



An  
Bord  
Pleanála

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

**Inspector's Report on  
Recommended Opinion  
307087-20**

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Strategic Housing Development	933 no. apartments, creche and associated site works.
Location	Del La Sal lands National School (a Protected Structure) Ballyfermot Road, Dublin 10.
Planning Authority	Dublin City Council
Prospective Applicant	Dwyer Nolan Developments Limited
Date of Consultation Meeting	5 <sup>th</sup> October 2020
Date of Site Inspection	10 <sup>th</sup> September 2020
Inspector	F. Fair

## 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 and the documentation received from the prospective applicant, 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

- 2.1.1. The site is located on the northern side of Ballyfermot road, approx. 450m east of Ballyfermot District Centre, approx. 5.5 Km west of Dublin City Centre. The site has frontage of 340m along Ballyfermot Road. It is generally rectangular in shape and is occupied by buildings formerly associated with the De La Salle National School and associated building known as Mount La Salle, which was formerly the residence of the De La Salle brothers. There is substantial grassland to the rear of the site that has been used by the De La Salle school for recreational and sporting purposes.
- 2.1.2. Part of the existing school building to the front of the site is listed as a Protected Structure (i.e. the Central Classroom Block of the De La Salle National Schools and principal paired entrance gate piers) it is being incorporated into the proposed development.
- 2.1.3. The site is bounded to the north by the wooded margin of the Chapelizod Bypass, to the east by the Steeples housing development of modern two and three storey houses and apartments, to the south by the Ballyfermot Road and Markiewicz Park, and to the west by Lynch's Lane and further institutional buildings including Ballyfermot Family Resource Centre, St. Gabriel's primary school, St. Raphael's National School and St. Dominic's College Ballyfermot.
- 2.1.4. Access to the site is available from Ballyfermot Road and also from Lynch's Lane on the western boundary. The no. 40 bus route passes along the Ballyfermot Road in front of the site and there are existing bus stops near the entrance. Buses run every

10 – 12 minutes during peak times between the Charlestown Shopping Centre and Liffey Valley Shopping Centre via the city centre.

### 3.0 Proposed Strategic Housing Development

3.1.1. Permission for a mixed-use development at De La Salle national school and its grounds, on Ballyfermot Road, Ballyfermot, Dublin 10. The proposed development provides for:

- 933 no. dwellings comprised of 1, 2 & 3 bed apartments and duplex units, all located in 7 no. blocks (zones)
  - 326 no. 1 bed units,
  - 547 no. 2 bed units &
  - 60 no. 3 bed units
- **Zone A** is part 3 storey & 10-13 storeys block containing 142 no. units (52 x 1 beds, 82 x 2 beds & 8 x 3 beds), and a ground floor café (51.7m<sup>2</sup>).
- **Zone B** is part 3 storey & 9-12 storeys block containing 180 no. units (45 x 1 beds, 117 x 2 beds & 18 x 3 beds).
- **Zone C** is an 8-10 storey block containing 137 no. units (62 x 1 beds, 72 x 2 beds & 3 x 3 beds).
- **Zone D** is comprised of 2 no. 2-3 storey blocks accommodating 24 no. 1, 2 & 3 bed apartments and duplex units located along the eastern boundary of the site. Zone D also includes 4 no. 4-6 storey buildings accommodating 189 no. apartments (67 x 1 beds, 108 x 2 beds & 14 x 3 beds).
- **Zone E** is part 3-5 storeys & 9 storey block containing 59 no. units (7 x 1 beds, 50 x 2 beds & 2 x 3 beds).
- **Zone F** is part 2-4 storeys & 6-9 storeys block containing 132 no. units (59 x 1 beds, 66 x 2 beds & 7 x 3 beds), with a ground floor commercial unit (106.55m<sup>2</sup>).
- **Zone G**, to the rear of the Protected Structure, is a 2-5 storey building containing 70 no. units (26 x 1 beds, 40 x 2 beds & 4 x 3 beds).

- 3.1.2. Permission is sought for the demolition of the 2 storey eastern school building (1,360m<sup>2</sup>), associated buildings/shelters to school yard (842m<sup>2</sup>) and the Mount La Salle (“Monastery”) residential building (1,700m<sup>2</sup>).
- 3.1.3. The Protected Structure (former national school) will be converted to:
- community (534m<sup>2</sup>) and
  - creche (544m<sup>2</sup>) uses.
- 3.1.4. A new pedestrianised street will be created, adjacent to the school leading into the development. The proposed development also provides for:
- a café (51.7m<sup>2</sup>) at the ground floor of Zone A and
  - a commercial/retail unit (106.55m<sup>2</sup>) at the ground floor of Zone F, fronting onto Ballyfermot Road.
  - Blocks A, B, C, D, F & G have associated communal / residential support facilities and semiprivate/ communal open spaces.
- 3.1.5. The proposed development provides for open spaces, including:
- multi-use playing pitches (1.18ha),
  - a central park (0.77ha),
  - pocket park (0.03ha),
  - running track,
  - children’s play areas,
  - hard and soft landscaping & boundary treatments.
  - Private open spaces are provided as terraces at ground floor level of each block and balconies at all upper levels.
- 3.1.6. Vehicular access to the proposed development will be via two existing access points: (i) on Ballyfermot Road and (ii) off Lynch’s Lane.
- 3.1.7. Car parking is to be provided in the form of on-street parking, basement and undercroft car parks. Blocks A, C & G are located above 2 no. proposed basements, accommodating 202 no. spaces. Blocks B, D & F have undercroft parking accommodating 229 no. spaces, with 159 no. surface spaces also proposed.

3.1.8. The proposed application includes all associated hard and soft landscaping, green roofs, bin & bicycle storage, plant (M&E), sub-stations, public lighting, servicing, signage, surface water attenuation facilities and associated and ancillary works, including site development works above and below ground.

3.1.9. A Material Contravention statement has been submitted with regards to building height. The Material Contravention statement submitted with the pre application states:

‘Fig.39 “Building Height in Dublin Context”, identifies the locations across Dublin City Council’s administrative area where specific height limits exist. As identified within the CDP, the subject lands are located in an area designated as low-rise, which relates to the prevailing local height and context of the city. The height permitted as part of this designation ranges from 16m to 24m. In relation to building height, the proposed development includes for buildings that range from 10m to 40m, which is in excess of the blanket restriction of 16m/24m applied by DCC in its current Development Plan’.

‘The proposed development in this case is for a residential scheme of 933 no. apartments and duplex units on lands zoned Objective Z15 “to protect and provide for institutional and community uses” in the Dublin City Development Plan 2016-2022, on the former De La Salle lands on Ballyfermot Road, Ballyfermot, Co. Dublin. Under this land use zoning objective, residential land use is “open for consideration”, therefore, in principle, the proposed use does not materially contravene the Development Plan’.

‘It is respectfully requested that An Bord Pleanála have regard to the following justification for increased height above that set out in the relevant Development Plan on the basis that the policies and objectives stated in the Section 28 Government Guidelines, particularly the “National Planning Framework 2040”, “Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)”, and the “Urban Development and Building Height Guidelines 2018” enable increased building height and residential densities on sites adjacent to quality public transport routes and within existing urban areas’.

3.1.10. The following details are noted: **Table 1**

<b>Parameter</b>	<b>Site Proposal</b>
Application Site	7.43 ha
No. of Units	933 apartments
Other Uses	<ul style="list-style-type: none"> <li>- A creche (c.544 sq. m),</li> <li>- Community Floor Space (c.534 sq. m),</li> <li>- Residential amenities area (c.1,155 sq. m)</li> <li>- Café (c. 52 sq. m) and</li> <li>- Retail (106 sq. m).</li> </ul>
Residential Density	170 units / ha
Site Coverage	26%
Plot Ratio	0.93 or 1.26 (excluding OS)
Building Height	4 - 13 Storeys
Public Open Space provision:	19,800 sq. m (26%)
Car Parking	590 spaces (0.6 spaces per unit)
Bicycle Parking	2010 spaces (1600 long stay and 466 visitor)
Part V	94 Units in Zone D
Dual Aspect	59%
Vehicular Access	via two existing access points: (i) on Ballyfermot Road and (ii) off Lynch's Lane.

**Table 2: The breakdown of proposed residential unit types is as follows:**

<b>Apartment Type</b>	<b>No.</b>	<b>Percentage</b>
1 bed	326	35
2 bed	549	59
3 bed	58	6
<b>Total</b>	<b>730</b>	<b>100%</b>

#### 4.0 National and Local Planning Policy

##### 4.1.1. National

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’)
- ‘Sustainable Urban Housing: Design Standards for New Apartments’ (2018)
- ‘Design Manual for Urban Roads and Streets’ (2013)
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’) (2009)
- ‘Architectural Heritage Protection- Guidelines for Planning Authorities
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018)

#### 4.1.2. Local

- 4.1.3. The statutory Development Plan for the area is the Dublin City Development Plan 2016-2022. Within the City Development Plan (hereafter CDP) the subject site is zoned objective 'Z15' to "to protect and provide for institutional and community uses".
- 4.1.4. Under this land use zoning objective, residential development is 'open for consideration'.
- 4.1.5. There is a requirement for proposals on Z15 zoned lands to be accompanied by a Masterplan that sets out a clear vision for the zoned lands and to provide for the identification of 25% of the lands for open space and/or community facilities. The masterplan is to incorporate landscape features which retain the essential open character of the lands zoned Z15. It must also ensure that the space will be provided in a manner designed to facilitate potential for future public use and protect existing sporting and recreational facilities which are available predominantly for community use. A Masterplan for the site and its future development has been prepared by Delphi Design and accompanies this submission.

## 5.0 **Planning History**

The following is a summary of the planning history on the subject site.

- **Ref. 0194/01** – permission granted on 3rd May 2001 for the construction of a new concrete block wall to the rear section of the western Boundary, supplementary high level metal fence on top of existing walls to the southern and part eastern boundary and to the front section of the western boundary with localised building up of existing concrete block wall to the northern boundary and part eastern boundary with new replacement gates and ancillary works.
- **Ref. 5819/06** – permission granted for the erections of security fencing inclusive of new vehicular and pedestrian gates and all associated site works to boundary of the above named schools.
- **Ref. 3345/07** – permission granted to erect a new steel structure ESB substation and all associated site works.



- **Ref. 3419/08** – permission granted 2nd October 2008 for demolition of existing changing rooms and construction of a new single storey changing rooms/multi purpose building and all associated works.

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

- 6.1.1. A series of formal pre-application meetings under Section 247 of the Act were undertaken with Dublin City Council (the Planning Authority) on the 12<sup>th</sup> June 2019, 24<sup>th</sup> September 2019 and the 9<sup>th</sup> December 2019.

## 7.0 Submissions Received

### 7.1.1. Irish Water

Irish Water has issued a conformation of feasibility for this development for 1025 residential units.

Water: 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.

Wastewater: There is a 375 mm ID concrete sewer running through the site. The developer will have to ensure that the proposed structures and works will not inhibit access for maintenance or endanger structural or functional integrity of the infrastructure during and after the works. Drawings (showing clearance distances, changing of ground levels) and Method Statements will be required in the detailed design of the development. A wayleave in favour of IW will be required over the infrastructure that is not located within the public space.

The CoF to connect to the IW infrastructure does not extend to the applicants flow requirements.

## 8.0 Forming of Opinion

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 brief detail on each of these elements hereunder.

## 9.0 **Documentation Submitted**

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, completed application form, planning report, Part V documentation, IW pre connection enquiry, and accompanying drawings, a Planning Report and Statement of Consistency, material contravention statement, Heritage Impact Assessment, Ecological Assessment (incorporating Appropriate Assessment Screening), Masterplan and Architectural Design Statement, Noise Survey, Accommodation Schedule and Site Specific Flood Risk Assessment.

I have considered all of the documentation submitted by the prospective applicant, relating to this case.

## 10.0 **Planning Authority Submission**

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 their opinion in relation to the proposal. This was received by An Bord Pleanála on 26<sup>th</sup> May 2020.

The planning authority's 'opinion' included the following matters: copies of record of section 247 consultation, zoning and site designations, site description, planning history; opinions from other departments and an assessment of the proposal.

The report addresses the following:

### **Zoning and Site Designations**

- Permissible uses under this zoning include community facilities and creches, while residential use is 'open for consideration'.
- Development adjacent to existing residential development should have regard to prevailing height of existing residential development and to standards in

Section 16.10 in relation to aspect, natural lighting, sunlight, layout and POS and in Section 14.7 in relation to the avoidance of abrupt transitions of scale between zonings.

- Although café and retail / commercial use do not fall within either category they may be considered ancillary to the principle uses proposed.
- How the proposal is in accordance with and assists in securing the aims of the zoning objective; how it secures the retention of the main institutional and community uses on the lands, incl. space for necessary expansion of such uses; how it secures the retention of existing functional open space e.g. school playing fields and the manner in which the nature and scale of the proposal integrates with surrounding lands, needs to be justified.
- In considering whether there is no longer a need for the existing institutional use and a material contravention or variation to the CDP is proposed, the p.a. shall consult with the owner / operator of the existing institutional and community uses and the relevant statutory provider (e.g. The Department of Education and Skills in the case of schools...)

### **Zoning**

- It is first relevant to determine whether there is no longer an educational need for the site.
- Reservation of a parcel of land, containing the western classroom block and green space, for potential future education use, is noted.
- It is noted that an assessment of future demand for education space locally has not been undertaken.
- It has not been demonstrated that the subject site is no longer needed for the existing institutional use i.e. education.
- It has not been demonstrated that the reserved land with a site area of 0.5 ha and containing the western classroom block, would be sufficient to accommodate an educational institution. Therefore, the proposed development would constitute a material contravention of the City Development Plan.

### **Plot Ratio, Site Coverage and Density**

- The stated plot ratio and site coverage comply with City Development Plan standards.
- POS on the site will amount to 25% of site area, it is considered that in quantitative terms this provision should enable an open character to be maintained. It is also noted that Urban Development and Building height Guidelines (2018) encourage consolidation and densification at appropriate locations.
- Overall high-density development is generally supported.
- Concerns are raised in relation to visual impact of the proposed development due to its scale and the quality of residential accommodation proposed, which may indicate that the proposed scheme is of excessive density for the site.

### **Masterplan**

- The masterplan should set out how the reserved site for education or alternative uses will be managed in the short term and not left vacant.
- Integrated successfully.

### **Layout**

- Overall the layout of scheme is considered legible, with good permeability for pedestrians and cyclists, would provide good quality new public realm and contribute to the strategic green network in this area.
- Consideration should be given to need for and placement of pedestrian crossings to link the green spaces with Markiewicz and Ballyfermot District Centre.

### **Height**

- Material Contravention Statement has been submitted in relation to height.
- The rationale for the distribution of scale across the site is noted, however it has not been demonstrated that the proposed heights are appropriate, particularly combined with the considerable bulk and mass of development.

### **Impact on the Character of the Area**

- A Landscape and Visual Impact Assessment has not been submitted.
- A visual impact assessment, with particular emphasis on views from the Phoenix Park is required.
- Concerns raised with regard to the overall height and massing.
- It is considered transition in scale from the site boundaries has been managed successfully. The approach of creating different character areas, the specification of good quality materials and the quality of the architecture in general is supported.
- Concern is raised with respect to visual impact due to the elevated nature of the site, the bulk and scale of the proposed blocks and the modest scale and character of surrounding development.

### **Conservation**

- A Heritage Impact Assessment was submitted.
- The retention of the protected gate piers is not clear from the plans and needs clarification.
- Very little information on the conversion of the protected structure has been submitted, in particular the extent of any modifications required to enable change of use
- Concern raised with respect to the provision of a playground attached to the creche at the front of the protected structure. Preferably the playground should be moved to the side or rear of the PS.
- Part of Zone G would benefit from a reduction its massing.
- The taller blocks in Zone A and B is not clear as they are not indicated in the elevations for Zone G.
- Computer generated images showing the protected structure in the context of the proposed scheme should be provided.

## **Residential Quality Standards**

### **MIX**

- Floor plans, elevations and sections do not scale as printed
- It is considered that the mix of apartments proposed is in accordance with Sustainable Urban Housing: Design Standards for New Apartments (2018).
- Provision of apartments is welcome

### **FLOOR AREAS**

- Schedule of accommodation submitted indicates that all apartments meet the minimum floor areas for all units, with many exceeding the required standard.
- The proportion of apartments which exceed the floor area by 10% should be indicated.
- Proportion of dual aspect 3 bed units to be detailed.

### **DUAL ASPECT**

- A number of single aspect units which appear to face predominantly north, i.e. within a 45 degree angle of 0 degree (i.e. due north) within Zones A, C, D, E & F. Such units in Zone A are at ground floor level c. 20m south of Zone B and have limited defensible space.
- In Zone E, 2 no. units have secondary windows facing neighbouring balconies.
- In Zone F there are 4 no. units with no window serving a bedroom.
- Given the outer city location of the site, largely greenfield nature and required level of POS, it is considered that the inclusion of single aspect north facing units is not acceptable.
- Some single aspect 1 bed units within the Part V area of Zone D have aspect only towards a flank wall at 11m distance, would give rise to poor outlook.

### **FLOOR TO CEILING HEIGHT**

- Cannot be scaled from submitted plans. Needs clarification.

## PRIVACY

- Zones A, B, C, D & E appear to have no defensible space. Concerns of privacy and outlook need to be addressed.
- Privacy between opposing windows and private amenity areas within internal courtyards needs to be considered.

## LIFT AND STAIR CORES

- 12 apartments per stair core or less to be confirmed.

## STORAGE

- Additional storage for bulky items outside individual units has not been indicated. Further detail is required with regard to provision of additional secure storage at ground or basement.

## PRIVATE OPEN SPACE

- The applicant should confirm the provision, size and depth of private amenity space to all units.
- In some instances, Incl. apartments in the duplex block and in Zone F, it is not clear whether units are provided with private amenity space.
- Some 3 beds appear to be provided with limited amenity space in comparison to 2 bedroom units.
- Some private amenity spaces appear to have limited depth.

## COMMUNAL AMENITY SPACE

- There is a requirement for 5,961 sq. m of communal open space. Provision is unclear and requires clarity.

## CHILDRENS PLAY SPACES

- It is acknowledged that children's play spaces are incorporated into the proposal, however the size of these spaces should be confirmed.

## DAYLIGHT, SUNLIGHT AND OVERSHADOWING ANALYSIS

- A daylight /sunlight report has not been submitted.

- Concern is raised with respect to inclusion of north facing single aspect units and overhanging balconies, impact upon adequate daylight and sunlight for individual units and open spaces.
- A full noise impact assessment and an air quality assessment should be prepared.

#### POS / REFUSE STORAGE / SUSTAINABLE BUILDING DESIGN

- It is considered that the quantity and quality of the POS is in accordance with the Zoning objective, subject to securing public access.
- Adequately sized recycling facilities required.
- A sustainability assessment should be submitted.

#### **Impact upon neighbouring residential amenity**

- Zone D is located / separated by 17.6m from the rear of dwellings in the Steeples.
- At first floor level only windows in the rear elevation of the duplexes serve hallways and bathrooms and can be obscure glazed.
- The duplexes include roof terraces and indicated screening, unlikely to result in significant overlooking.
- Unlikely Zone E would result in overlooking given, separation distances, orientation and outlook.
- It is considered give the reduction in height at eastern boundary overbearing is not likely to arise.
- Daylight, sunlight and overshadowing not likely to arise to existing residential development within The Steeples.

#### **Community facilities and social infrastructure**

- The provision of a creche, community centre, café, and retail unit to further enhance the existing provision in the area is welcomed.
- A social Infrastructure Audit should be submitted which would inform the level and type of community space to be provided.



- An access and management plan should be provided.

### **Archaeology**

- There are 13 potential archaeological features within the site, it is recommended that a geophysical survey is conducted across the pitches and open areas, followed by a trial trench programme.

### **Phasing**

- Proposed playing pitches and creche should be delivered in Phase 1

### **EIAR**

- It would be useful to have a list of the EIAR chapters at this stage.

### **AA Screening**

- An Ecological Assessment incorporating AA Screening Report, dated Feb 2019, has been submitted. This identifies that the development could affect the status of light Bellied Brent Geese, a QI for adjacent Natura sites and recommended the preparation for a NIS. It is stated that further survey work is required in order to finalise the NIS.

## **11.0 Consultation Meeting**

11.1.1. A Section 5 Consultation meeting took place by way of conference call on the 5<sup>th</sup> October 2020, commencing at 2.00 pm. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

The main topics raised for discussion at the tripartite meeting were as follows:

1. Principle of Development: (Z15 Zoning)
2. Development Strategy for the site including urban design considerations such as building height and the bulk, scale and mass of blocks; architectural treatment; and interface with protected structure and public streets.
3. Visual Impact, submission of CGIs/visualisation/long range views from Phoenix Park Chapelizod ACA and wider area.

4. Residential Amenity: (internal and external) open space provision, aspect of units and access to daylight and sunlight.
5. Site Services
6. Any other matters

11.1.2. In relation to 'Principle of Development (Z15 Zoning)' An Bord Pleanála representatives sought further elaboration / discussion / consideration on the following:

- There is a need to address the Institutional Lands Objective, as set out in the Dublin City Council Development Plan 2016 – 2022, in any application.
- There is a need for a demographic analysis and assessment of community infrastructure and school demand capacity.
- There is a need to demonstrate that the reserved land with a site area of 0.5 ha and containing the western classroom block, would be sufficient to accommodate an educational institution. Consultation is required with the Department of Education and Skills, to explore future development of the reserved site for a school.

11.1.3. In relation to Development Strategy for the site An Bord Pleanála representatives sought further elaboration / discussion / consideration on the following:

- Justification of urban design considerations such as the bulk, scale and mass of blocks.
- Justification of the height, architectural design / treatment and interface with protected structure and public streets.
- There is a need to rationalize the proposed set back of the building line from the Ballyfermot Road, pedestrian desire lines and linking the development to Markiewicz Park and the wider area.
- Clarification of plans for retention, conversion and modification of the Protected Structure (comprising the central classroom block of the De La Salle National School, associated paired entrance gate piers and single storey loggia).

11.1.4. In relation to Visual Impact, An Bord Pleanála representatives sought further elaboration / discussion / consideration on the following:

- Greater visual analysis of the development by way of clear CGI's, long-range views and photomontages from the Phoenix Park, Chapelizod ACA and wider area.
- Justification for height and bulk of the blocks given the elevated position of the site and the modest scale and character of existing development.
- There is a need for submission of a detailed Urban Design Statement and an Architectural Statement, detailing finishes, use of materials and variety in design.

11.1.5. In relation to Residential Amenity, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Further justification is required of (internal and external) open space provision, aspect of units and access to daylight and sunlight. In the context of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities', March 2018.
- Detailed analysis of impact of the development on surrounding residential amenity, perceived overshadowing, overlooking, overbearing impacts.
- There is a need for a Daylight / Sunlight Report. Detailed analysis of Shadow Impact Assessment of the proposed development internally within the scheme. Concerns of overshadowing of communal open spaces, private open space and public open spaces needs to be addressed.
- Privacy between opposing windows and private amenity areas within internal courtyards needs to be addressed.
- There is a need to confirm the provision, size and depth of private amenity space to all units.

11.1.6. An Bord Pleanála sought further elaboration/discussion/consideration of Site Services:

- There is a need to clarify issues pertaining to drainage connections, flood risk and agreements with IW and the Drainage Department of Dublin City Council (wastewater upgrade is required, 375 mm ID concrete sewer present on the site).

11.1.7. In relation to Any Other Matters, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- There is a need for a detailed Traffic and Transportation Report and a Mobility Strategy.
- Matters raised within the PA Opinion and Appended City Council Department reports submitted to ABP on the 26.05.2020
- There is a need for an EIAR to be carried out.

11.1.8. 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-307087-20' 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.

### **Submission from Irish Water**

11.1.9. Irish Water has issued a Confirmation of Feasibility which confirms 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/

11.1.10. With respect to Wastewater: it is noted that there is a 375 mm ID concrete sewer running through the site. The developer will have to ensure that the proposed structures and works will not inhibit access for maintenance or endanger structural or functional integrity of the infrastructure during and after the works. Drawings

(showing clearance distances, changing of ground levels) and Method Statements will be required in the detailed design of the development. A wayleave in favour of IW will be required over the infrastructure that is not located within the public space.

## 12.0 Conclusion and Recommendation

- 12.1.1. 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.
- 12.1.2. 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.
- 12.1.3. 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.
- 12.1.4. 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.

## 13.0 Recommended Opinion

- 13.1.1. 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.

13.1.2. 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.**

13.1.3. 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. Development Strategy - The documentation at application stage requires further justification with regards to how the proposal is in accordance with and assists in securing the aims of the Z15 zoning objective; how it secures the retention of the main institutional and community uses on the lands / whether there is no longer a need for the existing institutional use, incl. space for necessary expansion of such use; how it secures the retention of existing functional open space and the manner in which the nature and scale of the proposal integrates with surrounding lands.
2. Scale and Massing - Further consideration/justification of the documents as they relate to the scale, form, visual impact, materials and finishes to the proposed buildings, in particular, given 5 of the 7 Blocks / zones are 9 storeys or higher. The further consideration / justification should address the proposed scale and massing given, inter alia, the receiving modest scale and character of the existing environment, including two storey development in proximity of the site to the south by dwellings on Ballyfermot Road and to the east by the Steeples Housing Development comprising of modern two and three storey houses and apartments and to the west by further low rise institutional buildings. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

3. Residential Amenity – Further consideration and / or justification of the documents as they relate to the proportion of single aspect and north facing units and daylight and sunlight access.

13.1.4. 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. A detailed statement of consistency and planning rationale, clearly outlining how in the prospective applicant's opinion, the proposal is consistent with local planning policies having specific regard to the zoning objective of the site, Z15 institutional and Community and its applicability to the development site in question having regard to the concerns raised in the Planning Authority's opinion.
2. A detailed statement, which should provide adequate identification of all such elements and justification as applicable, where the proposed development materially contravenes the Development Plan other than in relation to the zoning of the land, indicating why permission should, nonetheless, be granted, having regard to a consideration specified in section 37(2)(b) of the Act of 2000.
3. An updated Architectural Design Statement. The statement should include a justification for the proposed development, having regard to, inter alia, urban design considerations, visual impacts, site context, the locational attributes of the area, linkages through the site, pedestrian connections and national and local planning policy. The statement should specifically address the separation distance between proposed blocks, finishes of the blocks, the design relationship between the individual blocks within the site, the relationship with adjoining development and the interface along the site

boundaries, in particular with Ballyfermot Road and to the east with the Steeples Housing development. The statement should be supported by contextual plans and contiguous elevations and sections.

4. A report addressing the details of Heritage and Conservation Impact raised by the planning authority, at pre application meeting stage (SHD s.247 meeting, Monday the 5<sup>th</sup> of October 2020), in the CEO Report dated 26.05.2020 and the report of the Conservation Officer dated the 26.05.2020.
  
5. A Housing Quality Assessment that provides details in respect of the proposed apartments set out as a schedule of accommodation, with the calculations and tables required to demonstrate compliance with the various requirements of the 2018 Guidelines on Design Standards for New Apartments. It is important that the proposal meets and preferably exceeds the minimum standards in terms of dual aspect and proportion of apartment which exceed the floor area by 10%. In the interests of clarity clear delineation / colour coding of floor plans indicating which of the apartments are considered by the applicant as dual / single aspect and which apartments exceeds the floor area by 10%.
  
6. A report that addresses issues of residential amenity (both existing residents of adjoining development and future occupants), specifically with regards to potential overlooking, overshadowing and overbearing. The report shall include full and complete drawings including levels and cross-sections showing the relationship between the proposed development and adjacent residential development.
  
7. A Daylight and Shadow Impact Assessment of the proposed development, specifically with regard to impact upon adequate daylight and sunlight for individual units, public open space, courtyards, communal areas, private amenity spaces and balconies.



8. A visual impact assessment to address the details of visual impact raised by the Conservation Officer, in her report dated 26.05.2020. Long range views / photomontages of the proposed development from the surrounding area with views taken from key locations within Chapelizod ACA, the Phoenix Park (Wellington Monument, Magazine Fort, Chesterfield Avenue (in front of Aras an Uachtarain) and The Royal Hospital Kilmainham.
9. Clarification at application stage regarding connection to water and drainage infrastructure having regard to the Irish Water submission dated 08.06.2020
10. Response to issues raised in transportation department report dated 20.05.20, accompanying the PA Opinion dated 26.05.20.
11. Detailed landscape drawings that illustrate hard and soft landscaping, useable communal open space, meaningful public open space, quality audit and way finding. The public open space shall be usable space, accessible and overlooked to provide a degree of natural supervision. Details of play equipment, street furniture including public lighting and boundary treatments should be submitted.
12. A full response to matters raised within the PA Opinion and Appended City Council Department comments submitted to ABP on the 26.05.2020
13. An Environmental Impact Assessment Report (EIAR)

13.1.5. 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. Irish Water
2. Department of Culture Heritage and the Gaeltacht
3. An Taisce

4. Heritage Council
5. Fáilte Ireland
6. An Chomhairle Ealaíonn
7. Irish Aviation Authority
8. Dublin city 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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Fiona Fair

Senior Planning Inspector

12.10. 2020