



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-308050-20

| | |
|--------------------------------------|---|
| Strategic Housing Development | 475 no. apartments, creche and associated site works. |
| Location | Swords Road, Whitehall, Dublin 9. |
| Planning Authority | Dublin City Council North |
| Prospective Applicant | Eastwise Construction Ltd |
| Date of Consultation Meeting | 27 th of November 2020. |
| Date of Site Inspection | 03 rd of September 2020 |
| Inspector | Karen Hamilton |

Contents

| | |
|---|----|
| 1.0 Introduction | 3 |
| 2.0 Site Location and Description | 3 |
| 3.0 Proposed Strategic Housing Development | 3 |
| 4.0 Planning History..... | 5 |
| 5.0 Relevant Planning Policy | 5 |
| 6.0 Section 247 Consultation(s) with Planning Authority | 6 |
| 7.0 Prospective Applicant’s Case | 7 |
| 8.0 Planning Authority Submission | 7 |
| 9.0 Irish Water (IW)..... | 9 |
| 10.0 The Consultation Meeting | 10 |
| 11.0 Assessment..... | 11 |
| 12.0 Recommended Opinion | 11 |

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 subject site is located along the Swords Road (R132), Dublin 9. The site has frontage with the Swords Road, along the west and adjoins the boundary along the north of Highfield Hospital. Vacant lands owned by Dublin City Council and Whitehall GAA pitches are located to the north facing onto Collins Avenue. Beechlawn Nursing home is located to the rear, east. The Port Tunnel runs below the site, from north to south.
- 2.2. Permission has been granted for 374 no. apartments and associated works (ABP Ref. PL29N.238685, Reg Ref. 3269/10) as amended by Reg Ref 3405/19 and construction has commenced on site. The permission comprises of 7 no blocks with heights ranging from 4- 7 storeys. Access into the site is from the Swords Road.

3.0 Proposed Strategic Housing Development

- 3.1. The proposal is for 475 no. apartments and associated works. The proposal comprises of an additional 101 no units to the permitted development (ABP Ref. PL29N.238685, Reg Ref. 3269/10) in the form of an increase in height Block A- E. The footprint of the blocks, access into the site, car parking, open space and communal areas are to remain the same as the permitted development.

3.2. Key development details

| Detail | Proposal |
|-------------------------------------|---|
| No. of Units | 475 no. apartments |
| Site Area | 2.80ha (undevelopable 2.73ha) |
| Density | 173 units per ha |
| Height | 4-8 |
| Crèche | 465m ² |
| Public Open Space | 5,460m ² |
| Communal Open Space | 4,250m ² |
| Car parking | 352 (0.78 per unit) |
| Cycle Parking | 522 |
| Communal Amenity Space | 289m ² (gym, pool room & cinema) |
| 3 no retail/commercial units | 344m ² |

3.3. Unit Mix

| Unit type | No of Units | % of total |
|------------------|--------------------|-------------------|
| Studio | 26 | 5 |
| One bed | 179 | 38 |
| Two bed | 251 | 53 |
| Three Bed | 19 | 4 |
| Total | 475 | 100 |

4.0 Planning History

PL29N.238685 (Reg Ref 3269/10)

Permission granted for 358 no apartments, a crèche (465m²) and 3 no retail/commercial units (344m²) in 7 no. four to seven storey blocks over a partial basement.

EOD (Reg Ref 3269/10/X1) was granted with completion works for 09th of April 2022.

Construction works are currently being undertake on site.

Reg Ref 3405/19

Permission granted for amendments to PL29N.238685 (Reg. Ref 3269/10) for increase in overall permitted quantum of apartments to 374 no. units with Block F increasing from 60 no units to 76 no. units.

5.0 Relevant Planning Policy

5.1. Section 28 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, as updated March 2018
- Design Manual for Urban Roads and Streets (DMURS)
- Urban Development and Building Heights – Guidelines for Planning Authorities

5.2. Dublin City Development Plan 2016-2022

The site is located on lands zoned Z12 Institutional Land (Future Development Potential)' where the objective is '*to ensure that existing environmental amenities are protected in the predominantly residential future use of these lands*'.

- 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.
- Section 16.10 deals with Standards for Residential Accommodation.

6.0 Section 247 Consultation(s) with Planning Authority

6.1. The report of the PA notes one S247 meeting was held on the 06th of July 2020 and the issues raised are summarised below:

- One extra floor on the five blocks are proposed with no change in the footprint of the building.
- Detailed sunlight and daylight report required.
- Social and Community Infrastructure Audit required.
- No objection to the increase in height subject to sunlight and daylight.
- Active uses along Swords Road are encouraged.
- Materials should avoid render and should be robust.
- Basement details to indicate no impact.
- Bus Connects and new junction proposals should be designed to satisfaction of transport section.

6.2. Whitehall Framework Plan 2008 (as extended)

The subject site and that to the north, facing onto Collins Ave, are included in the Whitehall Framework Plan 2008.

- Quality Bus Corridor (QBC) layout along the Swords Road.
- Vehicular access into the site from Swords Road.
- Hierarchy of open spaces.

7.0 Prospective Applicant's Case

7.1. Statement of Material Contravention.

- The height of the building is 27.75m at the highest point (Block A).
- Section 16.7.2 of the development plan restricts buildings up to 16m.
- The policy of the development plan preceded SPPR 1 of the building height guidelines and the proposal complies with these guidelines.

7.2. Statement of Consistency

The applicant submitted a Statement of consistency to state 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 Z12, Residential and as such residential is acceptable.

A Social and Community Infrastructure Audit indicates a sufficient range of services in the site.

8.0 Planning Authority Submission

8.1. 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 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 25th of September 2020 and are summarised below:

8.2. Planning Assessment

Public Open Space

- The 20% public amenity space is an inflated figure as it considers footpaths etc. A figure of c. 12% is more representative.
- The designated open space as presented in 2405/19 is more acceptable.
- There is a shortfall in c. 200m² of communal open space.
- Parks comments should be noted.

- The change of standards from the development plans for each application is raised.

Height

- Proposed heights of up to 25.75m is a material contravention.
- There are no objections to the increase of height in light of the national guidance

Design and layout

- The proposal includes a penthouse which would not cause undue overlooking.
- In addition to the increase the proposal includes the sub-division of a number of three-bedroom apartments to provide two bedrooms.
- The number of single-aspect northern facing apartments is of concern.

Visual Impact

- There are concerns with the durability and maintenance of the render.

Daylight, Sunlight & Overshadowing Study

- The baseline situation of the daylight and sunlight analysis should be clarified.

Crèche Design

- The increase of units is mainly one bed units and would be unlikely to generate more childcare spaces.

Schools, Community & Social Infrastructure

- The 19 three-bedroom units is unlikely to generate a large amount school going children.

Biodiversity and Natural Heritage

- Biodiversity issues raised include the retention of existing trees and hedgerows adjacent to green spaces.

Transport

- The section is largely satisfied with the alterations presented.

Environmental Impact Assessment Report.

- The screening assessment has consideration for 475 no units.
- The cumulative impact of the recent adjacent residential developments (e.g. High Park, Bonnington Car park) is noted and the Boards role as competent authority.

8.3. Interdepartmental Department

Transportation and Planning Division: No objection subject to TII compliance for works over the Dublin Port Tunnel, site access arrangements complying with the NTA.

Clarity on the parking allocation i.e. visitors etc., crèche and information on the management of spaces.

Park and Landscape: Request for amendments to the landscaping scheme to promote green infrastructure integrating trees and hedgerows. Biodiversity should be promoted on the site.

Drainage Division: Further Clarification on surface water and flood risk management.

9.0 Irish Water (IW)

- 9.1. A submission is received from Irish Water to state that a Confirmation of Feasibility has been issued for 503 units subject to the following:

Waste water-

- Sutton Catchment Drainage Area Plan (DAP) is ongoing and will identify solutions for pipe capacity issues along the Swords Road and resolve issues to flooding in the area.
- Further upgrades to Santry pump station are required and the applicant is required to engage with IW in respect to these.

Water-

- Connection to the existing 300mm DI main in Collins Avenue is required.
- IW have no plans to extend to commence upgrade works and should be undertaken by the applicant.

10.0 The Consultation Meeting

10.1. A Section 5 Consultation meeting took place online via Microsoft Teams, on the 27th of November, commencing at 10.00am. 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.

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

1. Development Strategy, inter alia, open space
2. Drainage matters, inter alia, Irish Water
3. Traffic and Transport, inter alia, Port Tunnel
4. Any other matters.

10.2. In relation to **Development Strategy**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The additional height onto Blocks A-D, the material contravention statement and compliance with Section 3.2 of the Urban Height Guidelines.
- The quantum of public and communal open space provided and compliance with the development plan standards and Sustainable Urban Housing: Design Standards for New Apartments, 2018.
- The location and design of the public and communal open space and the potential connectivity to the open space areas to the north of the site.
- The proposed landscaping scheme and the potential to enhance the biodiversity on the site.

10.3. In relation to **Drainage Matters**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The submission from Irish Water and the requirements for upgrades the public infrastructure.
- The potential for flooding on the site and the need for a flood risk assessment.

10.4. In relation to **Traffic and Transport**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The location of the site over the Dublin Port Tunnel, the works proposed and the need to undertake consultation with Transport Infrastructure Ireland.
- The quantum of parking proposed, the mobility management and the separation of spaces for residents and visitors.

10.5. In relation to **Any other Matters**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The location of the children play area adjoining the crèche and the amount of sunlight and daylight.

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

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 arising from this notification:

1. A detailed landscaping plan illustrating the quantum and functionality of all areas designated for communal and public open space. The landscaping plan shall be accompanied by an updated Sunlight/Daylight analysis showing an acceptable level of residential amenity for future occupiers which includes details on the standards for the private and shared open space and the open space associated with the creche.
2. A rationale for the proposed car parking provision should be prepared, to include details of resident and visitor parking, mobility split, car parking management, car share schemes and a mobility management plan.
3. A report that addresses issues of residential amenity (both existing residents of adjoining development and future occupants), specifically with regards to compliance with any relevant guidelines.
4. A Site Specific Management Plan which includes details on management of the communal areas, public space, residential amenity and apartments.

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 (Archaeology)
5. An Taisce- The National Trust for Ireland.
6. The Heritage Council.
7. 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.

Karen Hamilton
Planning Inspector

08th of December 2020