



An  
Bord  
Pleanála

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

## Inspector's Report on Recommended Opinion

### ABP-303825-19

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<b>Strategic Housing Development</b>	153 residential units (15 duplex/maisonettes and 138 apartments).
<b>Location</b>	Lands East of the Assumption National School, Long Mile Road, Walkinstown, Dublin 12.
<b>Planning Authority</b>	Dublin City Council.
<b>Prospective Applicant</b>	Jackie Greene Construction Limited.
<b>Date of Consultation Meeting</b>	4 April 2019.
<b>Date of Site Inspection</b>	23 March 2019.
<b>Inspector</b>	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 is located in the south west of Dublin City Centre on the Long Mile Road, and measures 0.938 ha. The site is bounded to the north by the Long Mile Road, to the west by Assumption National and Secondary School, to the south and east by 2 storey semi-detached and terraced houses along Walkinstown Road.

The area north and west of the site on the Long Mile Road is characterised by educational development with a number of primary, secondary and pre schools. Further to the west of the site there is an Aldi and a Lidl supermarket. To the east of the site is a village centre which has a range of shops and services including a SuperValu, pharmacies, newsagents, doctors, dentists, hair dressers, barbers, pubs, a bank, post office, cafes, take-aways and other small shops.

The site is close to public transport links with Bluebell Luas Stop (Redline) c. 850 metres north of the site. There is a bus stop and bus lane directly adjacent to the subject site that is serviced by bus numbers 18, 56a and 151. On Walkinstown Road c. 300 metres from the site there is another bus stop which is serviced by bus numbers 27, 77a and 123. The Long Mile Road also has cycle lanes.

The topography of the site is generally flat and slightly higher than the road. Towards the south east of the site there is a private back lane that provides access to rear gardens and garages along Walkinstown Road.

### 3.0 Proposed Strategic Housing Development

The proposed development which is subject of this pre-application consultation request comprises 153 residential units (15 duplex/maisonettes and 138 apartments) and will range from 3-6 storeys and up to 19 metres in height, detail as follows:

15 no. Duplex/Maisonettes:

- 7 no. 1 bed (c. 45.8sq.m)
- 8 no. 2 bed (c. 92.6sq.m)

138 no. Apartments:

- 1 no. studio (37.5sq.m)
- 55 no. 1-bed (ranging from c. 50.5sq.m and c. 63.5sq.m)
- 75 no. 2-bed (ranging from c. 78.4sq.m and c. 87.8sq.m)
- 7 no. 3-bed (ranging from c. 98.6sq.m and c. 105sq.m)

All dwellings will include private balconies/terraces.

A concierge (c. 76.5sq.m) at ground floor level.

A gym measuring c. 80sqm is also proposed, located at podium level.

129 no. car parking spaces and 194 no. secure bike parking spaces all at basement level. A new vehicular access off Long Mile Road is proposed using a left in left out junction.

5,646sq.m of open space, or 60.2% overall site area. The net area of open space after perimeter road removed equates to 4,564sqm or 48.6% of the total site area.

The site area is 0.938 hectare. Gross residential density 163 units per hectare.

## 4.0 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:

- ‘Urban Development and Building Heights Guidelines for Planning Authorities’ - 2018
- ‘Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities’ - 2018
- ‘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’)
- ‘Childcare Facilities – Guidelines for Planning Authorities’

### 5.2 Local Policy

#### **Dublin City Development Plan 2016-2022**

The site is subject to zoning objective Z1 “to protect, provide and improve residential amenities” in the Dublin City Development Plan 2016-2022. Residential is a permissible use under this zoning objective.

Development plan section 16.7 building height. The site is not located in an area designated as suitable for taller buildings, e.g. an LAP, SDZ or SDRA, therefore the ‘low rise’ category applies. A height limit of 16m applies for residential development in the outer city.

Section 16.2.2.2 of the Plan sets out criteria for infill developments.

Sections 16.10.1 and 16.10.3 of the Development Plan outline quantitative and qualitative standards for public and communal open space.

## 5.0 Planning History

Subject site:

Planning authority reference **2571/15** and **PL29S.245075** – 61 units in a mix of houses and apartments ranging in height from 2 to 4 storeys. Originally refused by DCC (deficiencies in public open space and lack of dual aspect apartments) but granted by ABP October 2015.

### 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 on a 23 November 2018. Details of the meeting are submitted.

## 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: a Completed Application Form; site layout plans and architectural and engineering drawings, AA screening report, EIA Screening Report, planning report and statement of consistency, Ecological Impact Assessment, s247 minutes and response, childcare capacity assessment, Daylight and Overshadowing Report, Inward Noise Impact Assessment, Waste Management Plan, Architects Design Statement, Traffic Impact Assessment, Operational Waste Management plan, Building Energy Report, External Lighting Report, Engineering

services planning report, Flood Risk Assessment, Irish Water pre-connection enquiry, Part V plans, Landscaping Layout and schedule.

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

#### **Planning Authority Submission**

- 6.1.5. 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 a note of their section 247 consultations with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on 21 March 2019.
- 6.1.6. The planning authority's 'opinion' included the following matters: planning history; zoning objective and policy, AA screening and EIA screening, pre-planning discussions, the main issues centre on the following: plot ratio clarification; height, design and layout in terms of the Development Plan limit to 16 metres in height in this area, the suitability of the site in terms of existing residential amenity, the palette of materials and finishes; lack of public open space provision; communal facilities are disproportionately large; an assessment of childcare spaces is required; social infrastructure audit necessary; the issues raised by the Transportation Planning Division concerning a number of technical issues as well as rationale for car parking numbers.
- 6.1.7. The planning authority conclude that these issues require clarification in the event of the lodgement of an application.

#### **Submission from Irish Water**

- 6.1.8. A submission was received from Irish Water and is available on file. In summary, the submission states that the proposed development is a standard connection, requiring no network or treatment plant upgrades for water or wastewater by either the customer or Irish Water. No third party consents are required for these connections.

#### **The Consultation Meeting**

- 6.1.9. A section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 4 March 2019, commencing at 2.30pm. 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.

6.1.10. 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. Street Interface and Perimeter Detail
2. Building Height and Street Presence
3. Pedestrian connectivity
4. Car Parking – Quantum and Design
5. Any other matters

In relation to street interface and perimeter detail, ABP representatives sought further elaboration/discussion on how the proposed building and landscaping interacts with the Long Mile Road, in terms of design, separation distance and pedestrian access. The degree of separation distance between the building edge and the street arises from the existence of a surface water pipe along the front of the site. Some exploration of the change in levels of the site upwards from the footpath was queried and how that would interact with the street. The usability of the perimeter spaces proposed for the development was discussed and a greater understanding of access to the buildings and possibilities of passive supervision of amenity spaces was queried.

In relation to building height and street presence, ABP representatives sought further elaboration/discussion on the proposed buildings in the context of the local height limits imposed by the City Development Plan and the recent advice in relation to Urban Development and Building Heights. Clarification of the building finish and organisation of balconies/windows etc at the gable ends of Block 1 were discussed. The concern was in terms of how the building presents itself and interacts with the street, in the context of surrounding development and as viewed along the Long Mile Road. The planning authority also raised the question of overlooking of neighbouring development especially school lands. The use of additional cross sections and CGI material would be useful in interpreting how the building plugs into its surroundings. Inconsistencies between drawings was also queried by both ABP representatives

and the planning authority, the prospective applicant admitted that these did exist and that the issue would be remedied prior to application.

In relation to pedestrian connectivity, ABP representatives sought further elaboration/discussion around pedestrian permeability onto and through the site. Specifically, the possibility of providing a pedestrian through route from the Long Mile Road via the site to a rear laneway off the Walkinstown Road were discussed. The legal status of the laneway was clarified and the technical and legal challenges to providing such a linkage were discussed.

In relation to car parking – quantum and design, ABP representatives sought further elaboration/discussion around the number of car parking spaces provided in the context of the proximity of high quality public transport and the walkable distances to employment, commercial and social services and amenities. Advice in relation to car parking is provided in recent guidance, Design Standards for New Apartments Guidelines, and this document was considered relevant to the site. In terms of design, given the under-croft nature of the car parking provision, greater clarity on the landscape design around above ground vents was required. Wayfinding and logical access routes through the car parking areas was raised as an issue to consider. In terms of the quantity of car parking spaces and means of finding reductions, car clubs were discussed and whether such providers would be within the car parking area itself or on the street. Technical aspects such as auto-tracking drawings, on street car parking and barrier access were queried by the planning authority, clarity is required prior to submission.

In relation to the other matters, ABP representatives highlighted greater care to exclude drawing inconsistencies prior to the making of an application. Address optimal residential amenities for units at lower levels and carefully consider the relocation of residential amenities such as gyms/exercise rooms to lower levels.

Both the prospective applicant and the planning authority were given an opportunity comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting 303825' 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.

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 provide 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 outline the design rationale for the proposed building heights having regard to inter alia, National policy such as Urban Development and Building Heights Guidelines for Planning Authorities' – 2018 and Local planning objectives concerning building height, the site's context and locational attributes.
2. Detailed contextual elevations and cross sections that show existing development in the vicinity, specifically but not confined to the following: the relationship between apartment blocks, landscaped boundary and the entire width of the Long Mile Road and footpaths, the relationship between apartment blocks and existing houses along Walkinstown Road and the internal relationships between blocks and the landscaped perimeter amenity space.

3. A detailed landscaping plan for the site which clearly sets out proposals for hard and soft landscaping including street furniture, where proposed. Details relating to the materiality of the proposed podium and ground floor open spaces should also be submitted. Detailed proposals for the interface between the proposed development and Long Mile Road, together with details of the public realm along Long Mile Road should be submitted. Additional detailed CGIs and visualisations should be submitted in this regard.
4. The following reports that address all aspects of building appearance and durability:
  - (a) A report that specifically addresses the proposed materials and finishes and the requirement to provide high quality and sustainable finishes and details Particular attention is required in the context of the visibility of the site along the Long Mile Road and to the long-term management and maintenance of the proposed development.
  - (b) A life cycle report shall be submitted in accordance with section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2018).
5. 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.
6. 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.
7. 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.
8. A draft construction management plan and a draft waste management plan.

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. Transport Infrastructure Ireland
3. National Transport Authority
4. The 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.

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Stephen Rhys Thomas  
Planning Inspector

17 April 2019