



An  
Bord  
Pleanála

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

**Inspector's Report on  
Recommended Opinion  
305127-19**

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**Strategic Housing Development**

Demolition of existing structures and construction of a mixed use development comprising 478 apartments, primary health care centre, pharmacy, 9 live-work unit, fitness centre, café and own door units, together with resident amenity space and ancillary site works

**Location**

Ratoath Road, Dublin 11

**Planning Authority**

Dublin City Council

**Prospective Applicant**

Ballymore RCP Development Services Limited

**Date of Consultation Meeting**

October 2<sup>nd</sup> 2019

**Date of Site Inspection**

September 26<sup>th</sup> 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, which has a stated area of circa 1.49 hectares, is located approximately 1km north of the N3 Navan Road and 1.5km northwest of Cabra village centre. The Ratoath Road and road bridge is located immediately west of the site.

2.2 The site currently contains a former printworks structure and ancillary structures for which permission has recently been permitted by the planning authority for their demolition. The site is currently in used a site compound for an adjoining development site.

2.3 The Royal Canal, 8<sup>th</sup> Lock and Irish Rail line are located to the south of the site, and O'Reilly Bridge is designated as a protected structure. A relatively newly constructed mixed use development is located to its west, with development on-going in parts. Lands to the east of the site are characterised by light industrial/enterprise development while to the north lies the parklands of Tolka Valley Park.

## 3.0 Proposed Strategic Housing Development

3.1 The proposed development comprises an application for the demolition of existing structures on site and the construction of a mixed use development, comprising five

no. blocks, ranging in height between 5 and 13 storeys over podium. The stated floor space of non-residential uses is 4,234m<sup>2</sup>. The following details are noted:

<b>Parameter</b>	<b>Site Proposal</b>
Application Site	1.49 ha
No. of Units	478 apartments
Other Uses	Primary health care centre (2453m <sup>2</sup> ) Pharmacy (181m <sup>2</sup> ) 9 live-work units (work area 637m <sup>2</sup> ) Fitness centre/café (703m <sup>2</sup> ) Own door offices (260m <sup>2</sup> )
Car Parking	420 spaces (197 basement; 208 ground level and 15 surface)
Bicycle Parking	600
Vehicular Access	Two entrances from Hamilton View
Part V	Transfer units to previously permitted building
Density	332 units/ha

3.2 The breakdown of unit types is as follows:

Unit Type	1 bed	2 bed	3 bed	
Apartment	222	247	-	469
Live-Work Units	3	6	-	9
Total	225	253	-	478
% Total	47%	53%	-	100%

#### 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)
- ‘Architectural Heritage Protection- Guidelines for Planning Authorities

- Urban Development and Building Heights, Guidelines for Planning Authorities (2018)

## 4.2 Local

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

### Zoning:

Objective Z14- Strategic Development and Regeneration Area which seeks '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'.

Residential, live-work units, buildings for the health, safety and welfare of the public, offices, restaurant/café, cultural/recreational building, open space and shop (neighbourhood) are permissible under this zoning objective.

Subject site is located with '**SDRA3: Ashtown-Pelletstown**' (Strategic Development and Regeneration Area) of the operative City Development Plan- areas identified as being 'capable of delivering significant mixed use development'

The Ashtown-Pelletstown Local Area Plan 2014 applies (extended for five year period until December 2023)

Section 3.2 sets out guiding principles for development of the Ashtown-Pelletstown area

Section 4.2.2 notes a Z6 objective relates to the 'Ormond Site' at the eastern end of the Plan area, which has attached objective 'to provide for the creation and protection of enterprises and facilitate opportunities for employment creation'.

Map 4.1 'Land Use Strategy Map' identifies a large proportion of the Ormond site is for 'mixed use' purposes.

Section 4.3.3 notes in relation to the Ormond site, that it is 'vacant for some time, this site is considered appropriate for redevelopment and integration into the future mixed use environment around the eastern node'. Section 4.3.4 continues by stating that science and technology based industry', 'enterprise centre', 'training centre' and 'cultural/recreational building' are examples of permissible uses on this large site.

Policy ED1 seeks 'to encourage employment-generating sustainable developments at the eastern and western nodes as part of mixed-use developments, benefitting from planned improvements in infrastructure and public transport. In particular, small-scale offices, business services and local level retailing will be encouraged'.

Objective ED04 aims 'to promote appropriate employment-generating uses for the vacant Ormond Printworks site, which occupies an important transitional area between established industrial lands and the emerging mixed-use environment at the eastern extremity of the LAP lands'.

Section 5.2.4 sets out the following design principles for the Ormond site, which 'seeks development with a mixed use character, reflecting the site's role on the boundary between larger land use types, with housing and commercial uses provided'. Also notes that 'as an enterprise zoned site, the long term aim is for this land to be developed for a mix of business and residential uses at medium densities, capitalising on the high level of connectivity available by the completion of Luas to Broombridge, giving this site strong accessibility by both Luas and heavy rail. As an edge zoning it is considered that the site can and should accommodate an element of mixed use, with some residential and/or live-work units provided, and also limited retail (focussed on the northern part of the site, integrating with the existing "village centre" at Royal Canal Park), incorporated into buildings rising 4-6 storeys'.

## 5.0 Planning History

The most recent, relevant history is as follows:

### Subject Site:

3568/16: Permission GRANTED to demolish for former Ormond Printworks building, associated outbuildings and water tank on this application site

Recent, relevant applications in vicinity include:

3069/14: Permission GRANTED 152 houses, 91 apartments, supermarket and ancillary site works at Pelletstown

3604/12: Permission GRANTED for 208 residential units, crèche, playing pitches and ancillary works at Pelletstown

3414/04: Permission GRANTED for 602 dwellings, office, retail, crèche, café/restaurant, public house and restaurant in 7 blocks, 19 berth canal marina and ancillary site works at Pelletstown

## 6.0 Section 247 Consultation(s) with Planning Authority

6.1 It is stated by the prospective applicant that three pre-application consultations took place with the planning authority on 21<sup>st</sup> day of February 2019, 26<sup>th</sup> day of March 2019 and 28<sup>th</sup> day of May 2019.

## 7.0 Submissions Received

### Irish Water

Irish Water has issued a Confirmation of Feasibility for this development for 479 residential units.

### *Wastewater*



As stated in CoF, up to 300 no. housing units can be connected to the North Dublin Drainage System (NDDS). 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.

### *Water*

To accommodate the development in the water network, the existing 150mm water main must be upgraded to a 200mm watermain. No statutory or third party consents will be required other than a road opening licence from the local authority.

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**

8.0.1 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.

## **7.0 Documentation Submitted**

7.1.1 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, letter of consent, Design Statement, a completed pre-connection enquiry feedback

form from Irish Water, Planning Report and Statement of Consistency, Memo on Appropriate Assessment Screening and Ecological Surveys, Architectural Drawings, Townscape and Visual Impact Assessment, Landscape Design Strategy Report, Build to Rent Report, Flood Risk Assessment, Wind Survey, Water Services Report, Archaeological Impact Assessment, Childcare Needs Assessment and Inward Noise Impact Assessment.

7.1.2 I have considered all of the documentation submitted by the prospective applicant, relating to this case.

## **7.2 Planning Authority Submission**

7.2.1 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 05<sup>th</sup> September 2019.

7.2.2 The planning authority's 'opinion' included the following matters: site description, proposed development, planning history; opinions from other departments, pre-planning consultations, policy context, zoning and site designations, comments on land use and zoning, height, scale, design, plot ratio, site coverage and density, development standards and design, mix, separation distances, private open space, residential amenity-noise impact, daylight and sunlight assessment, wind impact, resident facilities/communal facilities, active street frontage, open space, permeability, childcare facilities, community and social infrastructure, appropriate assessment and EIA.

7.2.3 Report concludes that that there are a number of issues that should be addressed in final application documentation:

- Proportion of employment/enterprise (Z6) uses to residential uses proposed within the scheme- considers that current ratio of employment/enterprise (Z6) uses not in compliance with the Z14 zoning objective attached to the subject site

- Not opposed to a scheme where the majority of space is residential in nature, however it is considered appropriate that a substantially higher proportion of non-residential/Z6 uses be provided
- Provide documentation outlining support from the HSE and/or health practitioners in relation to proposed Primary care Centre to confirm that there is an established interest/need for the facility at this location
- Recommends that proposed development be reduced in scale, massing and height- considers that proposed development has a monolithic and bulky appearance with long expanses of similar height and elevational treatment when viewed from the surrounding areas
- Subject site may be suitable for a tall building, it is considered that the provision of two gateway buildings at the northern and southern ends of the subject site would result in an overly dominant and visually obtrusive form of development
- Considered that a more gradual transition in building heights from existing developments within the immediate area would be appropriate to ensure the development does not have an overbearing appearance or significantly reduce existing levels of sunlight/skylight, most notably on dwellings in Hamilton View and Hamilton Walk to the SW of the subject site
- Recommended that proposed scheme be amended by providing further modulation of blocks, provision of setbacks at roof level and further variation in proposed materials/finishes on elevations to avoid the development having a monolithic appearance and create more visual interests in the streetscape
- Considers the proposed massing and height to be an inappropriate addition within the outer city area, largely characterised as suburban and consider that the proposed development in its current form would set a detrimental precedent for development in the area
- Considers that proposed density appears high and more akin to a high density inner city development- Poolbeg Planning Scheme has an anticipated density of up to 238uph. Applicant should clearly demonstrate that such a high density is warranted at this location and ensure that the proposed

development delivers a sufficiently high quality design in terms of residential and other amenities

- Further consideration of proposed separation distances between blocks is required- given proposed height, concerns whether proposed separation distances are sufficient to mitigate against undue levels of overlooking and overbearing impacts
- Recommended to consider providing additional non-residential uses within the blocks immediately adjoining Ratoath Road and the rail track to the south or consider providing additional setbacks with appropriate acoustic barriers to ensure residential amenity is protected
- Recommends that further daylight/sunlight assessment be undertaken of proposed apartments located within the southern portion of the development site to confirm that apartments will not be negatively impacted by taller blocks D and E located to the south
- With regards wind study, has concerns that the balconies and roof terraces and areas of courtyard will be of low amenity value- requested to address the wind impact by incorporating mitigation measures outlined within the IES Wind Study
- Further consideration is required relating to the integration between communal open space at podium level and the western plaza- greater levels of permeability required
- More extensive rationale for the live-work units should be included as part of application
- Significant area of the central courtyard located to the south between Block D and E does not receive two hours of sunlight- given its long and narrow form, PA has concerns that a significant proportion of the central courtyard will not provide for an open space of high amenity value
- Would welcome provision of a play space at primary care centre fronting northern plaza
- Points raised by Transportation Planning Division and Parks and Landscape Services Division should be addressed at application stage

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

### **7.3 Consultation Meeting**

7.3.1 A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 02<sup>nd</sup> day of October 2019, commencing at 10.00 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.

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

- Development strategy for the site to include proposal in context of zoning objective; height, scale and massing; density, layout, elevational treatments, connectivity, open space/public realm
- Residential amenity
- Transport and parking
- Drainage and flood risk
- Any other matters

7.3.3 In relation to development strategy, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- Justification for proposal submitted, in the context of local policy and also SPPR3 and section 3.2 of Urban Development and Building Heights, Guidelines for Planning Authorities (2018)
- Matters raised in PA Opinion in relation to height, scale, massing, density and elevational treatment
- Provision of higher elements on site; extent/length of Block D and desire to ensure optimal architectural/design solution for proposed development site
- Elevational treatments/expression; requirement for a high quality architectural design and finish; desire to ensure blocks are not repetitive/monolithic
- Mix of uses proposed in context of requirements of zoning objective

- Open space provision; landscaping; quality, usability and access for all
- Interface between proposed buildings and public realm

7.3.4 In relation to residential amenity, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Potential impacts of proposal on existing residential properties in vicinity, in particular those located on opposite side of Hamilton View; documentation to be submitted addressing possible issues overlooking, overshadowing, overbearing
- Internal amenity standards; separation distances; microclimatic assessment; daylight/sunlight analysis; schedule of floor areas; number of dual aspect units

7.3.5 In relation to parking and mobility management, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Car parking provision
- Other matters raised within Addendum B, Transportation Report, dated 2<sup>nd</sup> September 2019, of PA Opinion

7.3.6 In relation to drainage, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Wastewater and water matters as detailed in the report of Irish Water to An Bord Pleanála, dated 10<sup>th</sup> September 2019
- Advised to consult with Drainage Division of PA prior to lodging application

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

- Justification required for non-provision of childcare facility
- Submission of additional CGIs/visualisation/cross sections
- Waste management
- School Demand and Concentration Report
- Taking in charge/management of proposed scheme

- Building Lifecycle Report
- Taking in charge
- Phasing

## 7.4 Conclusion and Recommendation

- 7.4.1 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.
- 7.4.2 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.
- 7.4.3 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.
- 7.4.4 I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

## 8 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. Height, Scale, Massing and Density

Further consideration and/or justification of the documents as they relate to the development strategy for the site in respect of the proposed height, scale, massing and density of the proposal, having regard to its locational context. In addition to the consideration of other national policy and guidelines, particular regard should be had to demonstrating that the proposal satisfies the criteria set out in section 3.2 and SPPR3 of the Urban Development and Building Heights, Guidelines for Planning Authorities (December 2018).

In addition, further consideration and/or justification of the documents as they relate to the design and layout of the proposed development, particularly with regards to Block D, and the desire to ensure that the proposal is not visually obtrusive or overly dominant when viewed from surrounding areas. Particular regard should also be had to creating suitable visual relief in the treatment of elevations. An architectural report, urban design statement and additional CGIs/visualisations should be submitted with the application. Furthermore, the layout should address the creation of usable, amenable and high quality open spaces within the development.

The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage



## 2. Car Parking

Further consideration and/or justification of the documents as they relate to the car parking strategy for the proposed development, having particular regard to the level of parking proposed, how it is intended that it is assigned and managed and measures proposed to address shared car parking and visitor parking. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage.

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. A report that specifically addresses the proposed materials and finishes of the proposed structures including specific detailing of finishes, openings, the treatment of balconies, landscaped areas and boundary treatments. 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. The documents should also have regard to the long term management and maintenance of the proposed development, and in this regard a life cycle report in accordance with section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2018) should be submitted.
2. 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. Details relating to the materiality of the proposed interface between proposed development and adjoining lands should be also submitted. Additional cross sections, CGIs and visualisations should be included in this regard.

3. A detailed schedule of accommodation which indicates consistency with relevant standards in the 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (2018).
4. A report that addresses issues of residential amenity (both existing residents of adjoining development and future occupants). Full and complete drawings including levels and cross sections showing the relationship between the development and adjacent residential units should be submitted
5. Additional CGIs/ 3D modelling showing the proposed development relative to existing development in vicinity
6. A report which addresses potential micro-climate issues, including potential issues of down draft, together with any mitigation measures proposed, if necessary
7. Additional water and wastewater details which addresses the matters raised in the report of Irish Water, dated 10/09/2019 to An Bord Pleanála
8. School Demand and Concentration Report
9. Phasing Plan
10. Taking in Charge details
11. Waste Management details
12. Site Specific Construction and Demolition Waste Management Plan

Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

1. Irish Water
2. National Transport Authority
3. Transport Infrastructure Ireland
4. Waterways Ireland
5. Department of Culture, Heritage and the Gaeltacht

6. An Taisce-the National Trust for Ireland
7. Heritage Council
8. Dublin City Childcare Committee

**PLEASE NOTE:**

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

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Lorraine Dockery  
Senior Planning Inspector

03<sup>rd</sup> October 2019