



An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion
308918-20**

Strategic Housing Development	413 no. apartments, creche and associated site works.
Location	Saint Columbas, Hole in the Wall Road, Donaghmede, Dublin 13
Planning Authority	Dublin City Council
Prospective Applicant	Belwall Ltd.
Date of Consultation Meeting	10 th March 2021
Date of Site Inspection	10 th February 2021
Inspector	F. Fair

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 and the documentation received from the prospective applicant, 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

- 2.1.1. The site is located in Donaghmede, in the northern suburbs of Dublin City and close to the boundary with Fingal. It is located at the junction of the Hole in the Wall Road and the R139 (Clarehall Avenue) at the Grange Road Roundabout.
- 2.1.2. It is approx. 900m east of Clarehall Shopping Centre, and approx. 1 km southwest of Clongriffin Dart station, c.4km east of M50/M11 junction (J1/J3) and c. 8km northeast of Dublin city centre. Clongriffin a mixed use residential/commercial area lies to the north east, to the north Baldoyle-Stapolin residential area and the recently established Father Collins Park, which is a high quality active and passive public open space serving the area. Belmayne residential area is located to the northwest.
- 2.1.3. The site includes two plots, (i) the northern plot, No. 25 Hole in the Wall Road, comprising a private residential dwelling (unoccupied) and associated grounds and (ii) the southern plot, former institutional buildings occupied by the St. Columban's Missionary religious organisation.
- 2.1.4. Both plots have substantial amounts of mature trees, particularly at site boundaries. Part of the Columban buildings have been extensively damaged by fire. The site is bound by the Hole in the Wall Road to the east, by Clarehall Avenue / R139 to the south, by 4/5 storey blocks within the Grattan Wood apartment complex to the north and by two and two and a half storey houses within the Grattan Lodge development to the west and two storey semi-detached housing in Newgrove Estate to the east.

2.1.5. There is a small, triangular area of land between the southern site boundary and the Grange Road Roundabout, which contains a pump house which is in separate ownership.

3.0 Proposed Strategic Housing Development

3.1.1. The proposed development will consist of a residential development comprising:

- 413 no. apartments (38 no. studios; 162 no. 1 bedroom units and 213 no. 2-bedroom units) across 4 no. apartment blocks (Blocks A-D) ranging from 5 storeys to 7 storeys in height with balconies/terraces to all elevations.
- The proposed development will also comprise residential amenity facilities and concierge/management suites in Blocks A and C; some 347 sq. m
- 1 no. childcare facility at ground level of Block A; some 224 sq. m
- 306 no. car parking spaces across surface level (36) at lower ground level and at ground level below podium level
- communal open space courtyards;
- 770 no. bicycle parking spaces;
- landscaping, including communal open space and public open space and children's play spaces;
- boundary treatment; ESB substations; plant and waste storage areas;
- 1 no. new vehicular and pedestrian entrance and 1 no. new pedestrian/cyclist access to The Hole in the Wall Road to the east;
- 2 no. new pedestrian/cyclist accesses and emergency vehicle access/egress onto the R139 to the south and all associated engineering, infrastructural and site development works.

3.1.2. A Material Contravention statement has been submitted with regards to building height and unit mix. The Material Contravention statement submitted with the pre application states:

3.1.3. In relation to Height:

The application site is located within the Outer City according to the Dublin City Development Plan and as such the Development Plan would set a maximum height of just 16 metres in this area. However, the Dublin City Development Plan has been superseded by National Planning Guidelines, which remove a blanket limit or cap on building heights and instead seeks to provide for a qualitative assessment for building heights. It is submitted that the proposed development in this instance justifies the building heights being proposed as it is in accordance with national planning policy, is suitable for the location of the site and there are numerous planning precedents for similar developments being permitted during the lifetime of the current Development Plan.

3.1.4. In relation to unit mix:

Section 16.10.1 of the Dublin City Development Plan 2016-2022 sets out requirements in terms of the mix of dwellings provided as part of new apartment schemes. This provides for a maximum of 25-30% 1-bedroom units and a maximum of 15% of 3 or more bedroom units. The current proposal provides for a mix slightly above the maximum of 1-bedroom units and does not provide any 3 bedroom units. The Dublin City Development Plan 2016-2022 is at variance with the more recent 2018 'Sustainable Urban Housing: Design Standards for New Apartments', which were issued under Section 28 of the Planning and Development Act, 2000 (as amended).

3.1.5. The following details are noted: **Table 1:**

	Current SHD APP	2020 Refused SHD
Site area	1.9 ha	1.9 ha
No. Of Units	413	438
Part V	41 (9.9%)	43 (9.8%)
GFA (excl. car parking and plant)	31,980 sq. m	35,414 sq. m
Density	217 uph	223 uph
No. of Dual Aspect	171 (41%)	169 (39%)
Building Height	5 – 7 storeys	4 – 8 storeys
Car Parking Spaces	306 (0.65 per apartment, 12 car sharing / visitor, 5 creche)	317
Bicycle Parking	770	816
Communal Open Space	3,266.75 sq. m	2,618 sq. m
Public Open Space	5,293 sq. m	1,950 sq. m

Table 2: Unit Mix

Unit Type	Quantum	Percentage (%)
Studio	38	9.2%
1-Bedroom	162	39.2%
2-Bedroom	213	51.6%
3-Bedroom	0	0
Total	413	100%

4.0 National and Local Planning Policy

4.1.1. National

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 directly relevant Section 28 Ministerial Guidelines are:

- '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' (2020)
- 'Design Manual for Urban Roads and Streets' (2013)
- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices') (2009)
- 'Architectural Heritage Protection- Guidelines for Planning Authorities
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018)

4.1.2. Local

4.1.3. The statutory Development Plan for the area is the Dublin City Development Plan 2016-2022. Within the City Development Plan (hereafter CDP) the subject site is

zoned objective Z1; Sustainable Residential Neighbourhoods with the objective 'To protect, provide for and improve residential amenity'.

4.1.4. The site is located in Flood Zone C

4.1.5. The site is located within the Clongriffin-Belmayne (North Fringe) Local Area Plan 2012-2020 ('the LAP') (extended by DCC to 2022 in November 2017).

5.0 Planning History

5.1.1. There is substantive history on this site and on the pumphouse site to the south. The subject proposal is essentially a repeat application on the site.

- Planning permission was refused, in Sept 2020 for 438 no. apartments and childcare facility on foot of ABP-307257-20. There was one reason for refusal and a note attached re concerns.

5.1.2. Reason for Refusal states:

'...It is considered that the proposed arrangement of apartment layouts and siting of blocks within the scheme would result in inadequate separation distances between blocks, and between habitable rooms and balconies, resulting in overlooking and overshadowing of habitable rooms and private amenity areas which would seriously injure the residential amenity for future occupiers of the units...'

5.1.3. The Direction included a note 1 which states:

'The Board had concerns regarding the quality and coherence of the design of the open spaces, with regard to overshadowing in the courtyards, and lack of connectivity between the open spaces across the site, but decided not to include it as a reason for refusal given the substantive nature of the reason for refusal stated above'.

- PA Reg. Ref. 2854/17 (ABP Ref. PL29N.249368).
Permission granted for 203 no. apartments, a gym, a childcare facility, a community room and a basement car park in four blocks, 4-5 storeys high. Stated residential density c.149 units / ha. Car parking provision of 1.2 spaces per unit.

The Board granted permission subject to amendments comprising the omission of apartments nos. 181,182, 196, 197, 208 and 209 in Block D and the omission of the associated archway, with the stated reason 'In the interests of orderly development and residential amenity'.

- PA Reg. Ref. 3403/18 (ABP-302929-18).
Permission granted by Dublin City Council for revisions to Reg. Ref. 2854/17, to develop as a Build to Rent scheme with 22 no. additional apartments, i.e. a total of 225 no. residential units.

The Board decided to dismiss a third-party appeal for the following reason:

Having regard to the limitations imposed under section 34(3A) and 34(3B) of the Planning and Development Act, 2000, as amended, where the Board is restricted in its determination of the application to considering the modifications proposed by the applicant, and where an appeal is limited to a materially significant change to the approved external appearance of the proposed development, the Board considers that the grounds of appeal are outside of the limitations imposed by section 34(A) and 34(B) and decided under the provisions of section 138(1)(b)(i) of the Act, to dismiss the appeal.

In deciding not to accept the Inspector's recommendation to grant permission, the Board considered that the appeal cannot be determined by it in view of the provisions of section 34(B) of the 2000 Act and accordingly, dismissed the appeal.

- 25 Hole in the Wall Road (northern part of the site) PA Reg. Ref 3203/07.
Permission granted for 48 no. apartments in 3 no. 4 storey blocks.
- PA Reg. Ref 1237/06 (ABP PL29N.218702). ABP refused permission for 60 no. apartments in one 4 storey block. Reason for refusal related to scale and impacts on residential amenities. SHD Applications in the immediate vicinity (within a 2km radius):

- ABP 305319-19 Permission for 500 apartments (235 no. residential and 265 no. BTR, creche and all associated site works at Plots 4,5 & 14 Clongriffin, D13.
- ABP 305316-19. Permission granted for 1030 apartments (323 no. residential & 678 BTR), 2 no. creche and 10 no. retail units and associated site works at Plots 6, 8,11,17,25,26,27 & 28. All to the North and South of Main Street, Clongriffin, D13.
- ABP 305623-19. Permission granted Feb 2020 for 282 no. apartments and associated work at Parkside 4, Parkside Boulevard, D13.
- ABP 35943-19. Permission granted March 2020 for demolition of all existing structures on site and construction of 331 no. BTR apartments, childcare facilities and associated site works at Newtown, Malahide Road, D17.
- ABP 302993-18. Pre application 15/01/2019 - Is reasonable Application basis. Permission for 123 no. BTR apartments, ancillary resident support facilities, services and amenities, parking and all development site and infrastructural works at Clarehall, Malahide Road, D17.
- Beyond the 2km radius is ABP 304346-which refer to a Grant of permission for SHD BTR scheme at the former Chivers Site.
- ABP-308134-20 Permission was refused in December 2020 on the Pump House Site to the south east for construction of 122 Build-to-Rent shared accommodation apartments. Ranging in height from 5 – 11 storeys. Reasons for refusal related to:
 - Lack of employer in the area
 - Insufficient public transport provisions and its location removed from the CC

6.0 Section 247 Consultation(s) with Planning Authority

- 6.1.1. No formal pre-app meeting took place under Section 247 of the Act. However ABP decided to accept the pre-app “as a s.247 meeting was requested by the prospective applicant but could not be accommodated by DCC within the 4 weeks as prescribed in s.5(3) of the 2016 Act, hence the prospective applicant is entitled to invoke s.5(4) of said Act”.

7.0 Submissions Received

7.1.1. Irish Water

Irish Water has issued a conformation of feasibility for the development.

In respect of Wastewater:

In order to facilitate a connection for the proposed development two connection points have been proposed.

A. The 225mm sewer that runs past the development connects to a pumping station that is in private ownership. In order to connect to this sewer, the pumping station would have to be taken in charge by Irish Water and any remedial works to bring it up to Irish Waters standards would be carried out by Irish Water at the applicant’s expense.

B. An alternative connection point is the 525mm sewer across the road from your development. No Upgrades would be required if the applicant proceeds with this connection point.

It is Irish Waters understanding that the applicant has agreed to connect via option B which will require no upgrades to be undertaken, however any connection(s) are subject to a connection agreement with Irish Water.

8.0 Forming of Opinion

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 brief detail on each of these elements hereunder.

9.0 **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 information included, inter alia,

Statement of Consistency with Planning Policy, completed application form, Planning Report, Design Statement, Part V Costings Report, material contravention statement, Community & Social Infrastructure Audit, Landscape Strategy Report/masterplan, Flood Risk Assessment Report, Traffic and Transport Assessment, Residential Travel Plan & Car Parking Strategy, Daylight & Sunlight Assessments Report, EIA Screening Report, Ecological Impact Statement, Bat Assessment, AA Screening Report, Archaeological Assessment Report.

I have considered all of the documentation submitted by the prospective applicant, relating to this case.

10.0 **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. This was received by An Bord Pleanála on 28th January 2021.

The planning authority's 'opinion' included the following matters: copies of record of section 247 consultation, zoning and site designations, site description, planning history; opinions from other departments and an assessment of the proposal.

The report addresses the following:

Zoning / Designations

The site is located in an area zoned with the objective 'Z1' Sustainable Residential Neighborhoods' with the objective 'To protect, provide for and improve residential amenity'.

The applicant has submitted a Material Contravention Statement – which provides justifications for the development's height and unit mix which would be contrary to the objectives of the Development Plan

Density

In this instance the plot ratio for the proposed scheme is 1.66 (2.0 under previous SHD) while it will have a site coverage of 0.28 –when including excluding car parking or 0.40 when including car parking (previous 51 %.) The Development Plan also notes that a higher plot ratio above or site coverage may be permitted in certain circumstances such as

- Adjoining major public transport termini and corridors, where an appropriate mix of residential and commercial uses is proposed
- To facilitate comprehensive redevelopment in areas in need of urban renewal
- To maintain existing streetscape profiles
- Where a site already has the benefit of a higher site coverage

It is considered that the added population the development will generate will also help the viability of local services and facilities both existing and in future for this urban city area and is consistent with national development objectives in relation to urban consolidation. It is also noted that ABP had no particular issue with the previous scheme's slighter higher unit density.

Design & Integration

At the very least there should be a minimum 11m set back from any overlooking balconies or windows from the subject scheme's nearest southern elevations in relation to the pumphouse site. The development should be also designed to account for potential reciprocal obstructions to daylight and sunlight. Taking things a step further it would be preferable that a potentially developable pumphouse site was accessible from the subject site – with perhaps a coordinated use an expanded basement parking and servicing.

In this instance the majority of the subject development will still be 5-storeys in height with the scheme primary front/southern frontage progressively stepping up from 5 to

6 to 7 storeys into the south east corner – whilst along the site’s eastern frontage onto the Hole-In-The -Wall Road the development steps up from 5-storeys to the site’s aforementioned 7-storey south east corner in a manner previously recommended by DCC. In turn the development steps down to 5-storeys to the rear/north except for a centrally located near-rear 7-storey block popping up at the eastern end of Block A in the western perimeter block. It is noted that the overall stepping up arrangement from west to east and north to south into the south east corner of the site - still allows for the adjoining pump house corner to be the location of local landmark building. While the ABP inspector had significant issues with height of the 11-storey element of the recently refused Co-living SHD application (with DCC recommending a maximum corner block height of 7-storeys) ‘height’ ultimately was not specifically included as a reason for ABP’s refusal of said scheme. As noted the applicant has again submitted a Material Contravention Statement in relation to height, which considers the height appropriate with regard to the emerging pattern of development in the area and the particular location along two intersecting roads. (It is noted the report does seem to be referring to the previous 5-8 storey 438-unit development in some instances.

Form and Layout

Probably the main change to the proposal is to the layout of the two perimeter blocks and the relationship between them - which has come as a response to ABP’s main reason for refusal. In this instance while there are again two perimeter blocks they are not as proximate or overbearing to each other as with last scheme’s interface arrangement – which should reciprocally reduce the impact on opposing units’ outlook, privacy, access to daylight and sunlight. It is also noted that ABP’s Direction also raised concerns about the level of overshadowing in the courtyards. As discussed below the sun on ground scenario for both the western and eastern perimeter blocks would appear to be greatly improved. In this instance the courtyard amended eastern block will be more fully open to the south, while the western courtyard will more open to the east. The open space within the perimeter blocks will now be split level with the elevated podium level placed to the northern side of the courtyards. From the applicant’s preliminary sunlight/daylight study the aforementioned change to the layouts etc will see a significant increase in the site coverage and duration of sunlight into the courtyards increase.

It is still considered that there scope to reduce potential privacy conflicts between units in close proximity to each other – but the scenario is not as extensive as with the recently refused version.

It is considered that the new layout, despite the ‘gaps’ in the southern frontage still provides for a relatively strong urban edge to the site’s two main presentations towards the primary public realm.

As before the main vehicular access into the site will also be from the Hole in the Wall Road with again pedestrian/cycle access will also be obtainable from the R139 to the south.

Visual Impact

The applicant has provided visuals to illustrate the positioning of the development within the local area, and samples of proposed finishes. The applicant notes that the proposed design includes an appropriate palette of materials that are sensitive to the overall development and avoids the creation of monolithic blocks, noting also that the selected materials, which follow the previous theme, was deemed appropriate by the Planning Authority and An Bord Pleanála as part of their assessment of the previous application.

While the applicant is again proposing the blocks to be primarily finished in brick treatments which is welcome, they are again proposing lighter renders on the inside the courtyard areas – to reflect light within these spaces and to provide a backdrop to landscaping. While the palette of materials are stated as being durable and robust ensuring that they will not deteriorate over time and thus will maintain the integrity and design quality of the scheme there is still a concern that some renders, may spoil more readily on elevations that are not as well sunlit.

It is again recommended that light pale colour brick treatment be used instead or possibly something akin to a rough cast/painted dash treatment.

It is not clear this time where the ESB substation is to be located – either way it is recommended that it is placed in a discreet location on site that doesn’t affect the outlook of apartments, and which is then suitably finished and well screened with natural planting in order to blend in with the landscaping of the site.

It is again recommended that any extensive plinth or external staircase-wall elevations be finished in brick and perhaps softened perhaps with 'green walls' etc where the opportunities arises such as around the elevated podiums.

Public open space:

There is no local requirement for public open space and it's unclear if the proposed public open space will attract in non-residents for recreation. Proposed public open space in the scheme will not be taken in charge. Proposed open spaces with substandard sunlight are not satisfactory.

Sunlight/shadow analysis:

The assessment indicates the impact of the proposed building layout and height on light access to the scheme's open space). Of particular concern is the sub-standard areas caused by Block B which blocks light from the south and notably contrasts to the Block D & C layout which is open to the south. Consideration should therefore be given to reducing the height of Block B and the assessment should present alternative height mitigation options.

The landscape architectural layout shall be assessed for areas in low light conditions. In particular, the area indicated as the crèche external open space is not acceptable considering the poor availability of sunlight there.

Unit Mix

The current 2016-2011 Dublin City Development Plan requires that for standard apartment schemes for 15+ units have to provide not more than 25-30% of 1-bed units, and at least 15% should be 3- bedroom. However DCC's apartment unit mix requirement has since been superseded by the DHPLG's Sustainable Urban Housing: Design Standards for New Apartments- 2020 (2020 Apt Guidelines), and as noted as per SPPR1 of the (2020 Apt Guidelines) that beyond a maximum 50% provision of 1-bedroom or studio units (with no more than 20-25% being studios)

there is no requirement for a specific apartment unit mix only if there is an agreed evidence based Housing Need and Demand Assessment (HNDA) – which date has not occurred in DCC. The applicant's justification Material Contravention Statement refers to the requirements of SPPR1 above.

The scheme is broken down between 198 no. studios & 1-beds (47.9%) - which is just under than the 50% combined maximum allowed, while studio units make up 9.2% of all proposed units which is less than the 20-25% maximum allowed for same.

There will be no 3-bedroom apartments included as part of the proposal's unit mix.

It is also noted that in comparison to the previous refused SHD proposal the proportion of 1-beds has slightly increased while the proportion of studio units has slightly decreased – with 2-bed units again making up just over 50% of all units.

Dual Aspect

In this instance, the applicant states that there are 171no. dual aspect apartments (41%)

It would have been preferred that a minimum of 50% of units should be dual aspect. The applicant in this instance notes that the ABP Inspector had no objection to the provision in that last SHD application on site.

The applicant has amended the northern elevations of the perimeter blocks in order not to provide for any north facing single aspect units. A recess has been 'inserted' into the perimeter blocks' northern elevations which allows primarily northern apartments to have either an additional western or eastern outlook such as with units BA1.0104 and BA2.0103. As noted below this arrangement does seem however to result in the units' balconies overlooking each other due to their close proximity to each other (which is reflective of the reason for the refusing the previous scheme).

Private Open Space / Privacy

Where screening is required for balconies in close proximity to each other – then the higher screen could be placed to the northerly or easterly side of one of the adjoining unit's balconies – so as to leave southerly or westerly aspect of the other unit's balconies as open and favourable as possible - e.g. between BA2.0105 with BA2.0104 or between BA1.0111 with BA.0101. This treatment would cascade along

an extended elevation – so most units' balconies would be open to at least the south or west. Located to the north side of the two perimeter blocks it appears that northern bedroom windows of such units as BA1.0203 and its twin BA2.0202 will immediately abut and look directly into the balconies that will serve units BA1.0104 and BA2.0103.

After overcoming the above conflict it would still be recommended that the directly opposing overlooking between balconies serving BA1.0204 and BA2.0203 be resolved –on balance it would mean that the eastern side of western unit's east-facing balcony be fitted with a 1.8m high screen. It would appear that the design of these particular type of units to the northern end of the perimeter blocks units was to overcome the previous issue of northern facing single aspect units. The application of the aforementioned privacy screen could potentially undermine some of the western unit's outlook/aspect. Perhaps a staggering of the blocks' northern elevations might allow for more scope to capture alternative outlooks.

While the development has reduced the proximity of some of the blocks' opposing elevations there would appear to be either - still a possible number of potential privacy conflicts or alternatively opportunities to improve opposing overlooking scenarios – such as where projecting balconies would look directly look into opposing apartment bedroom windows opposite. In this instance it might be beneficial if the viewing cones of some of the easterly facing opes of apartments in Block B that encroach towards the western facing apartments in Block C were redirected or if the overlooking issue originates from a secondary ope to a room that is already served by a more advantageous ope - that then the secondary ope is made a high level window and/or fitted with opaque glazing etc as could be applied to such units as BB2.0203, BB2.0202 or BA2.0207.

In the north west corner of the eastern courtyard there is potential conflict between such scenarios as between the balcony of BC.0201 with the adjacent southern window serving studio unit BC.0223, or to a slightly lesser degree in the north west corner of the western courtyard between the balcony of BA1.0211 and the southern living room ope of BA1.0201.

As before it is recommended that consideration is given to providing high screens to the front of such sub-distant opposing balconies and/or providing for some form of directional treatment of the opposing windows' outlook/viewing cone.

Also the 1st floor balconies of units such as BB1.0109 or the unnamed 1-bed unit located to the south of BD2.0108 - maybe potentially be overlooked by podium areas to the north of them -unless the podiums have sufficient screening along their southern edges.

It is recommended that the provision of screening and planting buffers are maximised for podium level and ground level apartments' windows and patios/balconies while still allowing for adequate access to sunlight to private amenity area and access daylight to such units' internal accommodation.

Care should be taken that the privacy of unit are not compromised where they are adjacent to external stair accesses that go up or down into the podium levels

It is still considered that fully projecting balconies on lower levels can be effectively more exposed when compared to screened ground floor or podium level patios.

It is preferred that all balconies are fitted with opaque glazing especially where projecting balconies are closed to the lower levels It is noted that the failure to provide adequate privacy measures may well lead to personalised and uncoordinated screening treatments.

It would also be preferable that any basement/podium ventilation is removed as far as possible from below or near windows balconies/patios. The use of periscope type ventilation systems could be considered.

Childcare Facility

The applicant's shadow diagrams would appear to show the crèche's c.185m² outdoor play area getting most of its sunlight in the later afternoon. As before it might preferable if the area was extended further beyond the western elevation of Block A in order to catch sunlight earlier in the day.

Communal Open Space

The submitted sunlight on ground assessment indicates that the communal courtyard spaces and indeed all the identified amenity spaces will meet the recommendations of section 3.3.17 of the BRE's 2011 best practice guidance document Site Layout Planning for Daylight & Sunlight for March 21,

As with the last application it is noted that in addition to the children play areas/equipment as discussed above the applicant notes that their communal spaces will facilitate informal amenity such as a yoga class or workshop while other spill out areas demarcated by changes in material provide enclaves for seating, space for outdoor gym/play elements, table tennis tables and robust outdoor furniture.

POS

It is recommended that the level of accessibility available to the public to the open space within the scheme be clarified and that public pedestrian circulation is distinguished from resident only circulation areas.

Daylight & Sunlight Impacts

It is noted that no daylight impact assessment had been provided for potential development of the pump house lands to the south.

It may be preferable that the subject site considers some form of setback to allow for mutual accommodation and further efficient use of scarce zoned urban lands.

Traffic and transportation

The principle of the proposed development is accepted.

Conclusion

While 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 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, and DCC's Parks, Biodiversity & Landscape Division attached to this submission. These include:

Development Potential/Design

- That the applicant clarify the apartment unit mix across the scheme and blocks
- That the reciprocal impacts between the subject proposal and any potential development on lands to the south east and fronting the site at the corner with the R139 (the pumphouse site) are taken into account in terms of overlooking/privacy, outlook, as well as access to daylight and sunlight in the interests of good design, urban consolidation and efficient use of scarce zoned urban lands.
- That all apartment units are provided with external private open space including the 10no. AOB-type studio units, or if not possible that the units are merged instead with another adjoining unit etc.
- It is recommended that additional CGIs and verified montages are provided from various locations around the area.
- It is recommended that the blocks are primarily finished in a brick treatment – with limited use of render or lighter panels especially on less sunlit elevations. If a light elevational treatment is required on inside courtyard elevations that a light brick treatment be used instead.
- It is recommended that any extensive plinth or external staircase elevations be softened perhaps with 'green walls' etc.
- It is recommended that any ESB substation/switchrooms be developed in a discreet location on site – such that it doesn't affect the outlook of any adjoining apartments, and which is then suitably finished and well screened with natural planting in order to blend in with the landscaping of the site.
- It is recommended that any basement/podium vents be located away from directly below apartment elevations. Alternatives should be considered such as some form of 'periscope' system or subtly placed within the general landscape area.

- It is recommended that the applicant submit a 'Building Life Cycle Report' with any Stage 3 SHD application.
- It is recommended that a minimum of 50% of units should be dual aspect.

Open Space/Pedestrian access/Security

- An open space masterplan map should be provided which differentiates communal space from public open space, while also excluding buffer and landscape strips from usable quantum.
- A pedestrian permeability plan should be provided which details what areas will be publicly accessible.
- Details should be provided indicating how non-public areas can be secured from general access/circulation.
- Gates and boundaries including those used to manage access across the site should be clearly mapped and sample details of treatments be provided.

Overlooking/privacy

- That the applicant resolve the potential overlooking conflicts in similar scenarios as where the northern bedroom windows, of such units as BC.0321 and BD1.0307, directly overlook into the private balconies of units BC.0320 and BD1.0306.
- There is a concern about the level of residential amenity provided for units whose windows and attendant private open spaces are in close proximity to: each other, to general circulation, entrance zones, communal open space areas and entry points into/from the podiums as well as those units adjacent to the access road and basement entry points within the site. Appropriate measure shall be applied to minimise impact on private residential amenity and security.
- In relation to screening treatment of balconies, it is preferable in a linear sequence of projecting balconies i.e. side-on to each other that where possible the 1.8m high screening treatment is applied to the northern or eastern sides so as to leave them more open to the south and west where possible.

- All balconies should be at least fitted with opaque glazing.

Daylight/Sunlight issues

- That the associated play area to the crèche is modified/rearranged in order to maximise sunlighting of the amenity area.
- It is recommended that the scheme maximises daylight to long corridors and minimise reliance on artificial illumination
- That opportunities for those landing areas on the inside south west corner of the two courtyards to gain some access to daylight via obscured glazed or high level windows without overlooking adjoining apartments be explored.

Residential Amenities

- It is recommended that all internal communal room/spaces be provided with dedicated toilet facilities or have access to same.

Housing Quality Assessment

- It is recommended that the Housing Quality Assessment's schedule of accommodation clearly indicates which units if any are availing of the 5% discretion in room sizes and widths as per Appendix 1 of the 2020 Apartment Guidelines.

11.0 Consultation Meeting

11.1.1. A Section 5 Consultation meeting took place by way of conference call on the 10th March 2021, commencing at 2.00 pm. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

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

1. Response to Previous Refusal Reason on foot of ABP-307257-20 (Sept 2020)

2. Residential Amenity in the context of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities', Dec 2020. (Dual Aspect, Balconies to Studio Units, Overlooking conflicts and Privacy Daylight and Sunlight Analysis, Open Space / Pedestrian Access)

3. Architectural finishes.

4. AOB

11.1.2. In relation to Previous Refusal Reason An Bord Pleanála representatives sought further elaboration / discussion / consideration on the following:

- Further justification of how the revised plans submitted as part of the pre-application address the previous application refusal?

11.1.3. In relation to Residential Amenity An Bord Pleanála representatives sought further elaboration / discussion / consideration on the following:

- Further justification is required of (internal and external) open space provision, aspect of units and access to daylight and sunlight. In the context of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities', Dec 2020.
- Detailed analysis of impact of the development on surrounding residential amenity by way of perceived overshadowing, overlooking, overbearing impacts.
- There is a need for a Daylight / Sunlight Report. Detailed analysis of Shadow Impact Assessment of the proposed development internally within the scheme. Concerns of overshadowing of communal open spaces, private open space and public open spaces needs to be addressed.
- Further clarity on privacy between opposing windows and private amenity areas within internal courtyards.
- There is a need to confirm the provision, size and depth of private amenity space to all units.

11.1.4. In relation to architectural finishes, An Bord Pleanála representatives sought further elaboration / discussion / consideration on the following:

- Justification by way of a detailed Urban Design Statement and an Architectural Statement, detailing finishes and use of materials.
- There is a need for a building lifecycle report, within which maintenance of render finishes should be detailed.

11.1.5. In relation to Any Other Matters, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Matters raised within the PA Opinion and Appended City Council Department reports submitted to ABP on the 28.01.2021
- All reports to have regard to one another and be consistent and accurate.
- Ecological report needs to be up to date. Further discussion with regard to Bats should be had with an ecologist and heritage officer within the PA.
- The applicant should be cognisant of indirect/direct hydrological connections. Any potential for impacts needs to be addressed.

11.1.6. 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-307087-20' 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.

Submission from Irish Water

11.1.7. Irish Water has issued a Confirmation of Feasibility, see paragraph 7.1.1 above for further detail.

12.0 Conclusion and Recommendation

- 12.1.1. 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.
- 12.1.2. 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.
- 12.1.3. 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 **constitutes a reasonable basis for an application for strategic housing development** under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 12.1.4. 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.

13.0 Recommended Opinion

- 13.1.1. 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.

13.1.2. 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 with the request to enter into consultations constitute a reasonable basis for an application for strategic housing development.**

13.1.3. Furthermore, 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:

1. A detailed statement, which should provide adequate identification of all such elements and justification as applicable, where the proposed development materially contravenes the Development Plan other than in relation to the zoning of the land, indicating why permission should, nonetheless, be granted, having regard to a consideration specified in section 37(2)(b) of the Act of 2000.
2. An updated Architectural Design Statement. The statement should specifically address the proposed building materials and finishes and the requirement to provide high quality and sustainable finishes and details.
3. A Housing Quality Assessment that provides details in respect of the proposed apartments set out as a schedule of accommodation, with the calculations and tables required to demonstrate compliance with the various requirements of the 2020 Guidelines on Design Standards for New Apartments. It is important that the proposal meets and preferably exceeds the minimum standards in terms of dual aspect and proportion of apartment which exceed the floor area by 10%. In the interests of clarity clear delineation / colour coding of floor plans indicating which of the apartments are

considered by the applicant as dual / single aspect and which apartments exceeds the floor area by 10%.

4. An augmented Sunlight, Daylight and overshadowing report, in compliance with the requirements of BRE209/BS2011, with additional focus on a Daylight and Shadow Impact Assessment of the proposed development, specifically with regard to:
 - (i) Impact upon adequate daylight and sunlight for individual units, public open space, courtyards, communal areas, private amenity spaces and balconies.
 - (ii) Impact to neighbouring properties devoid of proposed and existing landscaping and trees.
5. A response to matters raised within the PA Opinion and Appended County Council Department comments submitted to ABP on the 28th January 2021.
6. Clarification at application stage regarding connection to water and drainage infrastructure having regard to the Irish Water submission dated 29th Jan 2021
7. A Building Life cycle report.
8. An up to date Ecological Assessment, inclusive of a Bat Survey.
9. Where an EIAR is not being submitted the applicant should submit all necessary information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 for the purposes of EIAR screening.

13.1.4. 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. An Taisce
4. Heritage Council
5. Irish Aviation Authority
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.

Fiona Fair

Senior Planning Inspector

21.05. 2021