



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-303506-19

Strategic Housing Development	492 no. Build to Rent residential units, provision for commercial use and associated site works.
Location	Lands at Concorde Industrial Estate, Naas Road, Walkinstown, Dublin 12.
Planning Authority	Dublin City Council South
Prospective Applicant	Development Ocht Ltd.
Date of Consultation Meeting	4 th March 2019
Date of Site Inspection	23 rd February 2019
Inspector	Stephen J. O'Sullivan

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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.

2.0 Site Location and Description

- 2.1. The stated area of the site is 1.88ha. It lies c6km south-west of Dublin city centre on the Naas Road R810, a major route along which the Red Line of the Luas runs. The Bluebell station is c250m east of the site. The area is characterised by large plots containing low-rise commercial building and yards with uses of low intensity. This area extends from Bluebell to the Red Cow on the M50 c3km to the south-west. The site is occupied by two such buildings with a floor area of 5,810m² comprised of a number of units, several of which are vacant but appear to have been last used for car sales. The front boundary of the site onto the public footpath is marked by a post and chain fence with a car park between it and the front of the buildings. Access to that car park is from an access road along the eastern boundary of the site serving the Carriglea industrial estate. The access road has a signalized junction with the Naas Road at the north-eastern corner of the site that allows turning movements across the Luas tracks. The south-eastern corner of the site adjoins open space associated with the school at Drinmagh Castle off the Long Mile Road. The rest of the southern boundary of the site adjoins a yard used by a car distributor. The land immediately to the west of the site on the Naas Road is occupied by an electricity pylon and a facility on the gas network.

3.0 Proposed Strategic Housing Development

- 3.1. It is proposed to build 492 apartments on a build-to-let basis. They would be in two buildings with a combined floor area of 46,102m² that would be up to 24m and 8

storeys high. The front of the main building would be parallel to the Naas Road set back c 17m from the edge of the footpath, with another element parallel to the access road to the Carriglea estate with a similar setback, and three other elements running directly south to the rear of the site with a step down in their height. A separate 8 storey building would face the Carriglea Road in the south eastern corner of the site. The layout of the scheme would include an internal road from the Carriglea Road across the front of the site parallel to the Naas Road with parking spaces along it. There would be a separate access to the basement car park from Carriglea Road. There would be a public open space of 3,024m² and a public pedestrian/cycle route along the southern boundary of the site.

3.2. The housing mix is as follows –

104 studio apartments

136 one-bedroom apartments

252 two-bedroom apartments

3.3. 930m² of shared facilities would be provided for the occupants of the apartments. Shared open space of 4,921m² would be provided to rear of the buildings and on roof terraces. The development would also include 3,347m² of commercial floorspace comprised of retail, café, restaurant, medical centre, a car showroom and creche on the ground and first floor level of the building facing the Naas Road.

3.4. 200 car parking and 276 bicycle spaces would be provided at basement level, with another 43 car and 246 bicycle spaces at surface level.

4.0 **Planning History**

4.1. The parties did not refer to any previous planning applications on the site. There has been a series of planning permissions on an adjacent site to the south-east of the applicant site which appear to have authorised residential development there. The register numbers and the descriptions of development are set out in the submissions from the planning authority and the prospective applicant. As is the custom in Dublin City the descriptions of the amending proposals so not describe what the development would actually be.

5.0 Policy

5.1. National Policy

The government published the National Planning Framework in February 2018. Objective 3a is that 40% of new homes would be within the footprint of existing settlements. Objective 27 is to ensure the integration of safe and convenient alternatives to the car into the design of communities. Objective 33 is to prioritise the provision of new homes where they can support sustainable development at an appropriate scale.

The applicable section 28 guidelines include -

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- Design Manual for Urban Roads and Streets'
- Guidelines for Planning Authorities on Urban Development and Building Heights, 2018
- Sustainable Urban Housing: Design Standards for New Apartments (2018),
- Childcare Facilities – Guidelines for Planning Authorities

5.2. Local Policy

The Dublin City Development Plan 2016-2022 applies. The site is zoned under objective Z14 – 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. It is also part of Strategic Development and Regeneration Area 5 at the Naas Road, and Key District Centre 6. It is part of the area to which the Local Area Plan for the Naas Road 2013-2019 applies, but it is not one of the key sites identified in that plan. Figures in that plan indicate that the site would be in mainly commercial use, and show a green route for pedestrian and cyclists along its southern boundary.

6.0 Forming of the Opinion

6.1. Documentation Submitted

The prospective applicant submitted extensive documentation including drawings of the proposed development and –

- A Planning Report and Statement of Consistency
- Architectural Design Statement
- Housing Quality Assessment and Schedule of Areas
- Landscape Report
- An Environmental Report
- Infrastructure Design Report
- Sunlight Analysis
- Appropriate Assessment Screening Report
- Parking and Mobility Study
- Road Safety Audit
- Residential Life Cycle Report
- Residential Management Report
- Commercial and Residential Report
- Ground Investigation Report
- Photomontages

6.2. Statement of consistency

The statement says that the proposed development would meet national policy to provide more housing in urban areas served by sustainable transport modes, as set out in the NPF and elsewhere. The floor areas of the proposed apartments would meet the minimum standards set down in the 2018 apartment design guidelines. Some of the them would not meet the all the standards set out in those guidelines, particularly with regard to private open space. However compensation would be provided in accordance with SPPR8 for build-to-let developments with larger floor areas and 4,761m² of communal open space at ground level and in three roof

terraces which would be above the required minimum of 2,839m². The proposed apartments will be maintained on a build-to-let basis for at least 15 years. 43% of the apartments would be dual aspect. 83% of rooms that were tested within the scheme would meet the minimum average daylight factor recommended in the BRE Guidelines. This level of compliance is justified by the provision of additional housing on a public transport corridor. The proposed 8 storey and 24m building height complies with the limits in the city development plan for sites within 500m of Luas stops, and also with the 2018 guidelines on building height and urban development. The density and design of the proposal are in keeping with the guidelines on sustainable urban residential development issued in 2009 and the design manual that accompanied it. The submitted engineering services report demonstrates compliance with DMURS. A creche facility of 190m² would be provided in accordance with the guidelines on childcare facilities. A site specific flood risk assessment has been completed, as has a screening report for appropriate assessment.

The proposed development would be in keeping with the Z14 zoning objective that applies to the site under the city development plan which allows for mixed use development, as well as the objectives for the designated Strategic Development and Regeneration Area 5. It would comply with the maximum height of 24m for sites within 500m of Luas stops specified in section 16.7.2 of the development plan. The site coverage of 31% and plot ratio of 2.4 are in keeping with the standards for the Z14 zone. 3,024m² of public open space would be provided which is equivalent to 16% of the site area, above the 10% required by the development plan. A report from an estate agency sets out why the proposed mix of commercial and residential development is appropriate for the site. The existing buildings on the site would accommodate 60 jobs, while the proposed development would have 150 employed in its commercial element. The Naas Local Area Plan 2013-2019 allows residential use on upper floors. The proposed development takes due account of the utilities and services on and around the site, including the trunk sewer and watermain and the 110kV and 38kV electricity lines, as set out in the LAP. Car parking would be provided at a rate of 0.5 spaces per apartment, with another 43 for the commercial parts of the scheme. 1 cycle space will be provided per apartments in line with the

standards set out in the development plan, rather than those in the 2018 apartment design guidelines. 49 of the proposed units would be provided under Part V.

6.3. Planning Authority Submission

The submission from the planning authority said that the statement of consistency submitted by the prospective applicant was comprehensive and rigorous. The area requires a vibrant mix of uses. The documentation indicates that the number of jobs accommodated in the proposed development would be around 150, while the established use of the site catered for 60. The design and layout provides a strong edge to the Naas Road, which is welcome. The road is currently inhospitable for pedestrians and the proposed landscaped buffer between it and the ground floor units is welcomed as it would be important to increase footfall here. The height is in keeping with the development plan limits for sites near the Luas. It is envisaged that higher landmark buildings would be provided in the regeneration of neighbouring key sites identified in the local area plan, so the proposed 8 storeys would be acceptable on this site. Robust materials would be required and concern is expressed about the proposed render elements. The build-to-rent model can accommodate the proposed density of 262 dph. The plot ratio of 2.4 and site coverage of 31% comply with the development plan. The development meets the applicable standards for apartment and rooms sizes. It is noted that many units face north onto the Naas Road, but are described as dual aspect due to their projecting windows. The relaxation of standards for private open space for some units is in keeping with SPPR8 of the 2018 apartment design guidelines, with compensation in the form of larger internal floorspaces and communal open space. The submitted daylight analysis indicates that a significant number of rooms have average daylight factors less below recommended levels. This impact on residential amenity needs to be considered by the board. The proposed creche of 190m² or 82 places is acceptable. The layout of the development takes account of the sewers, watermains and electricity lines around the site. The council notes the proposal to submit an EIAR with any application, and concurs with the statement that an NIS would not be necessary. In conclusion the council's submission is that the proposal is broadly consistent with the proper planning and sustainable development of the area but that the details submitted with any application would need to address whether a proper mix of uses

would be provided; that adequate daylight and sunlight would be provided to the apartments; and whether rendered panels would provide an appropriate finish.

The submission from the planning authority included copies of minutes of section 247 meetings with the prospective applicants and reports from departments of the council. The Parks Division indicated a preference to have the public open space in a triangular shape at the south-eastern corner of the site, and questioned whether the green route should be provided outside the boundary of the residential development. The Traffic Planning Division stated that the parking spaces for the car club should be at surface level, and the proposed 512 bike spaces fell below the development plan standard. Details are required to ensure pedestrian and cycle priority across accesses.

6.4. Other submissions

A submission from Irish Water stated that it had issued a confirmation of feasibility for the connection of 486 residential units to its networks without network or plant upgrades.

6.5. The Consultation Meeting

A section 5 consultation meeting took place at the offices of the board at 1130 on Monday 4th March 2019 between representatives of the board, the planning authority and the prospective applicants about the proposed development. A record of the meeting was made and is available. The main topics discussed at the meeting were–

- i. The proposed uses and their compliance with the zoning of the site and the other provisions of the development plan and local area plan
- ii. Urban design, including the height and architectural treatment of the buildings, the interface with public streets, and co-ordination with the development of adjacent sites
- iii. The standard of amenity for occupants, including the type and size of the proposed apartments, their management, access to daylight and sunlight, and the provision of open space and other facilities within the scheme
- iv. Any other issues

With regard to item i), the council stated that the zoning objective in the development plan did not specify a quantum for particular uses but there was concern that the proposal for predominantly residential development. The prospective applicant said that the Z14 objective referred to physical regeneration and residential use which the proposed development would achieve. Two floors of commercial accommodation would be provided with employment opportunities facing the Naas Road in accordance with the figure in the LAP. The established use is low intensity and the proposed development would increase employment from 60 to 150. The city has provided large amounts of commercial floorspace in recent years that has not been matched by residential development, as demonstrated by government policy. The residents of the proposed apartments would have access to employment in the Docklands, city centre and St. James by tram. The designated key sites along the Naas Road, of which the site is not one, would be likely to accommodate more employment. The planning authority stated a concern that the proposed should not establish a precedent for predominantly residential developments on the designated sites. The prospective applicant referred to the proposed mix of uses as best practice and to existing build-to-let residential schemes in the US and the UK. As the schemes are managed as an enterprise active ground floor uses and shared facilities are integral components of such schemes.

With regard to item ii), the prospective applicant stated that the proposed development would provide a proper urban edge on the scale of a boulevard along the Naas Road comparable to those in larger continental cities. The building line is partly determined by the major underground services. There would be a single pedestrian entrance along the Naas Road frontage, opposite a double height entrance foyer to the main building supervised by a concierge. Cross sections across the street could be provided. There was extensive consultation with the council regarding the appropriate treatment of the interface between the shared and public spaces and route to the south of the building, including the green route required under the LAP there. The proposed link would not necessarily link back to the Naas Road. The council stated its preference for a public open space with a more compact shape in the south eastern corner of the site. The prospective applicant said that the proposed layout would provide proper overlooking of the public open space, as well as links to the open spaces that would be provided on other sites

during their redevelopment, as well as towards the spaces at Lansdowne Park and along the canal. A green edge would be provided along the Naas Road. The landscaping and boundary treatments around the edges of the site would define public and private spaces while maintaining proper intervisibility. The amount of communal open space would be well in excess of the minimum required.

With regard to item no iii), the prospective applicant stated that only one of the tested apartments achieved an average daylight factor of less than 5%. The planning authority stated that the site was suburban and that all the units should be provided with the minimum standards of sunlight and daylight. The prospective applicant stated that the proposals have been market tested and the location is suitable for the mix of accommodation proposed, including studio apartments. The board's representatives referred to the standards in the 2018 apartment design guidelines and stated the information submitted with an application should demonstrate compliance with them, including tables relating the detailed information in the schedule of accommodation to the SSPRs and other requirements of the guidelines.

With regard to item iv) the prospective applicant stated that it intended to prepare an EIAR for the proposed development. It clarified that the render recessed panels could be replaced with a more durable finish.

7.0 Conclusion and Recommendation

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.

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.

Having regard to all of the above, I recommend that further consideration and/or possible amendment of the documents submitted are required at application stage in respect of the elements that are set out in the Recommended Opinion below.

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:

requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

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

The Board 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.

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 **requires further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**

In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could

result in them constituting a reasonable basis for an application for strategic housing development:

1. Further consideration/amendment of the documentation as it relates the interface between the proposed development and the Naas Road. The revised documentation should provide a greater degree of pedestrian permeability and intervisibility between the public footpath and the front of the proposed development with additional access points for pedestrians from the Naas Road. To this end the density of planting at ground and eye level along the boundary should be minimised, as should the width of the carriageway on the access road and the visual impact of the car parking in front of the proposed building using the recommendations for local streets set out in DMURS.
2. Further consideration and amendment of the documentation as it relates to the pedestrian and cycle routes in the proposed development. The revised documentation should illustrate that the routes have proper connections with the public road network, including its footpaths and cycle facilities, and to planned facilities on adjoining lands. In this regard access should be provided from the western end of the proposed public footpath and cycle route at the south of the site back to the Naas Road at the western end of the site. This access should also facilitate pedestrians and cyclists travelling to the commercial premises in the proposed development. The submitted documentation should demonstrate that the proposed cycle facilities would be in accordance with the National Cycle Manual issued by the NTA, and that proper priority is given to pedestrians and cyclists across entrances to the access road at the front of the site and the basement car park.

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. Irish Water
2. National Transport Authority
3. Transport Infrastructure Ireland
4. The Dublin City Childcare Committee

Pursuant to article 285(5)(b)(i) and (ii) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that the following specific information should be submitted with any application for permission:

1. Cross sectional drawings showing the proposed development in the context of full width of the Naas Road and the buildings on the other side.
2. Proposals for the management and operation of the proposed development as a 'Build-to-Rent' in accordance with Specific Planning Policy Requirement No. 7 of the 2018 Guidelines on Design Standards for New Apartments, including detailed proposals for the provision and management of support facilities, services and amenities for residents. A Building Lifecycle Report in accordance with section 6.13 of the guidelines should also be submitted which specifies the use of low maintenance and durable finishes, possibly in substitution for the render panels shown on the submitted elevations.
3. A proposed covenant or legal agreement further to which appropriate planning conditions may be attached to any grant of permission to ensure that the development remains in use as Build- to-Rent accommodation, and which imposes a requirement that the development remains owned and operated by an institutional entity and that similarly no individual units are sold or rented separately. The proposed agreement shall be suitable to form the basis for an agreement under section 47 of the planning act between the planning authority and the owner of the site and it shall bind the owner and any successors in title for a minimum period of at least 15 years.

4. A mobility management strategy which shall be sufficient to justify the amount of parking proposed for cars and bicycles. The amount of bicycle parking should comply with the standards set out in table 16.2 of the city development plan, and it should be in locations that are convenient, sheltered and secure.
5. A housing quality assessment which provides the details regarding the proposed apartments set out in the schedule of accommodation, as well as the calculations and tables required to demonstrate the compliance of those details with the various requirements of the 2018 Guidelines on Design Standards for New Apartments including its specific planning policy requirements.
6. A Daylight/Sunlight analysis, showing an acceptable level of residential amenity for future occupiers and neighbours of the proposed development, which includes details on the standards achieved within the proposed residential units and in private, shared and public open space.
7. A draft construction management plan and a draft waste management plan.

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 J. O'Sullivan

Planning Inspector,

13th March 2019