



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-307953-20

Strategic Housing Development	129 build to Rent Apartments and associated works.
Location	Redcourt, Seafield Road East, Clontarf, Dublin 3.
Planning Authority	Dublin City Council North
Prospective Applicant	Savona limited
Date of Consultation Meeting	11 th November 2020.
Date of Site Inspection	30 th October 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, with a stated area of 0.7116 hectare, is located on the northern side of Seafield Road East, a tree-lined residential street in Clontarf, which is accessed off Vernon Avenue to the west and the Clontarf Road (R807 regional road) to the east, which runs along the coast. It is located approximately 5.1km northeast of Dublin city centre.
- 2.2 It is bounded to the west by St. Gabriels Road (Seacourt estate) and to the north by Dollymount Park and Saint Gabriels Catholic Church. There are bottle banks and parking spaces located along Dollymount Park (northern boundary). Further to the north along St Gabriel's Road is a small neighbourhood centre. Redcourt Oaks Scheme bounds the site to the east along Seafield Road East.
- 2.3 The immediate area is predominately characterised by two storey suburban housing with a mix of two storey and single storey houses on individual plots along Seafield Road East. The exception being Redcourt Oaks which bounds the site to the east (3 storey duplex which backs onto the site).
- 2.4 The site formerly contained Redcourt a detached 19th Century house and gardens that was extensively damaged by fire in 2007 and has since been demolished, the

site itself is overgrown and bounded by mature trees and hedges. The existing entrance is off Seafield Road East.

3.0 Proposed Strategic Housing Development

3.1 The development which is the subject to this consultation is for the construction of 129 Build to Rent apartments in four blocks (3 to 6 storeys over basement)

3.2 The following details as submitted by the prospective applicant are noted:

Site Area	0.7116 hectares
Proposed Development	<p>129 BTR units in 4 Blocks ranging from 3 to 6 storey (including ground and mezzanine levels) over a single level basement as follows:</p> <p>Northern Block (6 storeys) comprises 33 apartments facing Dollymount Park. Western Block (4-6 storeys) comprises 40 apartments facing St. Gabriel's Road and Seamount. Eastern Block (4-6 storeys) comprises 41 apartments facing Redcourt Oaks. Southern Block (3 storey) comprises 15 apartments facing Seafield Road East (documentation refers to Seamount Road East).</p>
Density	181.3 units per hectare
Dual Aspect	100%
Residential Amenities & Facilities	130 no Storage Lockers, 135sq.m Gym, 105sq.m multi-purpose meeting/event room, 126.4sq.m reception area/entrance lounge and 68.6sq.m administration office in a 2 storey block within the block facing Redcourt Oaks.
Open Space	Enclosed Landscaped Communal Open Space (1625sq.m)
Parking	Car: 81 (includes 2 disabled spaces) at basement level. Bicycle: 152 no. surface spaces.
Access	<p>New vehicular access to the basement car park off Dollymount Park.</p> <p>Pedestrian access from Dollymount Park, St. Gabriel's Road and Seafield Road East (documentation refers to Seamount Road East)</p>

Part V	13 units
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3.3 The breakdown of unit types as submitted by the prospective applicant is as follows:

Unit Type	No. of units	% of total
Studio	12	9.3%
1 bed	29	29.5%
2 bed	80	62%
3 bed	3	6.2%
TOTAL	129	100%

4.0 Planning History

PA ref. 4944/08 (ABP ref. PL29N.233260) refers to a **2009** grant of permission for the demolition of the fire gutted house and construction of a 5 storey over basement apartment block (54 unit).

PA Ref. 4944/08X1 refers to an Extension of Duration of Planning Permission that was refused on the basis that the development would materially contravene the Dublin City County Development Plan 2011-2017 relating to dimensional and height restrictions for residential developments in the Outer City Area and would not provide accessible open Space and inadequate private OS (balcony depths)

PA Ref. 1349/07 (ABP ref. PI.29N.222951) refers to a **2007** grant of permission for alteration and extension of Redcourt House and conversion into 4 apartments,

construction of 5 storey apartment block comprising 33 apartments. 9 houses and all associated site works.

PA Ref. 5405/04 (ABP Ref. PL.29N.211589) refers to a **2006** refusal for 4 storey apartment block on the grounds that the demolition of Redcourt would materially contravene Z2 land Use zoning in the City Development Plan which seeks to protect and improve the amenity of the site and the proposed vehicular entrance would result in conflicting traffic movements and endanger public safety by reason of a traffic hazard.

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.

National Policy Objective 27: 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.

National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

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 following policy documents and Section 28 Ministerial Guidelines are relevant:

- 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). Interim Advice Note-Covid 19 (May 2020).
- The Planning System and Flood Risk Management (including the associated 'Technical Appendices') (2009)
- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme

5.2 Regional:

Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031

Under the RSES a Dublin Metropolitan Area Strategic Plan (MASP) has been prepared to manage the sustainable and compact growth of Dublin. The aim of the Dublin Metropolitan Area Strategic Plan is to deliver strategic development areas identified in the Dublin Metropolitan Area Strategic Plan (MASP) to ensure a steady supply of serviced development lands to support Dublin's sustainable growth.

5.3 Local:

Dublin City Development Plan 2016-2022

Land Use Zoning Objective Z2 Residential Neighbourhood (Conservation Area)

- to protect and/or improve the amenities of residential conservation areas.

The Plan sets out the relevant policies and objectives for development that apply to this site. These include inter alia:

Chapter 16: Development Standards: Design, Layout, Mix of Uses and Sustainable Design.

Section 16.10: Standards for Residential Accommodation.

Policy SC25 – To promote high standards of design

Policy QH18 – To promote the provision of high-quality apartments

Section 16.7.2 of the Development Plan includes height limits for development, including a 16m restriction for development in the Outer City and a 24m restriction for development within 500m of rail hubs.

Section 16.10.1 Residential Quality Standards – Apartments – sets out standards to be achieved in new build apartments.

Policy QH8 seeks “*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*”.

Flood Risk Management policies and objectives

Variation 7 Dublin City Development Plan (adopted March 2020):

The purpose of this Variation is to incorporate the National Planning Framework (NPF) and the Regional Spatial Economic Strategy (RSES) into the City Development Plan 2016 – 2022, in accordance with Section 11 (1) (b) (iii) of the Planning and Development Act, 2000, as amended. This is in order to align national, regional and local policy objectives.

- Dublin city in its entirety lies within the Dublin Metropolitan Area Strategic Plan (MASP) area and the RSES’s give direction to Dublin city as the ‘global gateway’ for high-intensity clusters, brownfield development, urban renewal and regeneration. The RSES settlement strategy for the metropolitan area includes a strong policy emphasis on the need to gain maximum benefit from existing assets, such as public transport and social infrastructure, through the

continuation of consolidation and increasing densities within the existing built footprint of the city.

- Assuming an average occupancy rate of two persons per residential unit, the housing requirement for the 2016 – 2022 period is between c.21,000 – 26,500 units over a 6 year period. The Development Plan provides capacity to exceed this figure in the Housing Strategy for the Development Plan period 2016–2022, in order to accommodate longer-term sustainable growth. From the above analysis, and particularly because there is capacity in excess of the required population and housing figures (see housing strategy below), it is concluded that the policies and objectives of this Dublin City Development Plan remains consistent the high-level national and regional policies.

6.0 Section 247 Consultation(s) with Planning Authority

- 6.1. It is stated by the prospective applicant that a number of pre-application consultation meetings took place with the planning authority on the 11th December 2019, full details of which are included in the submitted Planning Statement and Planning Authority Opinion.

7.0 Submissions Received

Irish Water (4th September 2020):

Irish Water has assessed and issued a Confirmation of Feasibility for 131 residential units for connection (s) to the Irish Water network(s).

In respect of wastewater it should be noted that a connection from the development can be facilitated subject to flows (including misconnections) being limited to 1.7l/s (2.5DWF).

All development to be carried out in compliance with Irish Water Standards Codes and Practices. Where any proposals by the applicant to build over or divert water or

wastewater services the applicant is required to submit details to Irish Water for assessment of feasibility ahead of any SHD application to the Board.

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

8.2 Prospective Applicant's Case

Documentation Submitted

The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. This included inter alia completed Pre-Application Consultation form, Planning Report, Statement of Consistency with Planning Policy, Statement of Material Contravention (height), EIA Screening report, Screening Report for Appropriate Assessment, Part V proposals (including cover letter and costs), 3D images, Daylight/Sunlight & Overshadowing Study, Sustainability Report, Draft BTR Covenant, Draft Building Life Cycle Report, Draft BTR Apartment Management Plan, Traffic and Transport Report including DMURS Compliance Statement.

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. This statement has been submitted, as required.

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 11th September 2020 (with an addendum report submitted from the Senior Executive Parks and Landscape Officer 11th September 2020).

8.3.2 Dublin City Council's written opinion includes a description of the site and proposed development, planning history, record of pre-planning meeting, policy considerations, departmental reports, and an assessment of the proposed development. The content of the report is summarised as follows:

Principle of Development:

The Planning Authority have stated that the proposal is generally consistent with the Development Plan's Objectives (as amended by national guidelines)

Height:

Overall height of 19.6m exceeds the 16m set out in Section 16.7 for Outer City Areas. This has been supersede by the Urban Development and Building Height Guidelines for Planning Authorities.

Density:

The proposed density of 181.3uph

Section 16.5 and 16.6 of the City Development Plan sets out standards for plot ratio and site coverage. For Z2 lands the indicative ratio is 0.5-2.0 and site coverage is 45%-60%.

The current proposal has a plot ratio of 1.55 and site coverage of 52.6% including the enclosed courtyard, 30.9% if this is excluded.

The Planning Authority noted that subject to various qualitative and quantitative parameters can be successfully met and potential impositions on amenity are reconciled then a proposed development should have a good chance of being positively considered.

Design/Amenity/facilities:

- DCC would query whether the enclosure and confinement of the communal space allows such space to be regarded as truly 'open', and whether units within would be truly dual aspect.
- Additional CGIs, verified montages, contiguous elevations should be provided, as well as site layout plans indicating distances to adjoining nearest residences and any notable local heights in the vicinity of the proposed development. The block should be primarily finished in a brick treatment – with the possible use of alternative brick finishes to add variety and interest to be considered. It is recommended that any extensive plinth elevations be finished in brick and then softened perhaps with 'green walls' etc.
- It is recommended that the ESB/Switchroom block be appropriately finished and that it is naturally screened as much as possible.
- Some consideration should be given to minimising noise from the car ramp to the basement and adjacent undercroft area, as well as the landscaped basement void with regard to the amenity of apartments and balconies over.
- A Social Audit should be provided as part of any SHD planning application submission.
- Dublin City Childcare Committee should be consulted on this proposal regarding childcare provision.
- It would also be preferable that basement/podium ventilation is removed as far as possible from below or near windows balconies/patios.

Overlooking/privacy:

- It is recommended that potential impacts on residential amenity that may arise where windows serving habitable rooms will be in close proximity to the general circulation decks be minimised as much as possible.
- Additional planting buffers are should be applied between the western duplexes' ground level patios and the adjoining landscape space and/or consideration be given to potential subdividing and allocating the western landscaped space as additional private open space to the aforementioned units.
- 1.8m high privacy screens should be erected to the sides of balconies/patios where they are in close proximity to other balconies/patios.

- All balconies should be at least fitted with opaque glazing.
- There may be scope to increase the level of privacy for units like the Type 2C by introducing a misalignment of the living-dining-kitchen room door with the external apartment door. Access to Daylight & Sunlight/Micro-climate/Solar Dazzle-Glare.
- More detail is required with regard to level of shadowing of the internal communal open space area, which should also account for the impact of the courtyard staircase structure
- Shadow Impacts on 3rd party residences have not been specifically provided, rather a basic 'before & after' shadow diagrams have been provided for '14:00' for the equinox and solstice periods. More detailed shadowing impacts should be provided. The level of shadow/sunlight levels to balconies and patios should be also be assessed. There is concern at the level of sunlight available to the ground floor decks to the three northern apartments which appear to be somewhat hemmed in. The solar orientation of private open space areas should be maximised where possible.
- The studies should also discount potential impacts on daylight access to dwellings nearby along Seafield Road East.
- The daylight-access study should detail the percentage reduction of 3rd parties' current access to daylight.
- A 'fuller' study is required to at least to account for the worst-case scenarios across the scheme in terms of access to daylight.
- It is recommended that a 2% Average Daylight Factor target value is achieved for combined living room/kitchen/dining rooms across the scheme.
- The uniformity of daylight received into habitable space as per BS8206 2 2008 should be addressed.
- An assessment of impacts from micro-climate should be provided – including issues of solar dazzle/glare.
- The Irish Aviation Authority may need to be consulted if the development would have a potential negative impact upon flightpath safety.
- External lighting system within the site shall comply with best practice such as the recommendations of the Institution of Lighting Engineers Guidance Notes

For The Reduction of Obtrusive Light. Light pollution. Bat sensitive lighting may need to be considered.

On site habitats:

- The site has remained undeveloped since Redcourt House was destroyed and has to some degree 'rewilded'.
- Presence of badger setts noted. Concerns have been raised regarding the impact on biodiversity and habitats on site and an apparent reliance upon relocation of protected species and exclusion to sites in the ownership of others cannot be considered as satisfactory mitigation in the absence of consents from relevant owners and the NPWS.

Invasive Species/Biodiversity:

The presence of come on site invasive species is noted. Therefore an Invasive Species Management Strategy is proposed.

Environmental Impact Assessment Screening:

EIA Screening has been undertaken and noted.

Appropriate Assessment

The proposal has been screened for Appropriate Assessment. This has concluded stage 2 AA (NIS) is not required.

PA Conclusion

The Planning Authority concluded that while it is considered that the proposal would appear to be broadly consistent with the proper planning and sustainable development of the area and national policy with regard to apartment accommodation there are a number of significant concerns and clarifications of the proposal required which should be addressed prior to the submission of the final application in addition to issues raised by DCC's Drainage Division, DCC's Transportation Planning Section, DCC's Parks & Landscape Division (Two Reports) and DCC's Housing section. And that Planning Authority is not in a position to

support the proposal until issues raised in the planning and other DCC reports are satisfactorily addressed.

8.3.4 Summary of Interdepartmental Reports (Addendum B) received with the PA Opinion on the 11th September 2020 and Addendum with Senior Executive Parks and Landscape Officer Report received 11th September 2020.

Two reports set out the position of DDC Parks, Biodiversity and Landscape Services.

Parks, Biodiversity & Landscape Services report (9th September 2020):

Points of note include:

Trees:

The loss of mature trees will negatively affect local character and open up the site visually, in particular from St Gabriel's Road. Retention, in particular of the western boundary trees would help to integrate the proposal into its suburban setting. The proposed construction methodology of the basement level and access ramps may impact on the existing retained tree root zones and details of this should be presented. Further conservation of existing trees is only practicable with a reduction of the built footprint.

Public Open Space:

- Further clarity is required to indicate the location of the public open space in the scheme on the master landscape plan and its function. A 10% requirement of the site shall be provided or else a contribution in lieu shall be agreed before a formal application is made. It is unlikely that the public open space will be taken in charge; however, this could be reviewed if further tree conservation along St Gabriel's Road is presented.

Communal open space:

- The enclosure of communal open space within a courtyard with roof structure should be acoustically assessed. Sunlight / shade assessment should also be presented for open space areas with assessment presented of compliance

with BRE standards. The proposed communal open space should provide for children's play.

It is recommended that a landscape masterplan be provided that distinguished communal open space; private open space, landscaped space; and public open space.

No reservations on the pre-application submission subject to the issues raised above.

Senior Executive Parks and Landscape Officer, Parks, Biodiversity & Landscape Services Report (7th September 2020) and Addendum Report (11th September 2020:

Report dated 7th September included inter alia:

Review of the Ecological Impact Report submitted by the prospective application The report also addressed Bats, Street Planting, Habitats, Invasive alien species, mammals, invertebrates, Landscape Plan, Hedgerow, Green Infrastructure.

The report concluded that:

- Site is used by 3 species of bats for foraging with roost potential.
- Confirmed site usage by pygmy shrew.
- Confirmed breeding site for badger.
- Confirmed breeding site for wren and potential breeding site for 9 other species of birds.
- Total hedgerow and tree line habitat not quantified fully with regard to hedgerow.
- Existing trees include mature Holm Oaks linked to historical Guinness arboretum at St. Anne's Park.
- Proposed removal of 64% of mature trees of mostly medium term value on site necessitated by proposed site layout.

There are significant concerns over the loss of onsite habitat and impacts on biodiversity.

Recommendation to refuse permission.

The addendum report dated 11th September from the Senior Executive Parks and Landscape Officer included inter alia reference to the Appropriate Assessment Screening Report and a list of conditions not included in the report dated 7th September 2020.

Drainage Division (4th September 2020):

Drainage Division have recommended that further clarification is required on surface water and flood risk management proposals.

The proposed surface water management strategy shall be developed further to identify location and areas for proposed swales, tree pits and landscaped areas as referenced in the Engineering Services Report, dated July 2020.

Details shall be provided on how it is proposed to comply with the main design criteria for surface water management as set out in Section 16.3 of The Greater Dublin Regional Code of Practice for Drainage Works Version 6.0.

The flood risk assessment and proposed strategy shall be developed further to implement the requirements as set out in Dublin City Development Plan 2016-2022, Strategic Flood Risk Assessment.

Transport Planning Division (3rd September 2020):

The principle of the proposed development is accepted by this Division. However, the TPD requires further documentation to be submitted and the following issues to be addressed in any forthcoming SHD application:

- There are a number of inconsistencies throughout the submitted documentation with regard to the number of car parking spaces and bicycle spaces to be provided. The applicant should ensure that all documentation is consistent and refers to the subject site in question and proposed uses and not reference areas within another local authority administrative area, unless relevant.

- The applicant is invited to liaise with the Transportation Planning Division in advance of submitting a formal SHD application in order to discuss details regarding the provision of a pedestrian crossing, the provision of dished kerbs and tactile paving at all crossings and the provision of adequate lighting at all crossings. Works outside of the applicants control/red line boundary requires agreement with DCC and may require a letter of consent for an extended red line boundary.
- This Division does not support the provision of a drop-off/parking area to the south of the site on Seafield Road East, which would encroach on the public footpath. The applicant is advised to submit revised plans as part of any forthcoming SHD application, which omits parking from this area.
- The applicant is requested to submit a Car Parking Management Strategy. Having regard to the reduced parking quantum, the Parking Strategy should include details of how car parking spaces will be allocated to tenants; measures that will prevent overspill parking on the surrounding streets; and visitor access and parking control.
- The applicant is requested to submit a Site Servicing and Operations Plan with any forthcoming SHD application. The Plan should include general site operations servicing, deliveries, utilities, refuse and emergency servicing of the site. Set-down areas and swept path analysis should be included where relevant. The Plan should outline how waste storage areas at basement level will be accessed by refuse collectors.
- This Division would request that a minimum of one car club/car sharing vehicle is incorporated into the scheme along with other shared mobility schemes such as residential shared cargo/ecargo bikes that would support a reduced parking provision. In the event that the provision of car sharing vehicle is incorporated, any forthcoming SHD application should be accompanied by a commitment from a car share provider. The applicant is requested to clarify if the Residential Car Club referred to in the TTA is in addition to the on-street car club proposed.

- The applicant is advised to consider other shared mobility schemes that would support a reduced parking provision such as a residential shared cargo/e-cargo bike scheme that would facilitate crèche drop-offs/collections, grocery shopping trips, and family recreation use.

A list of items is outlined that should be included in any SHD application.

Housing & Community Services (8th September 2020)

It is noted that the applicant have not engaged with DCC's Housing Department. A Part V meeting will required if the applicant progresses to planning application stage.

9.0 The Consultation Meeting

- 9.1. A Section 5 Consultation meeting took place online via Microsoft teams on the 11th November 2020, commencing at 2pm. 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. Compliance with Land Use Objective Z2.
 2. Design Strategy (inter alia design, height, layout, interface with public realm, how the development addresses the public roads, communal open space and public open space).
 3. Residential Amenities.
 4. Traffic & Transportation (inter alia Access & Car Parking Strategy).
 5. Issues raised by Parks & Landscape Services (addendum to the Planning Authority Opinion received on 11th September 2020) and the Biodiversity Officer Report (Addendum received on 11th September 2020).

6. Childcare.

7. Any Other Business.

In relation to **compliance with Z2 land use objectives**, ABP representatives sought further elaboration/discussion/consideration in relation to:

- Compliance with Land Use Zoning Objective Z2(Residential Neighbourhood (Conservation Area)).

In relation to **Design Strategy**, ABP representatives sought further elaboration/discussion/consideration in relation to:

- Justification/rationale for the design approach
- Capacity of the site to absorb the proposed scale, height and massing.
- Integrate with the public realm and how the proposal addresses the three public roads that bound the site.
- The nature and quality of the communal amenity space.
- Compliance with the requirements for communal amenities and facilities as per the Guidelines.
- Communal and Public Open Space requirements
- Dual aspect if the area is enclosed.
- Access to daylight/sunlight arising from the proposed 'covering' over the communal amenity area,
- CGIs, cross sections, detailed VIA.
- Requirement for an Architectural Design Statement
- Details of materials and finishes.
- Implications for drainage.
- Issues raised by DCC.

In relation to **residential amenities** ABP representatives sought further elaboration/discussion/consideration in relation to:

- Standard of residential amenities.
- The proposed 'covering' over the main communal amenity space and implications for noise, temperature, access to daylight/sunlight.
- Potential overlooking for decking and circulations areas within the scheme.
- Potential impact on the adjoining properties, in particular Redcourt Oak.

In relation to **Traffic and Transportation**, ABP representatives sought further elaboration/discussion/consideration in relation to:

- Rationale for the proposed parking
- Reconfiguration of parking along Dollymount Park
- Access arrangements.
- Issues raised by DCC Transportation Division.

In relation to **Issues raised by the Biodiversity, Parks and Landscape Services** (ABP representatives sought further elaboration/discussion/consideration in relation to:

- Tree removal
- Impact on protected species noted on site (badger, pygmy shrew and hedgehog)
- Issues raised in reports
- Ecological Impacts.

- Implications on adjoining designated sites.

In relation to **Childcare**, ABP representatives sought further elaboration/discussion/consideration in relation to:

- Justification/rationale for not providing a childcare facility.
- Childcare audit required.

In relation to **any other business**, ABP representatives sought further elaboration/discussion/consideration in relation to:

- Liaise with DCC Drainage regarding runoff and issues raised in the Drainage Report.
- Liaise with DCC Biodiversity Parks and Landscape Services regarding issues raised in their reports.
- If Material Contravention arises, this need to be addressed in the documentation submitted with the application in the form of a Material Contravention Statement and referred to in the Public Notices.
- Technical issues highlighted need to be fully addressed at application stage as there is no provision for further information under SHD,
- Ensure all documentation is submitted and correlates as no provision for further information under SHD.

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 307953' 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

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 the prospective applicants, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the section 28 Ministerial Guidelines and local policy via the statutory plans for the area.

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.

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

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.

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. Open Space (communal and public):

- a) Further consideration/clarification in the documentation in relation to the proposed covering over the communal courtyard area. This should include a rationale for the covering and clarify if the communal area is to be completely enclosed.

The documentation should also address, inter alia, the following in relation to this covered space: potential impacts arising from noise generated; access to daylight/sunlight; temperature generated in this space; odour mitigation; implications, if any, for delivery of 'dual aspect' apartments; maintenance; uses proposed within the space etc. It may be of benefit at application stage if the applicant can indicate examples where such a proposed covering has been used in other residential developments.

- b) Further consideration/clarification in the documentation in relation to the quantum and quality of public and communal open space provision and the creation of vibrant, amenable and high-quality communal open spaces within the development.

The further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

2. Design and Layout

Further consideration and/or justification of the documents as they relate to the development strategy for the site in respect of the proposed height, scale and massing of the proposal, having regard to its locational context.

- a) This should include a contextual layout plan which indicates the layout of adjoining developments, photomontages and cross sections at appropriate

levels, including details of how the proposed development interfaces with contiguous uses/lands and adjoining roads (Seafield Road East, St. Gabriel's Road and Dollymount Park)

- b) In addition to the consideration of local statutory policy and national policy and guidelines, particular regard should be had to demonstrating that the proposal satisfies the criteria set out inter alia in section 3.2 and SPPR3 of the Urban Development and Building Heights, Guidelines for Planning Authorities (December 2018). The applicant should satisfy themselves that the design strategy for the site, as outlined in red, provides the optimal outcome for the subject lands.
- c) The interface with the Public Realm at Seafield Road East, St. Gabriel's Road and Dollymount Park, the interface with Redcourt Oaks to the east, as they relate to the design and layout of the proposed development and the desire to ensure that the proposal provides a high quality, positive intervention at this location. Particular regard should also be had to creating suitable visual relief in the treatment of elevations and interface with adjacent lands. An architectural report, urban design statement and additional CGIs/visualisations should be submitted with the application, together with a report that specifically addresses proposed materials and finishes to the scheme.

The further consideration / justification should have regard to, inter alia, the guidance contained in the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2018, the Urban Development and Building Height Guidelines for Planning Authorities 2018; the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) and the accompanying Urban Design Manual; the Design Manual for Urban Roads and Streets 2013; and the Dublin City Development Plan 2016-2022.

The further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

3. Residential Amenities

Further consideration and / or justification of the documents as they relate to residential amenity, having particular regard to the potential for overlooking, overshadowing and overbearing impacts on existing adjoining residential properties and proposed residential units within the scheme, and daylight and sunlight access to units and amenity areas within the development.

The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage.

4. Ecology

Further consideration/clarification of the documents as they relate to the raised by the Biodiversity, Parks and Landscape Services (report dated 7th September 2020) contained in the Planning Authority's Opinion received by An Bord Pleanála on 11th September 2020 & the addendum report from the Senior Executive Parks and Landscape Officer (report dated 11th September 2020) received by An Bord Pleanála on 11th September 2020.

The further consideration of this issue may require an amendment to the documents and/or design proposals submitted relating to 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 housing quality assessment which provides the specific information regarding the proposed apartments required by the 2018 Guidelines on Design Standards for New Apartments. The assessment should also demonstrate how the proposed apartments comply with the various requirements of those guidelines, including its specific planning policy requirements.

2. A detailed Sunlight, Daylight and Shadow Analysis.
3. Wind micro-climate study, including analysis of balconies, pedestrian areas and amenity areas.
4. A temperature analysis of the main communal amenity area and pedestrian routes, walkways/decking.
5. A Landscape and Visual Impact Assessment, to include inter alia long views of the site from Bull Island.
6. A report identifying the demand for school and crèche places likely to be generated by the proposal and the capacity of existing schools and crèches in the vicinity to cater for such demand.
7. Response to issues raised in Addendum B of Planning Authority Report, received 11th September 2020 which includes the internal reports of the Transportation Planning Division, Drainage Division and Housing Department.
8. A Draft Construction and Demolition Waste Management Plan.
9. 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. Department of Culture, Heritage and the Gaeltacht

3. Heritage Council
4. An Taisce
5. DCC Childcare Committee
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

23rd November 2020