



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-306211-19

Strategic Housing Development	730 no. apartments, creche and associated site works.
Location	Rathborne Avenue, Pelletstown, Ashtown, Dublin 15.
Planning Authority	Dublin City Council
Prospective Applicant	Ruirside Developments Ltd.
Date of Consultation Meeting	12 th February 2020
Date of Site Inspection	30 th January 2020
Inspector	Una O'Neill

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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 subject site is located in Pelletstown, Ashtown, approximately 5.5km north-west of Dublin City Centre. Pelletstown is an extensive new outer-city mixed-use neighbourhood located between the Royal Canal and Tolka Valley Park. The site is serviced by the Maynooth/Dunboyne railway line, with a station at Ashtown (147m west of the site). A walking/cycling route exists along the tow path of the Royal Canal immediately adjoining the southern boundary of the site, which connects east to Dublin City Centre. Access to the N3 is approx. 440m south of the site and access to the M50 is approx. 2.5km to the west.
- 2.2. The appeal site, which has a stated area of 3.1 ha, is a large undeveloped site with completed development bounding the site to the east, and west, with a permitted development of housing (not yet constructed) to the immediate north of the site boundary. The Royal Canal and Irish Rail are immediately to the south. The dominant land use within the area is residential, with apartments and duplexes being the main dwelling types. To the west of the site is a cul-de-sac on the opposite side of which is a six storey apartment block. Immediately to the east is a six-seven storey apartment block. To the north, adjoining the undeveloped green field site, are three storey apartment/duplex buildings. The southern boundary along the canal towpath measures approximately 290m in width. This boundary comprises palisade fencing with some mature trees/hedgerow. There is currently no access to the canal along this boundary.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development is for the construction of a mixed use development, comprising 730 apartment in six blocks, interconnected by lower blocks on the northern site. The development ranges in height from six to twelve storeys, built over a podium/undercroft basement. The stated floor space of non-residential uses is 3206 sqm.
- 3.2. The following details as submitted by the applicant are noted:

Parameter	Site Proposal
Application Site	3.1 ha
No. of Units	730 apts
Density	236 units per hectare
Other Uses	Crèche (c.574 sqm) Retail (2,333 sqm) Café/Restaurant (299 sqm)
Public Open Space	5,400 sqm
Height	5-12 storeys
Parking	448 car spaces in undercroft and at surface level, of which 321 spaces for residential use; 97 retail; 5 crèche; 25 visitor. 790 bicycle spaces
Vehicular Access	5 accesses proposed from the northern boundary.

- 3.3. The breakdown of unit types as submitted by the applicant is as follows:

Unit Type	Studio	1 bed	2 bed	Total
Apartments	100	264	366	730
% Total	48%	45%	7%	100%

4.0 Planning History

PL29N.246373 (PA ref 3666/15) - ABP GRANTED permission for the development of 296 units (130 houses and 166 apts, reduced by condition) in buildings ranging in height from 5 to 6 storeys for the apartments (3 blocks) and 2-3 storey houses, a crèche facility, a public park and all associated site development works at the Capel Site, Pelletstown, Ashtown, Dublin 15. (Permission was sought for 142 houses and 176 apts).

5.0 Policy Context

5.1.1. Project Ireland 2040 - National Planning Framework

- National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- National Planning Objective 13: In urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
- National Policy Objective 27: Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages.
- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

5.1.2. Section 28 Ministerial Guidelines

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the following policy documents and Section 28 Ministerial Guidelines are relevant:

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) and the accompanying Urban Design Manual: A Best Practice Guide (2009)
- Sustainable Urban Housing: Design Standards for New Apartments (2018)
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018)
- Design Manual for Urban Roads and Streets (2013)
- The Planning System and Flood Risk Management (including the associated 'Technical Appendices') (2009)
- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme.

5.2. Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031

The Metropolitan Area Strategic Plan sets out a number of Guiding Principles for the sustainable development of the Dublin Metropolitan Area, including:

- Compact sustainable growth and accelerated housing delivery – To promote sustainable consolidated growth of the Metropolitan Area, including brownfield and infill development, to achieve a target to 50% of all new homes within or contiguous to the built-up area of Dublin City and suburbs, and at least 30% in other settlements. To support a steady supply of sites and to accelerate housing supply, in order to achieve higher densities in urban built up areas, supported by improved services and public transport.
- Integrated Transport and Land use – To focus growth along existing and proposed high quality public transport corridors and nodes on the expanding public transport network and to support the delivery and integration of

'BusConnects', DART expansion and LUAS extension programmes, and Metro Link, while maintaining the capacity and safety of strategic transport networks.

5.3. Local Planning Policy

5.3.1. Dublin City Development Plan 2016-2022

- Zoning Objective Z14 (Strategic Development and Regeneration Areas), where the objective is “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.”

5.3.2. Ashtown-Pelletstown LAP 2014 (extended to December 2023)

- 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'.
- Section 3.2 - guiding principles for development of the Ashtown-Pelletstown area.
- Map 4.1 - Land Use Strategy Map – Application site is identified for residential use.
- Section 4.5.4 Heights Strategy.
- Section 4.5.6 Building Design.

The following objectives, inter alia, are of note:

- **UDO2** To ensure the completion of the linear park on the Royal Canal towpath for the full extent of the LAP area, with a minimum width of 10 metres from the Canal edge to park railing and to seek an increase in future sections of park of access points to the towpath park to improve permeability and safety.
- **UD06** To require the completion of two secondary north south routes for pedestrians and cyclists that have a strong green infrastructure character, linking the Canal to the Tolka Valley Park via existing and proposed public spaces. Design and planting of these links should promote and encourage

biodiversity through careful selection of tree species and under storey both along roads and within the parks provided.

- **UDO8** To provide for three locations where building above the prevailing height can be provided; at
 - (i) the village centres at the eastern and western edge of the LAP;
 - (ii) facing the canal towpath park; and
 - (iii) the Crescent; thus providing variation and interest across the LAP area, give strong passive supervision of public spaces and provide civic identity to the village locations.
- **CHO3** To protect and enhance the character and historic fabric of the Royal Canal and Tolka Valley conservation areas as contained within the Ashtown-Pelletstown plan area and the extension of same into the environs surrounding the plan area
- **GIO1**: To complete the linear park along the Royal Canal in tandem with new development, enhancing biodiversity and ecological value, and improving amenity value for those using the towpath.

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 21st day of February 2019, 8th April 2019; and 10th June 2019. Issues were raised in relation to, inter alia, height; dual aspect design and whether corner window can be considered dual aspect; green network and central open space; animation of the canal; landscaping; cross sections required; design of retail unit; finishes and materials; management of car parking; environmental analysis including daylight/sunlight.

7.0 Submissions Received

Irish Water

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

8.0 Forming of the Opinion

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

8.2. Prospective Applicant's Case

Documentation Submitted

8.2.1. 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.

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

8.3. Planning Authority Submission

8.3.1. 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 24th January 2020.

8.3.2. Dublin City Council's opinion included a description of the site and proposed development, details of pre planning meetings, planning policy context, and an assessment of the proposed development. The content of the report is summarised as follows:

- Material Contravention Statement does not adequately address all issues, specifically the Ashtown-Pelletstown LAP.
- Concerns in relation to juxtaposition of the scale of this development with lower height and lower density houses permitted to the north.
- Height strategy proposed and its impact on residential amenity and on the surrounding area with regard to issues of wind microclimate, daylighting and sunlighting, and visual impact.

- It has not been demonstrated that the heights are appropriate when combined with the considerable bulk and mass of the development.
- Level of single aspect apartments unacceptable. Description of some of the dual aspect apartments is not accepted, with the secondary aspects questionable.
- Pedestrian and cycle permeability is in line with the LAP and is welcomed.
- Plans for the Royal Canal Greenway should be imposed on the drawings for clarity.
- Concerns raised in relation to bulk and scale of the blocks, the enclosing impacts on the permitted park, the juxtaposition with the much smaller scale blocks and houses permitted and existing in the area, and the visual impacts on the Royal Canal, which is a conservation area.
- Discrepancy between tables and text in the daylight report submitted. Note that first floor apartments are tested, but not ground floor apartments.
- No analysis on sunlighting to the apartments.
- No assessment on overshadowing or impacts on daylight to permitted development to the north.
- Wind impact on large part of the public open space.
- Lack of clarity in terms of the nature of the communal facilities proposed. These face the canal in blocks 3 and 4.
- An audit of local crèche facilities is required to assess whether the crèche provision is appropriate.
- Audit of community and social infrastructure required. An audit to ascertain shortfalls and a contribution to social infrastructure (accessible to the wider community) would be appropriate.

The report concludes that the planning authority is of the opinion that there are a number of issues that require further consideration:

1. Orientation and aspect of a number of apartments referred to as dual aspect, which are largely single aspect. It is noted that long internal corridors could be separated with genuine dual-aspect apartments.
2. Concerns regarding the daylight and sunlight available to apartments. The study submitted shows very low visible sky angles for the lower level apartments due to obstruction by neighbouring blocks; study has used generous reflectance values within the rooms; it has not been adequately demonstrated that the required minimum ADF standards are achieved in a number of apartments. No assessment of sunlight availability to the apartments has been submitted.
3. Further information is required on overshadowing to the permitted-proposed houses to the north.
4. Concerns in relation to the impacts of wind on the proposed public park, with approx. half the area unsuitable for long term sitting. Concerns in relation to degree of overshadowing of the public open space, as well as overshadowing of the communal open spaces.
5. Visual impacts, due to the bulk and scale, of concern. Blank elevations to the north a concern. Additional CGIs required from the east and west, from the canal, and images of the development when viewed from the courtyards, from either end of the park and from the proposed new road running from east to west.
6. Audit of community and social infrastructure. Scale of proposed crèche.
7. Royal Canal is a conservation area and DCC policy CH4 applies. Development must be of exceptional design quality.
8. Concern regarding large areas of render.
9. Car parking provision and management.

9.0 The Consultation Meeting

- 9.1. A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 12th February 2020, commencing at 14.15 pm. 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.

9.2. The main topics raised for discussion at the tripartite meeting were based on the Agenda that issued in advance and contained the following issues:

1. Planning policy context and Ashtown-Pelletstown Local Area Plan.
2. Development Strategy for the site, to include proposals in context of height, scale and massing; relationship with the Royal Canal; elevational treatments; public and communal open space/public realm.
3. Residential Amenity, including number of single aspect units, sunlight and daylight analysis, and microclimate factors.
4. Scale of childcare provision.
5. Transportation.
6. Surface Water Management and Flood Risk Assessment.
7. Any Other Matters.

1. In relation to planning policy context, ABP representatives sought further elaboration/discussion/consideration in relation to the Pelletstown LAP.
 - a. Policy assessment, including Ashtown-Pelletstown LAP 2014 (as extended). Where a material contravention statement is proposed to be submitted, this should comply with the relevant legislation which requires a statement, setting out the specific objectives concerned and an argument as to why permission should be granted having regard to a consideration specified in section 37(2) of the Act of 2000. Any proposed statement should include all relevant objectives, including those in the Local Area Plan.
 - b. Part VIII greenway proposal to be indicated as clearly as possible on the drawings.
2. In relation to the development strategy for the site, ABP representatives sought further elaboration/discussion/consideration of:

- a. Height, scale and massing and impact on the overall quality of the scheme including sunlight-daylight issues, overshadowing within the development as well as on existing buildings and proposed buildings; wind microclimate study.
 - b. Relationship with the Royal Canal - Aspect to the canal is important; demonstrate how the design contributes to the public realm; tenant amenity uses at the canal boundary should be active and allow for passive surveillance; entrances to the buildings from the canal should be legible and contribute to a sense of place; the design of the southern elevation/positioning of balconies should maximise upon the southern aspect for future occupants of the apartments and maximise animation to the canal.
 - c. Elevational treatment – highly visible site, quality of materials is important; requirement for a high quality architectural design and finish; consideration of repetitive approach to the design; design statement must demonstrate that the elevation design and materials used will contribute to the public realm.
 - d. Public and Communal Open Space – level differences in central park relative to adjoining buildings to be clearly indicated; demonstrate how the design has responded to microclimate and sunlight/daylight issues raised; elaboration of play strategy; ensure play areas are located appropriately; public realm finishes and boundary treatments to be clear.
3. In relation to the residential amenity, ABP representatives sought further elaboration/discussion/consideration on:
- a. Dual aspect design needs further consideration; a number of units labelled dual aspect appear to be of single aspect design; requirement is for 50% dual aspect on this site; consideration of design approach of long corridors and impact on the apartment designs.
 - b. Compensatory measures may be considered, however, concern remains in relation to the design of a number of units labelled dual aspect and the number of single aspect units across the scheme.

- c. Sunlight and daylight analysis requires further interrogation; ensure methodology is robust.
 - d. Microclimate factors – issues raised in Wind Analysis and Pedestrian Comfort in relation to central open space and some of the balconies; design options to be examined to mitigate concerns raised; documentation should be clear and legible.
 - e. Identify uses for tenant amenity spaces and consider these further in the building lifecycle report.
 - f. Access to a number of ground floor units has not been fully articulated; there are some conflicts with parking and access; need to clearly articulate on the drawings pedestrian movement and access around the scheme including on footpaths north and south of the site.
 - g. Need to be clear on how separating commercial operation and residential use and impact of commercial use on residential amenity.
8. In relation to childcare provision, ABP representatives sought further elaboration/discussion/consideration of:
- a. Scale of childcare provision.
 - b. Requirement for a robust childcare assessment.
9. In relation to transportation, ABP representatives sought further elaboration/discussion/consideration:
- a. Comments from DCC to be addressed, including in relation to loading bay, pedestrian movements, management of parking spaces.
10. In relation to surface water management and flood risk, ABP representatives sought further elaboration/discussion/consideration:
- a. Comments from DCC to be addressed, including in relation to SuDS.
11. In relation to Any Other Matters, ABP representatives sought further elaboration/discussion/consideration of:
- a. Issues around school demand and community facilities; Building Lifecycle Report; additional CGI's and visualisations; phasing plan.

- b. Consistency of documentation submitted.
- c. Schedule of accommodation and floor plans.
- d. Ground levels and what boundary if any to the Royal Canal.

10.0 Conclusion and Recommendation

- 10.1. 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.
- 10.2. 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 s.28 Ministerial Guidelines, and local policy, via the statutory plan for the area.
- 10.3. 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.
- 10.4. 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.

11.0 Recommended Opinion

- 11.1. 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.

11.2. 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 requires further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**

11.3. 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. Design and Layout:

- a. Further consideration of the impact of the massing and scale on the amenities of existing and future residents, specifically sunlight-daylight analysis, overshadowing within the development as well as on existing buildings and proposed buildings, and wind microclimate analysis.
- b. Interface of the development with the Royal Canal in terms of design and activity.
- c. Quality of the central public open space.
- d. Dual aspect design of the apartments, including clarification as to what apartments are being classified as dual aspect and justification for number of dual aspect apartments being proposed, having regard to Sustainable Urban Housing: Design Standards for New Apartments (2018), specifically SPPR4.

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

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

1. Details of the proposed materials and finishes to the scheme including the treatment of balconies, landscaped areas, podium design, pathways, and all 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.
2. Detailed drawings, cross-sections, elevations and additional CGIs of the site to demonstrate that the development provides an appropriate interface with the adjoining streets and the towpath and provides for a quality public realm.
3. A detailed schedule of accommodation which shall indicate compliance with relevant standards in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' 2018, including its specific planning policy requirements.
4. A building life cycle report shall be submitted in accordance with section 6.3 of the Sustainable Urban housing: Design Standards for New Apartments (2018). The report should have regard to the long term management and maintenance of the proposed development.
5. Daylight/sunlight analysis.
6. Microclimate wind study.
7. Community Audit, including Childcare Demand Analysis.
8. Response to issues raised in reports from Transportation and Engineering Division in Addendum B of the PA Opinion dated 21st January 2020.
9. Response to Parks issues raised in report from DCC Parks and Landscape Services, dated January 21st 2020.
10. Where the applicant considers that the proposed strategic housing development would materially contravene the relevant development plan or

local area plan, other than in relation to the zoning of the land, a statement indicating the plan objective (s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format.

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. Waterways Ireland
5. Department of Culture, Heritage and the Gaeltacht
6. Coras Iompair Eireann
7. Commission for Railway Regulation
8. Relevant 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.

Una O'Neill
Senior Planning Inspector

18th February 2020