



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-305595-19

Strategic Housing Development

125 Built -to-Rent Apartments

Location

Bonnington Hotel, Dublin 9

Planning Authority

Dublin City Council

Prospective Applicant

Roseberry Investments Ltd.

Date of Consultation Meeting

21st November 2019

Date of Site Inspection

11th November 2019

Inspector

Stephen J. O'Sullivan

1.0 Introduction

Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

2.0 Site Location and Description

2.1. The site is in a suburban area c4km north of Dublin city centre. It has a stated area of 0.59ha and consists of most of a surface car park behind and to the east of a hotel. The access to the car park from the Swords Road c200m to the west runs along the southern side of the hotel. It also provides the access to an apartment scheme that occupies the land to the east of the site. That access is gated just south of the site. The adjoining apartment scheme includes a 5 storey block whose long axis is parallel to the site boundary and c12m from it. The northern boundary of the site adjoins a former convent currently used for emergency accommodation.

3.0 Proposed Strategic Housing Development

3.1. It is proposed to build 125 apartments in two adjoining blocks. They would be built to rent. The blocks be 22m high compared to the ground level at their southern end which is the lower part of the site. The southern block would containing 6 storeys of accommodation. The northern block would have 5 storeys of residential accommodation over car parking. The scheme would contain 49 one-bedroom apartments and 76 two-bedroom units. Of the latter, 58 are proposed as 4-person apartments and 18 as 3-person apartments. Shared residential facilities of 188m² would be provided including a laundry, gym and lounge. 150 bike storage spaces would be provided at ground level. 54 car parking spaces would be provided at lower ground level beneath the northern block. Access to those spaces would be through the residual car park serving the hotel.

4.0 Planning History

- 4.1. There is no planning history for residential development on the site itself. There have been numerous planning applications relating to the hotel. The board granted permission under the SHD process for 101 homes on the adjoining site to the north on 12th July 2019, ABP-304061-19 refers.

5.0 Policy

5.1. National Policy

The government published the National Planning Framework in February 2018. Objective 3a is that 40% of new homes would be within the footprint of existing settlements. Objective 27 is to ensure the integration of safe and convenient alternatives to the car into the design of communities. Objective 33 is to prioritise the provision of new homes where they can support sustainable development at an appropriate scale.

The applicable section 28 guidelines include -

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- Design Manual for Urban Roads and Streets'
- Guidelines for Planning Authorities on Urban Development and Building Heights, 2018
- Sustainable Urban Housing: Design Standards for New Apartments (2018),
- Childcare Facilities – Guidelines for Planning Authorities

5.2. Local Policy

- 5.2.1. The site is zoned residential under objective Z1 of the Dublin City Development Plan 2016-2022. Section 16.7.2 of the plan limits building heights in this area to 16m. Policy MT22 and appendix 6 of the plan set out requirements for applications for permission to develop land over the Port Tunnel.

6.0 Forming of the Opinion

6.1. Documentation Submitted

The prospective applicant submitted extensive documentation with drawings of the proposed development and various reports including–

- A Planning Report and Statement of Consistency
- A Statement on the Material Contravention of the Development Plan
- An Architectural Design Statement
- A Daylight and Sunlight Analysis
- A Housing Quality Assessment
- An Transportation Assessment Report
- A Site Specific Flood Risk Assessment
- An EIA Screening Report
- An Appropriate Assessment Screening Report
- A Statement on the Interaction with the Port Tunnel
- A Creche and Community Facilities Audit

6.2. Statement of consistency

It was noted that the proposed development would have a perceptible impact on the natural light reaching windows at ground and first floor level the apartments at Grace Park Manor to the east of the site. The separation distance between them would be between 24m and 36m. It is considered that such impacts would be expected from the sustainable development of an inner city site in line with the National Planning Framework and the 2018 apartment design guidelines. The proposed development would be in keeping with national and regional policies in favour of sustainable development in urban locations and so is suitable for apartment development at higher density. The site would be an accessible site within the meaning of the 2018 guidelines on apartment design because it would be close to high frequency bus services along the Swords Road. The size and mix of apartments is in keeping with those guidelines, as is the provision of 41% of units with dual aspect. 2,816m² of communal amenity space would be provided which exceeds the standard of 792m²

that would be required under the guidelines. The reduced car parking level is appropriate. There will be no more than 12 units per core. The balconies are designed to avoid direct views towards Grace Park Manor to the east. The development would comply with the 2018 on building height due to the location of the site in an urban area served by public transport and the high quality of design, including pedestrian connections with lands to the north. The proposed development would comply with 2009 guidelines on sustainable residential development in urban areas and its design manual and DMURS. The proposed development would contain 76 two-bedroom apartments but would be built to let. Therefore it is not considered that a childcare facility would be required under the 2001 guidelines on that topic. The site is not a risk of flooding and is in zone C under the 2009 guidelines on flood risk, where the proposed residential development would be acceptable. Residential development would also be in keeping with the zoning of the site under the development plan. It would materially contravene the height restrictions in the plan, but this is justified by reference to the national guidelines on building height issued in 2018. In order to comply with objective MT22 in relation to the Port Tunnel, a geo-technical report has been submitted after consultation with TII. Proposals are made for the transfer of 13 apartments under Part V for social housing.

6.3. Planning Authority Submission

The provision of a financial contribution to public open space may be more suitable than its provision on site. The height would materially contravene section 16.7.2 of the development plan but this has been superseded by national guidelines. The proposed height is acceptable in this context. There is concern at the proportion of two-bedroom three-person apartments which at 14% exceeds the advice in the 2018 design guidelines that no more than 10% of apartment should be of this form. As this is a greenfield site, albeit an accessible one, it is considered that at least 50% of the apartments should have dual aspect. 32 apartments would have no windows facing within 90 of south and so would be insufficiently lit under BRE guidance. The connectivity to the Respond site to the north is welcomed but ground floor apartments would need to have their privacy protected along the pedestrian/cycle path. The proposed development would have a significant effect on the daylight and sunlight reaching windows on the neighbouring apartments at Grace Park Manor, as

described in the submitted daylight and sunlight analysis. The absence of a childcare facility needs to be justified. The requirements of TII for building over the Port Tunnel would have to be met. There would also be an impact on windows at Highfield Hospital. The Transportation Section stated concerns regarding pedestrian access and possible conflict with vehicles including refuse trucks. It also appears that some terraces and balconies would impinge upon footpaths around the scheme.

6.4. Other submissions

Irish Water stated that it had issued a confirmation of feasibility for an aparthotel on the site.

6.5. The Consultation Meeting

A section 5 consultation meeting took place at the offices of the board at 1145 on Wednesday, 21st November 2019 between representatives of the board, the planning authority and the prospective applicants about the proposed development. A record of the meeting was made and is available. The main topics discussed at the meeting were –

- i. Residential amenity for occupants and neighbours, including compliance with the requirements of the 2018 apartment design guidelines; the provision of shared facilities for residents; and the impact on the daylight and sunlight available to neighbouring apartments.
- ii. Access and parking, including the pedestrian facilities linking the proposed apartments with the QBC on the Swords Road; the footpaths around the scheme and links to the adjoining sites; the security of bicycle parking; access for service vehicles; and the potential impact from the bus and car parking that would be displaced from the site.
- iii. Any other issues

Under item no. 1) the prospective applicant stated that the layout of the building as a chevron was intended to provide visual interest to the space between it and the apartment building to the east at Grace Park Manor and more light to the proposed apartments. This resulted in bedrooms in some of the apartments being smaller than the size required for a double bedroom, hence the proposed 3-person 2-bedroom

units. The board's representatives stated that the latitude for build-to-rent schemes in relation to housing mix should not be taken as implying that the minimum floor area for two-bedroom apartments in them would actually be 63m² under section 3.6 of the 2018 apartment design guidelines. The 73m² requirement for two-bedroom apartments applies. However it was noted that in this scheme the overall floor area of the affected apartments would still be above 73m². The prospective applicant stated that the analysis of sunlight and daylight that it had carried out indicated that the levels available to the apartments on the lower level of the neighbouring apartments would be reduced from the current situation but would still be acceptable in absolute terms. The proposed building would have a greater separation distance from the boundary than the existing one on the other side. The proportion of dual aspect units was 41% which was appropriate for an accessible site. The council noted the submitted sunlight and daylight analysis. In relation to shared facilities and amenity, the prospective applicant stated that the build-to-rent model was evolving but that it considered the current proposals in that regard to be reasonable. The board's representatives stated that proposed facilities should be adaptable so that they can evolve as experience with this form of residential development grows.

Under item no. ii) the prospective applicant stated that it did not intend to erect gates around the development. There is a current application for development at the hotel which would rationalise its car parking. Surveys of the occupancy of the existing car park have been carried out which indicate that it is not intensively used. The council stated that the pedestrian environment along the link from the site to the Swords Road was hostile, with a narrow footpath on one side only. This would need to be addressed in a comprehensive way in the development of the site and the area in front of the hotel. The provision of a pedestrian link from the Grace Park Road to the Swords Road through the site would be very welcome as it would improve access to the QBC there from numerous homes. The prospective applicant stated that the proposed layout would facilitate this. The council stated that access for service and emergency vehicles should not conflict with the operation of the hotel. The board's representatives indicated that charging of electric vehicles should be facilitated and that smaller bicycle stores may be more secure

Under item no. iii) there was discussion of archaeological issues in relation to the site's former status as part of a residential institution. Remains had previously been

exhumed from unmarked graves associated with that institution. The council stated that it was possible that there was a potential for archaeology on the current site and that testing and monitoring of works upon it would be required as had been set out in its written submission. The board's representatives stated that the Department of Arts, Culture and the Gaeltacht would be consulted and that sufficient information should be submitted with any application to avoid unnecessary delays. The prospective applicant stated that it had prepared the required assessment of the possibility impact on the Port Tunnel below the site. However TII did not normally meet private developers and it may not be possible to secure its full agreement prior to the making of an application. The council referred to the appendix 6 to the city development plan. The board's representatives referred to the appeal PL29N. 247416 that had been determined on land at the Cloisters to the south of the site, where its situation over the Port Tunnel was not cited as a reason for refusal for an apartment building.

7.0 Conclusion and Recommendation

Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

I have examined all of the information and submissions before me including the documentation submitted by the prospective applicant, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the s.28 Ministerial Guidelines, and local policy, via the statutory plan for the area.

Having regard to 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.

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

8.0 Recommended Opinion

The Board refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

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

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. Transport Infrastructure Ireland
3. National Transport Authority
4. The Department of Culture, Heritage and the Gaeltacht

5. The Heritage Council

6. An Taisce

Pursuant to article 285(5)(b)(i) and (ii) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that the following specific information should be submitted with any application for permission:

1. A housing quality assessment which provides the specific information regarding the proposed apartments required by the 2018 Guidelines on Design Standards for New Apartments. The assessment and/or the statement of consistency should also explain and set how the proposed apartments comply with the various requirements of those guidelines and its specific planning policy requirements in particular those relating to build-to-rent schemes, to 3-person 2-bedroom apartments and to the privacy required for ground floor apartments and their private open space. A building lifecycle report for the proposed apartments in accordance with section 6.13 of the 2018 guidelines should also be submitted.
2. A site layout plan showing the proposed development in the context of existing, permitted and planned development on adjoining sites. The plan should also show pedestrian links through the site and towards the Swords Road. Details should be provided of the width and extent of footpaths and any gaps across junctions and parking areas, and of any proposals to address the hostile pedestrian environment between the site and the Swords Road or to facilitate links from lands along the Grace Park Road to the Swords Road.
3. An assessment of the proposed development in relation to the structural stability of the Port Tunnel in accordance with appendix 6 of the Dublin City Development Plan 2016-2022.
4. An archaeological impact assessment which has due regard to the previous institutional uses on the site and adjoining land.

5. An daylight/sunlight analysis describing the light that would be available to the apartments and open spaces in the proposed development and its impact on the light available to dwellings on adjacent sites.
6. A report demonstrating compliance with the Guidelines for Planning Authorities on Urban Development and Building Heights issued by the minister in December 2018 in accordance with SPPR3 of those guidelines
7. A Site Specific Flood Risk Assessment Report.
8. Details of proposed boundary and surface treatments throughout the development, and of landscaping and planting.
9. A draft construction management plan
10. A draft waste management plan.

PLEASE NOTE:

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

Stephen J. O'Sullivan

Planning Inspector,

5th December 2019