



An  
Bord  
Pleanála

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

### **Inspector's Report on Recommended Opinion ABP-308746-20**

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#### **Strategic Housing Development**

Demolition of industrial building,  
construction of 548 no. Build to Rent  
apartments, creche and associated  
site works.

#### **Location**

Lands at Concorde Industrial Estate,  
Naas Road, Walkinstown, Dublin 12.

#### **Planning Authority**

Dublin City Council South

#### **Prospective Applicant**

Development Ocht Ltd

#### **Date of Consultation Meeting**

26<sup>th</sup> of January 2021.

#### **Date of Site Inspection**

18<sup>th</sup> of December 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 (1.88ha) fronts onto the Naas Road, Dublin 12 and comprises of a number of large commercial units and associated parking. The Naas Road (R180) includes the Red Line of the Luas and a number of similar commercial developments which front onto the road. Access into the site is directly off the Naas Road, via a signalised junction, which also services adjacent commercial sites.
- 2.2. The two commercial units are occupied by car showrooms. Car parking is currently between the showroom and along the Naas Road and a public footpath is marked by a post and rail fence. The south-eastern corner of the site adjoins open space associated with the school at Drimnagh Castle off the Long Mile Road. The rest of the southern boundary of the site adjoins a yard used by a car distributor. The land immediately to the west of the site on the Naas Road is occupied by an electricity pylon and a facility on the gas network.
- 2.3. An SHD application (ABP-304383-19) was recently granted permission for 479 no. Built to rent (BTR) units, with heights up to 8 storeys.

## 3.0 Proposed Strategic Housing Development

- 3.1. The proposed development comprises of the demolition of the existing single storey industrial building (5,810 m<sup>2</sup>) 548 no. Built To Rent (BTR) units with commercial mixed use along the ground floor (4,235m<sup>2</sup> )

- 3.2. The proposed development includes the provision of communal residential facilities such as concierge, resident lounge, shared winter gardens, shared work space, meeting rooms, events spaces and external residential courtyards and all associated resident support facilities to accompany the “Build to Rent” development.

### Key Parameters

Parameters	Site
Size	1.88ha
Height	Ranging from 4 storeys (13m), 7 storeys (23m) to 10 storeys (32m) along the Naas Road
Density	291 units per ha
Units	548 BTR
Car parking	218 spaces at basement & 43 at surface level
Bicycle Parking	496 cycle space at basement & 148 at surface level & courtyards with 24 visitor spaces
Public Open Space	2,901m <sup>2</sup>
Communal Open Space	Internal Amenity Space - 2,158m <sup>2</sup> External amenity space - 3,998m <sup>2</sup>
Commercial Uses	4, 235m <sup>2</sup> Restaurant, convenience store, pharmacy, medical centre, car showroom, crèche, office, gym.
Dual Aspect	34%

### Unit Mix

Unit size	No	Percentage
Studio	19	4%
One bed	216	39%

Two bed	298	54%
Three Bed	15	3%

3.3. The site has been a recently granted permission (ABP-304383-19) on the site, and the main differences between the previous permission and the proposed development are summarised below:

- a) Increase in the overall height of 2 floors (now 32m) with the top storeys recessed.
- b) Increase of apartments by 69 no.
- c) A proposed restaurant/café at the new courtyard pavilion on the ground.
- d) Additional car parking spaces (18) with 218 no. provided at basement level.
- e) Increase in cycle spaces (c.28) at basement level.
- f) Alterations to unit mix and inclusion of some larger apartments.

## 4.0 Planning History

### **ABP-304383-19 (SHD application)**

Build to rent (BTR) scheme granted for 479 no. units, with heights up to 8 storeys.

Condition No 4 required alterations to the proposed development as detailed below:

Prior to the commencement of development, the following details shall be submitted to, and agreed in writing with the Planning Authority:

- a) The omission of apartment units 2A20, 2A35, 3A20, 3A35, 4A20, 4A36, 5A20, 5A36, 6A15, 6A29, 7A11 and 7A23 and the designation of these areas shall be for residential support facilities and/or resident services and amenities.
- b) The omission of apartment unit 0.A40 and its partition walls on the ground floor level of Block F and the designation of this area as circulation and foyer space.

- c) Ground floor garden terraces shall be provided to all apartments in Block F and a suitable privacy strip and/or low-level boundary treatment shall be provided between private and public amenity area.
- d) The eastern ground floor entrance to Block F shall be redesigned to provide better definition, allow greater legibility and contribute positively to the streetscape and building facade design.
- e) The ground and first floor south east facing windows of the creche unit shall be fitted with obscured glazing.
- f) The window(s) at the south eastern corner of Unit 2 Medical Centre and Unit 3 Shared Office located immediately adjacent to apartment unit number 1A11 and 1A22 respectively, shall be fitted with obscured glazing.

**Reason:** In the interest of residential amenity of future occupants.

Royal Liver Site on the opposite side of the Naas Road

**ABP-307804-20 (Reg.4238/19)**

Planning permission was granted recently by ABP (19th November 2020) at the Royal Liver Retail Park for a large mixed-use development (comprising residential, office, crèche, community, retail, café /bar / restaurant, medical centre, pharmacy uses). The residential component comprises 1,102 no. units consisting of Build-to-Rent Residential Development. Buildings ranging in height from 7 to 18 storeys over basement level, with a total GFA of c.129,210m<sup>2</sup>, plus c. 38,399m<sup>2</sup>

Nissan Site to the west of the existing site, along the Naas Road

**Reg. Ref 3228/20**

There is a current application with DCC for a site along Walkinstown Avenue at the junction of Walkinstown Avenue and Naas Road.

Further information has been requested so no decision to date.

This is an application for a 10-year permission for a mixed-use scheme, including BTR development in 13 number blocks ranging in heights from 4-15 storeys on a

6.921 hectare site. The permission includes removal of 4 no. existing 38kV ESB timber poles and 2 no. existing 38kV lattice masts on the site. The development includes a total of 1,137 no. residential units and associated tenant amenities (combined 2,948.90m<sup>2</sup> GFA) across 12 no. blocks (B-L) that range in height from 4-10 storeys, with a cumulative GFA of 113,147.79m<sup>2</sup>, of which Blocks C and L are dedicated Build to Rent (BTR).

## 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
- 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 zoned **Z14** in the development plan which has an objective “*to seek the social, economic and physical development and/or rejuvenation of an area with mixed use of which residential and ‘Z6’ would be the predominant uses.*”

**Z6** zoning would seek to ‘*to provide for the creation and protection of enterprise and facilitate opportunities for employment creation*’

The subject site is also located in:

- the Naas Road Key District Centre (KDC6),
- Naas Road Lands Strategic Development and Regeneration Area (SDRA6),
- Specified Chapter 2 the Core Strategy of the Dublin City Development Plan.

### 5.3. Local Area Plan for the Naas Road, 2013

- The site is identified for a mixed-use node,



- The front of the site, adjacent to Naas Road, identified as a key access route where future access should be unrestricted.

## 6.0 Section 247 Consultation(s) with Planning Authority

6.1. The Planning Authority (PA) has submitted a record of two S.247 meetings held on the 14<sup>th</sup> of April 2020 and the 13<sup>th</sup> of October 2020. A summary of the issues raised are detailed below:

- The proposal includes amendments to a previous permitted development to include an additional 2 floors (69 units) and 3,473m<sup>2</sup> of non-residential.
- There is a need to demonstrate the proposal complies with the mixed -use zoning,
- The overall increase in dual aspects is a positive result,
- Details required for the open space and access to winter gardens,
- Results of sunlight and daylight analysis to be submitted,
- Need a rigorous assessment of the impact of the additional height on the overbearing impact on the communal open spaces,
- Proposal to include glazed pavilions for the communal open space,
- Details of outdoor terraces i.e. screening areas.

## 7.0 Prospective Applicant's Case

### 7.1. Statement of Consistency

The applicant's Statement of Consistency includes reference to national, regional and local policy and concludes that aside from the height the overall proposal is in compliance with planning policy.

### 7.2. Material Contravention Statement

- Building heights in the development plan are restricted to 24m,
- Increase in height from 8 to 9 storeys (479 units to 548 units) from that previously permitted under ABP 304383-20,

- Justification based on 3.2 of the building heights guidance, the Z14 zoning on the site, the site located 500m from a Key District Centre and a Strategic Development Regeneration Area.

## 8.0 Planning Authority Submission

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 their opinion in relation to the proposal on the 21<sup>st</sup> of December 2020.

The PA opinion notes no specific S.247 meetings in relation to the proposed SHD development and includes a background on the planning history on the site and surrounding area and the policy background.

### 8.1. Planning Assessment

- The principle of development is acceptable, and the site already has the benefit of permission up to 8 storeys under ABP-304383-19.
- The development plan restricts heights to 24m although the Urban development and Building Height Guidelines require the blanket restriction to be removed.
- The site is considered a suitable location for increased height.
- There are concerns as to the additional height to the rear of the Naas Road blocks, finger blocks B, C & D and the impact this would have on the communal open space when viewed from the ground level.
- Additional photomontages between blocks B & C and C & D should demonstrate that the residential amenities of the units will not be impacted by the height.
- A microclimate assessment should be submitted.
- Some of the private open space for the units has been relaxed for the BTR and the size of these units has been increased.
- The public open space should remain open and not gated.

## 8.2. Interdepartmental Reports

Parks, Biodiversity & Landscape Services: Request additional information in relation to:

- Clear definition of the use of the public open space as a single unit.
- The connection points along the southern boundary with the Nissan Site.
- The BRE threshold of the open space due to the southern orientation of the space.
- Confirmation on the ability of the use of green space.
- Clarity relating to the play space in the communal open space.

Housing: No objection.

Transportation Planning Division: Request for additional information as summarised below:

- There is an increase in basement parking of 18 spaces and cycle parking of 138 spaces.
- There have been no permitted drawings submitted and therefore it is unclear what changes have been applied for.
- Clarity on the implementation of Quality and Road Safety Audits.
- It is not clear how the scale of cycle parking can be accommodated.
- No objection to the carparking ratio (0.41) subject to the inclusion of car parking management indicating how spaces will be assigned.
- Delineation of the 10 no. car share spaces.
- Detailed drawings of the access ramps for cyclists.
- Taking in charge drawing required.

Drainage Section: Further Clarification required on the following:

- The site-specific flood risk assessment should include any recommendations from the development plan strategic flood risk assessment.
- Clarity on any public realm areas to be taken in charge.

- The discharge of surface water should be attenuated to 2lts per sec per ha as per the Greater Dublin Regional Code of Practice.

Environmental Health: Require air and noise pollution mitigation measures.

Waste Dept: Information should be submitted to comply with the waste regulations.

## 9.0 Irish Water

9.1. Irish Water issued a confirmation of Feasibility for connection subject to the following:

### **In respect of Water:**

- New connection feasible without infrastructure upgrade by Irish Water or the applicant.
- A new 200mm ID connection pipe, with installed bulk meter and associated telemetry system, should be connected to the existing 9" AC main in Naas Road instead of the existing 4" AC connection main.

### **In respect of Wastewater:**

- New connection feasible without infrastructure upgrade by Irish Water or the applicant.
- The storm water connection needs to be made to a storm water network that does not discharge to an Irish Water combined / foul sewer.
- The connection arrangement should be agreed with the Local Authority Drainage Division.

## 10.0 The Consultation Meeting

10.1. A section 5 Consultation meeting took place via Microsoft Teams on the 26<sup>th</sup> of January 2021 with representatives of the prospective applicant, the Planning Authority and An Bord Pleanála 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 based on the Agenda that issued in advance and contained the following issues:

1. Previous Permission ABP- 304383-20,
2. Height Strategy,
3. Design and Layout,
4. Residential Amenity of future occupants,
5. Transportation Matters,
6. Any Other Business.

10.3. In relation to **Previous Permission ABP 304383-20** An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The previous permission on the site, the changes proposed and the need to justify the proposal as a new standalone development.

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

- The need to justify any increase of height at this location, having regard to the criteria in Section 3.2 of the urban height guidelines and the permitted development in the vicinity.

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

- The quantum and quality of dual aspect units proposed and the need to provide 33% compliance as a minimum.
- The rationale for the delivery of the public and communal open space, including the unrestricted access to the public area.
- The use of Computer-Generated Images (CGI's) to illustrate the impact of the proposal on the surrounding area.

10.6. In relation to **Residential Amenity of future occupants** An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The delivery of compensatory residential services and compliance with the requirements of Specific Planning Policy Requirements (SPPR) 7 & 8 in the Sustainable Urban Housing: Design Standards for New Apartments.

- The inclusion of a winter gardens as “Residential Service and Amenity”, the definition in SPPR 7 and the requirement to provide a clear delineation between communal open space and residential services.
- The waste management of the site, having regard to the waste collection/ disposal and the interaction between the commercial and residential operation.
- The provision of a childcare facility, the increase in residential units and compliance with the national Childcare Guidelines.
- The increase in building height and the requirement for updated Building Research Establishment (BRE) figures and the necessary standards.

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

- The difference between the granted permission and the proposed development.
- Clarification on the infrastructure to accommodate an increase in the bicycle spaces and the delivery of the cycle ramp into the basement.
- The delivery of the pedestrian link along the east of the site and the integration into the overall proposal.
- Incorporation of the findings from the Road Safety Audit into the overall scheme.

## 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 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 2020 Guidelines on Design Standards for New Apartments including its specific planning policy

requirements. 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. The submission of additional Computer-Generated Images (CGIs) and/or visualisation/cross section drawings necessary to justify the proposed development and the increase in height in the context of any existing or proposed development in the vicinity of the site.
3. A detailed landscaping plan clearly illustrating the quantum and functionality of all areas designated for communal and public open space.
4. An updated sunlight and daylight analysis to include an assessment of the available sunlight and daylight to the communal areas, residential units and open spaces with reference to the BRE Guidance.
5. Proposals for the management and operation of the proposed development as a 'Build-to-Rent' scheme in accordance with Specific Planning Policy Requirement No. 7 of the Guidelines on Design Standards for New Apartments, including detailed proposals for the provision and management of support facilities, services and amenities for residents. A Building Lifecycle Report in accordance with section 6.13 of the guidelines should also be submitted and shall detail the appropriate use of external materials on all elevations. The plan shall also address the management and maintenance of public spaces and access to the development
6. A report detailing the quantum of dual aspect units provided having regard to, but not limited, the requirements of SPPR 4 of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020). The report shall clearly identify true dual aspect units required to meet the minimum requirements and be accompanied by a detailed design rationale report. A comprehensive justification is required for any proposed north facing single aspect units.
7. A site layout plan clearly indicating what areas are to be taken in charge by the Local Authority.



8. Response to issues raised by the Transport Section in the Planning Authority Report, received on the 21<sup>st</sup> of December 2020, relating to the integration of the pedestrian walkway along the east/ south east of the site and the provision of bicycle infrastructure on the site.
9. A specific impact assessment of the micro-climatic effects such as down-draft which shall include measures to avoid/ mitigate such micro-climatic effects.
10. A Construction Environmental Management Plan including details of all noise and air pollution mitigation measures.
11. A Waste Management Plan.
12. An Operational Service Management Plan.

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. Transport Infrastructure Ireland
3. National Transport Authority
4. 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.

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Karen Hamilton  
Senior Planning Inspector

09<sup>th</sup> of February 2021