



An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion
ABP-305078-19**

Strategic Housing Development

Location	Former CIE lands, Carnlough Road, Dublin 7
Planning Authority	Dublin City Council
Prospective Applicant	Seven Cabra Real Estate Ltd
Date of Consultation Meeting	September 18 th 2019
Date of Site Inspection	September 26 th 2019
Inspector	L. Dockery

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 and the documentation received from the prospective applicant, 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 subject site is located approximately 3km north-west of Dublin's city centre and c1km east of the Phoenix Park. It has a stated area of 3.89 hectares and occupies most of a piece of vacant brownfield land beside the Loop Line railway. The site has an elongated shape. Most of its eastern boundary runs along the railway, while most of its western boundary runs along the back gardens of two-storey houses on Carnlough Road.

There has been extensive deposition of soil on the site and is a ridge near to the back of the properties along Carnlough Road which rises above the levels of the adjoining gardens behind the houses. Works have commenced on site, on foot of the previous permission ABP-300492-17.

3.0 Proposed Strategic Housing Development

3.1 The development is outlined as follows:

	Permitted	Proposed
Site Area	3.89 ha	3.89 ha
No. of units	420 (density 108 units/ha)	485 (density 125 units/ha)
Other uses	3667m ² - supermarket (1719m ²); 3 x retail/café/restaurant (1076m ²) office (102m ²) community centre (442m ²) Childcare facility (328m ²)	3295m ² - supermarket (1627m ²) 2 x retail/café/restaurant (350m ²) gym (583m ²), community centre (382.2m ²), Childcare facility (352m ²)
Mix of residential units	93 x 1 bed apts (22%) 260 x 2 bed apts (62%) 66 x 3 bed apts (15%) 1 x 3 bed house	27 x studio (5.5%) 147 x 1 bed (30%) 265 x 2 bed (55%) 45 x 3 bed (9.3%)
Parking	402 car parking 484 bicycle parking	403 car parking 488 bicycle parking

4.0 National and Local Planning Policy

4.1 National

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 Section 28 Ministerial Guidelines are:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual)
- Sustainable Urban Housing: Design Standards for New Apartments (2018)
- Design Manual for Urban Roads and Streets (2013)
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009)
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018)
- Childcare Facilities, Guidelines for Planning Authorities (2001)

4.2 Local

The Dublin City Development Plan 2016-2022 is the operative County Development Plan.

The northern part of the subject site is zoned 'Objective Z1' which seeks to 'protect, provide and improve residential amenities'. Residential use is permitted under the Z1 zoning objective. The southern portion of the site is zoned Objective Z3' which seeks to 'provide for improved neighbourhood centre facilities'. Residential use is permitted under the Z3 zoning objective.

Section 16.7.2 sets a general height limit of 16m in the outer city, or 24m at rail hubs which are defined as within 500m of Luas stops.

The site is area 2 for the parking standards on Table 16.1, which allow a maximum of 1 car space per dwelling, per 100m² of floorspace in supermarkets or per 275m² of other

retail or main street uses. Table 16.2 sets a minimum standard of 1 bicycle parking space per dwelling or 150m² of retail use.

5.0 Planning History

The most recent history pertaining to this site is as follows:

ABP-300492-18:

Permission GRANTED for 420 residential units and 3667 m² of other uses on this site under SHD application process

2387/16 (PL06D.247658):

Permission GRANTED for 321 apartments and c.3259 m² of commercial floorspace on the site. It was granted by the planning authority after a third party appeal (PL29N. 247658) was withdrawn on 22nd March 2017.

6.0 Section 247 Consultation(s) with Planning Authority

6.1 It is stated that one pre-application consultation took place with the planning authority on 31/05/2019.

7.0 Submissions Received

Irish Water

Confirmation of Feasibility issued for this site for 503 no. residential units.

As stated in CoF, up to 300 no. housing units can be connected to the North Dublin Drainage System (NDDS) following a 110m network extension. No statutory or third party approvals are required for this upgrade other than a road opening licence from the local authority.

For the remaining housing units, the applicant must enter into a Project Works Services Agreement with IW to deliver studies to confirm the available capacity and to determine the full extent of any upgrades which may be required to IW wastewater

infrastructure. Any required third party consents will be determined by the outcome of the studies.

The applicant has not yet signed a Project Works Services Agreement with IW or entered into discussions with IW to progress the works.

Therefore, based on the CoF and a fully executed Project Works Services Agreement, Irish Water confirms that subject to a compliant water and wastewater layout and a valid connection agreement being put in place between Irish Water and the developer, the proposed connections to the Irish Water networks can be facilitated.

8.0 Forming of Opinion

7.0.1 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 brief detail on each of these elements hereunder.

7.1 Documentation Submitted

- 8.1.1. 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, completed application form, scaled drawings (plans, sections and elevations), photomontages, Statement of Consistency, letter of consent, Irish Water Pre-Connection Enquiry letter, Part V details, Material Contravention Statement, DMURS Statement of Consistency, Appropriate Assessment Screen Report, M & E Utilities Report, Site Specific Flood Risk Assessment, TIA, Mobility Management Plan, Construction Waste Management Plan, Archaeological Assessment and Landscape and Visual Impact Assessment.
- 8.1.2. I have considered all of the documentation submitted by the prospective applicant, relating to this case.

8.2 Planning Authority Submission

8.2.1 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 4th September 2019.

8.2.2 The planning authority's 'opinion' included the following matters: planning history, pre-planning consultations, development plan context, zoning, increase in number of residential units, unit mix, density/plot ratio/site coverage, aspect, daylight/sunlight, amendments in block layout, amendments to elevations, other issues, height, access gates, signage, opinions from other departments. Report concludes that the development is considered acceptable in principle, including heights of same, having regard to the recent development permitted on the site and national and development plan policy. However the following issues require further consideration:

- High level of single aspect residential units (48.1%) and particularly east facing, single aspect units are a concern- consider an increase in dual aspect in Block A, D and F to be appropriate at this location, having regard to the close proximity of these blocks to the railway line and the lack of other major development or design constraints associated with the site or location
- For single aspect that may remain, it must be clearly demonstrated that the residential amenity of these units will be high with compensatory and/or mitigation measures introduced into the scheme
- For all dual aspect units, would expect that the secondary aspect consists of a genuine aspect rather than a pop out window/bay window aspect/patio door onto a balcony such as Units A2.01; A3-35 are shown to include. The submitted figure of 51.9% dual aspect units may be lower if a reassessment is carried out of all genuinely dual-aspect units
- Concerns with the failure rate of the scheme (4% of rooms) with regard to meeting minimum requirements of BRE guidance for Internal Daylight. Full compliance with BRE guidelines would be expected on a site such as this, ie a large, cleared brownfield site. An increase in dual aspect apartments on site would assist in meeting this target.

- Need to animate areas of public open space
- Unclear how indoor amenity spaces are intended to function/operate- not sufficiently detailed in documentation- details relating to function and layout need clarification
- Lack of clarity in documentation with regard to allocation/division of internal spaces/rooms within Block H as 'resident amenity spaces', namely use by residents only versus use by wider community
- As per development plan Policy QH10 gated development are not supported- this development should facilitate pedestrian and cyclist permeability- access gates should be omitted and any scheme should be designed in such a way that pedestrian access be maintained from the development to Fassaugh Avenue at all times
- Points made by Transportation Division and Drainage Division should be addressed in any future application

8.2.3 I have reviewed and considered all of the documentation submitted by the planning authority relating to this case.

8.3 Consultation Meeting

8.3.1 A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 18th day of September 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.

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

- Amendments from that previously permitted under File No. ABP-300492-17
- Any other matters

8.3.3 In relation to amendments from that previously permitted under File No. ABP-300492-17, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- Details regarding alterations proposed

- Clarity as to whether this is a Build-to-Rent scheme or otherwise
- In terms of amendment to block layouts, if not Build-to-Rent scheme, highlighted possible concerns in relation to extent of resident amenity facilities proposed and rationale for same; their uses/functionality; their long-term operation, management and maintenance and the need to demonstrate that the extent of such facilities would not become an onerous burden on residents of the scheme going forward, in particular given extent of studio/one-bed units proposed. Unlikely that such concerns would arise if this were a Build-to-Rent scheme
- In terms of increase in units proposed, highlighted concerns in relation to reduction in quality of scheme, from that permitted under ABP-300492-17, in particular with regards increase in single aspect units and reduction in daylight/sunlight standards. Increased density not a concern, how it is being achieved raises issues
- Many of the single aspect units are east facing units overlooking a main railway line; queried basis of calculation for dual-aspect units- figure for single aspect units may be higher than that stated in documentation- clarity regarding same required
- BRE guidance in relation to daylight/sunlight should be largely achievable given that this is a brownfield site, with little in the way of site constraints
- Proposed scheme is marginal in terms of meeting minimum standards in relation to these matters
- Elevational treatment/finishes

8.3.4 In regards to other matters, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Matters raised in internal report of PA in relation to drainage and transportation divisions
- Matters raised in IW submission to ABP dated 10/09/2019

- Submission of all information as was previously required under ABP-300492-17

8.4 **Conclusion and Recommendation**

- 8.4.1 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.
- 8.4.2 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.
- 8.1 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.**
- 8.2 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.

9.0 **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 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:
 - (a) The prospective applicant is requested to undertake further consideration and/or justification of the documents as they relate to the extent of resident amenity facilities proposed, in light of the fact that the proposal is not being advertised as a build-to-rent scheme. This justification should include, *inter alia*, details relating their uses/functionality; their long-term operation/management and maintenance costs as they would apply on a per residential unit basis at the time of making the application, together with information to demonstrate what measures have been specifically considered by the prospective applicant to effectively manage and reduce costs for the benefit of residents, so as to ensure that the extent of these uses will not become onerous on residents of the scheme into the future. In this regard, a building life cycle report should be submitted in accordance with section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2018).
 - (b) The prospective applicant is requested to undertake further consideration and/or justification of the documents as they relate to the percentage of east facing, single aspect units overlooking a railway line and the extent of amenity being proposed to same. Drawings and/or other information, as considered

necessary, should be submitted which clearly demarcates the aspect of each unit for example, single, dual or triple aspect. The prospective applicant is also requested to address the concerns raised the pre-application consultation meeting regarding the daylight/sunlight standards being achieved, given the brownfield nature of the site and its limited constraints.

The further consideration of these issues may require an amendment to the documents and/or design proposal submitted. The prospective applicant is advised to note that the standards set out in the relevant section 28 guidelines are minimum standards and that the spirit of the guidelines is to provide for good quality urban development.

2. School Demand and Concentration Report, which identifies demand for school places likely to be generated by the proposal and the capacity of existing schools in the vicinity to cater for such demand
3. A schedule of floor areas for all proposed units
4. A detailed phasing plan for the proposed development
5. A detailed landscaping plan for the site which clearly differentiates between areas of public, communal and private open space and which details exact figures for same. Details should also include proposals for hard and soft landscaping including street furniture, where proposed, which ensures that areas of open space are accessible, usable and available for all. Pedestrian permeability through the site should be outlined. Additional cross sections, CGIs and visualisations should be included in this regard.
6. Site Specific Construction and Demolition Waste Management Plan
7. Additional details in relation to surface water management for the site, having regard to the requirements of the Drainage Division (undated report) as indicated in the Planning Authority's Opinion. Any surface water management proposals should be considered in tandem with a Flood Risk Assessment specifically relating to appropriate flood risk assessment that demonstrates the development proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk.
8. Additional details in relation to traffic and transport matters, having regard to the requirements of the Transportation Planning Division (report dated 02/09/19) as indicated in the Planning Authority's Opinion.

9. Waste Management Plan

10. Information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018, submitted as a standalone document

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. Irish Water
4. Iarnrod Eireann
5. Commission for Railway Regulation
6. HSE
7. 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.

Lorraine Dockery
Senior Planning Inspector

03rd October 2019