



An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion
ABP-307400-20**

Strategic Housing Development	207 no. Build to Rent apartments and associated site works.
Location	Cross Guns Bridge, Phibsborough, Dublin 7.
Planning Authority	Dublin City Council
Prospective Applicant	Binford Limited
Date of Consultation Meeting	02/09/2020
Date of Site Inspection	21/08/2020
Inspector	Conor McGrath

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 This brownfield site is located at Cross Guns Bridge, Phibsborough, Dublin 7 and comprises a stated area of 0.7269ha. It is occupied by now vacant industrial building associated with its former use as a bakery, which include a concrete silo structure at the eastern end of the site which rises to 27.5m in height. The site is bounded to the north by the Royal Canal with frontage onto the canal tow path. To the east of the site, a former stone mill building comprises a protected structure and is now in residential use, *Cross Guns Quay*. To the south, Leinster Street North comprises two-storey terraced housing, separated from the site by a rear mews lane. Duplex dwelling units at Shandon Mill adjoin the site to the west. Access to the site from Phibsborough Road to the east is shared with the adjoining mill apartment scheme. Those apartments have surface parking road along the northern side of the road.

3.0 Proposed Strategic Housing Development

The proposed development will consist of the construction of a Build to Rent (BTR) residential scheme comprising

- 207 no. apartments within 3 no. blocks ranging in height from 4 to 12 storeys;
- A new café / retail area at ground floor level of the eastern block (Block C) along with residential amenities including residents lounge and external terrace overlooking the canal, kitchen, dining room, meeting / media screening room and work booths;

- Provision of new open space to the east of the site;
- A total of 28 no. car parking spaces (20 no. basement spaces and 8 no. surface spaces), 270 no. bicycle parking spaces and 66 no. visitor bicycle parking spaces,
- Vehicular and pedestrian connection to Phibsborough Road with two additional pedestrian accesses off the Royal Canal to the north of the site.

3.2 The following development parameters are noted:

Parameter	Site Proposal		
Application Site	0.7269ha		
No. of Dwelling Units	207	Other Uses	Café / retail 82.7-sq.m.
Density	284 / ha		
Plot Ratio	2.45	Site Coverage	36.4%
Height	4-12-storeys		
Amenity space	Internal 289.3-sq.m. External 448-sq.m.		
Parking	26 no. car spaces plus 2 no. set-down spaces (19 at basement level) 270 resident bicycle parking spaces and 66 no visitor bicycle parking spaces		
Part V	Studio (37.2-sq.m.) x 10 1 Bed (50.4-sq.m.) x 10		

3.3 The breakdown of the residential units is described as follows:

Studio	1 bed	2 bed	Total	Aspect
57	85	65	207	<ul style="list-style-type: none"> • 56% Dual Aspect • 26% Single Aspect North • 18% Single Aspect – other
27.5%	41%	31.4%	100%	

The development comprises three separate Blocks. The western block, Block A, varies between 3/4-storeys on its western and southwestern side to seven storeys fronting the canal. The central block, Block B, is 6-7-storeys in height. The eastern block, Block C, rises to 12-storey / 40m in height.

Block A is located 22m away from adjoining dwellings to the west and 28m from the gable of the nearest house to the south. Block B is located 29-35m from the rear of houses on Leinster Street North to the south, while Block C is located 27 – 30m from the rear of these houses.

The proposed development provides a stated area of 563-sq.m. of public open space and a further 2,675sqm of communal open space. Open space is provided primarily along the southern boundary of the site, with a public plaza to the east of Block C, which will open onto the tow-path and provide access to the proposed cafe. Communal residential facilities are provided at ground floor and 11th floor levels in Block C.

4.0 National and Local Planning Policy

4.1 National and Regional Policy

4.1.1. National Planning Framework 2018-2040

National Strategic Outcome 1, Compact Growth, recognises the need to deliver a greater proportion of residential development within existing built-up areas. Activating these strategic areas and achieving effective density and consolidation, rather than sprawl of urban development, is a top priority.

Objective 2A identifies a target of half of future population growth occurring in the cities or their suburbs. Objective 3A directs delivery of at least 40% of all new housing to existing built-up areas on infill and/or brownfield sites.

Objective 13 is that, in urban areas, planning and related standards including in particular building 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.

4.1.2. Rebuilding Ireland – Action Plan for Housing And Homelessness 2016

Pillar 4: Improve the Rental Sector. The key objective is addressing obstacles to greater private rented sector deliver and improving the supply of units at affordable rents.

Key actions include encouraging “build to rent”. Build-to-rent developments are designed with the occupants in mind – this might be equal sized bedrooms clustered around a central shared space, or the inclusion of amenities such as gyms and crèches and shared entertainment facilities.

4.1.3. Regional Spatial and Economic Strategy for the Eastern and Midland Region

RPO 4.3 seeks to “support the consolidation and re-intensification of infill / brownfield sites to provide high density and people intensive uses within the existing built up area of Dublin City and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.”

Section 5.3 identifies guiding principles for development of the metropolitan area, which include:

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.

4.2 **Section 28 Ministerial Guidelines**

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

- Urban Development and Building Heights, Guidelines for Planning Authorities

- *Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities;*
- *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), and the accompanying Urban Design Manual;*
- *Delivering Homes, Sustaining Communities (2008) and the accompanying Best Practice Guidelines- Quality Housing for Sustainable Communities;*
- *Design Manual for Urban Roads and Streets (2013);*
- *Guidelines for Planning Authorities on Childcare Facilities (2001);*
- *Smarter Travel – A New Transport Policy for Ireland (2009-2020);*
- *The Planning System and Flood Risk Management (2009).*
- *Architectural Heritage Protection Guidelines, Dept. of Arts Heritage and the Gaeltacht (2011)*

4.3 Local Planning Policy

4.3.1 Dublin City Development Plan 2016-2022

The site is predominantly zoned Z1 to protect, provide and improve residential amenities within the Dublin City Council Development Plan 2016-2022. Residential uses are permitted in principle within this Z1 zoning objective. A small section of the site access road is unzoned.

Lands to the south are zoned Z2, To protect and / or improve the amenities of residential conservation area.

Phibsborough is identified as a Key District Centre, Z4. The plan strategy is to reinforce the KDCs as the main urban centres outside of the city centre.

Policy SC13, promotes sustainable densities, particularly in public transport corridors, which will enhance the urban form and spatial structure of the city, are appropriate to their context, and which are supported by a full range of community infrastructure.

Chapter 4 defines Mid-rise buildings as up to 50m and taller buildings as being above 50m. Policy SC16, recognises the low-rise nature of the city while recognising the potential and need for taller buildings in a limited number of locations.

Chapter 5 sets out policies for quality housing.

QH6 encourages attractive mixed-use sustainable neighbourhoods which contain a variety of housing types and tenures.

QH7: To promote residential development at sustainable urban densities throughout the city in accordance with the core strategy, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.

QH8: To promote the sustainable development of vacant or under-utilised infill sites and to favourably consider higher density proposals which respect the design of the surrounding development and the character of the area.

QH17: To support the provision of purpose-built, managed high-quality private rented accommodation with a long-term horizon.

Chapter 10, includes policies relating to linkages to parks, open spaces and waterways. A Green Cycle Corridor is identified along the Royal Canal.

Chapter 16 deals with Development Standards: Design, Layout, Mix of Uses and Sustainable Design, and section 16.10 deals with Standards for Residential Accommodation.

Section 16.7.2 sets a general height limit of 28m commercial or 24m residential in the inner-city area, and 16m in the outer city area. Where a site has a pre-existing height over that stipulated above, a building of the same number of storeys may be permitted, subject to assessment against the standards set out elsewhere in the development plan and the submission of an urban design statement

With regard to Build-to-let apartments, the plan provides that this managed rental model shall be retained in single ownership for 20 years (minimum) during which period units may not be sold off on a piecemeal basis. Build-to-let schemes for mobile workers should be adaptable for future demographic needs of the city, e.g. by providing for the amalgamation of studios in a change of use scenario.

The site is in Parking Area 2 as set out in Table 16.1, Map J which allow a maximum of 1 space per residential unit and 1 space per 275 square metres retail.

4.3.2 Phibsborough Local Environmental Improvements Plan 2017-2022

In terms of public realm, section 4.1 notes the proposed civic space granted planning permission as part of development permitted under ABP ref. PL29N.243444. This proposed new “public square” onto the canal provides a focal point for the proposed development and for the wider canal area. This planning permission also conditioned a requirement for a café/ restaurant in one of the proposed new buildings fronting onto this space.

Section 4.2 Open Space and Green Infrastructure, identifies the Royal Canal as the most important piece of green infrastructure within the Plan area. Proposals by the National Transport Authority (NTA) include the installation of a cycle track and improved pedestrian path along the entire length of the Royal Canal. Proposals for use of this stretch of canal for water based sports / recreation are identified.

5.0 Planning History

PA ref. 2402/14 ABP ref.: PL29N.243444: Permission granted in 2014 for demolition of existing buildings and the construction of 21 no dwelling units, 8 no. apartments and 2 no. commercial units. The development included 29 car parking spaces, 16 bicycle spaces, plant rooms and bin storage, with access from the site access road off Phibsborough Road. This scheme provided 3 storey houses backing onto the laneway to the south. A public plaza was proposed centrally along the canal frontage.

PA ref 6818/07 ABP reg ref. PL29N.231198: Permission refused on appeal in 2009 for demolition of the existing buildings and construction of a mixed use scheme comprising 148 no. residential units, 35 no. medical consulting suites, creche facility, a cafe and gym (18,384 sq.m, approx.) The development ranged from 2 to 13-storeys in height over 2 no. basement levels. The decision was based on the following:

- Material conflict with the the Phibsborough / Mountjoy LAP, having regard to
 - Visual obtrusiveness and overbearing nature due to the excessive height, bulk and continuity of facades of canal side structures, giving rise to extensive overshadowing which would prejudice the potential use and enjoyment by the public of this important amenity space.
 - Prejudice the satisfactory provision of a strategic pedestrian and cycle route.
 - Overlooking and overbearing impacts on existing residences on Leinster Street North and impact on their amenities.
- Traffic safety as the additional vehicular traffic which would be generated would exceed the safe capacity of the existing entrance arrangements having regard to the restricted width of the access laneway.

PA ref. 1745/07: Permission refused for a mixed use scheme in 4 no. buildings ranging from 6 to 9 storeys with a 13 storey element and 6 no. terraced 2 storey townhouses, containing with a total gross floor area of 21, 588 sqm approx., for the following reasons:

- Height and density resulting in an unacceptable congested form of urban infill that would be seriously injurious to the value of the proposed residential units.
- Impacts on the amenities of the adjoining housing, in terms of overshadowing, overlooking and a heightened sense of enclosure to outlooks.
- Visual impact on the residential conservation area.
- High incidence of north facing single aspect units.

PA ref. 4033/06: Permission refused for a mixed use scheme containing 4 no buildings ranging from 5 to 7-storeys with a 13-storey element and roof gardens over two basement levels. Dublin City Council refused permission for the following reasons:

- Height and density resulting in an unacceptable congested form of urban infill that would be seriously injurious to the value of the proposed residential units.
- Sub-standard form of residential development having regard to the proposed internal layouts and lack of meaningful open space provision on site

6.0 Section 247 Consultation(s) with Planning Authority

6.1 The prospective applicants advise that section 247 pre-application consultations took place with Dublin City Council in May 2020, by electronic means. It is noted that this consultation followed previous section 247 consultation meetings with the planning authority in 2018 and 2019 in relation to previous, similar proposals for these lands. In this regard, I note that the planning authority report refers to four pre-planning meetings with the applicants between June 2018 and February 2020.

Matters raised by the planning authority as a result of those consultations included:

- Concerns regarding density and residential amenity.
- Material contravention of the building height provisions of the development plan and the need to fully address the provisions of the Building Height Guidelines.
- Impacts on properties to the south in terms of overlooking and overbearing.
- Demonstrate that overshadowing will not arise.
- Protection of the conservation area associated with the Canal.
- Concerns regarding daylight and sunlight into spaces and residential units.
- Clarification on choice of materials and their use to break up massing.
- Visual images required.
- Clarity on building height proposals.
- Extent of dual aspect apartments.
- Extent and quality of communal and public open space provision.
- Clarification on the provision of a creche on the lands.
- Reference to the Phibsborough Local Improvement Environmental Plan 2017.

- Justification for reduced parking provision on the lands, including a Mobility Management Plan and a Car Parking Management Strategy.
- Details of service vehicle access to the development.
- Submission of a construction traffic management plan.
- Interaction and relationship of proposed access with Bus Connects proposals and the Royal Canal Greenway.

7.0 Submissions Received

Irish Water: Irish Water has issued a Confirmation of Feasibility for 200 residential units to connect to the Irish Water network. The development should incorporate SUDS / Attenuation in the management of stormwater and reduce surface water inflow into the receiving combined sewer. Full details of these to be agreed with Dublin City Council.

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 below.

8.1 Documentation Submitted

- 8.1.1. 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,

Completed application form and fee	Cover letter.
Copy of referral to DCC.	Part V proposals

Planning Report	Statement of Consistency
Material Contravention Statement	Response to S.247 meeting minutes.
Copy of Vacant Site Letter from DCC	Irish Water Pre-connection Enquiry
Site Survey Drawings	Architecture Drawings
Architect Design Statement, incl. Development Schedule	Housing Quality Assessment
Photomontage and CGI Views	EIA Screening Report
Landscape Report	Landscape Plan
Engineering Drawings	Engineering Assessment Report
Flood Risk Assessment	Traffic and Transport Assessment Report
DMURS Compliance Statement	Outline Construction and Demolition Waste Management Plan
Operational Waste Management Plan	Utilities Report
Mechanical & Electrical Services Installation Site Plan Site Services	Site Lighting Report
Daylight & Sunlight Analysis	Archaeological Assessment
Preliminary Ecological Assessment	Statement of Screening for Appropriate Assessment

8.1.2. 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 relevant guidelines issued by the Minister under section 28 of the Act of 2000. Section 5(6) requires that where the proposed development would materially contravene the development plan or local area plan, as the case may be, other than in relation to the zoning of the land, then the statement provided for the purposes of subsection (5)(b)(i) shall indicate why, in the prospective applicant's opinion, permission should

nonetheless be granted, having regard to a consideration specified in section 37(2)(b) of the Act of 2000.

- 8.1.3. Statements required under S.5(5) and 5(6) above have been submitted in this regard and I have considered all of the documentation submitted by the prospective applicant, relating to this case.

8.2. Planning Authority Submission

- 8.2.1. 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 have submitted a copy of the record of their section 247 consultations with the prospective applicant and their opinion in relation to the proposal. These were received by An Bord Pleanála on 20/07/2020. The planning authority refer to four pre-planning meetings with the applicants between June 2018 and February 2020.

- 8.2.2. A detailed and comprehensive Planning Report has been submitted which raise the following matters:

- The development is consistent with the Z1 zoning objective.
- Apartments reach and exceed the minimum requirements set out in the Apartment Design Guidelines.
- Plot ratio and site coverage fall within the range set out in the Development Plan.
- The density is significant and is comparable to development within the core inner city such as Docklands and Poolbeg SDZ areas. The density is a reflection of the height of the scheme given its moderate site coverage and plot.
- The existing silo is 27.5m / equivalent to a nine-storey building.
- The development would materially contravene current Development Plan policy which allows for a maximum building height of up to 24m in the inner city. The site lies only just inside the Canal inner city zone.
- The development plan has been superseded by the Urban Development and Building Heights Guidelines for Planning Authorities.
- The site has potential to accommodate height greater than that provided for in the Development Plan subject to other considerations.
- Balconies should be enclosed by obscure balustrades for privacy and aesthetics.

- Is the 12 storey Block C of sufficiently high architectural quality to form a landmark for the area?
- Appearance and durability should be considered in the choice and colour of materials.
- The southern elevation is highly visible but nondescript. It should reflect the strong profile of the northern facade, which the best variety of materials.
- Northern balconies on eastern and western facades should be enclosed with obscure glazing.
- Some inconsistencies in Block C floor plans are identified.
- The height of Blocks A and B are not excessive and are consistent with the Mill building to the east.
- There will be a level of overlooking where none is presently experienced and design mechanisms are thus critical to the success of the proposal.
- There will be visual and physical improvements in the local environment by the removal and replacement of disused industrial structures.
- The higher daylighting factor should be used in the assessment where kitchens and living rooms are amalgamated rather than the lower living room value.
- It is not agreed that daylight requirements in dwellings are less critical than non-domestic uses.
- Any reduction in daylight and sunlight to existing properties would be marginal and the impact on residential amenity would not be significant or unacceptable.
- The development will not result in undue overshadowing of neighbouring properties.
- The design and layout of bin storage and secure bicycle storage should be reviewed.
- Pedestrian safety and accessibility along the shared access route requires detailed design consideration.
- Separation and privacy for ground floor units facing onto to public areas should be addressed.
- 25.6% of overall units are single aspect north facing, which is unacceptable and residential amenity for lower level units should be addressed.
- There is potential for internal overlooking due to the proximity of balconies and windows in the inner corners of Blocks A & B.

- Balconies to be either recessed into the buildings or for any projecting balconies to have some form of canopy.
- A wind study should be prepared. Given that Block C would rise to 12 storeys, further winter gardens may be more beneficial at upper floor levels.
- Measures to ensure private use of communal open space should be considered. The location of playground and exercise area to be reviewed.
- The public plaza is not considered public space in the recreational sense. A contribution in lieu of required public open space may be appropriate.
- The level, diversity and location of communal facilities is satisfactory. Details on their management and maintenance should be provided.
- The non-provision of a childcare facility on site is reasonable.

The proposal would appear to be broadly consistent with the proper planning and sustainable development of the area and national policy with regard to Build To Rent accommodation. Matters to be addressed in any final application include:

- Materials, colours and visual impact, in particular Block C (landmark block)
- Orientation and amenity of north facing apartments, particularly on lower floors.
- Daylighting standards for proposed dwelling units and potential impact of perforated privacy screens thereon.
- Location and scale of bin and bicycle storage
- Provision of useable, quality public open space and distinction between communal and public open spaces.
- Privacy of certain ground floor units.
- Safe access for pedestrians from Phibsborough Road.
- Wind Study for outdoor spaces, balconies and roof terraces
- Overlooking impacts on adjacent dwellings, particularly Shandon Mill
- Provision of common laundry and drying room(s) and storage areas for large, bulky items.
- There is a requirement for a social audit and assessment of the capacity of the schools in the area

8.2.3 Internal Reports

Housing: The applicant is aware of the Part V obligations pertaining to this site if permission is granted.

Transportation Planning: Detailed design of the proposed access arrangement should be agreed with the Planning Authority. The principle of links between the site and the canal are acceptable with regard to increased pedestrian/cyclist permeability.

Strong long-term management proposals for the allocation of car parking spaces and proactive residential travel planning is required. A letter of support from a car club provider should be submitted and increased provision of car club spaces should be provided, along with bike share options. Details of the layout of surface car parking required and the design details of bike storage and security to be fully considered.

The Operational Waste Management Plan is acceptable in principle.

EHO: Conditions recommended.

8.2.3. I have reviewed and considered all of the documentation submitted by the planning authority relating to this case.

8.3. Consultation Meeting

8.3.1. A Section 5 Consultation meeting took place via Microsoft Teams on the 02/09/2020. 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.

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

1. Building Heights and design approach.
2. Materials and finishes.
3. Relationship with adjoining protected structures.
4. Internal residential amenity.
5. Communal facilities for Build to Rent.

6. Relationship with the Royal Canal, including structural impacts and treatment of the boundary with the canal tow-path in this ACA.
7. Impacts on adjoining residential amenity – overlooking and impacts on light.
8. Design of site access road, parking provision and internal movements.
9. Open space design and layout, and wind environment at ground and upper floors.

8.3.3. In relation to Building Heights and design approach, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- Rationale for the proposed height and form of Block C and the overall design approach.
- Treatment of southern elevation.

8.3.4. In relation to Materials and Finishes, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- Submission of a materials justification report, with reference to the surrounding area and adjoining structures.
- Greater level of detail and specification in drawings and imagery of proposed finishes.
- Consideration of durability and maintenance of building materials.

8.3.5. In relation to the Relationship with adjoining Protected Structures, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- Relationship with the adjoining mill / protected structure in views east and west along the canal, particularly relating to Block C.
- Submission of an Architectural Heritage Report.

8.3.6. In relation to Internal Residential Amenity, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- Relationship of ground floor, north facing apartments with the canal tow-path and consideration of residential privacy and amenity.
- Daylighting of north and west facing apartments.
- Quality of upper floor private and communal open spaces.
- Assessment of the Wind Environment.

8.3.7. In relation to Communal Facilities, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- Justification for the nature and level of provision of communal residential facilities on the site having regard to the requirements of SPPR7.

8.3.8. In relation to the Relationship with the Royal Canal, An Bord Pleanála representatives sought further elaboration/discussion/consideration of the following

- Construction methodology to avoid impacts on integrity of the Royal Canal.
- Details of the treatment of the tow-path boundary wall and potential heritage impacts.
- Detail on the design of access and interface with the canal.

8.3.9. In relation to Impacts on Adjoining Residential Amenity, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- Relationship with development to the south and further detail of measures to avoid overlooking and their effectiveness.
- Clarification on proposed screening measures.
- Daylight and sunlight analysis impacts vis existing environment, including impacts on the amenities along canal.

8.3.10. In relation to Site Access and Movements, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- Details of the design and layout of the site access road.
- Submission of DMURS Quality Audits – cycle and pedestrian.
- Details of provision for bicycle parking and car sharing.
- Details of pedestrian and vehicular movements through the site and potential for pedestrian and vehicle conflicts.

8.3.11. In relation to Open space design and layout, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- Distinction between public and communal / private open space.
- Clarification of areas of usable open space and quality in terms of climatic effects / wind.
- Relationship with open space / left-over ground to the east.

8.4. Conclusion

8.4.1. 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.

8.4.2. I have examined all of the 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, including section 28 Ministerial Guidelines and local policy via the statutory plans for the area.

8.4.3. 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: constitutes a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

8.4.4. I would also recommend that the prospective information 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.

9.0 Recommended Opinion

The Board 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) (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

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 would constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**

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:

Notwithstanding that the documentation submitted constitutes a reasonable basis for an application for strategic housing development to An Bord Pleanála, the applicant is advised to address the following:

1. Further consideration and/or justification of the documents as they relate to the height and design strategy. In this regard, the prospective applicant should satisfy themselves that the design strategy for the site as it relates to height provides the optimal architectural solution for this site and should submit a rationale/justification for the heights and elevational treatment proposed. Particular attention should be paid to Block C and its prominence in views from the south. Details should also include interactions with adjoining Protected Structures and views east and west along the Royal Canal.

Furthermore, the applicant is advised that an appropriate statement in relation to section 8(1)(iv) of the Planning and Development (Housing) and Residential Tenancies Act 2016, that outlines consistency with the relevant development plan and that specifically addresses any matter that may be considered to materially contravene the said plan, if applicable, should be submitted.

2. A report that specifically addresses the proposed materials and finishes to the scheme including specific detailing of external finishes, the treatment of balconies and boundary treatments. Particular regard should be had to the requirement to provide high quality and durable finishes and materials which have regard to the surrounding context of the site.
3. Further consideration of the quality and residential amenity of ground floor apartments, in particular those north facing apartments with frontage onto the canal tow path, in terms of privacy, security and daylighting. Detailed section and axiometric drawings should be used to demonstrate the achievement of satisfactory levels of residential amenity.
4. Further elaboration of measures to avoid overlooking and loss of privacy due to overlooking within the development and to protect the privacy of ground floor dwelling units adjoining areas of open space.
5. Further consideration of the Wind Environment and potential impacts on the quality of public, communal and private amenity spaces.

6. Further elaboration and / or justification for the type and level of communal facilities provided on the site having regard to the Build to Rent nature of the proposed development, in accordance with the provisions of the *Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities*.
7. Further elaboration on the construction methodology proposed in order to obviate potential impacts on the integrity of the Royal Canal.
8. Further elaboration of measures proposed in order to address potential overlooking of existing adjoining residential properties, to include detailed section drawings illustrating their relationship with the proposed development. Additional detail in relation to the nature, function and effectiveness of the proposed perforated screens to be provided on the southern elevation should be considered.
9. Further elaboration of the treatment of the access roadway between Phibsborough Road and the development site should be provided, which should be included in the DMURS design statement. Quality Assessments, particularly in respect of pedestrian and cycle access should be provided, in accordance with DMURS advice note 4. The final configuration of the entrance plaza and measures to avoid conflict between pedestrian and vehicle movements should be clearly defined.
10. Further consideration should be given to the management of public open space and the distinction between communal and public spaces. Furthermore the relationship with an area of open ground to the east of the site should be considered and addressed in the plans.

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. National Transport Authority
3. Waterways Ireland
4. Minister of Culture, Heritage and the Gaeltacht
5. An Taisce - the National Trust for Ireland
6. Heritage Council
7. An Comhairle Ealaíonn
8. Fáilte Ireland

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.

Conor McGrath
Senior Planning Inspector

Date 28/09/2020