



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-309666-21

Strategic Housing Development	249 no. apartments and associated site works.
Location	Carriglea Industrial Estate, Muirfield Drive, Naas Road, Dublin 12.
Planning Authority	Dublin City Council South
Prospective Applicant	Golden Port Estates Limited.
Date of Consultation Meeting	19 th of May 2021.
Date of Site Inspection	20 th of April 2021.
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	6
6.0 Section 247 Consultation(s) with Planning Authority	7
7.0 Prospective Applicant’s Case	8
8.0 Planning Authority Submission	8
9.0 Irish Water	10
10.0 The Consultation Meeting	11
11.0 Assessment.....	13
12.0 Recommended Opinion	13

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 (c. 1.5ha) forms part of a larger site, located in part of the Carriglea Industrial Estate off the Naas Road. Lands belonging to Drimnagh Castle School are located to the south of the site. A public access through the Landsdowne Gate residential complex is located directly to the east of the site and extends through to the Long Mile Road. The River Camac is culverted at a depth of 8m throughout the site.
- 2.2. The site is currently accessed from Muirfield Drive and construction is underway on the site for a large residential development originally granted permission under Reg Ref 4244/15 for 283 no apartments. This original permission has subsequently been amended numerous times and at present there is permission on the site for 11 no Blocks (A-L) for a total of 371 no. apartments. In addition to the existing access from Muirfield, access has been previously permitted and is proposed from the Concorde Industrial Area.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development would comprise of the construction of a residential development of 249 no. apartments, ancillary residential amenity and other works.

Key Parameters

Parameters	Site
Size	c. 1.5 ha, 2.62ha (gross including Phase 1)
Height	5- 8 storeys
Density	c. 166 uph (site) c. 149uph (gross including Phase 1)
Units	249 no. apartments
Car parking	192 no. spaces (undercroft)
Bicycle Parking	560 no. cycle spaces.
Public Open Space	c. 1,049m ²
Communal Open Space	c. 2,674m ²
Dual Aspect	65.5% (163 no. units)

Unit Mix

Unit size	No	Percentage
Studio	2	1%
One bed	59	24%
Two bed	153	61%
Three Bed	35	14%

- 3.2. The proposed development comprises the following amendments to the development as approved under a number of applications, as detailed below:
- Block D: Addition of an infill storey at ground level, increasing the height by one storey, and the provision of an additional 3 no. residential units.
 - Block E & F: The residential accommodation to move up to podium level with the introduction of tenant amenity spaces at ground floor level with frontage on to the adjacent linear park.
 - Block G: The residential accommodation to move up to podium level with common tenant facilities e.g. bin stores, secure bicycle parking and plant rooms etc introduced to the perimeter of the car park at ground floor level to maintain a clearly defined frontage to each building block.
 - Blocks H and J: Addition of an infill storey at ground level, increasing the height by one storey, and the provision of an additional 4 no. residential units to each block.
 - Block K: Addition of an infill storey at ground level, increasing the height by one storey, and the provision of an additional 2 no. residential units
 - Block L: Addition of an infill storey at ground level, increasing the height by one storey, and the provision of an additional 5 no. residential units.
- 3.3. Block A- C remain as Phase 1 of those permitted under Reg Ref 4244/15, and subsequent alterations permitted under (Reg Ref 2438/17, Reg Ref 2875/17, Reg Ref 3940/17, Reg Ref 2176/18, Reg Ref 2203/18, Reg Ref 2319/18).

4.0 Planning History

- 4.1. There is an extensive planning history on the site between 2015- 2018 relating to amendments to the following permitted development:

Reg Ref 4244/15 (parent permission)

Permission granted for 283 no apartments in eight blocks with 305 no. spaces beneath Blocks D, E, F, G and H.

Reg Ref 2319/18

Most recent up to date permission on the site which refers to application to amend the previously permitted residential development, Reg. Ref. 4244/15, as subsequently amended under Reg. Ref. 2438/17, 2875/17 and 3940/17, 2176/18. The proposed amendments comprise of an additional 4 no. units

- 4.2. The applicant notes the following permissions in the vicinity of the site are relevant planning history.

ABP 304383-19

Permission granted for an SHD application for 479 no. BTR residential units.

ABP 307804-20

Permission granted for an SHD application including mixed use development -office, retail café/bar

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 02nd of September 2020 and the 16th of December 2020. A summary of the issues raised are detailed below:

First meeting

- The relationship between the public open space, building frontages and podiums need to be considered.
- Greater synergy between meeting rooms, crèche use and linear park.
- Concerns raised regarding the proposed linear open space areas as parking etc for the construction of Phase 1.
- Residents in Phase 1 will need the use of public open space and phasing needs addressed.
- Concerns relating to the removal of active uses particularly along the southern elevation which would result in “no-go” areas.

Second meeting

- The amendments are acknowledged.
- Concerns raised regarding the design of Block G, namely SW corner as it would result in a blind area devoid of any active frontage or meaningful surveillance.

- The timing for provision of the linear park relative to the development of Phase 2 should be confirmed.

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

A Statement of Material Contravention accompanied the documentation in relation to the building height.

- As proposed Blocks D, E and L have maximum heights of between 25.98m and 26.06m.
- Section 16.7.2 of the development plan has a limit of 24m for residential buildings.

The applicant considers the proposed heights are justified having regard to the following:

- The location of the site within 500m of the Bluebell LUAS stop.
- The location of the site within one of the "Key Sites" in the Naas Road Lands Local Area Plan 2013.
- Guidance in the National Planning Framework and the residential and building height guidelines.

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 their opinion in relation to the proposal on the 07th of April 2021.

8.2. The PA opinion was accompanied by the S247 minutes 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.

8.3. **Planning Assessment**

Principle of Development

- The principle of development has already been established and the existing permission (Reg Ref 4244/15) is currently under construction.
- Overall, it is considered the development is in compliance with the zoning objectives set out in the development plan.

Height and Visual Impact

- It is noted that the form, arrangements, and massing of the proposal largely mirrors that of the permitted scheme with the higher 8-storey blocks arranged along the north of the site closer to the main road.
- It is considered that set back balconies within each block and change to materials in the upper levels would aid in breaking up the visual massing of the resultant additional building heights.
- The architectural language including material finishes of brickwork, stone and cladding are retained from the permitted scheme.

Layout and Relationship with Public Realm

- The layout mirrors the permitted development in terms of positioning, arrangement, and orientation of the building blocks.
- The location of the new tenant amenity service and own door access will provide sufficient active frontage.
- The addition of identifiable entrances to the podium level, pedestrian route and places would aid the break-up of massing of the overall development and create a sense of place.

8.4. **Interdepartmental Reports**

Transport Planning Division: No objection in principle subject to the following:

- Pedestrian and Cycle safety along Concord Industrial Estate (lighting and footpath).
- Pedestrian crossing upgrading works to Concord Industrial Estate and Naas Road Junction as per permitted ABP 304383-19 (SHD 00010/19).
- Service and Emergency Access and the provision of a Service Strategy.
- Location, quantum and design of cycle parking in Phase 1 & 2 and clarity on the proposed bike club scheme, electric bicycle charging facilities and bike repair.
- Clarity in relation to the car parking provision, EV charging, access to lift cores.
- Traffic Impact Assessment: permitted developments should be included, details on the Concord Industrial Estate and the Naas Road junction.
- Construction Management Plan, the sequencing plan is not clear.

Drainage Division- No objection subject to clarification on the following:

- A layout identifying the route of the Camac Culvert and the 3m clearance from any structure.
- Investigation of any connections discharging to the Camac culvert within the site boundaries and ensure that the preserved.
- Written confirmation shall be provided addressing the issue of no-load transfer to the Camac culvert.

9.0 Irish Water

9.1. Irish Water has assessed and has issued a Confirmation of Feasibility for

In relation to **Water** upgrade works are required as follows:

- Connection main - (Approx.) 25m of new 150mm ID pipe main to be laid to connect the site development to the newly installed main
- Pipe Upgrades: (Approx.) 125 m of new 200 mm ID pipe to replace the existing 100 mm DI or (Approx.) 125 m of new 150 mm ID to work in conjunction with the existing 100 mm DI.

- Irish Water currently does not have any plans to upgrade its network in this area. The be required to fund these network upgrades and obtain any consents or permissions for works not in the public domain.

In respect of **Wastewater**:

- The applicant has been advised that Irish Water records indicate existing Irish Water infrastructure within and in proximity of the site boundaries.
- The applicant must engage with Irish Waters diversion section in regard to an assessment of feasibility any diversions which may be required.
- The outcome of this feasibility assessment must be agreed with IW ahead of progressing to SHD application to ensure adequate protection of existing assets and to ensure appropriate separation distances can be achieved asper IW standards codes and practices.

10.0 The Consultation Meeting

10.1. A section 5 Consultation meeting took place via Microsoft Teams on the 19th of May 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. Design and Layout, *inter alia*, ground floor interface, dual aspect
2. Development Strategy, *inter alia*, phasing and servicing
3. Visual Impact Assessment
4. Transport Issues
5. Any other Business

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

- The alterations proposed in comparison to the permitted development and the rationale for the a Strategic Housing application.

- The design and layout of the ground floor units facing on the public open space and the design and delivery of the public realm.
- The units included in the dual aspect calculation.
- The design of the pedestrian access from the lower ground floor into the podium communal open space.
- The design and use of materials on the upper floors.

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

- The works required as part of the original permissions, the amendments proposed to phase 1 of the permitted development and the inclusion of all works required for the proposed development within the red line boundary.
- The timing and delivery of units in both Phase 1 and Phase 2.
- The proposed servicing of the site and any construction management proposed.

10.5. In relation to **Visual Impact Assessment** An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The increase in height proposed and the justification included in the Material Contravention Statement.
- The inclusion of a visual impact assessment illustrating the proposed amendments.

10.6. In relation to **Transport Issues** An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The proposed works adjoining the Concorde Estate, the upgrade of the public lighting and the inclusion of pedestrian and cycle access.
- The current ownership of lands along the access routes of both Carriglea Drive and Muirfield Drive.
- The upgrade of works along the Naas Road within the ownership of Dublin City Council.

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

- The upgrades required by Irish Water, *inter alia*, water connection.
- The additional drainage requirement raised by the DCC in relation to the Camac River.
- The necessity to apply for a Build To Rent Scheme where there was no reduction in standards necessary

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: **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.

12.0 **Recommended Opinion**

12.1. The Board refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the

Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála is of the opinion that the documentation submitted **requires further consideration and amendment to constitute a reasonable basis for an application** for strategic housing development to An Bord Pleanála.

Phasing Strategy

1. Further consideration and/or justification of the documents as they relate to integration of the proposed development with the existing permitted development on the site. In this regard, further justification is required on the proposal for the phasing, timescales and delivery of works required for Phase 1 and 2, *inter alia*, the construction and operation of a car parking for Phase 1 and the delivery of public open space for the entire development. All works required for the proposed development should be included in the red line boundary and clearly highlighted.

12.2. 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 landscaping plan of the proposed open space within the site clearly delineating communal and public open space areas, play facilities allocated for a range of age groups and the boundary treatment adjoining any open space. The landscaping details shall be accompanied by a site-specific Management Plan which includes details on management of all communal areas and the public plaza.

2. Relevant consents to carry out works on lands both within the red line and others which are not included within the red-line boundary.
3. A Construction Management Plan.
4. Details of all materials proposed for buildings, open spaces, paved areas, boundary and landscaped areas and a building life cycle report in accordance with section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2018).
5. A visual impact assessment that comprises a photomontage report with key viewpoints from locations around the vicinity of the site and including, *inter alia*, adjoining permitted and existing residential development.
6. Drawings that detail dual aspect ratios should be clearly laid out and be accompanied by a detailed design rationale report.
7. An Updated Sunlight/Daylight/Overshadowing analysis showing an acceptable level of residential amenity for future occupiers and existing residents, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development and in adjacent properties. This report should address the full extent of requirements of BRE209/BS2011, as applicable.
8. Response to issues raised in the Appendices of Planning Authority Report, received on the 07th of April 2021, which includes the internal reports of the Transportation Planning Dept. relating to the upgrade of surrounding roads and the design and layout of cycle and car parking throughout the entire development and Phase 1 and the report of the Drainage Dept. relating, *inter alia*, design relative to the culverted river.
9. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018, unless it is proposed to submit an EIAR at application stage.

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. The relevant 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
Senior Planning Inspector

27th of May 2021