



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-306540-20

Strategic Housing Development

Amendments to previously permitted development Reg. Ref. 3665/15 (PL29N.246124) as amended by Reg. Ref.s 4267/17, 2133/18 and 4306/18. Construction of 233 no. apartments, crèche and associated site works.

Location

Daneswell Place, Former Printworks/Smurfit Site, Botanic Road, Glasnevin, Dublin 9.

Planning Authority

Dublin City Council North

Prospective Applicant

Scanron Limited

Date of Consultation Meeting

19th March 2020

Date of Site Inspection

9th March 2020

Inspector

Erika Casey

1.0 Introduction

- 1.1 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 located on Botanic Road, Glasnevin, 3 km north of the city centre in a predominantly mature residential conservation area between Botanic Road and Drumcondra Road. The site is a former industrial premises (Print Works / Smurfit) with a stated area of 1.08 ha. It forms part of a larger landholding in the applicant's ownership. On the remainder of the lands, 24 houses have been constructed and are substantially complete. A further 11 houses are under construction. A temporary street from Botanic Road (R108) provides an access to the site and houses. There are mounds of spoil and other building waste on the site.
- 2.2 The site fronts onto Botanic Road near the neighbourhood corner known as Hart's Corner where it merges with the R135 Finglas Road. Both these roads are major arterial routes into the city and there is a bus and cycle lane along Botanic Road. There are residential properties and a hotel to the immediate east on Iona Park. To the south of the site, are the rear lane / garages and / or gardens serving houses along Iona Road. The gable sides of nos. 31 and 31A Botanic Road overlook the site from the south. There are 2 storey houses on the opposite side of Botanic Road. The houses in the area date for the most part from the Edwardian era and are typically 2 storey red-brick houses. House styles also include the more decorative Art Nouveau and Arts and Crafts features. Together these styles and scale contribute to the character of this residential conservation area. The adjoining former Players Factory, including its granite façade, railings, gate, piers, plinth walls and red brick chimneystack are listed as a protected structure under the Dublin City Development Plan (RPS ref. no. 855). The complex is now in community / commercial use.

2.3 Vehicular access to the site is from Botanic Avenue, directly opposite the junction of merging traffic from the R135. The original structures at the site have been demolished and development. The site and has been filled and levelled and is, therefore, elevated above surrounding properties, particularly at the north east.

3.0 **Proposed Strategic Housing Development**

3.1 The proposed development comprises an amendment to a mixed residential development permitted under Reg. Ref. 3665/15 (ABP Ref.: PLN.246124) as amended by Reg. Ref.s 4267/17, 2133/18 and 4306/18. To date, 24 no. dwellings have been constructed on the site and a further 11 no. units are under construction. The proposed development is in lieu of the remaining 84 permitted residential units granted under the parent permission as amended.

3.2 It is noted that permission was previously refused on the site under application reference PL29N.303875 in June 2019. The current application seeks to overcome the previous reasons of refusal. The application seeks to address concerns raised relating to the ground floor level uplift of blocks B and E, the presentation of the southern elevation of blocks B to E at ground floor level, usability of open space and height and massing. The key amendments to the scheme are as follows:

- Reduction in the height of Blocks C and D from 9 to 7 storeys.
- Omission of roof terrace to Block B.
- Reduction in height of Block B by 1 storey from 7 to 6 storeys.
- Reduction in the podium and GF levels by c. 1.5 metres and will be on grade with the adjacent road within the Daneswell development resulting in an overall height reduction of 6.2m.
- Building mass reduced by removal of the majority of winter gardens and reduction of building so that it 4 metres from the shared northern boundary.
- Removal of rounded corners and the introduction of a pedestrian route through Block A to improve permeability.
- The scale of the overall development reduced by c. 20%.

3.3 The development will provide for the construction of a residential scheme with 233 apartments comprising 89 no. 1 bed units, 130 no. 2 bed units and 14 no. 3 bed units

in 5 blocks ranging in height from 3 to 7 storeys.

3.4 The development also accommodates resident amenity spaces of 835 sq. metres at basement level including a gym, swimming pool, cinema and flexi space, a crèche with a floor area of 197 sq. metres, café of 234 sq. metres and medical consulting unit with an area of 119 sq. metres.

3.5 The principal vehicular access to the development will be from Botanic Road. The development includes 149 car parking spaces (140 no. at basement level and 9 surface spaces at ground level). The development also includes motorcycle and bicycle spaces, bin storage, boundary treatments, hard and soft landscaping, lighting, plant, ESB substations and all other associated site works.

3.6 The breakdown of apartments is as follows:

Unit Type	No.	%
1 bed	89	38
2 bed	130	56
3 bed	14	6
Total	233	100

3.7 The key parameters of the scheme are as follows:

Parameter	
No. of Apartments	233
Site Area	Red Line: 1.08 ha Entire Site 2.02 ha
Density	Red Line Site: 216 units per ha Entire Site: 133 units per ha
Plot Ratio	Red Line Site: 2.14 Entire Site: 1.5

Site Coverage	Red Line Site: 35% Entire Site: 34%
Heights	3 to 7 storeys
Dual Aspect	48%
Public Open Space	3,596 sq. metres (33.4%)
Communal Open Space	2,266 sq. metres
Childcare	197 sq. metres (62 spaces)
Cafe	234 sq. metres
Medical Consulting	119 sq. metres
Residents Amenities (gym, swimming pool, cinema and flexi space)	835 sq. metres
Car Parking	149 spaces
Bike Parking	594 spaces
Part V	26 units on site

3.8 The building heights of the development can be summarised as follows:

Block	No. of Storeys	Max. Height
Block A	3 to 5	15.6m
Block B	5 to 6	18.2m
Block C	6 to 7	21.1m
Block D	6 to 7	21.1m
Block E	5 to 6	18.2m

4.0 Planning History

4.1 There have been a number of previous applications relating to the site, the most relevant of which are set out below:

Planning Application Reference 3665/15 and ABP Ref. PL29N.246124

4.2 Permission granted in August 2016 for a residential scheme comprising 131 no. residential units (43 houses and 88 apartments in 4 blocks), café and childcare facility at the development site, with access to Botanic Road. Condition no. 2 of PL29N.246124 required the following amendments:

(a) Block D (duplex units nos. 120 to 131 inclusive) together with the road fronting this shall be omitted from the proposal. Units nos. 36 to 43 inclusive (including their rear garden boundaries) shall be moved 2m to the west.

(b) Houses nos. 31 to 35 inclusive shall be moved 2m to the west, thereby providing longer rear gardens to these units.

(c) The space thus released shall be incorporated into the public open space provision of the scheme.

Planning Application Reference 4267/17

4.3 Permission granted by Dublin City Council in January 2018 to amend the development permitted under PL29N.246124, to consist of amendments to permitted dwelling houses nos. 1 to 19 along the southern boundary of the site, with a change to permitted House Type T2 to provide for 4 no. 4-bed, 3-storey terrace units (c. 186 sq. m. GFA, an increase of 23 sq. m. each) and to House Type T3 to provide for 15 no. 5-bed, 3 storey terrace units (c.187.3 sq. m. GFA, an increase of 24.3 sq. m. each); revisions to the overall height, layout and elevations of the structures; re-organisation of allocated surface car parking within this portion of the site resulting in the provision of 1 no. additional space from that permitted. Permission also granted for modifications to the boundary treatments and all other associated site excavation and site development works above and below ground.

Planning Application Reference 2133/18

4.4 Permission granted in March 2017 by Dublin City Council to amend the development permitted under PL29N.246124 to consist of amendments to permitted house nos.

20 to 35 along the southern and eastern boundary of the site, with a change to permitted House Type T1 to provide for 16 no. 5-bed, 3 storey terrace units (c. 235.1 sq. m GFA, an increase of 23.2 sq. m. each); revisions to layouts and elevations; no change to allocated surface car parking within this portion of the site; modifications to the boundary treatments and all other associated site excavation and site development works above and below ground.

Planning Application Reference 4306/18

- 4.5 Subsequent modification of the permitted residential development (ABP PL29N.246124; Dublin City Council Reg. Ref. 3665/15 (as modified by DCC Reg. Refs. 4267/17 and 2133/18)) granted by Dublin City Council in February 2019, for change of permitted house type nos. 25-35 inclusive from 5 bed three storey terraced units to 5 bed three storey semi-detached units; resulting in a reduction from 11 no. to 10 no. units, each comprising c. 235 sq. m. (same area as permitted under Reg. Ref 2133/18).

Planning Application Reference 3609/19

- 4.6 Permission refused by Dublin City Council in September 2019 for a development comprising of amendments to the permitted residential development to include the change of permitted house no.s 25-35 from 11 no. 3 storey terrace units to 28 no. 3 storey apartments and a nominal increase in the overall height of the units, reposition of the blocks and minor changes to elevation. The development also included the provision of 788 sq. metres of communal open space (in lieu of the previously permitted private open space to dwellings) and an increase in the quantum of car parking from 11 no. spaces to 20 no. spaces.
- 4.7 The reason for refusal related to the poor quality of communal amenity space, the non provision of adequate private amenity space, substandard internal storage, poor quality of bedroom accommodation and intense level of surface level car parking. It was considered the development would provide for a seriously substandard level of residential amenity for future occupants of the development and would seriously injure the residential amenities of property in the vicinity and set an undesirable precedent.

ABP Ref. PL29N.303875 Strategic Housing Development

4.8 Permission was refused by the Board in June 2019 for a Strategic Housing Development on the site comprising 299 residential units, childcare facility, café, medical consultant unit, communal amenity spaces and 171 car parking spaces arranged in five no. blocks (A to E) ranging in height from 5 to 9 storeys over basement level. The reason for refusal stated:

“The proposed development is located close to architecturally sensitive areas and close to buildings and streetscape elements associated with the former Players site (Record of Protected Structures reference 855) listed in the Record of Protected Structures of the Dublin City Development Plan 2016-2022. It is considered that the proposed design strategy as it relates to the design, scale and massing of apartment buildings B, C, D and E proposed proximate to the adjacent site to the north and the location of Block A, in close proximity to the newly constructed houses to the east, does not provide the optimal design solution having regard to the site’s locational context and would, therefore, be contrary to the Urban Development and Building Heights, Guidelines for Planning Authorities, published by the Department of Housing, Planning and Local Government in December 2018. The applicant has not satisfactorily demonstrated that the proposed development would successfully integrate into or enhance the character and public realm of the area, having regard to the topography of the site and the proximity of domestic scale residential development.

At the scale of the city and given the topographical and architecturally sensitive constraints in and around the site, the proposed development would not successfully integrate with existing development in the vicinity and would, therefore, be contrary to the Ministerial Guidelines and would be, therefore, contrary to the proper planning and sustainable development of the area.”

5.0 National and Local Planning Policy

5.1 National Policy

National Planning Framework

5.1.1 The NPF includes a Chapter, No. 6 entitled ‘People, Homes and Communities’. It sets out that place is intrinsic to achieving good quality of life. A number of key policy

objectives are noted as follows:

- National Policy Objective 33 seeks to *“prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location”*.
- National Policy Objective 35 seeks *“to increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights”*.
- National Planning Objective 13 provides that *“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”*.

5.2 Section 28 Ministerial Guidelines

5.2.1 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’) 2009.
- ‘Design Standards for New Apartments – Guidelines for Planning Authorities’, as updated March 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.
- ‘Urban Development and Building Heights – Guidelines for Planning Authorities’, 2018.
- ‘Architectural Heritage Protection Guidelines for Planning Authorities’, 2011.

- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands (1999).

5.3 Dublin City Development Plan 2016-2022

5.3.1 The subject site is located in the administrative area of Dublin City Council and the operative Development Plan is the Dublin City Development Plan 2016-2022.

5.3.2 The site is zoned objective 'Z1 – *To protect, provide and improve residential amenities.*'

5.3.3 Section 11.1.5.3 of the Plan sets out policies regarding protected structures. The site is located to the south of RPS reference number 855 Former Player's factory: granite facade, including railings, gate, piers, plinth walls and red brick chimneystack. Section 11.1.5.6 Conservation Area is also relevant.

5.3.4 Relevant policies and objectives of the plan include:

QH7: *To promote residential development at sustainable urban densities throughout the city in accordance with the core strategy, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.*

QH8: *To promote the sustainable development of vacant or under-utilised infill sites and to favourably consider higher density proposals which respect the design of the surrounding development and the character of the area.*

CHC2: *To ensure that the special interest of protected structures is protected.*

SC14: *To promote a variety of housing and apartment types which will create a distinctive sense of place in particular areas and neighbourhoods including coherent streets and open spaces.*

SC25: *To promote development which incorporates exemplary standards of high-quality, sustainable and inclusive urban design, urban form and architecture befitting the city's environment and heritage and its diverse range of locally distinctive neighbourhoods, such that they positively contribute to the city's built and natural environments. This relates to the design quality of general development across the city, with the aim of achieving excellence in the ordinary, and which includes the creation of new landmarks and public spaces where appropriate.*

5.3.5 Chapter 16 development standards. The following are noted in particular:

- 16.3.3: 10% public open space requirement for all residential schemes.
- 16.4 density standards: No maximum density. Target of 100 units / ha in the Housing Strategy (appendix 2 of the plan).
- 16.5 plot ratio: Permissible plot ratio for Z1 outer city is 0.5 – 2.0.
- 16.6 site coverage: Z1 indicative site coverage 45%-60%.

5.3.6 Section 16.7 of the plan sets out guidance regarding building height. The site is not located in an area designated as suitable for taller buildings, e.g. an LAP, SDZ or SDRA, therefore, the 'low rise' category applies. A height limit of 16m applies for residential development in the outer city. The plan states the following in relation to Phibsborough:

“Phibsborough will remain a low rise area with the exception of allowing for (i) up to a max of 19 m in the centre of the Smurfit site and immediately adjoining the proposed railway station at Cross Guns Bridge; and (ii) the addition of one additional storey of 4 m will be considered in relation to any proposals to reclad the existing ‘tower’ at the Phibsborough Shopping Centre.”

5.3.7 Development plan map J strategic transport and parking areas details that the majority of the site is located within parking Area 2 with the western portion of the site in Area 3. Table 16.1 car parking standards requires the following for Area 2:

- 1 space / dwelling
- 1 space / 300 sq. m. GFA office space
- 1 space / 150 sq. m. café seating area
- No standard for childcare facility or gym uses

5.3.8 Table 16.2 sets out cycle parking standards for Area 2:

- 1 per residential unit all zones
- 1 space / 150 sq. m. shops and main street financial offices
- 1 space / 150 sq. m. café

Phibsborough LAP (not adopted)

5.3.9 The development site was identified as a key development site in both the Phibsborough-Mountjoy LAP 2008 and the draft Phibsborough LAP 2015 (not adopted). Both LAPs set out to provide a Local Site Framework Strategy for the Printworks / Smurfit site, which encompasses the development site and the neighbouring site to the north. It was envisaged that both sites would be developed to form *“a high quality residential enclave within the context of the established residential area.”* The 2008 LAP provided for local retail and community facilities with the Z10 zoning within the Dublin City Development Plan 2011-2017, an objective to facilitate mixed use development. This was subsequently revised to a Z1 zoning in the 2016 Development Plan. Both Framework Strategies included indicative urban form guidance with the 2008 LAP providing an indicative masterplan. The masterplan proposed that a pedestrian and cycle route pass through the sites to link Botanic Road with Iona Crescent. The protected structure in particular the chimney stack would form a focal point along this route and it was identified that a quality public space adjacent to the chimney should be provided to further enhance it as a neighbourhood landmark.

5.3.10 The draft 2015 LAP states that although the overall Printworks / Smurfit site is divided into two halves an integrated approach will be expected of any development on one half of the site, particularly in relation to street design and ability to connect the southern half of the site to Iona Crescent. The focus should be on enhancing permeability and creating an attractive public realm. The draft 2015 LAP further states that parking for apartments should be provided at basement level to create an attractive pedestrian environment.

6.0 Forming of the Opinion

6.1 Introduction

6.1.1 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 a brief detail on each of these elements hereunder.

6.2 Documentation Submitted

6.2.1 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. This information included, inter alia, the following:

Application Form, Cover Letter, Planning Report, Statement of Consistency, Environmental Report, Material Contravention Statement, Social and Community Infrastructure Audit, Architectural Drawings, Architects Design Statement, Operational Waste Management Plan, Outline Construction Management Plan, Building Lifecycle Report, Part V Costings, Architectural Heritage Impact Assessment, Archaeological Impact Assessment, Landscape Drawings, landscape Report, Traffic and Transport Assessment, Pedestrian Wind Mitigation Study, Arboricultural Assessment, Energy and Sustainability Report, Engineering Services Report, Drainage Drawings, Flood Risk Assessment, Estate and Common Area Strategy Report, Outdoor Lighting Report, Lighting Drawing, Daylight and Sunlight Analysis, Photomontages, CGI's, Appropriate Assessment Screening.

6.2.2 Section 5(5)(b) of the Act of 2016 requires the submission of a statement that, in the prospective applicant's opinion, the proposal is consistent with both the relevant objectives of the development plan or local area plan concerned, and the relevant guidelines issued by the Minister under section 28 of the Act of 2000. This statement has been submitted, as required. Key points from this statement can be summarised as follows:

- The development is in accordance with the NPF and in particular the objectives to promote compact growth. The site is brownfield in character and adjacent to good public transport accessibility. The NPF outlines that a preferred approach is development that focuses on re-using previously developed brownfield land and building up infill sites.
- The development is considered in accordance with the Building Height Guidelines. The layout, design and scale of the development is considered an appropriate design response to the site characteristics and its location. It strikes a balance between respecting the surrounding environment and ensuring the development potential of a significantly scaled, strategically positioned and

underutilised plot is maximised.

- In accordance with the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, the subject site is considered to be located in a central and accessible location. The development complies with all the SPPR's set out in the guidelines. 48% of the units are dual aspect. There are a maximum of 12 units per core.
- The scheme has been designed to accord with the 12 principles set out in the Urban Design Manual. The internal layout design has been informed by DMURS.
- A Flood Risk Assessment in accordance with the guidelines has been submitted. The site is located on Flood Zone C.
- In accordance with the Childcare Guidelines, the development provides a crèche facility.
- The development is consistent with the Z1 zoning objective for the site.
- The heights exceeds those set out in the City Plan and a material Contravention Statement is submitted.

6.2.3 I have reviewed and considered all of the above-mentioned documents and drawings.

6.3 Planning Authority Submission

Dublin City Council

6.3.1 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 copy of their section 247 consultations with the prospective applicant and also their opinion in relation to the proposal. These were received by An Bord Pleanála on the 26th of February 2020. The Planning Authority's 'opinion' included the following matters.

Zoning

- The PA considers that the proposed development is generally consistent with the Z1 zoning objective.

Building Height, Scale and Design

- The PA considered the site may be an appropriate location for tall buildings. The PA acknowledge the amendments which have been incorporated. It is considered that the reduced heights of Block B and E are positive and allow the building better assimilate into the area. Notwithstanding, the PA has some ongoing serious concerns.
- The omission of setback, rounded ends at the upper levels has a negative impact on the appearance of the blocks, particularly Block A as the public face of the development. It now appears as a more imposing and stark addition to the street. Further consideration should be given to the design of upper floor of each block.
- The incorporation of suspended sections at the south and north ends of Blocks B and E is not supported, particularly for Block B which overhangs the pedestrian pavement at the southern end of the block. The addition of these elements creates an unwelcome, enclosed spaces in a very prominent location within the site.
- Materials proposed are generally acceptable. The PA request that details of the proposed materials should be required as part of the application.

Housing Density, Plot Ratio and Site Coverage

- DCC promotes sustainable densities, particularly along public transport corridors. DCC notes the proximity of the development site to public transport and also the proximity of the site with regard to walking distances to social facilities and major employment zones.

Internal Layout

- Storage facilities are not provided for units 338 to 352.
- It is noted that the majority of the units achieve recommended targets set out within Site Layout Planning for Daylight and Sunlight. However, a number of units within Blocks B, C, and D are identified as falling significantly below recommended ADF targets for living areas. Further consideration should be given to the proposed layout to ensure all units achieve target levels. The scope of the Daylight and Sunlight Analysis Report should be broadened to include additional floors across all blocks. Note anomalies in drawings

contained in Daylight and Sunlight Analysis.

- The PA consider the unit mix acceptable.
- There are concerns regarding the recessed nature of the entrance to Blocks C, D and E. The entrances appear to be below projecting balconies, which may give rise to drainage nuisances in the future, taking into consideration the requirement for balconies to be free draining. It is suggested that the primary entrance points into apartment blocks should be revised, to provide projected glazed feature elements, or similar, to allow for their visibility, safety and comfort of future residents.

Photomontages

- It is recommended that the applicant be requested to provide an additional photomontage image of the proposed development, as viewed from Iona Road, between no. 23 Botanic Road and 1 Iona Road.

Amenity and Private Open Spaces

- A number of apartments contain abutting balconies. It is not clear what screening arrangements are proposed between such balconies to ensure privacy for adjoining occupiers. All ground floor private amenity space should be clearly separated from adjoining communal open space by vegetation buffer screening.

Public Open Space

- Notes that a number of areas should be omitted from the calculation of public open space as they do not provide any real opportunities for active and passive recreational uses.
- The PA is of the opinion that whilst there is merit in providing an open space particularly in the area south of the protected structure, as a means of facilitating a connection to the adjoining site to the north in the future, public open space should be provided as a single usable and manageable space for such purposes.
- Clarification should be provided on how wind mitigation measures can be incorporated to ensure that the practical usability of open spaces is not undermined.

- The PA requests that clarification of public open space arrangements should be provided, which ensure that public open space functions as such, and this will remain the case in perpetuity.
- The PA seeks clarification of the practical workings of the gym, swimming pool, cinema etc. to ensure they would not be operated as separate commercial businesses.

Childcare/Community and Social Infrastructure

- Clarification should be provided in relation to the level of childcare which can be provided within the proposed crèche facility and how this is an appropriate provision, in the context of existing demand patterns in the area.
- The PA requests an updated Community and Social Infrastructure Audit should be provided, which analyses and justifies existing demand and provision of such facilities, in the context of the proposed development.

Protected Structure

- It is considered that Block A is unsympathetic and stark in its relationship with the protected structure. The omission of set back, rounded ends at the upper levels has a significant negative impact on the appearance of this Block in particular.

Archaeology

- The PA recommends that prior to commencement of development that the applicant shall facilitate the archaeological appraisal of the site.

Transportation Planning Division

- The division has no objection to the quantum of car parking proposed. Clear car parking management strategy should be provided.
- Note discrepancies in cycle parking details.
- TII have confirmed that the proposal would not impede their ability to construct the Metrolink tunnel, Glasnevin Station and associated works in the future. The proposal has been designed to ensure that the emerging Bus Connects proposal is not compromised.

Parks and Landscape Services

- The proposed provision of public open space is unsatisfactory. A single unit of public open space should be provided to the full 10% and it is considered that this could be achieved by removal of either Block E or Block A.
- The removal of an existing well developed tree belt is undesirable and indicates poor sustainable design.

Drainage Division

- The development shall incorporate SuDS in the management of surface water and a comprehensive SUDS masterplan layout shall be submitted.
- Further details are required on where attenuation storage for the 1% AEP rainfall event and 20% Climate Change allowance with a restricted discharge for 2l/s for the proposed development will be located.

Conservation Department

- Recognises the excellent potential of the site to provide residential accommodation and supportive in principal of a development that may include taller apartment buildings.
- The form, massing, articulation and materiality of any new development must be of the highest quality and should respect the surrounding context and provide pleasant external shared garden areas between the new residences.
- Whilst the reduction of height of the inner blocks is acknowledged, the buildings still present a significant mass within the context of the surrounding three storey and two storey 19th and 20th century houses.
- The proposed incorporation of the existing 20th century 'Festival of Britain' style railing and plinth on the western boundary to Botanic Road is welcomed. The reinstatement of good quality indigenous trees along the front of Block A will play an important role in maintaining the existing character of the streetscape and in softening the impact of the new development within the receiving environment.
- Of the opinion that the proposals still present as a very repetitive and 'flat' enclosure to the buildings. The essentially box-like form of the blocks is not sufficiently alleviated by the substantial metal clad form at roof level. The lack of variation in the size of window openings contributes to this impression, and it is

suggested that a window system which does not emphasise opening sections would be preferable to that indicated.

6.4 Prescribed Bodies

Irish Water (05.03.2020)

- The proposed development, as assessed for the Confirmation of Feasibility, is a standard connection, requiring no network or treatment plant upgrades for water or wastewater by either the customer or Irish Water. No third party consents are required for this connection to take place.
- In respect of water, Irish Water cannot guarantee a flow rate to meet the fire flow requirements. In order to guarantee a flow to meet Fire Authority requirements the applicant may be required to provide adequate fire storage capacity within the development.
- In respect of wastewater, the development has to incorporate Sustainable Drainage Systems/Attenuation in the management of stormwater and reduce surface water inflow into the combine sewer. Maximum storm flow release from the total Daneswell Place Development site should be 4 l/s. Full details of these have to be agreed with Dublin City Council Drainage Division.
- Therefore, based upon the Confirmation of Feasibility issued by Irish Water, Irish Water confirms that subject to compliant water and wastewater layout and a valid connection agreement being put in place between Irish Water and the developer, the proposed connection(s) to the Irish Water network(s) can be facilitated.

6.5 Consultation Meeting

6.5.1 A section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 19th March 2020. 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.

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

1. **Design Strategy** with particular regard to measures to overcome previous reasons for refusal; height, scale and massing of blocks particularly Block A;

finishes and materials and open space/landscaping strategy.

2. **Residential Amenity**

3. **Any Other Matters**

6.5.3 In relation to **Design Strategy** for the site: An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- The planning history of the site and how previous reasons for refusal particularly in relation to the scale, mass and design of the development had been overcome.
- The concerns of the PA regarding the design approach and in particular the revised design of Block A and the omission of set back and rounded ends at the upper levels.
- The appropriateness of the design and treatment of the upper floors of all blocks.
- The elevational treatment of the blocks, materiality and articulation of facades and detail of fenestration. The PA Conservation Officer highlighted that there should be a further review of these issues.
- Quality of finishes and materials.
- The concerns of the PA regarding the incorporation of suspended floor elements and the implication of this design element on the quality of the public realm.
- The quality of the proposed open spaces and public realm particularly in terms of wind tunnel effects and the standard of amenity.
- Treatment of entrances to blocks C, D and E.
- Detailed design of balconies.
- Connections to boundaries and works to public realm on Botanic Road. Suggested that these works be included within the red line boundary.
- Location of substations and the need to consider an alternative strategy.

6.5.4 In relation to **Residential Amenity** for the site: An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- The sunlight and daylight assessment and residential amenity of the apartments.

- Housing quality assessment.

6.5.5 In relation to **Other Matters**: An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- That there should be consistency between all documents/information submitted with any application.
- Management of resident amenity facilities.
- Social and community infrastructure and the impact of the development on same.

7.0 **Conclusion and Recommendation**

7.1 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.

7.2 Having regard to all of the above, I recommend that **further consideration and/or possible amendment of the documents** submitted are required at application stage in respect of the following elements:

- Design strategy.
- Residential amenity.

details of which are set out in the Recommended Opinion below.

7.3 Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **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 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**

8.1 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.

8.2 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.

8.3 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 Strategy

Further consideration and/or justification of the documents as they relate to:

- The design response of Block A fronting onto the Botanic Road particularly in the context of the location of this block adjacent to a protected structure.
Further justification is required to demonstrate that the architectural approach is the optimal solution for the site particularly in terms of the scale, massing and treatment of the upper floors of this block.
- Further justification is required to demonstrate that the elevational treatment of all blocks is of the highest quality with appropriate articulation, materiality and patterns of fenestration.
- The quality of the proposed open spaces and public realm particularly in terms of wind tunnel effects and the standard of amenity. It should be demonstrated

how appropriate mitigation measures can be incorporated in the landscape strategy to ensure that appropriate sitting conditions are provided for within public and communal open spaces and that these spaces are functional and usable.

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

2. Residential Amenity

Further consideration and/or justification of the documents as they relate to:

1. The internal amenity of apartments in terms of sunlight and daylight penetration. A full Daylight/Sunlight analysis, showing an acceptable level of residential amenity for future occupiers of the proposed development should be provided.

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

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

1. Photomontages, cross sections, visual impact analysis, shadow analysis and landscaping details to indicate potential visual impacts on the adjoining residential conservation area and on the setting of the adjacent protected structure, to include views from the wider area including Iona Road and Botanic Road.
2. A report that specifically addresses the proposed materials and finishes of the proposed structures including specific detailing of finishes and frontages including the maintenance of same. 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 overall development. The documents should also have regard to the long term management and maintenance of the proposed development.

3. Landscaping proposals including an overall landscaping masterplan for the development site. Details pertaining to the quantity, type and location of all proposed hard and soft landscaping including details of play equipment, street furniture including public lighting and boundary treatments should be submitted. The plan should provide full clarity regarding the areas of private, semi-private and public open space and should indicate clearly how the interface between the curtilage of private and public open space is defined. Where apartment units front onto public open space/terraces, appropriate screening and planting should be provided.
4. Housing Quality Assessment which provides the details regarding the proposed apartments set out in the schedule of accommodation, as well as the calculations and tables required to demonstrate the compliance of those details with the various requirements of the 2018 Guidelines on Design Standards for New Apartments including its specific planning policy requirements.

8.5 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. The Minister for Culture, Heritage and the Gaeltacht
2. The Heritage Council
3. An Taisce
4. An Chomhairle Ealaíon
5. Fáilte Ireland
6. Irish Water
7. Transport Infrastructure Ireland
8. National Transport Authority
9. Dublin City Childcare Committee

PLEASE NOTE:

- 8.6 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.

Erika Casey

Senior Planning Inspector

March 2020