



An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion
ABP-308044-20**

Strategic Housing Development

273 no. Build to Rent apartments,
childcare facility and associated works.

Location

3 Chapelizod Hill Road, 'Clarevill', 4
Chapelizod Road, Midgard House,
Chapelizod Hill Road and Former
Faulkner's Industry site, Chapelizod
Hill Road, Chapelizod, Dublin 20.

Planning Authority

Dublin City Council

Prospective Applicant

Midgard Construction Limited

Date of Consultation Meeting

12th November 2020

Date of Site Inspection

6th November 2020

Inspector

Rachel Gleave O'Connor

1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The site is located in the west of Dublin City in Chapelizod. Situated on the south of Chapelizod Hill Road and west of the Chapelizod By-Pass. To the east of the site is an access road and associated houses that adjoining Chapelizod By-Pass. To the west of the site is a 3 and 4 storey apartment block that is situated on the corner of Kylemore Road and Chapelizod Hill Road. South of the site is the Convent Lawns residential estate with rear gardens backing onto the subject site boundary.
- 2.2. Opposite the site is a large training centre building. Ballyfermot technical college and St Dominic's College are located to the west and south of the site. The core of Chapelizod Village is located further to the west and north of the site. The site is approximately a 6 minute walk to inner city high frequency bus services.
- 2.3. Currently occupying the site is a vacant industrial building in poor condition. The site also encompasses 2 storey semi-detached dwellings at 'Midgard House', 'Clarevill' (no.4) and no.3 Chapelizod Hill Road. The site itself holds a very visible position as Chapelizod Hill Road is positioned at a significantly higher gradient than the main village area.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development involves 273 no. Build-to-Rent residential units as follows:

Unit Type	Number
1 bed apartments	135
2 bed apartments	138
Total	273

The development has a stated net residential density of c. 229 units/ha based on a development area of c. 1.19 ha. The development scheme comprises the following:

- Demolition of the existing former Faulkners Industries Factory complex along with 2 storey semi-detached dwellings known as 'Midgard House' and 'Clarevill' both on Chapelizod Hill Road, as well no. 3 Chapelizod Road;
- Block A will comprise a 5-10 storey building with 141 apartments (57 no. 1 bedroom units and 84 no. 2 bedroom units) with balconies / winter gardens or terraces to the north, south and west elevations; ancillary residential facilities and 1 no. childcare facility (205sqm) at ground level;
- Block B will comprise a 4-8 storey building comprising 132 no. apartments (78 no. 1 bedroom units and 54 no. 2 bedroom units) with balconies / winter gardens or terraces to north, east, south and west elevations and ancillary amenity facilities at ground level;
- A total of 191 no. car parking spaces in underground basement with 5 no. spaces at surface level;
- 646 no. bicycle parking spaces (576 no. spaces at basement and 70 no. spaces at surface level);
- 17 no. motorbike parking spaces;
- Public / communal open space, landscaping, boundary treatment, 1 no. ESB substation and all associated engineering and site works necessary to facilitate the development;
- Vehicular, pedestrian and cycle access and egress via Chapelizod Hill Road.

4.0 Planning History

- 4.1. Reg. Ref. 3221/18 – Planning permission granted for amendments to Reg. Ref. 2869/17 & ABP Ref. PL29S.248958 to change the development to a ‘Build-to-Rent’ development and increase the number of units to 172 no. apartments along with associated residential amenity facilities; with apartments located in 3 no. blocks ranging in height from 3-5 storeys over basement. (9th November 2018).
- 4.2. Reg. Ref. 2869/17; ABP Ref. PL29S.248958 – Planning permission granted on appeal for a mixed-use residential development of 153 no. apartments in 3 no. blocks ranging in height from 3-5 storeys over basement. (5th December 2017).
- 4.3. Reg. Ref. 2512/14 – Planning permission refused by Dublin City council for development comprising of modifications to permitted 33 new dwellings and alterations to an existing dwelling ‘Beann’, Reg. Ref. 2803/13. (15th April 2014).
- 4.4. Reg. Ref. 2584/14 – Planning permission granted by Dublin City Council for development comprising of modifications to permitted development of 33 new dwellings and alterations to an existing dwelling ‘Beann’, Reg. Ref. 2803/13. (2nd September 2014).
- 4.5. Reg. Ref. 2803/13 – Planning Permission Granted by Dublin City Council for the demolition of the existing factory and construction of 33 no. terraced, detached and semi-detached residential units. (30th January 2014).
- 4.6. Reg. Ref. 2777/12 – Planning permission granted by Dublin City Council for the demolition of existing factory complex on the site and construction of a development comprising 20 no. terraced and semi-detached residential units. (19th February 2013).
- 4.7. Reg. Ref. 5644/07 – Planning permission granted by Dublin City Council for a development consisting of 117 residential units, retail unit and creche facility in buildings up to 5 storeys in height. (26th May 2008).
- 4.8. Reg. Ref. 2739/07 – Planning permission refused by Dublin City Council for a development of 161 residential units and creche in buildings up to 5 storey in height. (11th June 2007).

4.9. Reg. Ref. 5416/05 – Planning permission refused by Dublin City Council for construction of 100 apartments in blocks up to 4 storey in height. (10th November 2005).

5.0 National and Local Planning Policy

5.1. Section 28 Ministerial Guidelines

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

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

5.2. National Planning Framework

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

5.4. The National Planning Framework includes a specific Chapter, No. 6, entitled 'People Homes and Communities'. It includes 12 objectives among which Objective 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages.

- 5.5. Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- 5.6. Objective 35 seeks to increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.
- 5.7. **Dublin City Development Development Plan 2016-2022**
- 5.7.1. Zoning: The site is zoned 'Objective Z1 – To protect and improve residential amenities' within the Dublin City Development Plan 2016-2022.
- 5.7.2. General: The Dublin City Council Development Plan 2016-2022 contains the planning policies applicable to the site. The policy chapters, especially Chapters 4 – Shape and Structure of the City, 5 – Quality Housing, and 12 – Sustainable Communities and Neighbourhoods, detailing the policies and objectives for residential development, making good neighbourhoods and standards respectively, should be consulted to inform any proposed residential development. Policy SC25 in Chapter 4, concerns the promotion of development which incorporates exemplary standards of high-quality, sustainable and inclusive urban design, urban form and architecture befitting the city's environment and heritage and its diverse range of locally distinctive neighbourhoods, such that they positively contribute to the city's built and natural environments. This relates to the design quality of general development across the city, with the aim of achieving excellence in the ordinary, and which includes the creation of new landmarks and public spaces where appropriate. (Chapter 16 deals with Development Standards: Design, Layout, Mix of Uses and Sustainable Design. Section 16.7.2 deals with Height Limits and Areas for Low-rise, Mid-Rise and Taller Development, Section 16.10 – Standards for Residential Accommodation).

6.0 Forming of the Opinion

- 6.1. Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the planning authority submissions and the discussions which took place during the tripartite

consultation meeting. I shall provide a brief detail on each of these elements hereunder.

6.2. Documentation Submitted

6.2.1. The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. This information included, inter alia, the following:

- Application Form for a Section 5 Pre-Application Consultation Request in respect of a Strategic Housing Development;
- Cover letter;
- Planning Report and Statement of Consistency;
- Architectural drawings;
- Engineering drawings;
- Transport documentation;
- Ecology documentation;
- Tree Survey and documentation;
- Bat and Badger Assessment;
- Asbestos Refurbishment Report;
- Sunlight, Daylight and Shadow Study.

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

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

6.3. Planning Authority Submission

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

- The proposed development is compatible within the zoning objective for the area that the site is located.
- The site is located in an established inner suburban area. The site has potential to accommodate a medium to high density development with a minimum net density of 50 units/ha in accordance with National policy. However, a high density scheme is subject to the achievement of a high quality residential development at this site in combination with sustainable densities and this should be subject to other environmental, residential amenity, movement and visual amenity considerations.
- In this scheme the applicant exceeds the limits set down in the Development Plan with heights of c.31 metres to the 10 storey block. This is an outer suburban site, and although it has good bus links, the applicant can't justify the heights proposed at this location. The residential amenities of the properties to the east and south of this site have not been adequately considered in this application. With regards to heights on this site, heights of five storeys have already been established on this site. In this regard the Planning Authority would like to see the heights reduced on both blocks, to no more than 5 storeys, which also addresses any potential overlooking issues to the properties to the south and east of the site.
- Concerns regarding the proximity of windows and balconies on the two blocks to the south and east of the site. The seven stories height is also overbearing when viewed from rear gardens of Convent Lawn.
- Overlooking and overshadowing concerns in relation to houses to the east of the site. Concerns also raised in relation to proposed roof terraces and associated overlooking of existing residential properties. The Board may also consider reducing the height of the block along the southern boundary to 4-5 stories in height to reduce the bulk of this block.

- The applicant should fully iron out details of the location and size of any proposed substation prior to lodging the application.
- The applicants do appear to be proposing high quality brick finishes to the blocks which is acceptable to the Planning Authority.
- Transportation planning in their report dated the 18th September have recommended a number of issues be addressed prior to any planning application being submitted.
- Parks Department in their reports dated the 16th and 17th September 2020 set out a number of issues that need addressing at application stage.
- The Planning Authority has serious concerns regarding the height and design of the two blocks A and B. The applicant has not provided adequate justification for such heights in an outer suburban area.
- Due to the sensitive elevated nature of the site, its proximity to existing residential properties and location just outside of Chapelizod Village, which is an Architectural Conservation Area (ACA), it is recommended that a landscape and visual assessment by a qualified practitioner such as a chartered landscape architect be carried out as part of any planning application.
- Photomontages should include viewpoints from Convent Lawns to the south/St. Dominic's College Ballyfermot. Viewpoints along Chapelizod Hill Road, from the eastern direction before the Chapelizod by-Pass, also views from the Phoenix Park and Main Street in Chapelizod should also be considered due to the elevated nature of this site.

6.4. Irish Water

- 6.4.1. The submission from Irish Water (dated 4th September 2020) states that a Confirmation of Feasibility has been issued for a development of 273 units on the site.
- 6.4.2. In respect of water: In order to accommodate the proposed connection to Irish Water network at the Premises, upgrade works are required to increase the capacity of the network. Approx. 120m of new 200mm ID pipe main has to be laid to replace the existing 6" AC main, also approx. 20m of new 150mm ID connection main has to be laid to connect the existing 250mm DI. Irish Water currently does not have any plans

to extend its network in this area. Should the applicant wish to progress with the connection they will be required to fund this network extension which will be delivered by Irish Water in the public domain.

- 6.4.3. In respect of waste water: New connection to the existing network is feasible without upgrade. Please note in general, all development is to be carried out in compliance with Irish Waters Standards Codes and Practices. Where any proposals by the applicant to build over or divert existing 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.

6.5. Consultation Meeting

- 6.5.1. A section 5 Consultation meeting took place via a video conference on the 12th November 2020. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

- 6.5.2. 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. Design Strategy, Height and Density;
2. Layout, Separation Distances and Overlooking;
3. Daylight, Sunlight and Overshadowing;
4. Ecology / Biodiversity / Trees;
5. Material Contravention;
6. Any Other Matters.

- 6.5.3. Both the prospective applicant and the planning authority were given an opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting ABP-308044-20' which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

7.0 Conclusion and Recommendation

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

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

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

8.0 Recommended Opinion

- 8.1. An Bord Pleanála refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and

amendment in order to constitute a reasonable basis for an application under section 4.

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

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

Design Strategy

The prospective applicant should provide further justification and/or detail in relation to the proposed height of buildings up to 10 storeys and the arrangement of the development in only two blocks. In particular, the prospective applicant should provide further justification and/or detail in relation to the following:

- (i) The visual impact of the development upon the surrounding area;
- (ii) The elevational treatment of the tallest block proposed;
- (iii) The mass of the development form, arranged in only two blocks; and
- (iv) The overshadowing of the proposed communal courtyard amenity area.

Consideration is required of site topography and the cohesive integration of the development with the established character of Chapelizod Hill Road. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

Relationship to boundaries

Further consideration and/or justification is required, where the proximity of balconies and windows in the development are located closer to boundaries than exhibited in the approved development. How the amenities of lands adjacent to the site will be protected requires further examination and explanation in this regard. Further

consideration of this issue may require an amendment to the documents and/or design proposals submitted.

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

1. A detailed statement of consistency and planning rationale, clearly outlining how in the prospective applicant's opinion, the proposal is consistent with local planning policies. Where the proposal is not consistent with planning policies in the Development Plan, the applicant should satisfy themselves regarding whether there is additional need for a Material Contravention Statement.
2. Additional CGIs are required, as well as a Landscape and Visual Impact Assessment with photomontages, to include consideration of visual impacts on the surrounding areas. This should include consideration of impact upon / views from sensitive architectural areas / structures surrounding the site. Photomontages should include winter views.
3. Topographical survey of the site and associated commentary on how this has impacted the design of the proposed development.
4. A plan showing separation distances between the development to existing adjacent properties should be included, annotating key distances to boundaries, buildings and windows. A comparison to the approved development should also be provided.
5. A Daylight, Sunlight and Overshadowing Assessment is required to demonstrate how the proposed development responds to recommendations in the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (the BRE guidelines). Analysis of all units on each floor should be provided until it can be demonstrated that all units on a floor meet recommended targets, at which point it can be logically assumed units above will also pass. Analysis of the potential overshadowing of both existing and proposed amenity areas, should

include consideration of where amenity features (i.e. play / outside furniture / lawn areas) are located.

6. A schedule and associated plan, describing the internal and external resident amenities and facilities to be incorporated into the development, in accordance with the definitions under part (b) of SPPR 7 in the 'Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities' (2018). The proposal should also satisfy the requirements under part (a) of SPPR 7.
7. Confirmation of waste storage arrangements and the allocation/sizing of each area to correspond with the occupation requirements for each of the separate blocks.
8. Additional details and/or revised proposals in relation to ecology and landscape, having regard to comments from the Planning Authority. A plan of landscape proposals clearly delineating communal and private spaces should also be provided, as well as a detailed breakdown of the total area of same. Consideration of how the design of the landscape and provision of furniture/equipment will facilitate use of these spaces for both adults and children is also required.
9. Additional details and/or revised proposals in relation to comments from Transportation Planning at the Planning Authority.
10. Additional details and/or revised proposals in relation to comments from the Drainage Division at the Planning Authority.
11. A Housing Quality Assessment with regard to relevant national and local planning policy on residential development.
12. A report that specifically addresses the proposed materials and finishes of buildings, landscaped areas and any screening/boundary treatment. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinct character for the development.
13. A building life cycle report shall be submitted in accordance with section 6.3 of the 'Sustainable Urban housing: Design Standards for New Apartments (2018)'.

The report should have regard to the long-term management and maintenance of the proposed development.

14. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 should be submitted as a standalone document.

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

1. Minister for Culture, Heritage and the Gaeltacht (Built Heritage and Nature Conservation)
2. Fáilte Ireland
3. The Heritage Council
4. An Taisce – The National Trust for Ireland
5. Irish Water
6. Transport Infrastructure Ireland
7. National Transport Authority
8. Dublin City Childcare Committee

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.

Rachel Gleave O'Connor

Planning Inspector

1st December 2020