



An  
Bord  
Pleanála

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

### **Inspector's Report on Recommended Opinion ABP-304387-19**

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<b>Strategic Housing Development</b>	278 Residential Units
<b>Location</b>	Parkside Boulevard, Balgriffin Park Lands, Dublin 17
<b>Planning Authority</b>	Dublin City Council
<b>Prospective Applicant</b>	Cairn Homes
<b>Date of Consultation Meeting</b>	13 <sup>th</sup> June 2019
<b>Date of Site Inspection</b>	7 <sup>th</sup> June 2019
<b>Inspector</b>	Joanna Kelly

## 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

- 2.1 The development site comprising of 3ha of land is located in the Belmayne - Clongriffin area in north county Dublin approx. 8km from the city centre in the jurisdiction of Dublin City Council. The lands which are located to the north of Parkside Boulevard on a site were formerly occupied by two temporary schools. The structures pertaining to the schools are still present on site. The Mayne river is located to the north of the site and there is a public park to the west. The Castlemoyne housing development, two-storey dwellings, is located on the northern side of the river which is located within the Fingal County Council jurisdiction.
- 2.2 Lands to the south of Parkside Boulevard have been developed in recent years and are typically two and three storey housing. There are apartment blocks under construction further east of the site which appear to be 6 storey (site was covered in hoarding and scaffolding at time of inspection).

## 3.0 Description of proposed development

The applicant is proposing to construct an apartment development consisting of four no. 6 and 7 storey apartment blocks over basement. The total number of apartments permission is sought for is 278 units.

<b>Apartment Type</b>	<b>No.</b>	<b>%</b>
1 bed	90	32.4%
2 bed	172	61.9%
3 bed	16	5.7%
Total	278	100%

The following details are noted:

<b>Parameter</b>	<b>Site Proposal</b>
Application Site	3 ha gross
Total No. of Units	278 no. units
Density	373 units per hectare as stated by applicant
Other Uses	531sq.m. (gym, media centre and concierge)
Communal Open Space	1970sq.m.
Public Open Space	3525sq.m. (11.7% of net area)
Car Parking	283 no. spaces – 9 surface, 274 basement
Bicycle Parking	422 no. spaces – 112 surface, 310 basement
Part V	27 no. units

#### 4.0 Planning History

**File Ref. No. 3283/13** 3 year temporary permission for retention of school buildings in approximate location of cells P41-P44 – Permission expired 29/7/17.

Extensive history is noted in the Dublin City Planner’s report pertaining to lands in the wider area.

## 5.0 National and Local Planning Policy

### 5.1. National

Having considered the nature of the proposal, the receiving environment, the documentation on file, including submission from the planning authority, I am of the opinion, that the directly relevant section 28 Ministerial Guidelines are:

- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- 'Design Manual for Urban Roads and Streets' (DMURS)
- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices')
- 'Childcare Facilities – Guidelines for Planning Authorities'
- 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' 2018
- Urban Development and Building Height, Guidelines for Planning Authorities.
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, August 2018.

Other relevant national guidelines include:

- Project Ireland 2040, National Planning Framework.
- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.

### 5.2. Local Policy

#### 5.2.1 Dublin City Development Plan 2017-2023

The lands are zoned Z14 in the City Development Plan which "to seek the social, economic and physical development and/or rejuvenation of an area with mixed use, of which residential and 'Z6' would be the predominant uses".

The site is located within the Strategic Development and Regeneration Area (SDRA1).

Chapter 16 deals with development standards.

5.2.2 The site is located within Belmayne Next Phase 3 of the Clongriffin-Belmayne (North Fringe) Local Area Plan 2012-2018. This plan has been extended until 2022.

## 6.0 **Forming of the Opinion**

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 submission and the discussions which took place during the tripartite consultation meeting. I will provide a brief detail on each of these elements hereunder.

### 6.1 **Documentation Submitted**

6.1.1 The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 and article 285 of the Planning and of the Planning and Development (Strategic Housing Development) Regulations 2017.

6.1.2 The information submitted included *inter alia*: a completed SHD Application form and cover letter including but not limited to, Schedule of documents; Statement of Consistency, Architectural Design Statement, Landscape and Visual Impact Assessment, Planning report, EIA screening, Screening report for AA and other Plans and particulars.

6.1.3 I have reviewed and considered all of the documents and drawings submitted.

## 6.2 Planning Authority Submission

6.2.1 In compliance with section 6(4)(b) of the Act of 2016 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 30<sup>th</sup> May 2019.

6.2.2 The planning authority's opinion refers to key planning considerations as follows:

- It is noted that the net site development area appears to encroach into the 'green' area set aside for Mayne River linear parkland as shown on some of the LAP maps. However, these are not fixed zonings.
- The overall target density is an average of 50 units per hectare. The proposed gross density is 92.7 u/ha or 182.9 u/ha net.
- The plot ratio for the proposed blocks is 0.9 (gross) and 1.77 (net) with a site coverage of 15.4% gross and 30.4% net which come within the recommendation for the Z14 lands.
- The proposed heights and setbacks from the public road are similar to that development along Marrsfield Avenue to date.
- Overall in urban design terms, the heights are considered appropriate to the location and will help provide for a strong urban edge at this location.
- The use of brick facades are welcome. However, it preferable that the blocks were more uniformly finished in brick with limited render or lighter coloured panels.
- More details of boundary treatment are required.
- Applicant's planning report indicates that the previous Parkside schemes have been predominantly family housing comprising 3-4 bed units.
- Due to site's proximity to Dublin airport flight paths that the placement of PV and/or solar panels if required to satisfy Part L requirements should be discussed with DAA and IAA.
- Privacy screens should be erected on sides of balconies/patios where they are in close proximity to other balconies/patios.
- Preferable that basement ventilation is removed as far as possible from below or near ground floor balconies/patios.

- The children's play areas within the communal space should be located in the best sunlit location.
- Applicant should update their consultations with the Dublin City Childcare Committee and map existing and permitted dedicated crèche/childcare facilities within the catchment of the subject site.
- A social audit should be submitted.
- The communal spaces should be tested against the recommendations of section 3.3.17 of the BRE's 2011 best practice guidance document Site Layout Planning for Daylight and Sunlight.
- The apartments will overlook/naturally supervise the parkland and riverside walk.
- It is not clear how the proposed riverside walkway on site will link up with any Maybe River walkway alignment to be located to the rear of the apartment blocks along Marrsfield Avenue.
- There may need to be an access break-out further up Balgriffin Park with a pedestrian crossing in order to get a better alignment of the overall riverside walkway.
- The pedestrian bridge over the River Mayne into the Castlemoyne estate should be provided.
- No sunlight/daylight analysis report has been submitted.
- There is a concern that the extended corridors will appear oppressive and 'institutional' due for the need for constant artificial illumination.
- Recommended that external lighting is 'bat friendly'.
- Recommendations are provided regarding site screens for some units and other preventative measures to protect residential amenity.
- Further discussions re Part V should be carried out
- Full AA proposed to be undertaken
- Proposal broadly consistent with the proper planning and sustainable development of the area.

### **Internal Reports**

#### **Transportation Planning Division report**

- Detailed car management plan to be submitted

- Clarify if any security gates are proposed at the vehicular access to the basement and have regard to potential queueing.
- Details of refuse servicing/collections to be submitted.
- Clarify if any of the proposed development is to be Taken in Charge.

#### Drainage Department

- Not clear what infrastructure is intended to be taken in charge
- A minimum 3m clearance between public SW sewers and all structures on site, including basement and foundations must be maintained.
- Detailed design of SUDS to be provided.
- Flood Risk Assessment to be expanded upon.

#### Housing and Community Services

McCrossan O'Rourke Manning Architects on behalf of Cairn Homes Properties Ltd. Has previously engaged with the Housing Department in relation to this development and are aware of their Part V obligations.

#### 6.2 Submission from Irish Water

Applicant must install 160m of 400mm diameter water main on the site. No third party or statutory approvals will be required for this work.

## **7.0 Consultation Meeting**

7.1 A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on 13<sup>th</sup> June 2019, commencing at 11.00 am. Representatives of the prospective applicant, Dublin City Council and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

7.2 The main topics raised for discussion at the tripartite meeting were as follows:

1. Clarity regarding phasing having regard to provisions of the Parkside Phasing Plan and the Local Area Plan



2. Surface water management and flood risk assessment
3. Layout to include residential amenity and comments in Planning Authority's opinion
4. Riverside walkway to include connectivity to same
5. Aviation to include potential for solar dazzle from development
6. Any other matters

7.3 In relation to Clarity regarding phasing having regard to provisions of the Parkside Phasing Plan and the Local Area Plan, ABP representatives sought clarity regarding the extent of infrastructural provision as per the provisions of the LAP to ensure logical and sequential approach to release of lands.

7.4 In relation to Surface water management and flood risk assessment, ABP representatives sought further discussion/elaboration on this issue having regard to the Water Engineering Division's report from Dublin City Council.

7.5 In relation to Layout to include residential amenity and comments in Planning Authority's opinion, ABP sought further elaboration/discussion on this issue in particular intended use of external finishes, location of basement vents vis-à-vis residential apartments, and quality of residential amenity.

7.6 In relation to Riverside walkway to include connectivity to same ABP representatives sought further elaboration on this issue in particular whether the site encroached into lands within Fingal county Council's jurisdiction and linkage/connectivity to river walkway from site to permitted developments.

7.7 In relation to Aviation to include potential for solar dazzle from development, ABP representatives sought further elaboration/discussion on this issue.

- 7.8 In relation to Any other matters, ABP representatives indicated that where photographs are provided on the documentation locations relative to the site should be indicated, details of boundary treatments to be submitted, give consideration to comments from Transportation Department's comments in particular car parking management, clarify whether EIAR and/or NIS to be submitted.
- 7.9 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 ABP-304387-19' 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.
- 7.10 Pursuant to the consultation meeting, the Director of Planning prepared a Memo in respect of the proposed development whereby the site as submitted to the Board was sited solely in the jurisdiction of Dublin City Council however if the site was extended to include the applicant's landholding and associated works then it would encroach into Fingal County Council's jurisdiction. It was therefore recommended that in the interests of transparency and having regard to the provisions of SHD legislation that were the site to include lands in one or more planning authorities, each planning authority would require to be consulted. The prospective applicant was therefore requested to advise Fingal County Council of the lodgement of an SHD pre-application request to the Board (File ref. no. 304387-19) and request a section 247 consultation meeting with Fingal County Council and following completion of this said meeting, submit evidence of this meeting.

#### **7.11 Consultation with Fingal County Council**

The prospective applicant engaged with Fingal County Council, evidence of section 247 meeting has been submitted. An Opinion was received from Fingal County Council 18<sup>th</sup> July 2019 and is summarised as follows:

- Parks and Green Infrastructure Division verbally reported no objection to the development.

- Proposed development will not provide for any residential or directly associated development on the lands which lie within the Fingal County Council area.
- The use of this land for recreational purposes associated with the provision of apartments is considered to be acceptable.
- The requirement of Objective WQ05 to provide a 10 to 15 metre riparian buffer strip either side of the river is noted and which effectively sterilises the site from development.

7.12 Subsequent to the receipt of the opinion from Fingal County Council, a second tripartite meeting to include Fingal County Council was set up for 12<sup>th</sup> August 2019. Fingal County Council has subsequently advised that will not be making attendees available for this meeting. Consequently, it was considered that it was not necessary to hold a follow up meeting which the applicant indicated they were satisfied with.

## 8.0 Conclusion and Recommendation

- 8.1 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 and as amended by Section 50 of the Planning and Development (Amendment) Act 2018.
- 8.2 I have examined all of the information and submissions before me including the documentation submitted by the prospective applicant, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy via the section 28 Ministerial Guidelines, and local policy via the statutory plans for the area.
- 8.3 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 **constitute a reasonable basis** for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

8.5 I would 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.

## 9.0 Recommended Opinion

9.1 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.

9.2 Following consideration of the issues raised during the consultation process and having regard to the opinion of the planning authority, An Bord Pleanála is of the opinion, that the documentation submitted **constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**

9.3 Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission

1. Details pertaining to the proposed riverside walkway and riparian buffer to be maintained including clarity as to the alignment of the river vis-à-vis the development site, extent of works including any landscaping proposals within the jurisdiction of Dublin City Council and Fingal County Council. Details should also indicate how the alignment of the walkway will link with the existing river walkway located to the rear of permitted apartment developments along

Marrsfield Avenue. Location of proposed crossing points over the river should be clearly indicated with full extent of works detailed and the relevant planning authority's jurisdiction in respect of such works.

2. Information referred to in article 299B (1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 (if an Environmental Impact Assessment report is not being submitted).
3. An Appropriate Assessment screening report and Natura Impact Statement if considered necessary which should consider inter alia the issue of surface water run-off and in combination effects of relevant Natura 2000 sites.
4. Boundary treatment to the proposed site including any proposals for the riverside walkway.
5. Photomontages and cross sections at appropriate intervals for the proposed development including how the development will interface with contiguous lands/developments. In this regard details to address the comments set out in the planning authority's Opinion pertaining to elevational treatments including use of external finishes should be addressed.
6. A sunlight/daylight analysis for the proposed development.
7. A site layout plan which clearly identifies the full extent of areas to be taken in charge.
8. A Building Life Cycle Report as per section 6.13 of Sustainable Urban Housing: Design Standards for New Apartments- Guidelines for Planning Authorities, 2018.

9. Details to address matters raised in the Transportation Planning Division's Report dated 23<sup>rd</sup> May 2019
  
10. Details to address matters raised in the Drainage Division's report dated 27<sup>th</sup> May 2019
  
11. Details of any measures required to prevent interference with aviation.

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. Fingal County Council
2. Irish Water
3. Inland Fisheries
4. Transport Infrastructure Ireland
5. National Transport Authority
6. Irish Aviation Authority
7. Dublin Airport Authority

**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 2018 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

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Joanna Kelly  
Senior Planning Inspector  
1<sup>st</sup> August 2019