



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-304343-19

Strategic Housing Development	1,009 Build to Rent apartments, creche and associated site works.
Location	Lands at and to the rear of the former CB Packaging Site, Ninth Lock Road and New Nangor Road, Clondalkin, Dublin 22.
Planning Authority	South Dublin County Council
Prospective Applicant	Arbeten Limited
Date of Consultation Meeting	12 June 2019
Date of Site Inspection	May 2019
Inspector	Stephen Rhys Thomas

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 application site has a stated area of 5.68 hectares. The lands are located just south of the Nangor Road and west of its junction with Ninth Lock Road. The site adjoins the Mill Shopping Centre in Clondalkin. There are a mix of land uses in the vicinity of the subject site including residential, retail, commercial, educational and health services. This site is adjacent to the town centre of Clondalkin. The site is located approximately 1.3 km from the Clondalkin/Fonthill Train Station while the N7 motorway is located south of the site.
- 2.2. The site is irregular in shape and extends to approximately 5.68 hectares. It is bound to the north by Nangor Road, to the east by Ninth Lock Road, to the south by the Mill Centre and to the west by Millpark residential estate. There is a mix of hard standing on part of the site, which is a remnant of the site's former occupant (CB Packaging) while the majority of the site comprises rough grassland and scrub. There is an electricity line with pylons that traverse the northern part of the site on an east-west direction. The site is mostly level with some heaps overgrown with vegetation.

3.0 Proposed Strategic Housing Development

- 3.1. The proposal provides for a residential development of 1,009 apartment units in 11 blocks, of which 731 units will be 'Build to Rent'. The proposal provides for the development of 5.68 hectares of land in units ranging in height from 1 to 9 storeys. 11 blocks of apartments are proposed, as follows:

- Block A1 - 112 no. 'Build to Rent' apartments in an 8-storey building
- Block A2 - 62 no. 'Build to Rent' apartments in a 4-6 storey building
- Block A3 - 41 no. 'Build to Rent' apartments in a 4-6 storey building
- Block A4 - 66 no. 'Build to Rent' apartments in a 7-storey building
- Block A5 - 62 no. 'Build to Rent' apartments in a 4-6 storey building
- Block A6 - 62 no. 'Build to Rent' apartments in a 7-storey building
- Block A7 -55 no. apartments in a 4-6 storey building
- Block B1 - 163 no. 'Build to Rent' apartments in a 6-7 storey building
- Block B2 - 79 no. apartments in a 6-storey building
- Block B3 - 92 no. apartments in an 8-storey building
- Block B4 - 215 no. 'Build to Rent' in a 9-storey building

all with terraces/balconies to apartments.

3.2. The following table provides an outline of the proposed development:

Unit Type	No. of Units
Apartments	
Studio 1-bed	135
1-bed	326
2-bed	504
3-bed	44
Overall Total	1,009

3.3. The residential unit mix proposed is as follows:

Type of Unit	% of Total
Studio 1-bed	13.5%
1 bed units	32.5%

2 bed units	50%
3 bed units	4%.

3.4. The development also includes the following elements:

Type of Use	Area
Crèche 1 (42 children)	760 sq.m
Crèche 2 (34 children)	557 sq.m

3.5. The proposed development will also comprise associated Resident Support Facilities including Concierge areas, Management offices, Waste management areas, Storage areas for bulky goods and bicycles, and, Postal rooms, Resident Services and Amenities including Resident lounges, Multi-use rooms, Gym and exercise suites, and, Work-zones for residents, comprising a total area of 3,628 sq.m

4.0 Planning History

4.1. Subject Site

SD14A/0221 - Changes to previously approved permission Reg. Ref. SD13A/0100 consisting of a 300mm increase in width of the Aldi retail unit resulting in an increase in floor area of 18sq.m; alterations to elevations consisting of a 1.494m height reduction to parapets to west and south elevations and removal of 1 window to the south elevation.

SD14A/0207 - Changes to previously approved permission Reg. Ref. SD13A/0100 consisting of amendments to window opes to ground floor retail Units 2 and 3; alterations to elevations and amendments to window opes to first floor offices on elevations and car park elevation resulting in a reduction of office space of 24sq.m.

SD13A/0100 - Retail/commercial development consisting of a supermarket with ancillary off-licence sales area (net retail sales area of 1,288sq.m.), 3 no. retail units (totalling 485sq.m. gross floor area) and office (687sq.m. gross floor area) fronting Ninth Lock Road; a link road and new junctions on the Ninth Lock Road and New Nangor Road is proposed to connect these roads and provide access to the 120

surface car parking spaces serving the proposed development; this road is as previously approved under Reg. Ref. SD09A/0306 (ABP Ref. PL06S.236791); demolition of the existing substation (28sq.m.) and provision of new substation, bin store, delivery/service areas, plant room, signage, lighting, landscaping and associated site and development works; a site is reserved for a future building fronting the new access road.

SD09A/0306; ABP Ref. PL06S.236791 - Mixed use commercial development comprising discount food store, office accommodation, 4 retail units and car parking.

SD09A/0306; ABP Ref. PL06S.236791 – Permission refused for Mixed-use development comprising 317 no. residential units, 11 no. retail units, creche, medical clinic, art centre, basement and surface car park and all ancillary site development works.

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:

- ‘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’) 2009
- ‘Design Manual for Urban Roads and Streets’ 2013
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’)
- ‘Childcare Facilities – Guidelines for Planning Authorities’ 2001
- ‘Architectural Heritage Protection - Guidelines for Planning Authorities’ 2011

Other relevant national guidelines include:

- Framework and Principles for the Protection of the Archaeological Heritage
Department of Arts, Heritage, Gaeltacht and the Islands 1999.

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. South Dublin County Development Plan 2016-2022

- 5.3.1. The site is zoned ‘TC – Town Centre’ in the current County Plan the objective of which is ‘To protect, improve and provide for town centre developments’. It is noted that a small portion of the site falls under the zoning objective ‘RES’ which seeks ‘to protect and/or improve residential amenity’, however this small section is only used to provide pedestrian access to the proposed development through the Old Nangor Road. The County Development Plan includes a variety of policies and objectives in relation to residential amenity, open space standards, car parking standards and built form, amongst other things.

5.4. Clondalkin Framework Plan April 2011

- 5.4.1. The masterplan was prepared by South Dublin County Council. The plan is non-statutory and provides an indicative urban design approach for Clondalkin Village and includes the application site.

6.0 Forming of an Opinion

6.1. Documentation Submitted

6.1.1. 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, Irish Water confirmation of feasibility statement, Part V proposal, Applicants Part V proposal, Planning Report, 9th Street Clondalkin Masterplan, Environmental Statement Report, AA Screening Report, Bat Survey, Contaminated Land Report, Architectural Drawings, Schedules of Accommodation, Housing Quality Assessment, Architectural Design Statement, Landscape Drawings, Landscape Design Statement/Rationale, Outline Engineering Infrastructure Drawings, Daylight/sunlight Report, Nangor Road Flood Risk Assessment, GoCar Letter of Support, Clondalkin Traffic and Transport Assessment, and a Statement of Consistency.

6.1.2. 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.

6.2. Planning Authority Opinion

6.2.1. A submission was received by An Bord Pleanála on the 27 May 2019 from South Dublin County 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:

- Main issues for consideration are considered to be as follows:
 - Proposed land uses – residential uses are acceptable, but a variation in land uses would contribute to liveable and active streets. However, the distribution of land uses on the site and wider area needs to take account of the potential for vacancy and to take account of the wider masterplan area.

- Context and Connectivity – whilst a masterplan for the area is welcomed, greater detail is required to determine the permeability and connectivity of the site to the town centre. There is a lack of connectivity between the subject site and the Mill Centre and there should be greater clarity on public access within the site.
- Procedural – the extent of land ownership and the application site area is unclear.
- Urban Structure – the central structuring element of the proposal, that is based on a public transport corridor should not be the defining design parameter. Should the public transport reserve be needed in the future there should be adequate public open space provision.
- Form and Massing – the proposal is for 4 – 9 storeys, 4 – 7 is preferred given the context and setting of the site and this would relieve the impression of severe street walls. Access to adequate levels of daylight and sunlight will be important.
- Urban Design – interaction at street level is a key driver to good urban design, this is lacking in the current proposal. A street frontage to the Mill Centre should be considered. The location of substations and metres is poorly considered. Development close to Millpark requires careful consideration. Privacy strips should be provided to ground floor units and pedestrian links should be well overlooked.
- Design Detail – careful consideration of materiality is important for the site.
- Visual Impact and ACA – height should be suppressed to reduce visual impact from the ACA, set backs could be considered. More visual imagery to illustrate the impact on views to and from the ACA.
- Housing mix and childcare provision requires further consideration.
- Landscape and Open Space – The central linear open space requires further consideration if it should be required in the future for another purpose, SUDs, technical details and play areas require more information.
- Roads, Access and Parking – vehicular and pedestrian access to and from the site is adequate. Additional linkages throughout the site could be considered. Taking-in-charge issues are raised, and basement car parks

should be connected. Bus Connects has been outlined to the north of the site, but nothing yet approved. Car and cycle parking are acceptable. Proposals to reduce queuing within the site are suggested.

- Surface water – clarification is required in relation to the diversion of a 900mm foul sewer and surface water sewers. Surface water management requires greater information, in terms of catchment areas and run off rates
- It is noted that an EIAR is being prepared and an AA screening report has been provided.

6.3. Response from Prescribed Bodies

- 6.3.1. A response has been received from Irish Water and is appended to this report. In summary, Irish Water state that the applicant must enter into a Project Works Services Agreement (PWSA) to establish the available capacity in the network and any required network upgrades to facilitate the development. The outcome of the investigations as part of the PWSA will determine the need for third party consents or statutory consents.

6.4. Consultation Meeting

- 6.4.1. A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 12 June 2019, commencing at 9.30 AM. 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. Masterplan and Ownership
2. DMURS - street hierarchy, pedestrian connectivity and cycle strategy
3. Design Standards for New Apartments – resident amenity space quantum and distribution
4. Residential Amenity – microclimate, wind, comfort and usability

5. Landscape Masterplan – public transport reservation and site interface
6. Car Parking – design, layout and quantum
7. Site Services – surface water management
8. Any other matters

6.4.3. In relation to masterplan and ownership, An Bord Pleanála sought further elaboration/discussion/consideration of the following: a number of the drawings differed in relation to the site boundary and lands under the ownership of the applicant, this should be clarified. The applicant stated that they have been in contact with the owners of the Mill Centre in order to progress a larger and more cohesive site. The masterplan attempts to plan for the wider area, including the Mill Centre. The applicant concluded by stating that the proposed development allowed for future seamless integration with the Mill Centre at present or should it be developed in the future.

6.4.4. In relation to DMURS – street hierarchy, pedestrian connectivity and cycle strategy An Bord Pleanála sought further elaboration/discussion/consideration of the following: a clearer indication of the road hierarchy for the site to include definition of the major streets down to the lesser used local areas. Pedestrian connectivity should be highlighted and in particular the short laneway between houses to the south of the site should be usable and well overlooked. The applicant was asked to demonstrate how this pedestrian link would operate safely and encourage use. Greater clarity was sought in relation to the cycle strategy on and off site, in particular there should be a logical route through the site that encourages cycle use.

6.4.5. In relation to Design Standards for New Apartments – resident amenity space quantum and distribution, An Bord Pleanála sought further elaboration/discussion/consideration of the following: the availability and distribution of communal resident's facilities was highlighted in terms of location and amount. The applicant was reminded that there are two Guideline standards applicable to build to rent and build to own apartments and this should be clearly delineated on plan and any housing quality assessment.

- 6.4.6. In relation to Residential Amenity – microclimate, wind, comfort and usability, An Bord Pleanála sought further elaboration/discussion/consideration of the following: the degree to which any studies such as daylight/sunlight and wind assessments had informed the landscape design. In new developments with taller buildings, on site public spaces are important and should be usable and comfortable for occupants.
- 6.4.7. In relation to Car Parking – design, layout and quantum, An Bord Pleanála sought further elaboration/discussion/consideration of the following: the quantum of car parking spaces in relation to the intended tenure and the availability of public transport. The location of some surface car parking spaces militated against good urban design principles and the applicant offered a rationale for the location and intended use of surface car parking spaces. Further design work may be required to refine the location of surface car parking, especially with regard to the northern tip of the site under powerlines.
- 6.4.8. In relation to Site Services – surface water management, An Bord Pleanála sought further elaboration/discussion/consideration of the following: the requirement to ensure that the technical specifications of drawings match in relation to surface water management, sustainable urban drainage systems and landscaping. The location of and connection to existing surface water infrastructure requires clarity.
- 6.4.9. In relation any other matters An Bord Pleanála sought further elaboration/discussion/consideration of the following: requirements in respect of the most recent EIA Directive and AA screening. The requirement to upload data to the Department Portal concerning EIA was noted.
- 6.4.10. 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 304343’ 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

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 applicants, 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 section 28 Ministerial Guidelines and local policy via the statutory plans for the area.

Having regard to all of 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

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.

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:

Design, Layout and Integration

1. Further consideration/justification of the documents as they relate to the layout of the proposed development particularly in relation to the 12 criteria set out in the Urban Design Manual which accompanies the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009 and the Design Manual for Urban Roads and Streets. The prospective applicant should satisfy themselves that the documentation sufficiently explains the relationship of the development to its surroundings. Specifically, further justification/consideration of the development strategy as it relates to the interface of the site with the New Nangor Road to the north west, a stronger built form at the north western tip of the site as opposed to surface car parking and a coherent relationship to the Mill Centre to the east. Detailed cross sections that illustrate these relationships are required, in addition to computer generated images and photomontage as appropriate and any other medium the applicant considers best to illustrate the proposed development. Further consideration of these issues may require amendment to the documents and/or design proposals submitted.

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. 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 private amenity areas, commercial facades, landscaped areas, pathways, car park vents, entrances and boundary treatment/s. 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 development, avoiding blank facades and creating active frontages and corners. The documents should also have regard to the long term management and maintenance of the proposed development, in this regard a life cycle report shall be submitted in accordance with Section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2018).
2. A mobility management framework and car parking rationale for the proposed development which should have regard to existing public transport that serves the area. The car parking rationale should address good design practice that puts vulnerable road users first and incorporates full integration with the landscape masterplan.
3. A public realm and permeability strategy which addresses connections to and from the site and in particular the treatment of the proposed interface with the Nangor Road, Mill Centre and Old Nangor Road. Cycle networks through the site should logically link up with any wider cycle networks in the area. Pedestrian linkages and connections should be safe, usable and well overlooked.
4. A report that should include full and complete drawings including levels and cross sections showing the relationship between the development and adjacent residential units, public pathways and interfaces with the public realm.

5. A report that details the surface water management for the site, an emphasis should be placed on SuDS measures proposed within the design of the proposed surface water management strategy and landscape masterplan.
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 proposed covenant or legal agreement further to which appropriate planning conditions may be attached to any grant of permission to ensure that the relevant parts of the development remain 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.
8. A site layout that details any areas to be taken in charge by the local authority.
9. A detailed phasing plan that addresses the delivery of public realm improvements and public amenity spaces.

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. Minister for Culture, Heritage and the Gaeltacht
4. Heritage Council

5. An Taisce — the National Trust for Ireland
6. Irish Water
7. IAA
8. Department of Defence
9. South Dublin Childcare Committee

PLEASE NOTE:

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

Stephen Rhys Thomas
Senior Planning Inspector

27 June 2019