



An  
Bord  
Pleanála

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

**Inspector's Report on  
Recommended Opinion  
ABP-307314-20**

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**Strategic Housing Development**

Demolition of existing buildings,  
construction of 105 no. apartments and  
associated site works.

**Location**

No. 54 Glasnevin Hill and "Ardmore"  
with lands adjacent thereto, No. 38  
Glasnevin Hill, No. 52 Glasnevin Hill,  
lands to the rear of Nos. 48, 50 and 52  
Glasnevin Hill and Nos. 40 and 42  
Glasnevin Village, Dublin 9.

**Planning Authority**

Dublin City Council

**Prospective Applicant**

Sanderly Holdings Limited

**Date of Consultation Meeting**

10<sup>th</sup> September 2020

**Date of Site Inspection**

15<sup>th</sup> August 2020

**Inspector**

Rachel Gleave O'Connor

## 1.0 Introduction

- 1.1. Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

## 2.0 Site Location and Description

- 2.1. The site is located on the southwestern side of Glasnevin Hill on the northside of Dublin City. It comprises a former motor dealership premises, including a showroom building set back from Glasnevin Hill on the northern side of the site. A two storey detached house on a triangular plot is situated on the southside of the site. The site also includes no.52 Glasnevin Hill, a two-storey red-brick end-of-terrace building, which is stated to have been most recently used as offices. The site extends from the street frontage around the rear of no.'s 44, 46, 48 and 50 Glasnevin Hill.
- 2.2. The surrounding area is characterised by a mix of commercial, residential and institutional land uses. Bounding the site along Glasnevin Hill are two storey buildings, including convenience store (no.30) with a first floor apartment on the southern side of the site, a red-brick terrace of three houses (46-50), a hair salon (no.44), a restaurant (The Washerwoman) to the north of the site. Bounding the site to the west and north are the grounds of the Holy Faith Convent. Ground levels rise steadily by approximately 7m from the southern boundary of the site to the northern corner of the site.

## 3.0 Proposed Strategic Housing Development

- 3.1. The proposed development involves 105 no. residential units as follows:

Unit Type	Number
1 bed apartments	51
2 bed apartments	47
Total	105

The development has a stated net residential density of c. 233 units/ha based on a development area of c. 0.4496 ha. The development scheme comprises the following:

- 105 no. Apartments provided in 2 no. apartment blocks that range in height up to 7-storeys in height. The apartments provide a mix of one and two-bedroom units;
- Medical Suites measuring approximately 381sqm (GFA) at ground and first floor level fronting onto Glasnevin Hill.
- A Retail unit measuring approximately 98sqm at ground level fronting onto Glasnevin Hill.
- Ancillary residential facilities comprised on gym, media and conference rooms measuring approximately 354sqm.
- Site works, including soft landscape communal open spaces (approximately 1,087sqm or 24% of the site area).

## 4.0 Planning History

- 4.1. Reg. Ref. 3870/18 / ABP Ref. 304700-19: Permission granted by Dublin City Council and by An Bord Pleanála following third party appeal, for 74 apartments, two retail units and three retail/medical units in two 5 to 6 storey buildings over two basement levels with access off Glasnevin Hill.

## 5.0 National and Local Planning Policy

### 5.1. Section 28 Ministerial Guidelines

5.1.1. Having considered the nature of the proposal, the receiving environment and the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant section 28 Ministerial Guidelines are:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual) 2009
- Design Standards for New Apartments Guidelines for Planning Authorities 2018
- Design Manual for Urban Roads and Streets (DMURS) 2019
- The Planning System and Flood Risk Management (including the associated Technical Appendices) 2009
- Childcare Facilities Guidelines for Planning Authorities 2001
- Urban Development and Building Heights Guidelines for Planning Authorities 2018

## 5.2. **National Planning Framework**

5.3. The NPF seeks to achieve compact urban growth by targeting a greater proportion (40%) of future housing development to be within and close to the existing 'footprint' of built-up areas and plans for growth of 490,000 to 500,000 people in the Eastern and Midlands Region.

5.4. The National Planning Framework includes a specific Chapter, No. 6, entitled 'People Homes and Communities'. It includes 12 objectives among which Objective 27 seeks to 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.

5.5. Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

5.6. Objective 35 seeks to increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

## 5.7. **Dublin City Development Development Plan 2016-2022**

- 5.7.1. Zoning: The site is zoned 'Objective Z3 – Neighbourhood Centres' within the Dublin City Development Plan 2016-2022, with a stated objective 'to provide for an improve neighbourhood facilities'.
- 5.7.2. General: The Dublin City Council Development Plan 2016-2022 contains the planning policies applicable to the site. The policy chapters, especially Chapters 4 – Shape and Structure of the City, 5 – Quality Housing, and 12 – Sustainable Communities and Neighbourhoods, detailing the policies and objectives for residential development, making good neighbourhoods and standards respectively, should be consulted to inform any proposed residential development. Policy SC25 in Chapter 4, concerns the promotion of development which incorporates exemplary standards of high-quality, sustainable and inclusive urban design, urban form and architecture befitting the city's environment and heritage and its diverse range of locally distinctive neighbourhoods, such that they positively contribute to the city's built and natural environments. This relates to the design quality of general development across the city, with the aim of achieving excellence in the ordinary, and which includes the creation of new landmarks and public spaces where appropriate. (Chapter 16 deals with Development Standards: Design, Layout, Mix of Uses and Sustainable Design. Section 16.7.2 deals with Height Limits and Areas for Low-rise, Mid-Rise and Taller Development, Section 16.10 – Standards for Residential Accommodation).

## 6.0 **Forming of the Opinion**

- 6.1. Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the planning authority submissions and the discussions which took place during the tripartite consultation meeting. I shall provide a brief detail on each of these elements hereunder.
- 6.2. **Documentation Submitted**
- 6.2.1. The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and

Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. This information included, inter alia, the following:

- Application Form for a Section 5 Pre-Application Consultation Request in respect of a Strategic Housing Development;
- Cover letter;
- Statement of Consistency;
- Material Contravention Statement;
- Childcare Demand Audit;
- Schools Demand Assessment;
- Social Infrastructure Audit;
- EIAR Screening Statement;
- Part V Pack;
- Architectural Design Statement;
- Housing Quality Statement;
- Schedule of Accommodation;
- Building Lifecycle Report;
- Architectural Drawing Report;
- Pre-Planning Engineering Services Report (incl.DMURS Statement);
- Outline Construction and Demolition Waste Management Plan;
- Outline Construction Management Plan;
- Outline Travel Plan;
- Outline Operational Waste Management Plan (OWMP);
- Engineering Drawing Pack;
- Sunlight, Daylight and Shadowing Assessment;
- Sustainability Report;
- Building Services M&E Report;

- Photomontages and CGIs;
- Appropriate Assessment Screening;
- Archaeological Assessment;
- External Lighting Drawing Pack;
- Landscape Drawing Pack.

6.2.2. Section 5(5)(b) of the Act of 2016 requires the submission of a statement that, in the prospective applicant's opinion, the proposal is consistent with both the relevant objectives of the development plan or local area plan concerned, and the relevant guidelines issued by the Minister under section 28 of the Act of 2000. These statements have been submitted, as required.

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

### 6.3. **Planning Authority Submission**

6.3.1. In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Dublin City Council, submitted a copy of their section 247 consultations with the prospective applicant and also their opinion in relation to the proposal. The planning authority's 'opinion' included the following matters:

- The subject site is in an area zoned Neighbourhood Centre – Zone Z3 with objective 'To provide for an improve neighbourhood facilities'. The provision of retail units are welcomed. There is no objection to medical use being provided, however a greater variety in uses at ground floor level would be welcomed. Further detail is also needed on the medical suites.
- The proposal is generally in line with national policy guidance in relation to facilitating higher density. The quality of residential design is key and the planning authority will not support high density proposals with low level of residential quality for future occupiers of the scheme.
- No objection in principle to the proposed general layout of the development which is generally as permitted.

- The proposal represents a material contravention of the development plan in terms of height. Care should be taken through a sensitive design to ensure that the two storey structures and apartment scheme to the south and institutional lands to the north and west are protected from undue overlooking, overbearance and overshadowing.
- Concerns over the height proposed as viewed from Glasnevin Hill. In this regard the proposal appears excessive in height in relation to the height and scale of the existing, established two-storey development and 3-storey protected structure opposite. The transition is abrupt and unsatisfactory from a visual and residential amenity point of view. Suggest omission of units 28, 31 and 105 to address this.
- Further CGIs requested.
- The proposals for communal open space are unclear and conflicting in the documentation provided.
- Payment of a financial contribution in lieu of public open space noted.
- The widths of some of the double and twin bedrooms appear substandard.
- Noted that 17 units have rooms that do not meet minimum BRE targets for daylight and this is considered to be significant.
- Further details of vehicular entrances requested.
- There are concerns regarding the safety and security of the southern pedestrian stairs.
- The allocation of parking is a significant decrease on the permitted scheme. Concern that an under provision of parking will result in overspill parking on the surrounding network. It is requested that the provision of parking be increased.
- The quantum of cycle parking is considered insufficient for the number of units/bed spaces and retail/commercial space.
- Further details of waste storage and collection required.
- Liaison with DCC and NTA required in relation to BusConnects.
- An alternative proposal for parking associated with construction workers for the development is required.



- Details of lands to be Taken in Charge required.

### **Irish Water**

6.3.2. The submission from Irish Water (dated 9<sup>th</sup> July 2020) states that a Confirmation of Feasibility has been issued for a development of 115 units on the site.

### **6.4. Consultation Meeting**

6.4.1. A section 5 Consultation meeting took place via a video conference on the 10<sup>th</sup> September 2020. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

6.4.2. 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. Land uses proposed (function of medical suites and access to residential amenities),
2. Height, design and density (including relationship to the Convent site to the west and relationship to the street),
3. Residential amenity within the proposed development and relationship to rear garden associated with 44 Glasnevin Hill,
4. Communal amenity and landscaping,
5. Car parking,
6. Site access and servicing,
7. Cycle storage,
8. Drainage,
9. Any Other Matters.

6.4.3. 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-307314-20' which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

## **7.0 Conclusion and Recommendation**

7.1. Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development,

as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

- 7.2. I have examined all of the information and submissions before me including the documentation submitted by the prospective 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 section 28 Ministerial Guidelines, and local policy, via the statutory development plan for the area.
- 7.3. Having regard to all of the above and to the preliminary nature of the submitted documentation, I recommend that further consideration and/or possible amendment of the documents submitted are required at application stage in respect of the following elements – height/design; relationship to boundaries; and quality of proposed residential accommodation - as set out in the Recommended Opinion below.
- 7.4. Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **requires further consideration and amendment in order to constitute a reasonable basis for an application** under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 7.5. I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision-making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

## 8.0 Recommended Opinion

- 8.1. An Bord Pleanála refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an

application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

- 8.2. Following consideration of the issues raised during the consultation process and having regard to the opinion of the planning authority, and submissions received from statutory consultees referred to under Section 6(10) of the Act, An Bord Pleanála is of the opinion that the documentation submitted **requires further consideration and amendment to constitute a reasonable basis for an application** for strategic housing development to An Bord Pleanála.

In the opinion of An Bord Pleanála, the following issues will need to be addressed in the documents submitted to which section 5 (5) of the Act of 2016 relates that could result in the constituting a reasonable basis for an application for strategic housing:

#### Height/design

The prospective applicant should provide further justification and/or detail in relation to the proposed increase in height to blocks and detailed design of the proposed development. In particular, the prospective applicant should provide further justification and/or detail in relation to the visual impact of the development upon the surrounding area. Further detail of elevational design is required, particularly at street level. It is noted that the proposed height of the development will materially contravene the Dublin City Council Development Plan 2016-2022 and as such will require consideration under criteria in section 3.2 of the Urban Development and Building Heights Guidelines for Planning Authorities 2018. This includes consideration of topography, response to the scale of adjoining developments and integrating in a cohesive manner. Further consideration of this issue may require an amendment to the documents and/or design proposals submitted.

#### Relationship to boundaries

Further consideration and/or justification is required, where the proximity of balconies and windows in the development are located closer to boundaries than exhibited in the approved development. How the amenities and future development potential of lands adjacent to the site will be protected requires further examination and explanation in this regard. As previously noted, the proposed development is required to have regard to criteria under section 3.2 of the Urban Development and

Building Heights Guidelines for Planning Authorities 2018. This includes consideration of successful integration with the area. Further consideration of this issue may require an amendment to the documents and/or design proposals submitted.

#### Quality of proposed residential accommodation

The prospective applicant should provide further justification and/or detail in relation to the quality of the proposed residential accommodation, particularly in relation to daylight and sunlight. A Daylight, Sunlight and Overshadowing Assessment is required to demonstrate how the proposed development responds to recommendations in the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (the BRE guidelines). Analysis of all units on each floor should be provided until it can be demonstrated that all units on a floor meet recommended targets, at which point it can be logically assumed units above will also pass. Please note that criteria in section 3.2 of the Urban Development and Building Heights Guidelines for Planning Authorities 2018 includes regard to the quantitative performance approach to daylight provision as outlined in the BRE guidelines. In addition, further consideration of the outlook from units as they adjoin boundaries is also required. Further consideration of this issue may require an amendment to the documents and/or design proposals submitted.

Pursuant to article 285(5)(b)(i) and (ii) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that the following specific information should be submitted with any application for permission:

1. Additional details and/or revised proposals in relation to mix of non-residential uses to be included in the development and particularly the proposed medical suites.
2. Additional CGIs are required, as well as a Landscape and Visual Impact Assessment with photomontages, to include, consideration of visual impacts on the surrounding areas. This should include consideration of impact upon sensitive architectural areas/structures surrounding the site. Visibility should be illustrated

in context with nearby Protected Structures located opposite the site on Glasnevin Hill and adjacent to the site in the Convent grounds. Visibility from the National Botanic Gardens should also be investigated. Photomontages should include winter views.

3. Topographical survey of the site and associated commentary on how this has impacted the design of the proposed development.
4. A plan showing separation distances between the development to existing adjacent properties should also be included, annotating key distances to boundaries, buildings and windows. A comparison to the approved development should also be provided.
5. All floor plans for the proposed development should be presented in context with surrounding boundaries.
6. The application submission should demonstrate that the quality of Part V Housing to be included as part of the development is indistinguishable from comparable private housing within the scheme.
7. Additional details and/or revised proposals in relation to landscape, having regard to comments from the Planning Authority in relation to communal open space and on street greening.
8. A plan of landscape proposals clearly delineating communal and private spaces should be provided, as well as a detailed breakdown of the total area of same. Consideration of how the design of the landscape and provision of furniture/equipment will facilitate use of these spaces for both adults and children is also required.
9. Additional details and/or revised proposals in relation to site services/SUDs, having regard to the report of the Drainage Planning Section of the Planning Authority.
10. Additional details and/or revised proposals in relation to site access/entrances/servicing, having regard to the report of the Transportation Section of the Planning Authority.
11. Further justification in relation to the quantum of car parking proposed.

12. A plan identifying the location of cycle storage and how this conforms with planning policy requirements.
  13. Traffic and Transport Impact Analysis, to be prepared in consultation with Dublin City Council. Consideration of transportation impacts during construction is also required, particularly in relation to parking provision for construction workers.
  14. Additional details and/or revised proposals in relation Waste Management Storage and Collection Details.
  15. A Housing Quality Assessment with regard to relevant national and local planning policy on residential development. Those windows considered to have a dual aspect should be clearly indicated, only windows with a true dual aspect will be considered as contributing to meeting the minimum quantum required. In relation to single aspect north-facing units, reference should be had to paragraph 3.18 of the 2018 Apartment Guidelines.
  16. A report that specifically addresses the proposed materials and finishes of buildings, landscaped areas and any screening/boundary treatment. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinct character for the development.
  17. A building life cycle report shall be submitted in accordance with section 6.3 of the 'Sustainable Urban housing: Design Standards for New Apartments (2018)'. The report should have regard to the long-term management and maintenance of the proposed development.
- 8.3. Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:
1. Minister for Culture, Heritage and the Gaeltacht (Built Heritage and Nature Conservation)
  2. Fáilte Ireland

3. The Heritage Council
4. An Taisce – The National Trust for Ireland
5. Irish Water
6. Transport Infrastructure Ireland
7. National Transport 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.

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Rachel Gleave O'Connor

Planning Inspector

23 September 2020