



An  
Bord  
Pleanála

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

### **Inspector's Report on Recommended Opinion ABP-306992-20**

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<b>Strategic Housing Development</b>	168 apartments, crèche and associated site works.
<b>Location</b>	Rathborne Avenue, Pelletstown, Ashtown, Dublin 15.
<b>Planning Authority</b>	Dublin City Council.
<b>Prospective Applicant</b>	Castlethorn Construction Unlimited Company (UC).
<b>Date of Consultation Meeting</b>	8 <sup>th</sup> June 2020.
<b>Date of Site Inspection</b>	14 <sup>th</sup> and 22 <sup>nd</sup> May 2020.
<b>Inspector</b>	Daire McDevitt.

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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**

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 area is well served by public transport: Ashtown Train Station (c.150m to the SW of the site), Buses along River Road, Navan Road QBC (c. 500m to the south) and planning permission granted for a new station at Pelletstown c. 1.2km to SE ccessible along towpath.

The appeal site, which has a stated area of 1.34 hectares, is occupied by the former Castlethorn Marketing Suite, now used by Pelletstown Educate Together National School and extensive surface parking. Planning Permission for permanent school has been granted on a site to the east of the Castheorn apartments along River Road and there is a current application for temporary school to the west of the permitted school site.

The site is bounded to west by Ashtown Road, to the north by River Road and the Tolka Valley Park, to the east and south by Rathborne Avenue. To the south is The Village (retail etc) with predominantly 6 storey blocks and a 10 storey block at the southern end. To the south is the Royal Canal. Boundaries at present are palisade fencing. The site slopes down from south (Rathborne Ave) to north (River Road. To the east is an undeveloped site that has been the subject of SHD pre App for 730 units (Ruirside Developments Ltd, 306211-19).

To date the applicant has built over 700 units as part of the Rathborne scheme.

### 3.0 Proposed Strategic Housing Development

3.1. The proposed development is for the construction of a residential development, comprising 168 units (apartments and duplex) in two blocks. The development ranges in height from four to ten storeys with undercroft parking.

3.2. The following details as submitted by the applicant are noted:

<b>Parameter</b>	<b>Site Proposal</b>
<b>Application Site</b>	c.1.34 hectares
<b>No. of Units</b>	168 units (apartments and duplex units)
<b>Density</b>	125 units per hectare
<b>Other Uses</b>	Crèche (c.228.9 sqm)
<b>Communal Open Space</b>	c. 2265.4sqm
<b>Residential Amenity Space</b>	c. 226sq.m.
<b>Height</b>	4-10 storeys
<b>Parking</b>	113 car spaces (71 no. surface, 13 no. setdown/visitor and 31 no. undercroft)  424 bicycle spaces (108 no. surface and 316 no. undercroft).
<b>Vehicular Access</b>	Rathborne Avenue & River Road
<b>Part V</b>	19

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

Unit Type	1 bed	2 bed	3 bed	Total
Apartments	7	77	7	91
Duplex		18	59	77
Total	7	95	66	168
% of Total	4.2%	56.5%	39.3%	100%

## 4.0 Planning History

### Site:

**Planning Authority Reference No. 2352/19** refers to a grant of permission and retention at the site of an existing temporary school for 1) construction of a single storey prefabricated style school building of 2 classrooms, resource room and 2 toilet areas 2) the retention of temporary use as a primary school in former Castlethorn construction suite as granted under Planning Reference No. 2657/15. Temporary permission was granted to 31<sup>st</sup> January 2020. Upon which date the permission shall cease and the structure (s) shall be removed and the land returned to its former state unless a further permission has been granted before the expiry of that date.

**Planning Authority Reference No. 3433/17** refers to a 3 year permission for a single storey temporary prefabricated school building for Pelletstown Educate Together national school.

**Planning Authority Reference No.2657/15** refers to a three year permission for the conversion of the former Castlethorn Construction Suite to a temporary School. Expired 16<sup>th</sup> September 2018.

**Planning Authority Reference No. 6764/06** refers to a grant of permission for a mixed use residential and commercial development of 252 residential units, crèche and c. 1312.2sq.m of commercial space.

**Planning Authority Reference No. 4289/00** refers to a grant of permission for a mixed use development of 593 residential units, crèche, community facility, leisure centre, 2 retail units. Temporary permission for a Park and Ride facility pending the completion of the permanent park and ride facility to be provided in a later phase of the development.

**In the vicinity:**

**ABP 306211-19** refers to pre-application consultation for 730 apartments and a crèche at Rathbourne Avenue, Pelletstown, D15.

**ABP 306167-19** refers to a 2020 grant of permission for 435 apartments at the Former Ormond Printworks site, Ratoath Road & Hamilton View, Pelletstown, D15.

**PL29N.246373 (PA ref 3666/15)** - ABP GRANTED 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).

**Planning Authority Reference No.3604/12** for 208 dwellings, a crèche, two 5 a side playing pitches (Phase 3 of Castlethorn).

**Planning Authority Reference No. 3604/12/X1** refers to an Extension of Duration to 9<sup>th</sup> August 2023.

**School:**

**Planning Authority Reference No. 2595/20** refers to a current application at Rathborne Vale, D15 for a part 2 storey, part single storey prefabricated temporary school comprising 12 classrooms and an administration block. A temporary carpark, bike parking, landscaping and associated boundary treatments. The temporary school is for a maximum period of 2 years while the permanent Educate Together National School (RN203921) granted under P0354) is constructed.

**Planning Authority Reference No.2056/19** refers a grant of permission for the construction of a three storey split level school building for Pelletstown ETNS for a 16 classroom primary school with a two classroom special needs unit.

**Train Station:**

**Planning Authority Reference 2310/18** refers to an amendment to the previously approved railway station on the Sligo to Dublin railway line (PA Ref. No. 2109/13). The amended area includes a new footbridge over the Royal Canal to provide access from Royal Canal Avenue and the Canal Towpath. Installation of street lighting to the bridge over the Royal Canal as well as the immediate vicinity of Royal Canal Avenue where required. Re-routing of the towpath to tie in with the new towpath adjacent the boating facility. Partial demolition of the existing boundary fence along the canal and landscaping the effected area. Provision of covered cycle parking.

**Planning Authority Reference No.2109/13/X1** refers to an Extension of Duration of permission for 2109/13 (train station).

**Planning Authority Reference No. 2109/13 (An Bord Pleanála PL.29N.242713)** refers to the original grant of permission for a new train station.

**Royal Canal Greenway:**

**Planning Authority Reference No. 2870/15** refers to Local Authority Works for the proposed Royal Canal Greenway – Sheriff Street Upper, Dublin 1 to Ashtown, Dublin 15.

## **5.0 Policy Context**

### **5.1 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.

## **5.2 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.

## **5.3 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 ‘Bus Connects’, DART expansion and LUAS extension programmes, and Metro Link, while maintaining the capacity and safety of strategic transport networks.

## **5.4 Local Planning Policy**

### **5.4.1 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.”
- SDRA 3 – Ashtown-Pelletstown.
- Conservation Area to the north of the site.
- Road Scheme designation to the north of the site along River Road

### **5.4.2 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 – Identifies a portion of the site (c. 40% for ‘Mixed Use’ purposes and the remainder for ‘Residential’.
- Section 4.2.3 sets out the lands use strategy for the area

- Section 4.5.4 Heights Strategy.
- Section 4.5.6 Building Design.

The following objectives, inter alia, are of note:

- **LUS1** to complete the development of remaining lands for a mix of uses, predominantly residential and related services.
- **LUS2** to seek appropriate mixed use in selected areas, the protection and enhancement of green areas and amenities and sustainable development of community/educational/community uses.
- **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.
- **UD04** Height Strategy.
- **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.
- **CL1** to ensure the provision of community, cultural and educational infrastructure.

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

6.1 It is stated by the prospective applicant that two pre-application consultations took place with the planning authority on 19<sup>th</sup> October 2018 and 27<sup>th</sup> January 2020.

## **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 The information inter alia included: completed application form, IW confirmation of feasibility statement, Part V proposals, Planning report containing Statement of Consistency, Description of possible effects on the environment and EIAR screening, drawings, Housing Quality Assessment, Schedule of Accommodation, Architectural Design Statement, Draft Engineering drawings, Draft Engineering Assessment, Statement of Consistency with 1) Flood Risk Guidelines and 2) DMURS, Daylight, Sunlight & Overshadowing Study, Landscape Design Report, Landscape Drawings, Arboricultural Report and Drawings, Ecological Technical Note, Letter from Bannon Property Consultants, Castlethorn Community Facilities letter, Letter from Dublin Bus.
- 8.2.3 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 11<sup>th</sup> May 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:

#### Form and Layout:

In general to the overall form and layout of the two blocks is acceptable, with private, public and communal amenity spaces provided with setbacks introduced between the proposed scheme, the surrounding road network and adjoining developments.

Concerns raised however in relation to the extent of surface parking proposed along the eastern side from both a residential and visual amenities perspective. Requirement for more green area and privacy strips.

#### Land Uses:

The rationale for not providing commercial uses in the interest of protecting the viability of The Village is noted. Further and robust evidence is required at application stage to justify a mono use on Z14 lands.

Further consideration should be giving to a café/bistro/retail unit given its proximity to the entrance to Tolka Valley Park.

#### Height:

Section 16.72 in the Dublin City Development Plan identifies Ashtown as having potential for mid-rise building height with a maximum height of 50m.

Section 4.5 of the LAP set out the height strategy for the area. The majority of the site is designated within the village centre (Map 4.12) as a location where buildings with a maximum of 8 storeys may be permitted and 1 no. ten storey may be considered.

Block 1 (Gateway Block) is between 8 storeys (c.25m) and 10 storeys (c.33m). It mirrors the gateway block at Rathborne Village.

Concerns are raised in relation to the transition in height from the adjoining 4 to 6 storey developments existing in Rathborne Village up to the 10 storey height proposed.

The height and form of Block 2 is considered acceptable and a positive addition in terms of visual amenity.

#### Density:

Density of 125uph exceeds the maximums specified in the LAP (range of 80-100 uph). However, having regard to the location of the site in relation to existing and proposed public transport infrastructure and its location in a mixed use area surrounding by public amenities of high quality, the Planning Authority has no objection in principle to the density of development proposed.

#### Development and Design Standards:

- Residential Mix is acceptable.
- Apartment floor areas comply with the minimum floor areas set out in SPPR3.
- Clarity required regarding compliance of the Duplex units with the Guidelines.
- Internal reconfiguration of apartments blocks and entrance proposals recommended.
- Internal room areas, storage, etc should also comply with Guidelines.

#### Aspect:

- Proposal for 44% dual aspect is too low and the use of 'approximate' should be clarified
- Concerns regarding to Block 2, where 70% are single aspect, 17% north facing.

#### Private Open Space:

- Shall comply with the Guidelines.

#### Communal Amenity Space:

- Concern regarding a large, unsupervised 9<sup>th</sup> floor rooftop terrace as a primary area of external amenity for a large number of units.
- Concerns regarding the communal open space to the west of Block 1.
- Concerns regarding ease of access to the communal courtyard in the centre of Block 2 by residents of Block 1.

#### Public Open Space:

- Clarification regarding linkages to Tolka Park.
- Inconsistency in details submitted.
- Refer to the Park's Division report.

#### Separation Distances:

- Acceptable.

#### Daylight & Sunlight Assessment:

- Inconsistencies in the information need to be addressed in relation to compliance with BRE recommendations.
- Further studies also need to be carried out in relation to the apartment and duplex units located on the lower floors (Level G1 and G2).

#### Residential Facilities/Communal Facilities:

- Further detail required in relation to the communal facilities in Block 1, in particular the 'Kitchenette' and 'staff meeting room'.

#### Material Contravention:

- The Planning Authority does not consider that the proposal represents a material contravention of the Dublin City Development Plan 2016-2020.

#### Childcare Facilities:

- The provision of a crèche is welcomed.
- Transportation Planning Division have raised issues that should be addressed in any application.

#### Community and social Infrastructure:

- No Community Infrastructure Audit submitted.

#### Ecology, including AA:

A technical note was submitted providing a high level overview of the potential ecological impacts associated with the proposal AA Screening Report submitted. A NIS and EclA may be required to be prepared as part of the application.

#### Conclusion:

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

##### **1. Landuse:**

(a) Notwithstanding the rationale presented by the applicant in the pre-application documentation for a predominantly residential scheme (the incorporation of a childcare facility is noted), the planning authority requests that more robust evidence be provided demonstrating that the incorporation of commercial/retail uses in the proposed scheme is not warranted having regard to: the Z14-zoning objective for the site (mixed-used zoning); the designation of the site in the Ashtown-Pelletstown LAP as part of The Village area where a mix of uses should be developed; and the existing and potential population of the area likely to be served by such use(s). The applicant should submit a comprehensive up-to-date survey, to include a map of the wider LAP area (1km radius), outlining where commercial and retail units have been developed and permitted, and to indicate the vacancy level of same.

(b) The applicant indicates that there is no need for a community facility on this site. The planning authority requests that the applicant submits a community audit with the application outlining all existing facilities across a range of health, education, community, cultural, play, faith, recreation and sports facilities within 1km of the subject site in accordance with Section 16.10.4 of the Dublin City Development Plan to allow the planning authority to make an evidence-based recommendation on the matter.

(c) An assessment of the capacity of local schools to accommodate the proposed development in accordance with the DES and DEHLGs Code of Practice on the Provision of Schools and the Planning System 2008 should be provided.

## **2. Height:**

While the planning authority considers the location may be acceptable for a building of significant height, it is not considered that the applicant has satisfactorily demonstrated that the 33m-high/10 storey building (Block 1) is an acceptable or appropriate addition to the area. A more robust assessment of how the development responds to its wider surroundings is required. The planning authority considers the height assessment presented to be extremely limited in its approach. A more robust assessment approach is required in line with the requirements of Section 3.2 of the Urban Development and Building Heights Guidelines for Planning authorities (December 2018). This assessment should also include specific assessments e.g. micro-climatic assessment, landscape and visual assessment and a comprehensive set of CGIs.

## **3. Internal Design Standards:**

Scaled floor plans and elevation drawings were not available to the planning authority. The proposed development should, as a minimum, comply with all relevant internal design standards set out in Sustainable Urban Housing: Design Standards for New Apartments (2018) for floor area, aggregate floor area, widths for bedrooms and living rooms, storage provision, and private open space requirements etc. These guidelines also require that duplex accommodation provide additional floor area for stairways and landings in accordance with Building Regulations. It is unclear how this requirement has been incorporated into the proposed design. The applicant should provide full details of same.



The entrances to apartment blocks appear to be understated with narrow lobby areas and little passive surveillance. Internally, it is noted that a number of bedrooms appear to be located adjoining lift motor rooms. The blocks should be designed with reference to Section 16.10.1 of the Dublin City Development Plan 2016-2022.

#### **4. Aspect:**

(a) The applicant states that “approximately 44% are dual aspect”. It is unclear as to why an approximate figure is used. The applicant should clarify this matter. A figure of 44% dual aspect units would be considered too low on a site such as this one i.e. a site with no major development or design constraints associated with the site or location and where the planning authority has identified other issues with the level of amenity proposed.

(b) The planning authority also has significant concerns regarding the internal amenity of Block 2 in terms of the high percentage of single-aspect (70%), north-facing (17%), 3-bedroom units proposed. The duplex units at ground and first floor levels may have little or no view of the Tolka Valley to the north to justify its 3-bedroomed, single-aspect north-facing orientation and design. The applicant should submit details, including photomontages, of the views that the apartments (in particular those on the lower floors) would have of this amenity feature and detail any compensatory measures for these single-aspect north-facing units.

#### **5. Daylight:**

(a) A Daylight, Sunlight and Overshadowing study has been submitted. For the first floor and third floors units in Block 2, the following conclusion is made in relation to Daylight: *“all these rooms have an average daylight factor greater than the recommended minimum values (1.5% for living rooms and 1.0% for bedrooms) as stated under the BRE’s 2011 guidance document Site Layout Planning for Daylight and Sunlight. Therefore, these rooms are all in line with the BRE recommendations”*.

However, this conclusion appears to be incorrect as the study clearly indicates in the tables provided that a number of rooms (6no.) at 1st floor level fail to achieve minimum daylight standards”. The applicant should clarify this matter.

(b) The planning authority also considers that the lowest floor in both blocks should also be assessed for daylight levels i.e. Level G1 and Level G2 as these would be considered to represent the 'worst case scenario' in performance terms for daylighting. It is recommended that further daylight assessment be undertaken of apartment and duplex units located on these floors.

## **6. Private Open Space:**

(a) The private open space of the residential units at ground floor levels of both blocks, where terraces directly adjoin public and communal amenity spaces should be protected by way of privacy strips and/or buffer zones. The landscape plans do not indicate any hedging or privacy planting strips. It is not clear if the public and communal spaces have been designed with sufficient left-over space to allow for the planting of privacy strips in the communal and public walkway areas. The provision of appropriate, well-considered boundary treatment at these sensitive locations would be required.

(b) There are a significant number of 3-bedroom residential duplex units in Block 2 that are single-aspect north-facing units with the result that the associated private amenity spaces of these apartments are also north facing, towards Tolka Valley Park. The planning authority has concerns regarding the potential provision of a significant number of family-sized north-facing amenity spaces. The ground floor units would also appear to face towards an embankment (sections are required to clarify). There may be good, uninterrupted views from these north-facing amenity spaces on the upper floors into Tolka Valley Park, however no details have been provided in the submitted information.

## **7. Communal Amenity Space**

(a) The planning authority has concerns with regard to the quality and location of some of the communal spaces, namely the communal rooftop amenity terrace in Block 1 and that area of communal open space provided to the west of Block 1 (combined total of 768 sq. m.). The planning authority has concerns regarding the proposal to provide a large, unsupervised 9th floor rooftop terrace as the primary area of external amenity space to service a large number of dwelling units.

(b) With regard to the area indicated as 'lawn' on the Landscape Plan (drawing no. LP-01-P) located to the west of Block 1 and proposed as the secondary area of communal open space for Block 1, the planning authority considers this space as incidental, inaccessible, unsupervised open space with no obvious amenity function for residents.

(c) The planning authority is also concerned regarding the ease of access of the communal courtyard amenity space, albeit well designed, in the centre of Block 2 by the occupants / residents of Block 1. It is unclear if the courtyard area is intended for all residents of the scheme or solely for residents of Block 2.

(d) The ease of access to the courtyard space by residents of Block 2 is reduced as a result of the high number of single-aspect units proposed in Block 2 (i.e. 70%). While those units facing into the space at ground and upper floor levels have a good physical connection with this amenity space, those units on the 'outer' edge of the block would have to undertake a less-accessible route to access the space.

## **8.**

The planning authority would require a more detailed analysis of the function of the 'residents' amenity spaces' proposed in Block 1 including any potential costs imposed on future occupants of the scheme. A Building Lifecycle report would also be required to address running / maintenance costs for future owners of the individual apartments

## **9.**

All the comments made in the reports of the Parks and Landscape Services Division, the Drainage Division and Roads and Transport Planning should also be addressed. Relevant reports are attached to this opinion.

**Addendum B** includes the following Technical Reports:

- Transportation Planning Division (7<sup>th</sup> May 2020).
- Parks and Landscape Services Division (5<sup>th</sup> May 2020).
- Housing and Community Services (1<sup>st</sup> May 2020).
- Drainage Division (7<sup>th</sup> May 2020).

## 9.0 The Consultation Meeting

9.1 A Section 5 Consultation meeting took place online via Microsoft Teams on the 8<sup>th</sup> June 2020, commencing at 9:30am. 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. Development Strategy for the site, to include proposals in context of zoning objectives, height, scale and massing; relationship and linkages with the Tolka Valley Park, site layout, public and communal open space, interface with public realm and existing Rathborne developments,.
2. Residential Amenity, length of internal corridors, including number of single aspect units, sunlight and daylight analysis, and microclimate factors.
3. Transport and Parking.
4. Any Other Matters.

8.3 In relation to the development strategy for the site, ABP representatives sought further elaboration/discussion/consideration of:

- a. Policy Context: Z14 land use zoning, Ashtown-Pelletstown LAP and 40% of the site identified for mixed use And the Core Strategy and Ashtown-Pelletstown LAP SDRA 3 allocations.
- b. 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.
- c. Relationship with the Tolka Valley Park and proposed linkages referred to in the documentation– Aspect to the Tolka Valley Park is important; demonstrate how the design contributes to the public realm; entrances to the buildings from the canal should be legible and contribute to a sense of

place; interface with the public realm, adjoining roads and the wider Rathborne developments, eastern portion of the site is dominated by surface parking.

- d. 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.
- e. Public and Communal Open Space – accessibility and functionality of the roof terrace demonstrate how the design has responded to microclimate and sunlight/daylight issues raised; public realm finishes and boundary treatments to be clear; Access to the Rooftop terrace on 9<sup>th</sup> floor (block 1), internal courtyard (block 2).

8.4 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; justification/rationale for the dual aspect provision on this site; consideration of design approach of long corridors and impact on the apartment designs.
  - a. Schedule of Accommodation and floor layout clearly highlighting dual aspect units.
- b. Sunlight and daylight analysis requires further interrogation; ensure methodology is robust.
- c. Microclimate factors – issues raised in Wind Analysis and Pedestrian Comfort in relation to communal and public open spaces and some of the balconies; design options to be examined to mitigate concerns raised; documentation should be clear and legible.

8.5 In relation to transportation, ABP representatives sought further elaboration/discussion/consideration:

- Comments from DCC to be addressed, including parking provision and access arrangements.
- Address the extent of surface parking on the eastern portion of the site.

8.6 In relation to Any Other Matters, ABP representatives sought further elaboration/discussion/consideration of:

- Detailed drawings, CGIS, Cross-Sections showing interface with adjoining streets to ensure a quality public realm
- Consistency of documentation submitted.

The prospective applicant and the planning authority were given the 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 306992' 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.

## 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. Zoning and site context:

Further consideration or justification of the documents as they relate to the quantum of residential development proposed at this specific location having regard to the following:

- a) The requirements of objective Z14 zoning relating to mix of land uses.
- b) The requirements of the Ashtown Pelletstown LAP.
- c) The requirements of the Core Strategy and the allocation of units under the Pelletstown Ashtown LAP.

2. Design and Layout:

- a. Further consideration of the impact of the height, 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 adjoining roads and the wider Rathborne development in terms of design and activity.
- c. 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.
- d. Extent of surface parking on the eastern portion of the site.

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. A housing quality assessment which provides the specific information regarding the proposed apartments required by the 2018 Guidelines on Design Standards for New Apartments. The assessment should also demonstrate how the proposed apartments comply with the various requirements of those guidelines, including its specific planning policy requirements.
2. A report that addresses issues of residential amenity (both existing residents of adjoining development and future occupants), specifically with regards to overlooking, overshadowing, overbearing and noise. The report shall include full and complete drawings including levels and cross-sections showing the relationship between the proposed development and adjoining residential development.



3. 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. A building lifecycle report for the proposed apartments in accordance with section 6.13 of the 2018 guidelines should also be submitted.
4. Detailed drawings, cross-sections, elevations and additional CGIs of the site to demonstrate that the development provides an appropriate interface with the adjoining streets, provides for a quality public realm and integration with the existing Rathborne development.
5. Traffic Impact Assessment
6. Details relating to the provision of pedestrian/cycle links to the existing infrastructure along River Road to northwest and southeast of the site and consideration of the legal consents, where required, to achieve this.
7. A report detailing the extent of car parking proposed, having regard to the location of the site and its proximity to public transport services. This should also include a Carparking Strategy.
8. Community Audit, including Childcare Demand Analysis.
9. Response to issues raised in report from Transportation and Engineering Division dated 7<sup>th</sup> May 2020 in Addendum B of the PA Opinion dated 11<sup>th</sup> May 2020 and received by An Bord Pleanála on the 12<sup>th</sup> May 2020.
10. Response to Parks issues raised in report from DCC Parks and Landscape Services dated 5<sup>th</sup> May 2020 in Addendum B of the PA Opinion dated 11<sup>th</sup> May 2020 and supplementary report dated 7<sup>th</sup> May 2020 and received by An Bord Pleanála on 15<sup>th</sup> May 2020.
11. A draft Construction & Environmental Management Plan and a draft Waste Management Plan.

12. 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.

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Dáire McDevitt  
Planning Inspector

18<sup>th</sup> June 2020