



An
Bord
Pleanála

**S. 6(7) of Planning and
Development (Housing)
and Residential
Tenancies Act 2016
Inspector's Report on
Recommended Opinion
ABP- 306776-20**

Strategic Housing Development	191 apartment units.
Location	Site 2, Northern Cross, Malahide Road, Dublin 17.
Planning Authority	Dublin City Council.
Prospective Applicant	Camgill Property A Seacht Limited.
Date of Consultation Meeting	27 May 2020.
Date of Site Inspection	6 March 2020.
Inspector	Stephen Rhys Thomas.

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 subject site is located in the northern suburbs of Dublin City at the junction of the Malahide Road and the R139. The site forms part of settlement known as the Northern Cross that has been developed over the years and comprises residential, commercial and retail uses. The lands are 3km east of the M50 Motorway, 250 metres from the Malahide Road Quality Bus Corridor, 300 metres north of Clarehall Shopping Centre, and is 2km west of Clongriffin Railway Station.
- 2.2. The site bounds Mayne River Avenue roadway to the south. A standalone office block surrounded by parking is located 25 metres from the site boundary. There is a temporary surface car park located to the north west. To the north of the development site is the riparian area surrounding the Mayne River. The site is currently vacant and does not contain any permanent structures. The site boundary consists of construction hoarding. According to the applicant the site was formerly used for the storage of containers and building supplies during the construction of the surrounding Northern Cross development, however, these have been cleared away from the site.

3.0 Proposed Strategic Housing Development

- 3.1. The development comprises 191 apartment units, the detail is as follows:
- 1 block (7-8 storeys).

Unit Type	No. of Units	%
Studio	6	4%
1 bed	54	28%
2 bed	131	68%
Total	191	100

- 62%, i.e. 119 no. units are dual aspect. Mostly east-west aspect. A limited number of apartments are single aspect and north facing, across the Mayne River.
- Vehicular access from Mayne River Street. 127 car parking spaces, a ratio of 0.66 spaces per apartment. 328 cycle parking spaces.
- 19 units on the subject site for Part V social housing.
- Residential density amounts to 318 units per Hectare. The site comprises 0.6 Hectares.

4.0 Planning History

4.1. Site

2200/07 - 6-7 storeys over basement apartment block consisting of 107 units with 6 retail/office units at ground floor level

5.0 National and Local Planning Policy

5.1. 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 directly relevant S.28 Ministerial Guidelines are:

- 'Urban Development and Building Heights Guidelines for Planning Authorities' - 2018
- 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities' - 2018

- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’) 2009
- ‘Design Manual for Urban Roads and Streets’ 2013 (as amended)
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’)
- ‘Childcare Facilities – Guidelines for Planning Authorities’ 2001

5.2. Dublin City Development Plan 2016-2022

- 5.2.1. The site has the standard residential zoning objective Z14 ‘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.’ Zoning objective Z6 states – ‘To provide for the creation and protection of enterprise and facilitate opportunities for employment creation’. Section 14.8.3 of the DCC Development Plan states that in areas zoned Z14 but identified as KDC’s (Z4’s), ‘all uses identified as permissible uses and open for consideration uses on zoning Z4 lands will be considered’.
- 5.2.2. Under the SDRA for the North Fringe, the site is subject to a minimum building height of 5 storeys, and a maximum height of 50 metres as it is regarded as a mid-rise area under the DCC Development Plan (Sec. 16.7.2). The proposal is for a part 7 / part 8 storey over basement development. The site is also located in the Clongriffin-Belmayne (North Fringe) LAP 2012-2018.
- 5.2.3. The DCC Development Plan states in Section 15.1.1.1 that it is Council policy ‘To develop the amenity potential of the Mayne River in the creation of a linear park’.

6.0 Forming of the Opinion

- 6.1. 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:

SHD Application Form, letter of consent, and Irish Water letter; Planning Report and Statement of Consistency, EIA Screening Statement, Social and Community Infrastructure Audit, Architectural Drawings, Drawing Schedule, HQA and Architectural Design Statement, Part V proposals including Part V drawing, Photomontage booklet; Daylight & Sunlight Assessment, Building Lifecycle Report, Engineering Drawings and Drawing Schedule, DMURS Compliance Statement, Infrastructure Report including Site Specific Flood Risk Assessment, Outline Construction & Environmental Management Plan, Outline Construction and Demolition Waste Management Plan, Traffic Impact Assessment prepared by BMCE; Parking and Mobility Report, Arboricultural Impact Assessment incorporating a Tree Protection Strategy, Landscape Drawings, Sections and Details, Boundary Treatment and Landscape Design Statement, Archaeological Assessment, Screening Report for Appropriate Assessment and Natura Impact Statement, Terrestrial Ecology Report, Site Utilities Infrastructure Report and Drawings, Energy Strategy and BER Report, Lighting Strategy, Noise and Vibration Impact Assessment Report and (Operational) Waste Management Plan..

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

6.3. Planning Authority Submission

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 submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on 30 March 2020. The planning authority's 'opinion' included the following matters:

6.3.2. Zoning / Designations / Policy

- The proposed land uses are all permissible in principle within the Z14 zoning objective and the development is generally consistent with the Development Plan and LAP objectives (as amended by guidelines).

- The Malahide Road bypass is shown at different locations on various Development Plans and Objectives for the area. The applicant should show that their development site will not impact on the route of the bypass road.

6.3.3. Density

The proposed residential density of 337 uph is acceptable, given the location of the site within a Key District Centre and close to good public transport.

6.3.4. Design and integration

Height restrictions set in the Development Plan have been superseded by recent height guidelines. The proposed development a 8 storeys will be higher than other buildings by at least a single storey. DCC have no objections to the heights proposed.

6.3.5. Form and Layout

On the whole, the form and layout of the proposed development fits in with existing development, greater detail of brick facades and the provision of green walls could break up the block to a greater degree. The retention of trees to the north of the site and the provision of play equipment in the existing central green space would be welcomed. Bin storage at basement level is noted. Overlooking and loss of privacy should be addressed. Access to and from the site in terms of security should be examined.

6.3.6. Unit Mix / Schedule of Accommodation

The unit mix is acceptable given the requirements of SPPR 1, a study of existing unit mix for the wider area would be useful.

The units appear to meet the required standards of accommodation. Floor to ceiling heights are acceptable, lift cores do not serve more than 12 units, unit aspect is broadly acceptable, though some units on the western elevation are problematic in terms of outlook and the central western wing should be omitted.

Private Open Space – for the most part private amenity space is acceptable, some balcony terrace spaces could be better screened for privacy and greater privacy strips at the interface with the public realm would be welcomed.

Children's Play Areas are well located, but the western ground floor play area could be overshadowed by future development.

A Social Audit (Community Infrastructure and services study) is noted, the rationale for the absence of a childcare facility is also noted.

6.3.7. Open Space

Communal open space – there appears to be a deficit in communal open space, as double counting of play space may have occurred.

Public open space – the proposal will extend by 890sqm an existing public open space to the east of the site, this is noted. There may be space to provide public open space at the northern end of the site along the Mayne River and fulfil an LAP objective.

6.3.8. Daylight, Sunlight and Overshadowing

No assessment of the impact of future development to the west of the site has been included in the applicant's studies. Solar glare/dazzle to aircraft should be discounted with reference to the approach to Dublin Airport.

6.3.9. Transportation and Access

- Car parking and cycle parking quanta are noted.

The submission of reports on Ecology, AA Screening, EIA and Noise/odours are noted and no issues are raised by the planning authority.

6.3.10. The planning authority conclude that there are a number of outstanding issues that are required to be addressed before an application is made, there are a large number of detailed recommendations. The planning authority also highlight the individual reports of other Council departments (Engineering Department – Drainage Division, Transportation Planning Division, Landscape Services and Housing) and the detail requirements contained therein.

6.4. **Fingal County Council Comment**

Fingal County Council were invited to make a submission in relation to this pre-application consultation request, no comments were made.

6.5. **Irish Water Comment**

6.5.1. A submission was received from Irish Water and is available on file. In summary, the submission states that the proposed development 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 these connections.

6.5.2. There is an important Irish Water asset (1050mm sewer) present on the development site. The applicant is required to engage with Irish Waters Diversion section to agree the required separation distances associated with the infrastructure or to assess the possibility of a diversion if required and agree wayleaves as necessary. This engagement should occur prior to the applicant progressing to SHD application stage with An Bord Pleanála.

6.6. Consultation Meeting

6.6.1. A section 5 Consultation meeting took place online via Microsoft Teams on the 27 May 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.

6.6.2. 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. Public realm improvements and amenity corridor
2. Design strategy – ground floor interface and building legibility
3. Car parking and Transport
4. Flood Risk
5. Any other matters.

6.6.3. In relation to the public realm improvements and amenity corridor, ABP representatives sought further elaboration / discussion on whether improvements to the existing public open space to the east have been considered in full and if the objective of the development plan to create a linear greenway along the Mayne River is included in the current proposal. The prospective applicant briefly outlined the differences between the previously permitted scheme and the improvements made to the current proposal. An access road along the eastern elevation has been omitted and that space given over to the existing public open space. The area to the north of the site has been reconfigured to provide for greater green space and tree retention. ABP representatives reiterated the importance of adequately detailing the connection to the existing open space to the east and describing how a linear greenway could be achieved to the north of the site.

- 6.6.4. In relation to the design strategy – ground floor interface and building legibility, ABP representatives sought further elaboration / discussion on the manner in which the ground floor elevations integrate with the public realm and how the building is legible from the street. Entrance detailing appears low key and greater highlighting of doorway/threshold markers could be useful. In addition, greater clarity was requested in relation to the interface with the large car park to the west of the site, including description of boundary treatment.
- 6.6.5. In relation to car parking and transport, ABP representatives sought further elaboration / discussion on the quantum of car parking proposed and any management procedures to be put in place to ensure sustainable transportation. Greater discussion around public transport networks was also invited. The prospective applicant outlined the reduction in car parking since the last proposal and agreed that more information could be presented in the area of local public transport networks, car parking management procedures and mobility management plans.
- 6.6.6. In relation to flood risk, ABP representatives sought further elaboration / discussion on the potential for flood risk given the proximity of the Mayne River to the north. The prospective applicant was reminded that any issues of a technical nature should be clarified and agreed as far as possible. Further discussions with the relevant technical Council staff is advised. Specifically, with regard to surface water management and flood risk assessment requirements. In particular, the assessment of off-site impacts.
- 6.6.7. In relation to any other matters, ABP representatives sought further elaboration / discussion on the pinch points between the proposed block and adjacent development, with particular care assigned to the residential amenities associated with the central projection on the western elevation.
- 6.6.8. Both the prospective applicant and the planning authority were given an opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting ABP-306776-20' which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

7.0 Conclusion and Recommendation

- 7.1. Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 7.2. I have examined all of the information and submissions before me including the documentation submitted by the prospective applicants, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the section 28 Ministerial Guidelines and local policy via the statutory plans for the area.
- 7.3. Having regard to all of the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act requires **further consideration and amendment in order to constitute a reasonable basis for an application** under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 7.4. 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.

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. Residential Amenity

Further consideration is required with respect of the documentation relating to the residential amenity associated with the proposed apartment block and neighbouring development. This consideration and justification should have regard to, inter alia, the production of a robust design rationale for the centrally located apartment projection on the western elevation. A discussion around the residential amenity that can be expected by future occupants particularly at apartment units at right angle junctions to the central wing, should be included. Sunlight, daylight and shadow analysis should be considered to demonstrate the suitability or otherwise of this element of the proposal. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted relating to residential amenity and layout of the proposed development.

2. Building Interface and Legibility

Further consideration is required with respect of the documentation relating to the building legibility and interface with the existing public realm. This consideration and justification should have regard to how the building is understood from the street with particular reference to resident entrance doorways. In addition, a greater level of detail is required to demonstrate how the overall building plugs into the existing public realm and public open space to the east of the site.

In order to better visualise exactly how the ground floor of the proposed block interfaces with proposed landscaping treatments; photomontages, cross sections,

boundary treatment and landscaping details to indicate potential impacts on visual and residential amenities, to include views from the wider area including in particular adjacent residential and open space areas (planned and existing); axonometric views of the scheme and CGIs are all recommended. Specifically, enlarged cross sections to illustrate level changes and the interface between building, ground levels and public spaces should be illustrated. There should be no conflict between apartment balcony encroachment and pedestrian realm head heights. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted relating to residential amenity and layout of the proposed development.

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. A report that addresses how the proposal meets or responds to local development plan objectives, as relevant to the lands in question. Such objectives to consider may include but are not limited to the amenity potential of the Mayne River in the creation of a linear park and the status of any preferred route for the Malahide Road bypass.
2. Daylight/Sunlight analysis to an appropriate scale, showing an acceptable level of residential amenity for future occupiers of the proposed development, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development. The analysis should also consider potential overshadowing impacts on adjoining residential areas and other sensitive receptors.
3. A detailed landscaping plan for the site which clearly sets out proposals for play areas, hard and soft landscaping including street furniture where proposed and indicates which areas are to be accessible to the public. The landscaping plan should critically assess the best and most appropriate way to incorporate underground car parking ventilation structures or features.

4. A study or report describing the existing mix and composition of land uses on and in the vicinity of the site in the context of the current Z14 zoning objective for the area.
5. Given the key district centre location and availability of public transport, a rationale for the proposed car parking provision should be prepared, to include details of car parking management, car share schemes and a mobility management plan.
6. A site layout plan, which clearly indicates what areas are to be taken in charge by the Local Authority, if any.
7. Surface water drainage proposals, the documentation at application stage should clearly indicate the relationship between the design and use of Sustainable Drainage Systems (SuDS) within the site and the landscape masterplan in the context of the advice provided by The Planning System and Flood Risk Management Guidelines for Planning Authorities 2009 and its appendices. Site Specific Flood Risk Assessment, reference should be made to the 'Dublin City Development Plan 2016-2022 Strategic Flood Risk Assessment', and to consider downstream / displacement impacts as a result of the proposed development.
8. A report that specifically addresses the proposed building materials and finishes and the requirement to provide high quality and sustainable finishes and details. Particular attention is required in the context of the visibility of the site and to the long-term management and maintenance of the proposed development. A building lifecycle report for apartment buildings in accordance with section 6.13 of the 2018 Apartment Design Guidelines is also required.

8.3. 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. Transport Infrastructure Ireland
2. National Transport Authority

3. Irish Water
4. Dublin County Childcare Committee
5. Irish Aviation Authority
6. Dublin Airport Authority
7. Fingal County Council

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 Rhys Thomas
Senior Planning Inspector
18 June 2020