



An  
Bord  
Pleanála

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

### **Inspector's Report on Recommended Opinion ABP-304260-19**

---

<b>Strategic Housing Development</b>	222 apartments
<b>Location</b>	Finglas Road, Dublin 11
<b>Planning Authority</b>	Dublin City Council
<b>Prospective Applicant</b>	The Davy Platform ICAV
<b>Date of Consultation Meeting</b>	4 <sup>th</sup> June 2019
<b>Date of Site Inspection</b>	24 <sup>th</sup> May 2019
<b>Inspector</b>	Stephen J. O'Sullivan

## **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**

2.1. The site lies c5km north-west of Dublin city centre on the Finglas Road, which is an arterial route and a dual carriageway at this location. The site has a stated area of 1.23ha. It is vacant brownfield land. It has c270m of frontage onto the Finglas Road,. The depth of the site is c60m. The development to the south on the site consists of a nursing home and apartment buildings with strong frontage along both sides of the Finglas Road, including a scheme on the neighbouring site to the south between 4 and 7 storeys high called Premier Square. The land immediately across the road to the west of the site is occupied by a retail warehouses that are part of the Clearwater Shopping Centre. They back onto the Finglas Road. The shopping centre has a single access from the Finglas Road at a junction at the northern end of the application site. It also has a petrol station and a large surface car park with a supermarket at its other end. The land to the north and east of the site is occupied by low density 20<sup>th</sup> century housing. The north-eastern site boundary adjoins the back gardens of such houses along Glenhill Road. The houses are on higher ground, and the street at Glenhill Road is c10m higher than the Finglas Road.

## **3.0 Proposed Strategic Housing Development**

- 3.1. It is proposed to build 222 apartments consisting of –
- 48 studios units
  - 58 one bedroom units

- 112 two-bedroom units
- 4 three-bedroom units.

3.2. The apartments would be provided in three blocks laid out along the front of the site. The blocks would be between 5 and 10 storeys high, with the higher elements in the middle of the row. The maximum height would be more than 32m above ground floor level. It is also proposed to provide a creche of 247m<sup>2</sup> on the ground floor of one of the blocks. The overall floor area of the development is stated to be 17,930m<sup>2</sup>.

3.3. Access would be from an existing but unused junction on the Finglas Road in a southern projection of the site than lies between the road and one of the blocks at Premier Square. 139 car parking and 250 bicycle spaces would be provided behind the proposed buildings. There would be another pedestrian access near the northern end of the front of the site beside a bus stop. The area between the front of the site and the apartment buildings would be c8m deep. It would provide a communal open space of 1,245m<sup>2</sup> and a play area of 200m<sup>2</sup> for the creche. There would be another area of open space between the back of the site and the proposed car park. It would be c13m deep. It is described as providing 1,945m<sup>2</sup> of open space that could be communal or public. It would be on top of an embankment c 8m above the level of the car park, accessed by steps at either end.

## 4.0 Planning History

- 4.1. Reg. Ref. 1039/04 – the planning authority granted permission in 2004 for 60 apartments on the site.
- 4.2. PL29N.206898, Reg. Ref. 1378/04 – In 2004 the board and the planning authority refused permission for a supermarket on the site.
- 4.3. PL29N. 227162, Reg. Ref. 2931/07 – the board refused permission on 8<sup>th</sup> July 2008 for 175 apartments and a creche on the site in buildings 5 to 7 storeys high. The reason for refusal said the development would be overbearing on residential properties to the east and would overlook those to the south, and so would injure the visual and residential amenities of the area. The planning authority had decided to grant permission.

4.4. Reg. Reg. 2329/07 – the planning authority refused permission on 17<sup>th</sup> February 2009 for 90 apartments on the site in a building 6 storeys high. The reason for refusal said the requirements of the Drainage Division had not been met.

## 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
- The Planning System and Flood Risk Management (including associated Technical Appendices).

### 5.2. Local Policy

5.2.1. The Dublin City Development Plan 2016-2022 applies. The site is zoned residential under objective Z1. Section 16.3.3 states that where sites cannot accommodate public open space a financial contribution in lieu will be required. Section 16.5 of the plan gives an indicative plot ratio standard of 0.5-2.0 in this zone. Section 16.7 of the plan established a building height limit of 16m in this location.

## **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
- A Community Infrastructure Audit
- An Architectural Design Statement
- A Housing Quality Assessment
- An Engineering Services Report including a Site Specific Flood Risk Assessment
- An Appropriate Assessment Screening Report
- A DMURS Design Statement
- A Transport Assessment
- A Daylight and Sunlight Analysis
- An Inward Noise Impact Assessment

### **6.2. Statement of consistency**

The proposed residential development of brownfield land in the city close to a range of facilities along a bus corridor would meet various objectives of the NPF including 13, 27, 21, 33 and 35. The net density would be 180 dph which would be in keeping with the advice in the 2009 sustainable urban residential guidelines. The design would comply with the 12 criteria in the manual issued with those guidelines. The floor area of the apartments would comply with the 2018 guidelines on the design of new apartments. Most of them would exceed the minimum by 10% or more. 57% of apartments would have dual or triple aspect. The height of the development can be justified under the 2018 guidelines on urban development and building height. The site is well served by public transport and is on a high frequency bus route. It is 1.2km from the train and Luas station at Broombridge. It would make a positive contribution to a sense of place with a wayfinding function in relation to the Finglas and the Clearwater Shopping Centre. The design and height of the blocks would be

varied. It would provide streetscape and legibility in this urban area. The layout refers to Premier Square, as does the stepping down of the height. The development would widen the range of building and dwelling types in the area. The site is not at risk of flooding and would be appropriate for housing under the 2009 guidelines on Floodrisk Management. The submitted transport assessment demonstrates compliance with DMURS. A childcare facility is proposed in line with the guidelines on that topic.

The proposed development complies with the zoning of the site under the city development plan and the various provisions of that plan in favour of good housing. It meets the minimum standards for bike parking and the maximum standards for car parking. The statement does not refer to the height restrictions set out at section 16.7 of the development plan.

Information is submitted that would inform screening exercises in relation to EIA and AA. It concludes that the proposed development would not be likely to have a significant effect on the environment or any Natura 2000 site and so neither an EIA nor an AA would be required.

### **6.3. Planning Authority Submission**

The height of the buildings would contravene the limit of 16m set in the development plan, but the subsequent ministerial guidelines on height are noted. The site may be appropriate for high buildings under the guidelines but the council has concerns with the proposal due to the prevailing heights on neighbouring sites including the two storey houses to the rear at Glenhill. The houses may be unduly overlooked and overborn. The proposed height and design may be obtrusive along Finglas Road. the form of development is monolithic with limited variation and render is one of the proposed finishes. The height and design of the apartments across the road at Prospect Hill have better modulation and show greater respect for the neighbouring houses. A reduced scale of development would be appropriate on the site with a better transition of the scale of neighbouring houses. The site is on a high frequency public transport corridor and is suitable for high density development. The proposed apartment comply with the floor area requirements of the 2018 guidelines on apartment design but there is a lack of storage. The submitted housing quality assessment indicates that the apartments meet the requirement

minimum floor areas and private open space. Compliance with the standard for storage has not been demonstrated. It states that 57% of the units are dual aspect, but in fact many units will be single aspect, north facing and without a pleasing outlook. The site may not be suitable for public open space and a financial contribution may be required in this regard. The amount of communal open space provided would exceed the minimum of 1,302m<sup>2</sup> required under the guidelines. The accessibility and usefulness of the open space for children of different ages and wheelchair users. Permeability through the site should be maximised. All apartments with vertical sky components below 15% should meet the minimum values for average daylight factor set out in BS 8206-2. The planning authority is satisfied with the proposals for childcare. The planning authority stated that the various matters should be addressed in the application including –

- Reduced height
- Better design of elevation onto Finglas Road
- More photomontages
- Better storage for apartments
- More apartments with proper dual aspect
- Play areas for children
- Drainage details
- Details of works to the public road and footpath, including the provision of suitable priority for pedestrians and cyclists across the entrance to the scheme, and works that may affect BusConnects.

#### **6.4. Other submissions**

Irish Water reports that it can facilitate the proposed connections to its networks.

#### **6.5. The Consultation Meeting**

A section 5 consultation meeting took place at the offices of the board at 1430 on Tuesday 4<sup>th</sup> June, 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. Height

- ii. Design, in particular the frontage on the Finglas Road
- iii. Standard of amenity for the proposed occupants
- iv. Impact on the amenity of neighbouring properties
- v. Access and parking, including the interaction with the public street and the implications of the proposals under BusConnects
- vi. Any other issues

In relation to item i), the board's representatives noted that the 2018 building height guidelines affected the specific limits in the development plan. A justification of the proposed height was therefore required with regard to the criteria set out in the guidelines which should be sufficiently robust to avoid ongoing uncertainty about the appropriate height for buildings on the site which could militate against its prompt development. The prospective applicant stated that the proper height for building here would be 8 storeys, having regard to the brownfield nature of the site, its location on a main road with frequent bus services, the ground levels relative to the land and houses to the rear, the established heights of the apartment blocks to the south and current policy on sustainable development. The height across the proposed development is varied around this benchmark in order to provide variation, or modulation along the street frontage and to respect the character and amenities of the neighbouring houses and apartments.

In relation to item ii) the planning authority and the board's representatives queried the standard of architectural design achieved. Reference was made to the prominence of the site along a main route, the proposed external balconies, the use of render finishes and the repetition of elements along the elevations. The prospective applicant stated that the variation in heights achieved variety and modulation along the street frontage, as previously discussed with the planning authority. Render finishes can achieve a high quality over the long term if detailing and workmanship is of a high standard and rainwater flows are cast away from the wall. The prospective applicant referred to the previous development at Rathborne as an example of this.



In relation to item iii), the board's representatives and the planning authority noted that the proposed open space was at a high level relative to the entrances to the apartment building, with consequent restrictions on access. Reference was made to the report from the Parks Department of the council stating that none of the open space would be taken in charge. The board's representatives queried whether external balconies at high levels would provide a suitable level of amenity. The prospective applicant stated that the proposed open space would be accessible at both ends, with universal access by a lift at its southern end. Its high level would ensure a better outlook and more light for the space. Its width was also sufficient to provide a useful space. The proposed open space at the front of the site would be part of a walking route around the entire site. There would be no apartments on the ground floor of the apartment buildings, and the elevated open space would provide an outlook at the same level on apartments on the higher floors. The higher balconies would have exceptional outlooks. The only threat to their amenity would be from wind, but this would not normally be a concern at these heights and this can be demonstrated by an analysis submitted with an application.

In relation to item iv) the prospective applicant referred to limited extent of the 10 storey element of the development, the separation distance from the houses to the rear and the lower ground levels on the site. The planning authority did not demur from the conclusions of the sunlight and daylight analysis submitted by the prospective applicant, but stated that the impact on the outlook from houses to the rear was a concern.

In relation to item no v) the board's representatives noted the excessive width of the existing access road to the site and the deficiencies in the pedestrian and cycle facilities along the front of the site particularly in relation to current standards, the emerging proposals for the Finglas Road under BusConnects, the wide carriageways into and around the proposed development, the predominance of surface car parking, and the high proportion of bike storage in tiered racks and the limited types of bike that can be stored there even while there is a shortfall in the standards set out in the apartment design guidelines. The prospective applicant stated that the

wide access and carriageways were required to allow large vehicles such as refuse trucks and fire tenders to move around the site easily and that ideally the carriageways would be even wider to conform with the industry's standards for car parks. The prospective applicant has made a submission to the public consultation over BusConnects and can accommodate the proposed bus stop and diverted cycle lane at the northern end of the site's frontage without impinging on the proposed development. Pedestrians would be conveyed across the entrance via a signalised crossing. Giving priority to pedestrian or cyclists across the entrance would lead to queuing in the bus lane. The proposed car parking level of 0.6 per unit was justifiable. The council did not object to this level of car parking. However it stated that there were proposals for further development that would use the same junction as the site and its function would have to be addressed in its entirety. In relation to bike parking the council noted that Sheffield stands occupied a lot of space.

## **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 and amendment of the submitted documentation as it relates to the access and parking serving the proposed development, the treatment of the open spaces within it and its relationship with the adjoining streets. The submitted documentation and proposals should be sufficient to demonstrate that the proposed development would provide an environment within the site that was safe, convenient and attractive for pedestrians and that constrained vehicular movements accordingly. This will require reconsideration of the layout, landscaping and surface treatment of the footpaths, carriageways and car parking spaces within the site and the links between the proposed apartments and open space. The relationship with the existing street should facilitate movements by pedestrians, cyclists and public transport along the Finglas Road and provide them with appropriate priority over private vehicles entering and leaving the site. This will require reconsideration of the proposed access to the development. This should occur in consultation with the city council and the NTA and take account of other demands on the Finglas Road and the junction from which access is proposed. The further consideration and amendment of the documentation required in relation to this issue shall demonstrate compliance with the principles and the specific requirements of the applicable guidance set out in DMURS and the National Cycle Manual, and the emerging proposals under the BusConnects project. If departures from those guidelines are proposed then the documentation submitted with the application would need to provide justifications for them. References to documents that are not material considerations for planning applications or to the remnants on the site of works carried out to provide access to previously authorised developments that was not completed may not be sufficient to provide the justification for any proposed departures from the above guidance that would be required in the documentation submitted with an application.
2. Further consideration of the documentation relating to the architectural design of the proposed development. The documentation submitted with any application should be sufficient to demonstrate that that the proposed development would achieve the standard of design required for a very

prominent site on a major thoroughfare to ensure that it would make a positive contribution to the character of the city, with particular reference to the durability of materials.

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. Irish Water

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. A housing quality assessment which provides the specific information regarding the proposed apartments required by the 2018 Guidelines on Design Standards for New Apartments. The assessment should also demonstrate how the proposed apartments comply with the various requirements of those guidelines, including its specific planning policy requirements. Any departures from the standard for bicycle storage at section 4.17 of the guidelines should demonstrate that the proposed facilities can meet all the demand for bicycle storage that is likely to arise in the development at convenient locations and with facilities to accommodate a range of bicycle sizes and types, including children's bicycles and those fitted with baskets, panniers, child seats etc. A building lifecycle report for the proposed apartments in accordance with section 6.13 of the 2018 guidelines should also be submitted.
2. A report documenting any correspondence or consultation with the NTA and city council in relation to the BusConnects project.

3. A report and analysis of the daylight and sunlight that would be available to the proposed apartments and existing houses in the vicinity, and the open spaces and gardens serving them.
4. Landscaping details for the proposed open spaces, including safety measures above the retaining wall between the proposed car park and the open space on the eastern side of the site.
5. A draft construction management plan
6. 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,

20<sup>th</sup> June 2019