



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-307095-20

Strategic Housing Development

Demolition of existing structures, construction of 111 no. Build to Rent Shared Accommodation units and associated site works.

Location

Site located at the junction of the R139 Road and Hole in the Wall Road, Donaghmede, Dublin 13.

Planning Authority

Dublin City Council North

Prospective Applicant

Platinum Land Limited.

Date of Consultation Meeting

6th July 2020.

Date of Site Inspection

26th June 2020

Inspector

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

- 2.1 The site is located in Donaghmede, a north county Dublin suburb close to the boundary with Fingal. The site forms the corner of the junction of the Hole in the Wall Road and the R139 at the Grange Road roundabout. It is c.950m east of key district centre lands and Clarehall Shopping Centre. It is c.1km southwest of Clongriffin Dart station, c.4km east of the M50/M1 interchange and c.8km northeast of Dublin city centre.
- 2.2 The site has a stated area of 0.19 hectares and is bounded to the north by St Columban's site (there is an extant permission for a mixed use development with 225 BTR units on this site (3403/18) granted in 2018 (5 no. blocks with a max. 5 storeys) and a current application for 438 apartments (ABP 307257-20)). The site is triangular in shape and contains an obsolete pump house, the remaining boundaries consist of a wall with railings which separate the site from footpaths, verges and bicycle paths to the east along the Hole in the Wall Road and to the south along the R139 (Clarehall Road). Both roads have dedicated bus lanes. The R139 is a QBC and a proposed Bus Connects route with a bus stop located along the southern boundary of the site.

2.3 To the west of St. Columban's is Grattan Lodge Housing estate. The area is characterised predominantly by suburban housing with a number of apartment developments, notable Clare Hall, Belmayne - Clongriffin etc within 1km of the site. Father Collins Park is the northeast off the Hole on the Wall Road

3.0 Proposed Strategic Housing Development

Site Area: 0.19ha

Proposed Development:

BTR Shared Accommodation. 212 bedspaces (101 double occupancy rooms and 10 single occupancy rooms) and the demolition of pump house (c.37.5sq.m).

Height: 5 to 10 storeys.

Facilities:

- Concierge area, communal living area and shared communal KDL at ground floor level.
- Communal living area and communal KDL at each floor level from 1st to 6th.
- Communal KDL at each floor level from 7th to 9th.
- Communal amenity space: communal terrace at 5th and 7th floor. Balconies at each floor from ground to 9th.

Parking & Access

- 126 bicycle spaces.
- 23 car parking spaces (includes 2 no 'go car' and 2 mobility impaired space).
- Access off R139 (Clarehall Road).

Breakdown:

Ground Floor:

- 2 primary communal areas.
- 9 double rooms (19.1 to 26.5sq.m).
- 1 single room (18sq.m).
- Laundry (17.5), concierge (21.2sq.m) & bike storage(18.5sq.m) with 6 no. balconies to the SE elevation (5.5 – 6.3sq.m).

First Floor:

- Utilities Area.
- Communal KDL (86.2sq.m).
- Living Space (37.9sq.m).
- 11 double rooms (19.2 – 26.5 sq.m).

- 1 single room (18 sq.m).
- Balconies (5.5-6.4sq.m).

Second to Fourth Floors:

- 1 shared communal KDL (86.2sq.m).
- 1 shared living space (58.6sq.m).
- 14 no. Double rooms (19.2-26.5sq.m).
- 1 no. single room (18sq.m).
- 6 no. balconies to SE elevation.

Fifth & Sixth Floors:

- 1 no. communal KDL.
- 1 no. communal living area.
- 12 no. double rooms.
- 1 single room.
- Balconies to both floors and roof terrace at fifth floor (101.6sq.m).

Seventh to Ninth Floors:

- 1 no. communal KDL per floor (80.2sq.m).
- 5 no double rooms (19.1-25.3sq.m).
- 1 no. single room (17.9sq.m).
- Balconies at each floor.
- Communal terrace at seventh floor (219sq.m).

4.0 Planning History

None pertaining to the application site.

On the adjoining St Columban's site (there is an extant permission for a mixed use development with 225 BTR units on this site (**3403/18** & **ABP 302929** dismissed due to changes considered material) granted in 2018 (5 no. blocks with a max 5 storeys) and a current application for 438 apartments (**ABP 307257-20**) 4blocks with a proposed height of 5 to 8 storeys

5.0 Policy Context

5.1 National:

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.

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 section 28 Ministerial Guidelines are:

- 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) (updated May 2020)
- The Planning System and Flood Risk Management (including the associated 'Technical Appendices') (2009)

Sustainable Urban Housing: Design Standards for New Apartments 2018

Section 5.0 of the Apartment Guidelines specifically relates to the Build to Rent (BTR) and Shared Accommodation Sectors. BTR developments are defined as follows:

Purpose-built residential accommodation and associated amenities built specifically for long-term rental that is managed and serviced in an institutional manner by an institutional landlord.

Specific Planning Policy Requirement (SPPR) 7 sets out the following requirements for BTR developments:

- (a) *Described in the public notices associated with a planning application specifically as a 'Build-To-Rent' housing development that unambiguously categorises the project (or part of thereof) as a long-term rental housing scheme, to be accompanied by a proposed covenant or legal agreement further to which appropriate planning conditions may be attached to any grant of permission to ensure that the development remains as such. Such conditions include a requirement that the development remains owned and operated by an institutional entity and that this status will continue to apply for a minimum period of not less than 15 years and that similarly no individual residential units are sold or rented separately for that period;*
- (b) *Accompanied by detailed proposals for supporting communal and recreational amenities to be provided as part of the BTR development.*

These facilities to be categorised as:

- (i) *Resident Support Facilities* - *comprising of facilities related to the operation of the development for residents such as laundry facilities, concierge and management facilities, maintenance/repair services, waste management facilities, etc.*
- (ii) *Resident Services and Amenities* – *comprising of facilities for communal recreational and other activities by residents including sports facilities, shared TV/lounge areas, work/study spaces, function rooms for use as private dining and kitchen facilities, etc.*

Shared accommodation is to be considered as a subset of BTR accommodation.

SPPR 9 provides as follows:

Shared Accommodation may be provided and shall be subject to the requirements of SPPRs 7 (as per BTR). In addition,

- (i) *No restrictions on dwelling mix shall apply;*

- (ii) *The overall unit, floor area and bedroom floorspace requirements of Appendix 1 of these Guidelines shall not apply and are replaced by Tables 5a and 5b;*
- (iii) *Flexibility shall be applied in relation to the provision of all storage and amenity space as set out in Appendix 1, on the basis of the provision of alternative, compensatory communal support facilities and amenities. The obligation will be on the project proposer to demonstrate the overall quality of the facilities provided and that residents will enjoy an enhanced overall standard of amenity;*
- (iv) *A default policy of minimal car parking provision shall apply on the basis of shared accommodation development being more suitable for central locations and/or proximity to public transport services. The requirement for shared accommodation to have a strong central management regime is intended to contribute to the capacity to establish and operate shared mobility measures.*

Section 5.13 describes shared accommodation as follows:

... professionally managed rental accommodation, where individual rooms are rented within an overall development that includes access to shared or communal facilities and amenities.

Section 5.15 adds:

“One format of Shared Accommodation which is proposed by these guidelines is a residential unit comprising of 2-6 bedrooms, of single and/or double occupancy with a common shared area within the residential unit for living and kitchen facilities.”

Section 5.22 also states:

“Shared accommodation formats may be proposed other than the format outlined in paragraph 5.15 above. For example, such proposals may be related to the accommodation needs of significant concentrations of employment in city centres and core urban locations such as major national level health campuses or similar facilities. Innovative formats may also be proposed to provide shared accommodation within protected structures in order to ensure their long term rehabilitation and to address sensitive architectural constraints of the subject building.”

Section 5.23 also states:

“The granting of planning permission for other shared accommodation formats from those outlined in paragraph 5.15 above will be at the discretion of the planning authority. In assessing such proposals, planning authorities should ensure that sufficient communal amenities are provided in accordance with the specified standards in Table 5b above and that the scale of the development is appropriate to the location/buildings involved and to the specific role that the development of the shared accommodation sector should play in the wider urban apartment market.

Section 5.16 provides quantitative standards for bedroom sizes and communal space floor areas. Section 5.17 states:

“A key feature of successful Shared Accommodation schemes internationally is the provision of wider recreation and leisure amenities as part of the overall development. Residents enjoy access to sports and recreation facilities that are dedicated for use by the residents only and have the opportunity to experience a shared community environment among residents of the scheme.”

Sections 5.18 and 5.19 provide guidance on suitable locations for shared accommodation schemes. The prevailing context of the proposed site is to be considered, with city centres being the appropriate location for such developments. Section 5.18 states:

“In this regard the obligation will be on the proposer of a shared accommodation scheme to demonstrate to the planning authority that their proposal is based on accommodation need and to provide a satisfactory evidential base accordingly. Where there is a failure to satisfactorily provide such a basis permission should be refused by the planning authority.”

5.2 Regional:

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.

5.3 Local:

Dublin City Development Plan 2016-2022

The development site is zoned ‘Z1 To protect and improve residential amenities.’ It is also within the boundary of Strategic Development Regeneration Area (SDRA) 1. Section 14.8.13 SDRAs:

“...not all of the identified strategic development and regeneration areas are zoned Z14 in their entirety ...[and] the relevant zoning objective for each area shall be applied to any development proposals.’

Section 15.1.1.1 SDRA 1 North Fringe (Clongriffin-Belmayne). Relevant key points include:

- Over 3,400 new homes and 41,000 sq.m. of commercial floor area in place, also water and drainage infrastructure, a Clongriffin Dart station and public square, sections of the new main street boulevard and redesign of Father Collins Park.
- Aim of providing approx. 8,000 new residential units upon completion.
- Objective to achieve a sufficient density of development to sustain efficient public transport networks and a viable mix of uses and community facilities.

- Objective to promote the creation of a high-quality public domain by establishing a high standard of design in architecture and landscape architecture.
- Objective to use building heights to define key landmark locations, including: Minimum heights of five storeys for the key district centres at Clongriffin rail station and the N32/Malahide Road junction.
- Minimum heights of four to five storeys for the Main Street boulevard.
- A landmark structure of 10-14 storeys (office height) adjacent to the rail station. Also relevant:

Section 16.4 Density Standards. As per national planning policy.

Section 16.5 Plot Ratio. Indicative plot ratio of 0.5 – 2.0 for Z1 outer city. Higher plot ratio may be permitted adjoining public transport corridors.

Section 16.6 Site Coverage. Indicative site coverage of 45% - 60% for Z1 lands. May be higher adjoining public transport corridors.

Section 16.7 Building Height. Up to 16m in outer city locations, outside designated locations within SDRAs.

Clongriffin Belmayne (North Fringe) Local Area Plan 2012-2018 (extended to 2022) There has been considerable progress and delivery of infrastructure in this developing area including:

- a) Approx 3,400 homes completed to date
- b) Approx 41,000 sq.m of commercial floor space constructed
- c) Construction of Clongriffin Rail Station and the No 15 Bus Service, accessing the Malahide Road QBC, which terminates in Clongriffin
- d) The North Fringe Sewer and North Fringe Watermain projects
- e) Significant sections of the main street network, including the distributor roads, completed
- f) Two primary schools, Educate Together and St Francis of Assisi, successful established (in temporary accommodation with progress towards permanent sites being advanced)
- g) The innovative 21ha Fr Collins Park

h) Park and Ride public car park and town centre plaza at Clongriffin completed
5.3.2. LAP section 7.6 general minimum net density of 50 units/ ha should be achieved subject to appropriate design and amenity standards in the LAP area.

There are no specific height objectives for this location in the LAP.

6.0 Section 247 Consultation(s) with Planning Authority

6.1 It is stated by the prospective applicant that one pre-application consultation took place with the planning authority on 10th December 2019.

7.0 Submissions Received

Irish Water (26th May 2020)

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

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. The applicant is proposing to divert IW infrastructure as part of this development. Irish Water confirms that the applicant has engaged with IW's Diversions team with regards to a diversion of the existing IW infrastructure, this engagement is currently ongoing. A wayleave in favour of Irish Water will be required on infrastructure on that site that is not located within public space.

The Confirmation of Feasibility to connect to the Irish Water infrastructure does not extend to the applicant's fire flow requirements. Irish Water cannot guarantee a flow rate to meet fire flow requirements and in order to guarantee a flow to meet the Fire Authority requirements the applicant may need to provide adequate fire storage capacity within the development. In order to determine the potential flow that could be delivered during normal operational conditions, an onsite assessment of the existing network is required.

All development is to be carried out in compliance with Irish Waters Standards Codes and Practices and any proposals by the applicant to build over or divert existing water or wastewater services shall be submitted to Irish Water for written approval prior to works commencing.

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

8.2 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, Planning Report and Statement of Consistency, Architectural Drawings and Submission, Engineering Submission and Letter from Irish Water, Transportation Assessment Report and Road Safety Audit, Landscape Masterplan and Landscape Design, Arboricultural Report and Statement, Photomontages, AA Screening, Daylight, Sunlight and Overshadowing Assessment.

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 27th 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:

Density:

While the PA recognises that the development is not centrally located, it is noted that in addition to the existing bus services and QBC, the development will be within the wider catchment of the DART station at Clongriffin and will be c. 300m away from Main Street to the north along which the future Bus Connects Corridor 1 route will traverse. As such the proposed density (1132.75 bedspaces per hectare) is acceptable due to the availability of public transport, noting recent precedents for SHD proposals in the wider area, and when benchmarked against current national policy on residential development.

The added population the development would generate would also help the viability of local services and facilities both existing and in the future for this emerging urban city area,

Justification for Shared Living Accommodation

- The site is not located within or proximate to the city centre and is not located within a KDC or district centre. It is c. 1.3km from Clongriffin DART station. There are no large employment campuses close by.
- It is not considered that an overly compelling case has been made for the co-living accommodation model to be sited at this location in the outer city. On this basis it is recommend that permission be refused. If permission is granted and did not attract the expected tenants, it is unclear what tenure model the scheme would then operate.

Height:

- The proposed height (18 to 31m) would materially contravene section 16.7 of Dublin City Development Plan 2016-2022 which sets out a maximum height of 16m for outer city areas.
- The LAP does not however set specific heights for the site.

- Reference to a 9 storey development granted permission at Clarehall by ABP and the Building Height Guidelines.

Layout:

- The development is shoehorned into the site and arranged against the permitted development to the north. A coordinated approach to the development of the two sites would have been preferable. The subject site (which had previously been presented as undevelopable due to the level of site services traversing the site) could be more efficiently redeveloped if done in conjunction with the Columban Fathers site.

Visual Impact:

- Additional CGI and montages are required.
- Contemporary design is of a high standard.
- Some variation in terms of colour would be welcomed.
- The northern elevation requires additional articulation.

Landscaping:

- The development footprint should be setback from the southern and eastern site boundaries to allow for a reasonable planting strip. Surface parking would benefit from some planting, which may result in the loss of spaces.

Amenity:

- No public open space is proposed,
- Concerns raised in relation to a number of the balconies and impact on amenities.
- Concerns raised in relation to the impact on the amenities of future residents of the adjoining permitted development on the Columban Fathers site (3403/18 permission),
- Access to Daylight and Sunlight,
- Micro climate analysis.
- Solar glaze and dazzle (air safety).
- Potential light pollution.
- Overlooking/Privacy of rooms/balconies from the public realm.
- Overlooking of adjoining permitted developments

Archaeology

- The site is less than 100m from Grange Abbey, a National Recorded Monument.

Traffic & Parking

- Refer to Transportation Planning Report.

AA

- Screening report submitted

EIA

- Screening report submitted

Conclusion:

The report concludes that the planning authority is of the opinion that the Co-Living development be **refused** permission as a sufficiently compelling case for the development at this outer city location has not been provided in line with the requirements of the 2018 Apartment Guidelines.

The Planning Authority is not in a position to support the proposal until issues raised in the planning and other DCC reports are satisfactorily addressed. These include:

Development Potential/Design:

- In the interest of urban consolidation and efficiency it would be recommended that any development of the site (if onsite services can be accommodated/diverted etc) be redesigned in comprehensive manner having regard to adjacent development including proposals to redevelop the Columban Father's site to the north.
- A Material Contravention Statement to justify the height of the scheme.
- CGIs and verified montages to be provided from various location around the area, including from the north along the Hole in the Wall Road.
- Use of brick treatment for blocks.
- The northern elevation of the 10 storey landmark block be given a greater degree of visual articulation and interest.

Open Space:

- A contribution in lieu of onsite public open space.

Overlooking/Privacy:

- The rear/northern bedroom opes be redirected to look in a NE direction.
- The nw facing opes serving the communal K/D/L rooms be made high level opes (min. 1.8m above FFL).

- The nw facing opes serving communal living rooms should be redirected to look towards the sw or other alternative options explored.
- Need to maximise privacy of groundfloor bedroom units (increase set back from boundaries, natural buffers etc).
- Privacy screens to patios and terraces.
- Opaque glazing where required.
- Address potential overlooking of the site to the north (Columban Fathers).
- Viewing cones should be provided with an application.

Access to Sunlight & Daylight/Micro-Climate/Solar Dazzle-Glare:

- The scheme should maximise daylight to corridors, landings and lobbies and minimise reliance on artificial illumination.
- An assessment of impacts from micro-climate should be provided – noting the potential proximity of two apartment block elevations.
- An assessment of impacts from potential solar dazzle/glare should be provided.
- The Irish Aviation Authority may need to be consulted if solar panels or photovoltaic arrays are to be placed on roofs.

Transportation Planning Comments:

- The proposed car parking ratio is unacceptable in the proposed location having regard to the nature and scale of the proposed development. The applicant has failed to demonstrate requirements to enable the provision of the reduced car parking provision and has failed to demonstrate that the level of car parking would not result in overspill car parking and have a negative impact on the local area.
- To facilitate the development, works are proposed to the public road along the R139. The applicant is requested to liaise with the Transportation Planning Division DCC prior to lodgement of any planning application to ascertain the requirements. It should be noted that any works within the public footpath and road will be at applicants cost and carried out in accordance with applicable DCC standards.
- Bicycle parking provision for residents / visitors that fully accords with the Dublin City Development Plan 2016-2022 is required. This requires that cycle

parking be secure, conveniently located, sheltered and well lit. In developments where there is a reliance on cycling as a transport mode, safe secure cycling compounds should be provided with key/fob access. Cycle parking design shall allow both wheel and frame to be locked. It should be noted that the applicable standard for residents is 1 per bedroom along with 1 visitor space per 2 residential units.

- Having regard to the level of works proposed on the public road to facilitate the development, the applicant is advised that the red line boundary of the site may need to be extended and that a letter of consent from Dublin City Council be obtained and submitted with the application, subject to the agreement in principle of the proposed works. Any works to the public road would be at the applicant's own expense.
- The applicant should submit confirmation from a Car Club provider confirming the commitment of a car share scheme for the development and confirming the number of vehicles allocated to the proposed development.
- The applicant should submit a revised Traffic Impact Assessment with any application, which reflect the modified car parking proposals.
- Fire and emergency vehicle access should be clarified and swept path analysis submitted.
- A comprehensive Mobility Management Plan to include a modal split for the development and future mode split targets having regard to census information for the local area should be submitted with any forthcoming SHD application.
- A Traffic Impact Assessment pertaining to construction traffic and operational traffic, if applicable, should accompany any forthcoming SHD application.

- A preliminary Construction Management Plan should accompany any forthcoming application.
- An Operational Service Management Plan should accompany any forthcoming application. This should outline anticipated service requirements, having regard to the site location and the transport provision proposed including anticipated refuse collection requirements and associated impact on the public footpath, and outline measures to manage site servicing.

Drainage Division Comments:

- The proposed diversion of an existing 900mm diameter surface water sewer would not be acceptable to DCC Drainage Division and would not meet the requirements of the Greater Dublin Regional Code of Practice for Drainage Works V6.0. This may require the proposed layout of the development to be revised or alternatively, a proposal for the diversion of the public surface water sewer within the public area should be considered.
- The surface water report shall be expanded to include SuDS strategy maximizing the use of green nature based water management solutions providing a minimum 2 stage treatment approach for each hard standing area.

9.0 The Consultation Meeting

9.1 A Section 5 Consultation meeting took place online via Microsoft Teams on the 6th July 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 and nature of the development.
2. Residential Amenity.
3. Issues raised by Transportation Planning Section in the Planning Authority report dated 27th May 2020.
4. Issues raised by Drainage Planning Section the Planning Authority report dated 27th May 2020.
5. Irish Water submission dated 26th May 2020.
6. Any Other Matters.

9.3 In relation to the Development Strategy for the site and nature of the development, ABP representatives sought further elaboration/discussion/consideration of:

- Justification/rationale for a shared living accommodation development at this location. A strong justification/rationale needs to be made if this strategy is pursued at application stage.
- Need greater clarity with regard to the development strategy for the site.
- Additional detailing regarding materials, finishes, CGIs, cross sections.
- Interface with public realm.
- The Planning Authority in their opinion raised the issue of material contravention of the Development Plan Building Height policy. This should be addressed at application stage.
- Public realm.

9.4 In relation to Residential Amenity, ABP representatives sought further elaboration/discussion/consideration of:

- Residential amenities and communal areas.
- Potential overlooking of balconies from the public realm.
- Noise from the road and potential issues associated with flight paths in close proximity to the site.
- Be aware that there is a current application with ABP for an apartment scheme on the adjoining site.

9.5 In relation to Issues raised by Transportation Planning Section in the Planning Authority report dated 27th May 2020, ABP representatives sought further elaboration/discussion/consideration of:

- Access arrangements.
- Parking provision and management is intrinsically linked to the nature of the development proposed on site. A strong justification/rationale needs to be made if this strategy is pursued at application stage.

9.6 In relation to Issues raised by DCC Drainage Division, the Planning Authority report dated 27th May 2020, ABP representatives sought further elaboration/discussion/consideration of:

- Diversion of surface water sewers.

9.7 In relation to Irish Water submission dated 26th May 2020, ABP representatives sought further elaboration/discussion/consideration of:

- Issues raised by Irish Water pertaining to wayleaves need to be addressed prior to application stage.

9.8 In relation to other matters submission dated 26th May 2020, ABP representatives sought further elaboration/discussion/consideration of:

- Requirement for an Archaeological Impact Assessment
- Requirement for detailed CGI, Cross sections etc.
- Material Contravention Statement.
- Public Notices should clearly set out the nature of the development. Shared Living Accommodation should reference 'bedspaces' not 'unit'.
- Be cognisant of ABP 307257-20, a current application on the adjoining St. Columban site which is due for decision in September 2020 as depending on the Board decision this may need to be reflected in the details submitted with the application.
- Need to address the potential of Bats on site.

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 307095' 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. Principle of Shared Accommodation provision at this location

Further consideration of the documents as they relate to the principle of Shared Accommodation at this location. This consideration and justification should have regard to, inter alia, (i) the vision for the development of Donaghmede and the relevant housing and settlement policies set out in the Dublin City Development Plan 2016-2022; (ii) the Sustainable Urban Housing: Design Standards for New Apartments, specifically the guidance on Shared Accommodation Developments and in particular sections 5.18, 5.19 and 5.22 and SPPR 9 of same and (iii) the suitability of this location for Shared Accommodation with regard to accessibility and connections to employment centres and community facilities. Comprehensive information regarding the nature of the proposed use should be submitted to facilitate assessment of this issue including details of the occupation, operation and management of the scheme. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted relating to density and layout of the proposed development.

2. Impacts on residential amenities

Further consideration of the documents as they relate to the design of the development and to potential impacts on residential amenities. In this regard, the prospective applicant should satisfy themselves that the design strategy for the site provides the optimal architectural solution for this location and that it is of sufficient quality to ensure that the proposed development makes a positive contribution to the character of the area over the long term. The submitted documents should allow for further consideration of the overall elevational treatments and the proposed materials with regard to impacts on residential amenities, the site's context and locational attributes. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted relating to density and layout of the proposed development.

3. Transportation

Further consideration of the documents as they relate to parking, traffic and transport, having regard to the nature of the development proposed at this

location. Further consideration of vehicular, cycle and pedestrian connections to existing networks.

A Car Parking Strategy, Mobility Management Plan and a Traffic Impact Assessment should also be carried out. Further consideration of this issue may require an amendment to the documents and/or design proposals submitted relating to density and layout of the proposed development.

4. Drainage

Further consideration of the documents as they relate to drainage and site services having regard to the report from DCC drainage included in the Planning Authority's Opinion dated 27th May 2020 and Irish Water's submission dated 26th May 2020. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted relating to density 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 arising from this notification:

1. A detailed schedule of accommodation which indicates consistency with relevant standards in SSPR 9 of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (2018) including a report which addresses the use of compensatory communal residential support facilities and amenities for any proposed non-compliance with Table 5a and 5b.
2. A report that addresses issues of residential amenity (both of adjoining developments 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 (permitted or built).

3. Details of the proposed materials and finishes to the scheme including the treatment of balconies, landscaped areas 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.
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 and provides for a quality public realm.
5. An Archaeological Impact Assessment.
6. A micro climate analysis.
7. Tree Survey and Arboricultural Assessment.
8. Ecological Impact Assessment.
9. Response to issues raised in report from Transportation and Engineering Division in Addendum B of the PA Opinion received by An Bord Pleanála on the 27th May 2020.
10. A draft Construction Management Plan and a draft Waste Management Plan.
11. 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. Department of Housing, Local Government and Heritage.
5. An Taisce – The National Trust for Ireland.
6. Irish Aviation Authority and Department of Defence.
7. Dublin Airport Authority.

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.

Dáire McDevitt
Planning Inspector

14th July 2020