments 63 units
- 4 bed apartments 8 units

7 houses:

- 4 bedroom two and a half storey houses 7 units

Total % breakdown by unit:

- 1 bedroom 61 units (17%)
- 2 bedroom 215 units (61%)
- 3 bedroom 63 units (18%)
- 4 bedroom 15 units (4%)

Childcare facility – 325 sqm, Café – 78 sqm and Multi-use space – 102 sqm, all contained in a standalone two storey building.

Residents Amenity - 545 sqm. Contained in Block 2.

412 car parking spaces (surface and basement), 468 long term bicycle spaces and 177 short stay bicycle spaces.

Public open space provision – 0.61 Hectares (20% of total site area).

Site outline includes a foul drainage outfall layout to an existing 450mm diameter sewer at Malahide Road south of junction with Charlemont Road and a surface water outfall to an existing 750mm diameter sewer at the junction of Griffith Avenue with Malahide Road.

The proposed net density is stated at 150 units per Hectare.

4.0 National and Local Policy

4.1 Section 28 Ministerial Guidelines

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

- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- 'Design Manual for Urban Roads and Streets'
- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices')
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities - 2018
- 'Childcare Facilities – Guidelines for Planning Authorities'
- 'Architectural Heritage Protection - Guidelines for Planning Authorities'

4.2 Local Policy

Dublin City Development Plan 2016-2022, is the operative development plan for the area and contains general policies and objectives in relation to residential amenity standards. The site is subject to zoning Objective Z12 – 'To ensure existing environmental amenities are protected in the predominantly residential future use of these lands'. Where lands zoned Z12 are to be developed, a minimum of 20% of the site, incorporating landscape features and the essential open character of the site, will be required to be retained as accessible public open space.

Section 16.7 of the Development Plan sets out advice in relation to building heights, specifically; building height in the Outer City as it relates to the prevailing local height is capped at 16 metres.

5.0 Planning History

- PA reference **2347/15** and An Bord Pleánala reference **PL29N.245580**. 101 residential units, revised boundary treatment, amendments to layout and design of the road. February 2016.
- PA reference **3226/09** and An Bord Pleánala reference **PL29N.234636**. New vehicular and pedestrian entrance and associated works directly from Griffith Avenue and a new avenue leading to the existing road network within the Institute. January 2010.

5.1.1. Section 247 Consultation(s) with Planning Authority

It is stated by the prospective applicants in the submitted documentation that a Section 247 pre-application consultation took place with the planning authority and that several subsequent meetings were held with officials of the Council.

6.0 Forming of an Opinion

- 6.1.1. Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the planning authority submissions and the discussions which took place during the tripartite consultation meeting. I shall provide a brief detail on each of these elements hereunder.

Documentation Submitted

- 6.1.2. The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017.
- 6.1.3. The information submitted included the following: Cover Letter with schedule of documents and context, SHD Application Form for section 5 consultation, Planning Statement of Consistency, Community and Social Infrastructure Audit, Environmental Screening Report, Part V Details, Letters of Consent from Dublin City Council, Congregation of Christian Brothers and Marino Institute of Education, Public Lighting Report, Daylight/Sunlight Report, Sustainability and Energy Report, Bat

Survey, Archaeological Assessment, Landscape Architecture Design Statement, Landscape and Visual Impact Assessment, Flood Risk Assessment, DMURS Compliance Statement, Screening Report for Appropriate Assessment, Ecological Impact Statement, Architectural Heritage Impact Assessment, Site Location Plan and Site Layout Plan, Drainage and Watermains Planning Report (including Irish Water confirmation of feasibility), Transport Impact Assessment, Arboricultural Report, Griffith Demesne Design Statement, Griffith Demesne Masterplan Document, Landscape and Visual Impact Assessment and Technical drawings.

I have reviewed and considered all of the above mentioned documents and drawings.

Planning Authority Submission

- 6.1.4. 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 notes of their section 247 consultations with the prospective applicant, internal department reports and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on 18 June 2018.
- 6.1.5. The planning authority's 'opinion' included the following matters: a description of the site and surroundings, a brief overview of the proposed development, planning history, the zoning provisions of the Development Plan and any specific objectives for the area, a list of relevant national policy documents. The planning authority's comments included the following: the proposed residential development is acceptable give the land use zoning for the site; plot ratio, site coverage and density are acceptable; the overall height of the development is not appropriate and contravenes the CDP objectives for the outer city; visual impact requires greater assessment; residential amenity issues require greater detail specifically in relation to overshadowing and separation distances; further detail is required in relation to private, communal and public open space; further detail is necessary in relation to community facilities and social infrastructure.
- 6.1.6. The planning authority conclude that the proposed development contravenes section 16.7 of the CDP that governs building height and that better residential amenity standards should be afforded to future residents by amendment to the layout and scale of blocks. Other matters that concern the level of detail submitted requires

further assessment such as apartment floor plans and elevations, private and public open space details and on site amenity management standards.

Submission from Irish Water

- 6.1.7. A submission was received from Irish Water and is appended to this report. In summary, the submission states that a Confirmation of Feasibility has issued and that the proposed development requires only a wastewater network extension, for which no third party consents or statutory consents are required as works take place in the public road.

Response from the National Monuments Service

- 6.1.8. A response to a request from the Board under Section 6(10) of the Act was received from the National Monuments Service of the Department of Culture, Heritage and the Gaeltacht. The response is appended to this report. In summary, the response advises that an Archaeological Assessment Report should be submitted with the planning application in the appropriate stage of the SHD process.

Response from the Development Applications Unit of the Department of Culture, Heritage and the Gaeltacht

- 6.1.9. A response to a request from the Board under Section 6(10) of the Act was received from the Development Applications Unit (DAU) of the Department of Culture, Heritage and the Gaeltacht. The response is appended to this report. In summary, the response advises a greater degree of consideration in relation to the Architectural Heritage of the site and surrounding area. It should be noted that the DAU's observations were received by the Board after the holding of the tripartite meeting, held on the 2 July 2018. Given the content of their submission, I consider it appropriate to circulate the submission with any 'Opinion' that may issue.

The Consultation Meeting

- 6.1.10. A section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 02 July 2018, commencing at 11am. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

6.1.11. 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. Griffith Avenue – Tree line and building line.
2. Building Height - City Development Plan, emerging national policy and Architectural Heritage.
3. Traffic Impact Assessment – Access arrangements and junction design.
4. Car Parking and Bike Parking – Quantum.
5. Residential Amenity – Standards, apartment block separation distances, daylight/sunlight and overshadowing.
6. Management of community amenity spaces.
7. Water Services – third party consents and/or statutory consents?
8. Any other matters.

6.1.12. In relation to Griffith Avenue – Tree line and building line, ABP representatives sought further elaboration/discussion on the proposed development in the context of the established double tree line along Griffith Avenue. The likely impact to these trees and measures to protect them during construction was discussed. In addition, the concept behind the proposed building line was elaborated upon in the context of the existing pattern of development in the area. It would be important to ensure that a robust rationale is presented for the proposed development in the context of both tree line and building line.

6.1.13. In relation to Building Height - City Development Plan, emerging national policy and Architectural Heritage, ABP representatives sought further elaboration/discussion on the proposed building heights (up to eight storeys) in the context of the City Development Plan objective to limit building heights to 16 metres at this location, guidance provided by national policy in relation to higher densities and the importance of nearby architecturally important buildings such as the Marino Institute and the Architectural Conservation Area to the east. It was noted that the applicant should satisfy themselves regarding any material contravention of the Development Plan, if that is the case. A suitably robust design concept document should address height in the context of surrounding development and Development Plan policies and objectives.

- 6.1.14. In relation to Traffic Impact Assessment – Access arrangements and junction design, ABP representatives sought further elaboration/discussion on the function of the new access road to the Marino Institute lands, in terms of usage and junction design. A more detailed assessment of traffic generation may be required and further discussions with the planning authority are encouraged. Works that comprise the proposed development should be included within the red line boundary of the site, detailed elements should be agreed as far as possible prior to the submission of an application.
- 6.1.15. In relation to Car Parking and Bike Parking – Quantum, ABP representatives sought further elaboration/discussion around the City Development Plan guidance in relation to car parking provision. The amount of parking provided in the context of new apartment guidelines and changing patterns of car use and ownership were also focused on.
- 6.1.16. In relation to Residential Amenity – Standards, apartment block separation distances, daylight/sunlight and overshadowing, ABP representatives sought further elaboration/discussion regarding the margins of the site and in particular how the open space along the eastern boundary would be safe and usable. The availability of daylight and sunlight to ground floor accommodation should be carefully considered. In terms of the public spaces and separation distances between blocks, it was noted that blocks 3 and 5 provided a limited degree of separation. The advice and guidance available from the Apartment Guidelines were discussed and these should be a starting point for the information contained within any application.
- 6.1.17. In relation to management of community amenity spaces, ABP representatives sought further elaboration/discussion regarding management of shared facilities and that such detail could be incorporated onto a building lifecycle report as appropriate.
- 6.1.18. In relation to Water Services – third party consents and/or statutory consents, ABP representatives sought further elaboration/discussion regarding the detail of what infrastructure will be installed along Griffith Avenue and Malahide Road, what consents if any are required and what phase this part of the development would take place in.
- 6.1.19. Both the prospective applicant and the planning authority were given an opportunity to comment and respond to the issues raised by the representatives of ABP. Those

comments and responses are recorded in the 'Record of Meeting 301680' which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

7.0 Conclusion and Recommendation

- 7.1.1. 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.
- 7.1.2. I have examined all of the information and submissions before me including the documentation submitted by the prospective applicant, the submissions of the planning authority, submissions received from statutory consultees referred to under Section 6(10) of the Act and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the s.28 Ministerial Guidelines, and local policy, via the statutory plan for the area.
- 7.1.3. Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act: constitutes a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 7.1.4. I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

8.0 Recommended Opinion

- 8.1.1. An Bord Pleanála 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.

- 8.1.2. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, and submissions received from statutory consultees referred to under Section 6(10) of the Act, 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.
- 8.1.3. Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission arising from this notification:

1. Notwithstanding that the proposal constitutes a reasonable basis for an application, the prospective applicant should satisfy themselves that the proposed building heights provides the optimal urban design and architectural solution for this site and in this regard, the proposed development shall be accompanied by an architectural report and accompanying drawings which outlines the design rationale for the proposed building heights having regard to inter alia, National policy and Local planning objectives concerning building height, the sites context and locational attributes. In this regard an appropriate statement in relation to section 8(1)(iv) of the Planning and Development (Housing) and Residential Tenancies Act 2016, that outlines consistency with the relevant development plan and that specifically addresses any matter that maybe considered to materially contravene the said plan, if applicable.
2. An Architectural Heritage Report that responds to the issues raised in the report from the Development Applications Unit (DAU) of the Department of Culture,

Heritage and the Gaeltacht dated 16th July 2018 (copy attached). It should be noted that An Bord Pleanála received the said report from the DAU after the holding of the Consultation Meeting of the 2 July 2018. Irrespective of the final design proposed having regard to, inter alia, the report of the DAU, the architectural heritage report should also be accompanied by photomontages of the proposed development and should outline the design rationale for the proposed building heights, scale and massing. Photomontage images from a number of key locations to the development site, in particular from various vantage points along Griffith Avenue and from within the Marino Institute lands.

3. Revised Traffic and Transport Assessment that takes into account the proposed development and access arrangements to the Marino Institute of Education if necessary and sufficiently detailed information regarding the proposed childcare facility.
4. Full and complete analysis and drawings that detail the impact of the proposed development on the residential amenity of future residents in relation to daylighting, overshadowing and overlooking. Specific attention should be paid to the separation distances between opposing blocks and the impact upon privacy and overlooking. Section 3.0 *Apartment Design Standards* of the Sustainable Urban Housing: Design Standards for New Apartments 2018, provides guidance in respect to these issues.
5. Details of tree protection measures during construction, specifically with regard to trees in the public domain along Griffith Avenue.
6. A phasing plan for the proposed development, including the delivery of key infrastructure such as wastewater and surface water services.
7. A site layout plan showing which, if any, areas are to be taken in charge by the planning authority.
8. Details of all materials proposed for the proposed buildings, open spaces, paved areas, boundary and any retaining walls or terraces.
9. A construction and demolition waste management plan should be provided.
10. A life cycle report shall be submitted in accordance with Section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2018).

Details may include information on the provision of shared residential amenity spaces and their management, maintenance of public open space as well as other communal elements of the development.

11. Sufficiently detailed information and relevant consents as necessary with regard to the proposed installation of piped water services (foul and surface water).
12. An Archaeological Assessment Report should be submitted.

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:

- Irish Water
- Department of Culture, Heritage and the Gaeltacht
- Transport Infrastructure Ireland
- National Transport Authority
- Heritage Council
- An Chomhairle Ealaíon
- Fáilte Ireland
- An Taisce-the National Trust for Ireland
- Relevant City Childcare Committee

PLEASE NOTE:

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic

housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.



Stephen Rhys Thomas
Planning Inspector

18 July 2018