



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-307910-20

Strategic Housing Development

Demolition of existing buildings,
construction of 200 no. Build to Rent
apartments and associated site works.

Location

Former Heidelberg/Miller Building and
SCR Garage's site, Davitt Road,
Dublin 12.

Planning Authority

Dublin City Council South

Prospective Applicant

Heigelberg Davitt Ltd

Date of Consultation Meeting

16th of November 2020

Date of Site Inspection

12th of November 2020

Inspector

Karen Hamilton

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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 (0.55ha) is located on the southern side of Davitt Road, facing the Grand Canal, Dublin 12. A large commercial building “Former Heidelberg / Miller Building” and the SCR Garage's are located on the site. Both sites are derelict with vehicular access from Davitt Road.
- 2.2. The site is bound to the east by Dublin City Council Waste Management Dept and to the west by similar single storey commercial buildings. A row of two storey terrace dwellings are located to the rear of the site accessed from Galtymore Road. The Suir Road Luas stop and Goldenbridge Luas stop are located 100m and 200m, respectively, from the site.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development would comprise of the demolition of all commercial buildings on the site (c. 3,328m²) and construction of 200 Build To Rent (BTR) residential units and 2 no. commercial units for either shop, professional service and Gym or restaurant.
- 3.2. A vehicular access into a basement car park is proposed along Davitt Road.

Key Figures

Site Area	0.55ha
No. of units	200 BTR

Height	3-9 Storeys (highest 27.85m)
Density	363 units per ha
Car parking	60 spaces (0.3 per unit)
Cycle Space	275 no. spaces
Commercial	2 units along Davitt Road (343m ²)
Dual Aspect	35 % (71 units)
Communal Amenity Space	Roof Terrace & Courtyard (2,424.77m ²)
Public Open Space	Public realm along Davitt Road (497m ² 9%)

Unit Mix

Unit Type	No. of Units	Percentage
Studio	20	10%
One bed	77	38%
Two bed	103	52%
Total	200	100%

4.0 Planning History

Reg Ref 3051/15

Permission granted for a mixed use development of 3-4 storeys over 2 blocks (office c. 3,397m²/ retail and 25 no residential units 19 apart & 9 no duplex units).

PL29S.228397 (Reg Ref 6641/07)

Permission refused for a 3/5 storey office building (c. 10,092 m²) for reasons of negative visual impact on the surrounding area due to the scale and mass and the impact on the residential amenity to the rear by virtue of overlooking and overbearing.

SHD Permissions to the west along Davitt Road (Former Dulux Factory Site)

ABP 303435-19

Permission granted for 254 no BTR apartments, retail/ café unit. Heights where 24.13m, marginally outside the 24m height limit in the development plan.

Construction is currently underway on this site.

5.0 Relevant Planning Policy

5.1. Section 28 Ministerial Guidelines

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated 'Urban Design Manual')
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (2018)
- Design Manual for Urban Roads and Streets (DMURS)
- Urban Development and Building Heights – Guidelines for Planning Authorities
- Architectural Heritage Guidelines for Planning Authorities, 2004. Development Guidelines for Protected Structures and Areas of Architectural Conservation.

5.2. Dublin City Council 2016-2022

The zoning on the site has recently been altered from (adopted on March 19th 2020) from Z6 to Z1, Sustainable Residential Neighbourhood, where it is an objective '*to protect, provide and improve residential amenities*'.

- Residential Use is a permitted use.

Height

- 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.
- Inner city up to 24m residential.

Section 16.10 deals with Standards for Residential Accommodation.

The southern section of the site is in the **Grand Canal Conservation Area**,

- There are no specific policies in respect of the Grand Canal.
- Section 11.1.5.6 pertaining to Conservation Areas is applicable.
- New development should have a positive impact on local character.
- In seeking exemplary design standards, the planning authority will require development in Conservation Areas to take opportunities to enhance the area where they arise.

6.0 Section 247 Consultation(s) with Planning Authority

6.1. Two formal S.247 meetings took place on the 13th of November 2019 and the 7th of July 2020 and the issues raised are summarised below:

- The zoning on the site has been amended between the first S247 meeting from Z6 (Enterprise and Employment) to Z1 (Sustainable Residential Communities).
- Previous decisions on the site and the Dulux site in the vicinity where discussed.
- The proposal was increased in scale between the first and the second meeting.
- The PA had reservations on the **massing and scale** of the proposal as submitted at both meetings.
- The **design response to the front**, along Davitt Road (conservation areas) is not acceptable.
- There are serious concerns over the lack of **private amenity space** and compliance with SPPR8, in particular the single aspect north facing units.
- There is insufficient information submitted to assess compliance with **SPPR 7** and the provision of residential support facilities.

7.0 Prospective Applicant's Case

7.1. Statement of Material Contravention.

- The height of the building is 27.85m at the highest point.
- Section 16.7.2 of the development plan restricts buildings up to 24m.
- The site is located within 500m of a LUAS stop.
- The proposal complies with SPPR 3 of the Building Height Guidelines 2018.

7.2. Statement of Consistency

The proposal complies with the National and Regional planning policy for the delivery of residential units and compact urban growth. In relation to the local policy, the site is zoned Z1, Residential and as such residential is acceptable.

Previous permissions on the site (Reg Ref 3051/15) for mixed use development expires soon although the extent of office space cannot be delivered at this location.

8.0 Planning Authority Submission

8.1. A submission from Dublin City Council was received on the 14th of August 2020 as summarised below:

8.2. Planning Assessment

Height & Design

- The height and design is considered monolithic.
- The front of the site, onto Davitt Road, is a conservation area.
- The reduction of one or more floors along Davitt Road would be more appropriate
- The block, at a length of 93m, is not acceptable.
- Two L shaped blocks with a central spine opening onto Davit Road would be more acceptable.

Open Space

- The lack of private amenity space is of concern.

- Whilst some flexibility may be permitted, good quality amenity spaces for units, particularly the single aspect units on the northern end facing Davitt Road.
- Any increased communal amenity space should be in addition to the private amenity space.

Community and Social Infrastructure

- An audit is required.

8.3. Parks and Landscape

Public open space

- The 9 % public realm includes road widening and is not considered sufficient for the 10% public open space compliance.
- A contribution in lieu of the public open space is acceptable.

Communal Open Space

- Privacy planting required for the ground floors.
- Improved play facilities required.
- Higher level roof terraces should be weather proofed with facilities for adverse conditions.

8.4. Drainage

- SSFRA should demonstrate the proposed development will not increase the risk of flooding elsewhere.
- Stage 2 approach for the SUDS strategy
- The surface water design for the public realm should be at a level for taking in charge.
- A cross section of the surface water connection route along Davitt Road shall be provided, indicating the size and depth of proposed connection and clearance.

8.5. Transport Planning

Access

- Access from Davitt Road should be revised to provide priority for pedestrians.
- A drawing detailing the taking in charge is required.
- The works to the public footpath should be to a standard for taking in charge.

Parking

- There is no reference to car share spaces in the parking proposal.
- Management of parking for the residents should be included.
- Swept path analysis has not been provided.
- The 19 no. Sheffield stands along Davitt Road appears excessive.
- The pedestrian route from the east core to the basement area is not clear.

9.0 Prescribed bodies

9.1. Irish Water

Irish water submission was received on the 16th of November 2020 and a Confirmation of Feasibility for 200 residential units has been issued subject to the following:

Wastewater- No upgrade required.

Water

- Upgrade works required to the existing Irish Water network include
 - Approx. 50 metres of 150 ID new main to be connected from the site location to the existing network, 450 HPPE via existing 125mm MDPE.
- The applicant will be required to fund this extension which will be delivered by Irish Water and any consents required for works not in the public domain will be the responsibility of the applicant to obtain.

10.0 The Consultation Meeting

10.1. A Section 5 Consultation meeting took place at the via Microsoft teams on the 16th of November 2020, commencing at 14.15 pm. Representatives of the prospective

applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

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

1. **Design and Layout, inter alia, scale, bulk and mass of proposed development.**
2. **Impact on the development potential of adjoining sites.**
3. **Residential Amenity, inter alia, existing and proposed residents.**
4. **Compliance with Apartment guidelines, inter alia, SPPR 7 & 8.**
5. **Parks Issues.**
6. **Transport Issues.**
7. **Drainage Issues.**
8. **Any Other Business.**

10.3. In relation to the **Design and Layout**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following;

- The design of the building and visual impact along Davitt Road and the Grand Canal area.
- The length of the building 93m in conjunction with the height (c. 27.5m) and the overall bulk, height and mass. The provision of a monolithic design.
- The design details and the proposed uses along the ground floor adjoining the proposed public realm. The potential for active street frontage and the use of the commercial units facing onto Davitt Road.

10.4. In relation to the impact on the **development potential of adjoining sites**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following;

- The design of gables, the inclusion of windows along the east and west of the site and the separation distance from the boundaries.
- The impact of the proposal on the future development potential of the adjoining sites.

10.5. In relation to the **Residential Amenity**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following;

- The absence of any private balconies.
- The number of single aspect north facing units.
- The residential amenity of the occupants in the existing dwellings to the rear of the site along Galtymore Road and the location and design of the third-floor roof terrace.
- The submitted CGI's and the absence of any visual impacts to the south of the site along Galtymore Road.
- The integration of mitigation measures to prevent a potential negative impact on the adjoining residential amenity.

10.6. In relation to the **Compliance with Apartment Guidelines**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following;

- The absence of private amenity space and the quantum of compensatory support facilities.
- The standard of resident support facilities and resident services and amenities provided within the proposal.
- The requirement to comply with SPPR 7 and SPPR 8 of the Sustainable Urban housing: Design Standards for New Apartments, Guidelines for Planning Authorities.

10.7. In relation to the **Parks Issues**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following;

- The shortfall in public open space provision and the standard of public realm along the footpath.
- The design of the roof terraces and the integration of sheltered areas.
- The quantum of communal open space, the inclusion of circulation space as amenity areas and the design of the open space for different age groups.

10.8. In relation to **Transport Issues**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following;

- The integration of pedestrian priority areas along Davitt road and the proposed vehicular entrance.
- The quantum of car parking proposed and the absence of any car sharing services within the basement parking area.

10.9. In relation to **Drainage Issues**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following;

- Irish Water requirements and the need to gain third party consents in the public domain for water connections.
- Surface water design and the integration of SUDS measures.

10.10. In relation to **Any other Business**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following;

- The submission of a childcare assessment
- The requirements for a phasing plan including the roll out of necessary infrastructure.
- The location of the ESB substation and access requirements.

11.0 **Assessment**

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.

I have examined all of the information and submissions before me including the documentation submitted by prospective applicants, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the section 28 Ministerial Guidelines and local policy via the statutory plans for the area.

Conclusion

I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential

Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

12.0 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) 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 **requires further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**

Height and Design

1. While the site may be considered suitable for high density development and may be able to absorb height and taller elements within it, the documents require further consideration and/or justification as they relate to the scale, bulk and mass of the building relating specifically to the visual impact along Davitt Road and the receiving environment around the Grand Canal area, an area of conservation interest. The further consideration of these issues may require an amendment of the documents and/or design proposal submitted.

Impact on Adjoining Sites.

2. Further consideration and/or justification of the design of the east and west gable, having regard to the separation distance from the boundaries and the potential impact on the future development of the existing sites to the east and west.

Residential Amenity

3. Further consideration and/or justification of the documents as they relate to impact of the proposal on the residential amenity of both the occupants of the existing neighbouring dwellings and future occupants of the proposed development, having regard, inter alia to the following:
 - The location and design to the rear of the neighbouring dwellings and the potential for a negative impact on the visual and residential amenity,
 - The absence of private amenity space having regard to the quantum and quality of the resident support facilities and residential services and amenities and the quantum and design of the proposed communal open space areas and the potential for a negative impact on the residential amenity of the future occupants.

The further consideration of these issues may require an amendment of the documents and/or design proposal 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. A Housing Quality Assessment which provides the details regarding the proposed apartments set out in the schedule of accommodation, as well as the calculations and tables required to demonstrate the compliance of those

details with the various requirements of the 2018 Guidelines on Design Standards for New Apartments including its specific planning policy requirements (SPPR 7 & SPPR 8). The report shall detail the use of the residential support facilities and amenity areas used to offset the standards and/or compensatory measures proposed within the proposal.

2. A comprehensive justification is required for any proposed north facing single aspect units.
3. Drawings that detail dual aspect ratios should be clearly laid out and be accompanied by a detailed design rationale report.
4. An Updated Sunlight/Daylight analysis showing an acceptable level of residential amenity for future occupiers and neighbours of the proposed development, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development and in adjacent properties.
5. A landscaping plan including details of all proposals for the communal open space in the courtyard and roof terraces. The landscaping plan will clearly indicate the quantum of open space provision having regard to any circulation space.
6. A report that specifically addresses the urban design rationale including the proposed materials and finishes of the frontages and public realm along the front of the side, adjoining Davitt Road. Particular regard should be had to the requirement to provide high quality design and sustainable finishes and include details which seek to create a distinctive character for the overall development. The documents should also have regard to the need to enhance the streetscape and enhance the footpath in the general area.
7. Additional CGIs/visualisations/3D modelling and cross section drawings showing the proposed treatment of the new public street through the site and the proposed development relative to existing and proposed developments in the vicinity, including justification for an increase height at this location relative

to the surrounding area. Any contextual drawings along Davitt Road should include the recently permitted SHD application ABP 303435-19.

8. Wind micro-climate study, including analysis of any balconies and upper level roof gardens.
9. A rationale for the proposed car parking provision should be prepared, to include details of local census, mobility split, car parking management, car share schemes and a mobility management plan.
10. A Community and Social Infrastructure Audit.
11. A drawing detailing all areas proposed for Taking in charge.
12. Where the applicant considers that the proposed strategic housing development would materially contravene the relevant development plan or local area plan, other than in relation to the zoning of the land, a statement indicating the plan objective (s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format.

Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

1. Transport Infrastructure Ireland
2. National Transport Authority
3. Irish Water
4. Minister for Culture, Heritage and the Gaeltacht (built heritage)
5. An Taisce- The National Trust for Ireland.

6. The Heritage Council.
7. Dublin City Childcare Committee

Karen Hamilton
Senior Planning Inspector

25th of November 2020