



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-303262-18

Strategic Housing Development	503 no. apartments (97 no. residential, 406 no. build to rent units), crèche and associated site works.
Location	Plots 4, 5 and 14, Clongriffin, Dublin 13.
Planning Authority	Dublin City Council (North)
Prospective Applicant	Gerard Gannon Properties
Date of Consultation Meeting	5 February 2019
Date of Site Inspection	25 January 2019
Inspector	Una Crosse

1.0 Introduction

- 1.1. 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.
- 1.2. In the interest of clarity another pre-application consultation was lodged by the same prospective applicant, on the same day as this instant request, on an adjoining site for 9 blocks of development, 6, 8, 11, 17, 25, 26, 27, 28 & 29 under Ref. ABP-303260-18. Furthermore, it is proposed to lodge an application directly to Dublin City Council in respect of the development of Blocks 3, 13 & 15.

2.0 Site Location and Description

- 2.1. The subject application site has a stated area of 2.491 hectares and comprises 3 blocks of the development site. The blocks includes land within the centre of the as yet undeveloped area bounded by Main Street to the south, to the west by Park Lane and Park Street and adjoined to the north by Dangan Street and Market Street and traversed in a southwest/northeast axis by Lake Street. The application site is located within Clongriffin approximately 9.5 kilometres to the north east of Dublin City Centre. Clongriffin is a large urban area in north Dublin which has experienced significant growth in the last number of years. The subject lands form part of an overall masterplan development on c.53.4 hectares of land
- 2.2. The lands are accessible via the Hole in the Wall Road and the R139 which connects to the M1 and the M50 Motorway. Main Street provides direct vehicular access from the Hole in the Wall Road into Clongriffin and includes dedicated bus lanes and cycle lanes that connect to Clongriffin Train Station. The lands are accessed by a number of public transport modes with Clongriffin Train Station and Dublin Bus providing services. There are c. 48 no. trains directly into Dublin Connolly Train Station on a weekday with similar return services. Dublin Bus also provides

frequent bus services into Dublin City Centre via the Malahide Road QBC. There are also pedestrian footpaths and cycle lanes along Main Street with pedestrian paths also provided on all existing streets.

- 2.3. There are stated to be 15 blocks yet undeveloped within the ownership of the prospective applicant, that formed part of the parent masterplan and whose permission have now lapsed. The lands are serviced with road infrastructure, public transport, drainage etc. These 15 blocks are subject to a masterplan update which has been submitted with documentation. These blocks include Blocks 3, 4, 5, 6, 8, 11, 13, 14, 15, 17, 25, 26, 27, 28 and 29. It is stated that the masterplan aims to infill these outstanding blocks from the original masterplan which were not constructed within the lifetime of the permission due to the economic downturn but which are fully serviced and ready for development.

3.0 Proposed Strategic Housing Development

The proposed development subject of this pre-application request provides for the development of 503 residential units in 3 blocks, 406 of which are Built to Rent and 97 are Part V as follows:

Block No.	No. of Residential Units	Tenure	Height of Block	Communal Open Space	Other Use/s
4	75 within 2 structures and single/2-storey structure with crèche and other uses	BTR	5 & penthouse	1,030 m ² podium	1 Crèche (c. 304.6m ²). 1 Community Centre and Mensheds (c. 417.4 m ²) 1 Café/Restaurant (c. 60.9 m ²)

5	138 within 2 elements	BTR (195 m ²)	3-6 + penthouse	1,571 m ² podium & roof terrace	5 retail shops within (c. 377 m ²)
14	290 within 2 blocks	BTR (Block B) & Part V (Block A)	6 (Block A) - 8 (Block B)	1977 m ² podium	4 retail/commercial units (c. 1,422 m ²) 2 café/restaurant units (c. 515 m ²)

The proposal includes 829 m² of resident amenity/facilities, 3,097 m² of commercial space and is designated 360 car parking spaces. The total provision of car parking for the overall 15 blocks within the 3 concurrent application is proposed as follows: 997 offstreet (basement, surface and undercroft), 388 on street and 214 within Block 12 multi-storey.

The **Unit Mix** proposed is as follows:

Type of Unit	No. of Units	% of total (application)
Studio	49	10%
1-bed	165	33.0%
2-bed	263	52%
3-bed	26	5%

4.0 Planning History

There is an extensive planning history on the subject site which is outlined in detail in the documentation received and in the Opinion provided by the Planning Authority. The original permission pertaining to the lands is Reg. Ref. 0132-02 (ABP Ref. PL29N.131058).

5.0 National and Local Policy

5.1. 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') 2009
- Design Manual for Urban Roads and Streets
- Sustainable Urban Housing: Design Standards for New Apartments (2018)
- Urban Development and Building Height Guidelines 2018
- Childcare Facilities – Guidelines for Planning Authorities

5.2. National Planning Framework

- 5.2.1. Chapter 4 of the Framework addresses the topic of 'making stronger urban places and sets out a range of objectives which it is considered will assist in achieving same. National Policy Objective 13 provides that in urban areas, planning and related standards, including in particular building height and car parking, will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

5.3. Dublin City Development Plan 2016-2022

- 5.3.1. The North Fringe lands (Clongriffin/Belmayne) have been identified as a Strategic Development and Regeneration Area (SDRA). 'The north fringe action area plan was first produced for the North Fringe lands in 2000, setting out the objective to extend the metropolitan core and create a new dynamic mixed-use urban quarter'. Further to this, Clongriffin/Belmayne is designated a Key District Centre (KDC) positioning it in the top tier of urban centres outside the city centre. The Development Plan

estimates that 7,100 residential units can be produced within the SDRA1. Under the current Dublin City Development Plan, the subject site is zoned as a Strategic Development and Regeneration Area' (SDRA) the objective of which is: "To seek the social, economic and physical development and/or rejuvenation of an area with mixed use of which residential and "Z6" would be the predominant uses". The lands at Clongriffin are also partially zoned as a 'Key District Centre' (KDC), Z4 pertains to this designation.

5.4. Clongriffin-Belmayne Local Area Plan 2012-2018

- 5.4.1. The lands at Clongriffin are subject to the specific policies and objectives set out within the Clongriffin-Belmayne Local Area Plan 2012-2018.
- 5.4.2. The height strategy for the LAP seeks positive integration of new building height with established character. Locations identified for special height character are the designated Key District Centres (in general 5 storeys minimum) and the Main Street Boulevard axis (in general four to five storeys). Heights of 2-6 storeys (including a set back at the top floor of a 5/6 storey building) may be facilitated subject to quality design criteria and set back requirements along the river corridor to complete the urban form of pavilion buildings to complete Marrsfield. One location for a landmark profiled building (10-14 storey office height equivalent) is designated adjacent to Clongriffin Rail Station. In other locations, where 4 storeys residential height is proposed, some flexibility will be allowed on the height equivalent (13m) to achieve design improvements to the façade.
- 5.4.3. The LAP also states that height will be assessed against the policy of the Development Plan which also notes that up to 50m is acceptable within the North Fringe. The LAP states that a significant increase in height may be accepted where it can be demonstrated that there is a strong urban design rationale for doing so, and where specific social, economic or architectural gains will be delivered by increasing height above the established height.

6.0 Forming of an Opinion

6.1. Documentation Submitted

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. This information included, inter alia, Application form, Consultation Request Letter, Planning Report, Statement of Consistency, Community Social Infrastructure Audit Report, Part V details, Irish Water Confirmation of Feasibility Letter, Clongriffin SHD 2 Architects and Urban Designers Report, Block 4 Architects Design Statement, Block 5 Architects Design Statement, Clongriffin Masterplan, Urban Design Statement, Housing Quality Assessment for Blocks 4, 5 & 14; Engineering Assessment report, Flood Risk Assessment, TTA, Preliminary Construction, Demolition and Waste Management Plan, Car Parking Rationale Report, Mobility Management Plan and Engineering drawings, drawings and documentation prepared by Ronan McDiarmuida Landscape Architects and Consultants including landscape details report and landscape rationale report, Photomontages and CGI's, Daylight and Shadow/Sunlight Analysis Report and Noise Assessment Report, Archaeology Report, Arboricultural Statement, AA Screening Report.

Section 5(5)(b) of the Act of 2016 requires the submission of a statement that, in the prospective applicant's opinion, the proposal is consistent with both the relevant objectives of the development plan or local area plan concerned, and the relevant guidelines issued by the Minister under section 28 of the Act of 2000. These statements have been submitted, as required.

The applicant's case is summarised as follows:

- Proposal, in conjunction with the 2 associated proposed applications, will provide a high-quality town centre development providing 1,961 residential units and c. 23,000 sq.m of commercial development on infill sites.
- A significant quantum of public open space and communal open space is proposed in the form of green spaces, soft and hard landscaped areas, children's play areas and high-quality open spaces.
- All units are provided with private open space which meets or exceeds the Development Plan and Section 28 Guideline requirements.

- The proposed development is an opportunity to deliver a high quality mixed use development at this strategic location, adjacent to high-quality public transport and a wide range of existing social, community and physical infrastructure, which will help meet the ever-increasing demand for residential accommodation in the Greater Dublin Area.
- The proposed development is deliverable in the short term.
- The proposed development represents a high-quality scheme of an appropriate scale and of a sustainable residential density reflective of its strategic location along a busy public transport route into Dublin city.
- Statement of Consistency which accompanies the application demonstrates that the proposed development complies with the relevant national, regional and local planning policy.
- The proposed development (and the 2 concurrent applications) will provide for an effective, efficient, sustainable use of what are infill sites in a highly accessible location which is well served by public transport (DART & QBC).
- Nature, form and extent of the proposed development has been informed and guided by pre-application consultation with the planning authority's internal departments and the pre-application consultations with the Planning Department of Dublin City Council.
- Proposed development accords with the proper planning and sustainable development of the area in which it is located as expressed in national, regional and local planning policy and Guidelines issued under Section 28 of the Planning and Development, 2000 (as amended).

6.2. Planning Authority Opinion

A submission was received by An Bord Pleanála on the 24th of January 2019 from Dublin City Council. The 'opinion' of the planning authority, in addition to outlining the planning history and National and Local planning policy context includes, inter alia, the following opinion on the proposal:

- Proposal is consistent with the Z14 zoning objectives as well as development objectives for KDC's;

- Proposed density considered appropriate to location within 500m of rail station, QBC and anticipated Bus Connects Route 1;
- Three character areas proposed, Lakeside, Urban Living and Town Centre are noted;
- Treatment of Market Street particularly important as its axis will form part of the green link network running from Fr. Collins Park to the Town Square and preferable if it were segregated;
- Under original parent permission arguable a pre-existing permitted height with proposal largely following with a few additional floors than previously permitted with height required, it is argued, to achieve sustainable densities;
- Blocks appear less fussy in appearance than earlier versions with more restrained roof profiles, limited palette of materials and use of brick facades;
- Three northern single aspect require some reconsideration;
- Preferable for height differentiation between ground floor units and public realm/private open spaces adjoining communal areas and opposing balconies, adequate buffers for such interfaces required and where units directly adjoin inner communal courtyards;
- SPPR 8 provides that obligation on application to demonstrate overall quality of the support residential facilitates for BTR units and recommended that all internal communal room/spaces be provided with dedicated toilet facilities;
- Impacts on adjoining residential rear gardens and amenity spaces within tolerances of BRE Guidance;
- Micro-climate issues such as wind and solar dazzle to be addressed;
- DAA concerns about photovoltaic arrays on flight paths to be addressed;
- Concerns outstanding are outlined in the conclusion and include:
 - Transition in scale between existing housing and proposal and need for sections;
 - Provision of public open space given proposed density;

- Pedestrian/cycle desire line through the site and segregation of cars from vulnerable users or provision of robust measures to ensure pedestrian/cycle priority;
- Compliance with BRE Guidelines and revision of north facing single aspect units;
- Model of the masterplan development;
- Full details of the BTR support facilities and services on block by block basis demonstrating overall quality;
- Prefer town centre to be delivered early in phasing programme allowing for early completion of Main Street and proposed green route;
- Requirement for consistent HQA/Accommodation Schedule;
- Clarification of overall infill masterplan density;
- Need to ensure that private residential amenity of future occupants is free from undue observation (between proposed elevations/balconies/terraces);
- 1.8m privacy screens between adjoining apartment balconies and terraces need to avoid retrospective personalised privacy screening;
- Matters arising in respect of overshadowing/daylight provision including concern that overly recessed northerly orientated or obstructed balconies will be subject to persistent overshadowing;
- Consultation with IAA/DAA;
- Location of children's play areas;

6.3. **Response from Prescribed Bodies**

A response has been received from Irish Water and is appended to this report.

6.4. **Consultation Meeting**

- 6.4.1. A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 5th February 2019, commencing at 14.15 PM. 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.

- 6.4.2. The main topics raised for discussion at the tripartite meeting were based on the Agenda that issued in advance and contained the following issues:
1. Development Strategy for the site to include inter alia, height, key buildings, design including materials and finishes, proposed tenure, residential uses/facilities proposed within blocks and public open space.
 2. Residential Amenity (existing and future)
 3. Movement and mobility management
 4. Car parking strategy
 5. Any other matters
- 6.4.3. In relation to development strategy for the site to include inter alia, height, key buildings, design including materials and finishes, proposed tenure, residential uses/facilities proposed within blocks and public open space An Bord Pleanála sought further elaboration/discussion/consideration of the following: rationale for splitting applications, BTR tenure across proposal (save for Part V) and consideration of tenure in respect of the overall Clongriffin lands, quantity and quality of residential amenities/facilities within BTR blocks, specific requirements for applications for BTR, design of Block 14 at focal location, proposed materials and finishes and requirement to avoid blank facades, public open space provision across the site.
- 6.4.4. In relation Residential Amenity (existing and future) An Bord Pleanála sought further elaboration/discussion/consideration of the following: impact on residential amenity of existing properties, requirement for compliance with BRE standards, screening proposals for private amenity spaces, treatment of private amenity spaces at street level, north facing single aspect units, requirement to address microclimate in particular wind study.
- 6.4.5. In relation movement and mobility management An Bord Pleanála sought further elaboration/discussion/consideration of the following: proposals for movement through the site and in particular the treatment of Market Street and vehicular movements and junctions along same, shared mobility.

- 6.4.6. In relation car parking strategy An Bord Pleanála sought further elaboration/discussion/consideration of the following: justification for car parking ratio proposed, proposed strategy in respect of managing spaces, car space allocation and process for redirecting cars to free spaces.
- 6.4.7. In relation any other matters An Bord Pleanála sought further elaboration/discussion/consideration of the following: the proposed timing of the proposed applications to both the Board and Dublin City Council, language in AA screening.
- 6.4.8. 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 303262' 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 & Recommendation

- 7.1. 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.
- 7.2. 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 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.
- 7.3. 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.

7.4. 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. 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.

8.2. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála is of the opinion that the documentation submitted constitutes a reasonable basis for an application to An Bord Pleanála under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

8.3. 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:

1. Notwithstanding that the proposal constitutes a reasonable basis for an application, the prospective applicant should satisfy themselves that the proposed design of Block 14 provides the optimal architectural solution for this focal junction along Main Street 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 design strategy having

regard to inter alia, National and Local planning policy, the sites context and locational attributes.

2. A report which examines and provides a justification for the scale of the proposed build to rent tenure provision within the proposed development having regard to the creation of sustainable neighbourhoods within the context of the Clongriffin area. The report should also examine the provision, both qualitative and quantitative, of residential support amenity areas, within the overall scheme and on a block by block basis, having regard to both Section 5 (sections 5.1-5.12) and SPPR 7 & SPPR 8 of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, March 2018.
3. A report that specifically addresses the proposed materials and finishes of the proposed structures including specific detailing of finishes, openings and privacy screening, the treatment of balconies/privacy screening, shopfronts, landscaped areas, pathways, entrances and boundary treatment/s. The treatment/screening of exposed areas of basement ramps and podiums should also be addressed. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the overall development within the proposed character areas and having particular cognisance of the requirement to avoid blank facades. The documents should also have regard to the long term management and maintenance of the proposed development.
4. A traffic and transport assessment and mobility management framework, including provision for shared mobility, for the proposed development which should have regard to existing public transport which serves the area.
5. A detailed car parking strategy and rationale which outlines in particular measures to direct car users within the scheme to available car parking spaces.
6. A public realm and permeability strategy which addresses in particular the treatment of Market Street with particular regard to segregating vulnerable users from vehicular traffic where feasible and if justification exists for crossing points that pedestrians and cyclists are prioritised.

7. Details regarding the impact on the communal open spaces from the requirement to provide ventilation for car park areas below ground floor level.
 8. A report that addresses residential amenity, specifically how the development will limit the potential for overlooking and overshadowing within the proposed development and of adjoining properties. This report should detail screening proposals for proposed units and measures to address units which adjoin the public realm or communal spaces in particular.
 9. A comprehensive daylight and sunlight analysis addressing existing units, proposed units and open spaces. A comprehensive justification is required for any proposed north facing single aspect units.
 10. A microclimate study of the overall development site (to address matters including down draft and wind tunnelling effects).
 11. Full and complete drawings including levels and cross sections showing the relationship between the proposed development blocks and adjacent existing residential units and adjoining public pathways/spaces.
 12. Provision of additional CGI's within the proposed development.
 13. A site layout that details any areas to be taken in charge by the local authority.
 14. A Phasing Plan which includes the delivery of the town centre and in particular the Blocks in the vicinity of Main Street in an early phase of the proposed development.
- 8.4. Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:
1. National Transport Authority
 2. Transport Infrastructure Ireland
 3. Irish Aviation Authority
 4. Dublin Airport Authority
 5. Minister for Culture, Heritage and the Gaeltacht

6. Heritage Council
7. An Taisce — the National Trust for Ireland
8. Irish Water
9. Dublin 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.

Una Crosse
Senior Planning Inspector

February 2019