



An  
Bord  
Pleanála

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

### **Inspector's Report on Recommended Opinion ABP-310080-21**

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<b>Strategic Housing Development</b>	170 no. apartments and associated site works.
<b>Location</b>	Former G4S Property, Herberton Road, Dublin 12.
<b>Planning Authority</b>	Dublin City Council
<b>Prospective Applicant</b>	Herberton Road Development Ltd.
<b>Date of Consultation Meeting</b>	10 <sup>th</sup> June 2021
<b>Date of Site Inspection</b>	31 <sup>st</sup> June 2021
<b>Inspector</b>	Una O'Neill

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## **1.0 Introduction**

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

## **2.0 Site Location and Description**

- 2.1. The site, 0.74 ha in area, is located within an existing industrial site on the western side of Herberton Road, 30m south of the junction of Herberton Road/Dolphin Road. The site is located directly to the southwest of the Grand Canal, within the inner city suburbs of Dublin City, approximately 3km to the south-west of Dublin city centre.
- 2.2. The site comprises a three storey office and part two storey warehouse building with a frontage and access onto Herberton Road, in addition to a number of large single-storey warehouse structures within the northern and western portions of the site. Open surface car parking is located centrally within the site with additional car parking provided adjacent to the northern site boundary and at the boundary with Herberton Road. The buildings on the site are currently vacant and were previously in light industrial office use by G4S Cash Services.
- 2.3. The site forms part of an overall larger light industrial area which has recently been subject to Variation No. 22 to the Dublin City Development Plan 2016 - 2022 which resulted in a change of land use zoning from Z6 (Employment) to Z10 (Mixed Use) which provides for a mix of uses (including residential).

## **3.0 Proposed Strategic Housing Development**

- 3.1. The proposed development comprises the following elements:

- The demolition and clearance of all existing vacant warehousing/commercial structures and hardstanding at the former G4S property at Herberton Road, Rialto, Dublin 12.
- The construction of a primarily Build-to-Rent residential development comprised of 6 no. blocks containing 170 no. apartments, with one commercial unit, ranging in height from 1 no. to 8 no. storeys over part basement.

The following details as submitted by the applicant are noted:

<b>Parameter</b>	<b>Site Proposal</b>
<b>Application Site Area</b>	0.74 ha
<b>No. of Units</b>	170
<b>Density</b>	230 units per hectare
<b>Other Uses</b>	1 x commercial unit fronting Herberton Road (c. 215sqm)
<b>Communal Amenity Space</b>	2190 sqm of communal open space
<b>Public Open Space</b>	No public open space – contribution in lieu proposed.
<b>Height</b>	6 blocks, 4-8 storeys, max height of 26.1m. Block A and B: 4 storeys; Block C: 4-5 storeys; Block DEF: Block D 8 storeys; Block E 7 storeys; Block F 5 storeys.
<b>Dual Aspect</b>	75% dual or triple aspect
<b>Car Parking</b>	61 spaces [50 at basement; 11 at surface]
<b>Bicycle Parking</b>	370 spaces
<b>Vehicular Access</b>	From Herberton Road

3.2. The breakdown of unit types as submitted by the applicant is as follows:

Unit Type	Studio	1 bed	2 bed	3 bed	Total
<b>Apartments</b>	12	91	61	6	170
<b>%</b>	7%	54%	36%	3%	100%

## 4.0 Policy Context

### 4.1. Project Ireland 2040 - National Planning Framework

- National Policy Objective 3(b): Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, with their existing built-up footprints.
- National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- National Planning Objective 13: In urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
- National Policy Objective 27: Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages.
- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- National Policy Objective 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

#### 4.2. **Section 28 Ministerial Guidelines**

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 following policy documents and Section 28 Ministerial Guidelines are relevant:

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) and the accompanying Urban Design Manual: A Best Practice Guide (2009)
- Sustainable Urban Housing: Design Standards for New Apartments (2020)
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018)
- Design Manual for Urban Roads and Streets (2013), as updated
- The Planning System and Flood Risk Management (including the associated 'Technical Appendices') (2009)
- Architectural Heritage Protection – Guidelines for Planning Authorities (2011)
- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme

#### 4.3. **Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031**

A number of key Regional Policy Objective (RPOs) are noted as follows:

- RPO 3.2: Local authorities, in their core strategies shall set out measures to achieve compact urban development targets of at least 50% of all new homes within or contiguous to the built up area of Dublin city and suburbs and a target of at least 30% for other urban areas.
- RPO 4.3: Support the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built up area of Dublin City and suburbs and ensure that the development of future development

areas is co-ordinated with the delivery of key water infrastructure and public transport projects.

- RPO 5.3: Future development in the Dublin Metropolitan Area shall be planned and designed in a manner that facilitates sustainable travel patterns, with a particular focus on increasing the share of active modes (walking and cycling) and public transport use and creating a safe attractive street environment for pedestrians and cyclists.
- RPO 5.4 : Future development of strategic residential development areas within the Dublin Metropolitan area shall provide for higher densities and qualitative standards as set out in the ‘Sustainable Residential Development in Urban Areas’, ‘Sustainable Urban Housing; Design Standards for New Apartments’ Guidelines, and ‘Urban Development and Building Heights Guidelines for Planning Authorities’.
- RPO 5.5 : Future residential development supporting the right housing and tenure mix within the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, and the development of Key Metropolitan Towns, as set out in the Metropolitan Area Strategic Plan (MASP) and in line with the overall Settlement Strategy for the RSES. Identification of suitable residential development sites shall be supported by a quality site selection process that addresses environmental concerns.

#### 4.4. Local Planning Policy

##### **Dublin City Development Plan 2016-2022**

- The site was rezoned from Z6 to Z10 in March 2020 under Variation 22 of the development plan.
- Zoning: Z10 Inner Suburban and Inner City Sustainable Mixed Uses, the objective of which is ‘to consolidate and facilitate the development of inner city and inner suburban sites for mixed uses, with residential the predominant use in suburban locations and office/retail/residential the predominant uses in inner city areas’. Residential and commercial uses are permissible in principle under the Z10 land use zoning objective.
- The site is subject to the requirement for a Masterplan for the overall site as follows:

'Dublin City Council recognises that there is an urgent need to rezone land for housing and mixed uses to meet the demands of the City. This represents an opportunity for Dublin to rejuvenate and grow as a sustainable City comprising vibrant neighbourhoods and sustainable communities. Adequate transportation, educational, health and recreational amenities must be included. As such DCC will require the preparation and submission of a masterplan demonstrating how a sustainable mix of uses will be achieved on the overall site as part of the integrated planning and development of the area'.

## Chapter 5 – Quality Housing

Policy QH7: To promote residential development at sustainable urban densities throughout the city in accordance with the core strategy, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.

Policy QH8: To promote the sustainable development of vacant or under-utilised infill sites and to favourably consider higher density proposals which respect the design of the surrounding development and the character of the area.

Policy QH18: To promote the provision of high quality apartments within sustainable neighbourhoods by achieving suitable levels of amenity within individual apartments, and within each apartment development, and ensuring that suitable social infrastructure and other support facilities are available in the neighbourhood, in accordance with the standards for residential accommodation.

## Chapter 11

A very small section of the site is in the Grand Canal Conservation Area.

### 11.1.5.4 Architectural Conservation Areas and Conservation Areas

Policy CHC4 of the Dublin City Development Plan seeks "To protect the special interest and character of all Dublin's Conservation Areas. Development within or affecting a conservation area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.

Enhancement opportunities may include:



1. Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting
2. Re-instatement of missing architectural detail or other important features
3. Improvement of open spaces and the wider public realm, and re-instatement of historic routes and characteristic plot patterns
4. Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area
5. The repair and retention of shop- and pub-fronts of architectural interest”.

Section 11.1.5.6: Conservation Areas – Policy Application:

New development should have a positive impact on local character. In seeking exemplary design standards, the planning authority will require development in Conservation Areas to take opportunities to enhance the area where they arise.

#### Chapter 12 Sustainable Communities and Neighbourhoods

Policy QH12: To promote more sustainable development through energy end use efficiency, increasing the use of renewable energy and improved energy performance of all new development throughout the city by requiring planning applications to be supported by information indicating how the proposal has been designed in accordance with guiding principles and development standards set out in the development plan.

#### Chapter 16 Development Standards

Section 16.3.4 Public Open Space – All Development:

There is a 10% requirement specifically for all residential schemes as set out in Section 16.10.1.

The Development Plan states ‘Depending on the location and open space context, the space provided could contribute towards the city’s green network, provide a local park, provide play space or playgrounds, create new civic space/plaza, or improve the amenity of a streetscape’.

Section 16.7.2, ‘Height Limits and Areas for Low-Rise, Mid-Rise and Taller Development’: Up to 24m (residential) in Inner City; Up to 24m (commercial and residential) at Rail Hubs; Up to 16m (commercial and residential) in Outer City.

### Section 16.10.3: Residential Quality Standards – Apartments and Houses:

#### Public Open Space -

In new residential developments, 10% of the site area shall be reserved as public open space...A landscaping plan will be required for all developments, identifying all public, communal (semi-private) and private open space. The design and quality of public open space is particularly important in higher density areas...

Public open space will normally be located on-site, however in some instances it may be more appropriate to seek a financial contribution towards its provision elsewhere in the vicinity. This would include cases where it is not feasible, due to site constraints or other factors, to locate the open space on site, or where it is considered that, having regard to existing provision in the vicinity, the needs of the population would be better served by the provision of a new park in the area (e.g. a neighbourhood park or pocket park) or the upgrading of an existing park. In these cases, financial contributions may be proposed towards the provision and enhancement of open space and landscape in the locality, as set out in the City Council Parks Programme, in fulfilment of this objective.

#### Variation 7 Dublin City Development Plan (adopted March 2020):

The purpose of this Variation is to incorporate the National Planning Framework (NPF) and the Regional Spatial Economic Strategy (RSES) into the City Development Plan 2016 – 2022, in accordance with Section 11 (1) (b) (iii) of the Planning and Development Act, 2000, as amended. This is in order to align national, regional and local policy objectives.

- Dublin city in its entirety lies within the Dublin Metropolitan Area Strategic Plan (MASP) area and the RSES's give direction to Dublin city as the 'global gateway' for high-intensity clusters, brownfield development, urban renewal and regeneration. The RSES settlement strategy for the metropolitan area includes a strong policy emphasis on the need to gain maximum benefit from existing assets, such as public transport and social infrastructure, through the continuation of consolidation and increasing densities within the existing built footprint of the city.

## 5.0 Planning History

- 5.1. None relevant on the site.

## 5.2. **Section 247 Consultation(s) with Planning Authority**

It is stated by the prospective applicant that a pre-application consultation meeting took place with the planning authority on 16<sup>th</sup> September 2020, followed by a second meeting on 18<sup>th</sup> March 2021. Issues raised are summarised hereunder:

- Distances to boundaries a concern.
- Visual Impact Assessment required.
- Distances between blocks a concern.
- Sunlight and Daylight.
- Residential amenity and facilities proposed.
- Density and height overall and in particular at southern boundary.
- Wider mix of uses requested.
- Material strategy.
- Car parking strategy.

## 6.0 **Submissions Received**

Irish Water: Connection to the Irish Water networks is feasible.

## 7.0 **Forming of the Opinion**

7.1. Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the Planning Authority submission and the discussions which took place during the tripartite consultation meeting. I shall provide a brief detail on each of these elements hereunder.

### **Documentation Submitted by Prospective Applicant**

7.2. 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.

- 7.3. Section 5(5)(b) of the Act of 2016 requires the submission of a statement that, in the prospective applicant's opinion, the proposal is consistent with both the relevant objectives of the development plan or local area plan concerned, and the relevant guidelines issued by the Minister under section 28 of the Act of 2000. This statement has been submitted, as required.
- 7.4. The information submitted included the following: cover letter; application form; Planning Report and Statement of Consistency; Schedule of Accommodation; Design Statement; Master Plan; Water Services Report; Site Specific Flood Risk Assessment; Transport Assessment Report; Mechanical and Electrical Installations Sustainability Report; Lighting Plan; Landscape Approach Booklet and Landscape Plan; CGIs and Verified Views; Daylight and Sunlight Assessment Report; Arboricultural Impact Assessment; AA Screening; and Bat Fauna Survey.
- 7.5. I have reviewed and considered all of the documents and drawings submitted.

#### **Planning Authority Submission**

- 7.6. In compliance with section 6(4)(b) of the Act of 2016 the planning authority for the area in which the proposed development is located, Dublin City Council, submitted a note of their section 247 consultations with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on 25<sup>th</sup> May 2021.
- 7.7. Dublin City Council's written opinion includes a description of the site and proposed development, planning history, record of pre planning meeting, policy considerations, departmental reports, and an assessment of the proposed development. The content of the report is summarised as follows:

#### Zoning and Policy

- Proposal acceptable with regard to Zoning, however, lack of mix of uses is a concern. The proposal is not in accordance with the ethos of the Land Use Zoning Objective.

#### Layout

- The applicant has submitted a masterplan as per the requirements of Variation No. 22 of the City Development Plan 2016-2022. It is noted that the Masterplan has not been agreed by the Planning Authority and there are concerns regarding the proposed height strategy, mix of uses, open space, access and car parking.

- Concerns regarding legibility, connectivity and permeability to the main bulk of the Masterplan lands to the south.
- Requested to revise the layout of the site in order to improve legibility, permeability and connectivity with adjoining lands, to ensure that a network of streets and spaces are created across the overall Masterplan lands.
- Concerns regarding the separation distance achieved between the blocks and also the boundaries of the site. There are concerns that the proposal would have a negative impact on adjoining residential amenity and compromise the development potential of the adjoining lands to the south.

#### Density, Plot Ratio, and Site Coverage

- The stated plot ratio for the site is 2.3 and site coverage is 45.5%. Plot ratio standards for Z10 range from 2.0 -3.0, while site coverage standards for Z10 lands is 50%.
- The development provides a total of 170 no. units on a site, which equates to a gross density of 229 units per hectare.

#### Height

- The site is located within 500 metres of the Rialto Luas stop and is therefore considered to be located within a Rail Hub. Section 16.7 of the Development Plan establishes a 24m maximum building height for residential and commercial development within a Rail hub.
- The 8 storey block has maximum height of 26.1 metres. In this context, it is considered that the proposed development contravenes the provisions of the Dublin City Development Plan 2016-2022. The applicant has not submitted a Material Contravention Statement.
- The site is situated just south of the Grand Canal and sizable structures are proposed for the site of a greater height, scale and mass than existing development in the vicinity which is predominantly residential in nature, made up of two storey terraced dwellings. Given the urban context of the site, there are serious concerns regarding the height, scale and mass of the proposal. The height, scale and mass of the proposal should be reconsidered in terms of its urban context.

#### Visual Impact

- A Landscape and Visual Assessment with verified photomontages has been submitted.
- The blocks are placed on an east/west axis on the site, with the longest elevations of Blocks A and B and Blocks D and E facing towards the canal, directly south of the rear gardens of the two storey dwellings which front onto the canal. Given the scale and mass of the blocks which range in height from 4 to 8 storeys and the length of blocks (Blocks D and E are circa 70 metres) there are concerns that the development would have a negative visual impact in terms of adjoining property.
- In terms of materiality precast concrete façade panels are proposed. There are concerns regarding the proposed materials which may have a negative visual impact on the area. Further consideration should be given to materiality which given the scale of the development proposed should complement the existing surrounding built form.

#### Public Open Space

- Public open space is not proposed within the development. The Parks and Landscape Services Division states that a financial contribution in lieu of the provision of public open space will be required.

#### Childrens' Play Spaces

- It is noted that a play areas are provided throughout the scheme with a total stated area of 102sqm provided.
- Development Plan states scheme of 100 or more apartments should include play areas of 200-400sqm for older children and young teenagers within the areas of communal open space.

#### Communal Amenity Space

- Apartment Guidelines indicates requirement for provision of communal open space, which in this scheme equates to area of 984 sqm. BTR scheme can be flexible.
- The applicant states that a total of 2190sqm has been provided this includes the central courtyard between Blocks A-C, and a series of communal seating and play areas located around the perimeter of the site. There are concerns that apart from

the central courtyard which has an overall area of 630sqm, much of the communal open space is left over space on narrow tracts of land between the Blocks of apartments and the perimeter boundary walls.

#### Daylight and Sunlight Analysis

- Report indicates that not all communal open space within the proposed development would receive at least 2 hr of sunlight on the 21st March as set out in the BRE guidelines. Of the 7 no. areas provided, only 3 no. areas achieve 2 hrs of sunlight on the 21st March over 50% of the area. It is noted that only 48% the main central courtyard area receives 2 hrs of sunlight on the 21st March. Further mitigation measures are required to increase the sunlight with the central courtyard area.
- The Daylight/Sunlight Report indicates that the proposal would have a serious negative impact on the 18 no. rear gardens of the properties on Dolphin Road which do not meet with BRE guidelines in terms of sunlight available. It is considered that the location and scale of the development should be reconsidered to mitigate impact on adjoining residential amenity.
- The report states that 97% of the rooms tested have an ADF above the recommended values in line with BRE guidelines.

#### Impact on Residential Amenity

- Blocks A and B which are 4 storeys in height are located a minimum of 2.4 metres from the shared rear boundaries of the dwellings on Dolphin Road. Notwithstanding the length of the gardens of the existing dwellings, it is noted that habitable rooms and balconies directly overlook third party private open space.
- Having regard to the Daylight and Sunlight Assessment Report as outlined above it is considered that the proposal would have a serious negative impact on available sunlight.
- Blocks C, D and E are a minimum 2.7 metres from the boundary to the south and comprise balconies and terraces fronting into the adjoining property over a maximum of 8 storeys and includes a roof terrace. Given the separation distance there are concerns that the proposal with negatively impact on the development potential of the adjoining site.

- Concerns regarding the separation distances the individual blocks and the impact on future residential amenity. The separation distance between opposing balconies and habitable rooms of Blocks B and C is 5 metres, while a separation distance of 3.5 metres is achieved between opposing balconies of Blocks C and D.

#### Community Facilities and Social Infrastructure

- No Community and Social Audit has been submitted, as per requirements of Section 16.10.4 of the Dublin City Development Plan 2016-2022.
- A Childcare Demand Report has been submitted. The applicant has not indicated if there is capacity within the existing services.
- The applicant should be requested to identify the class of uses proposed for the commercial unit having regard any deficits in local services identified in the Community and Social Infrastructure Audit.

#### Residential Standards

- A Housing Quality Assessment is required in order to allow for an assessment the development in terms of individual apartment floor areas, private open space, storage and orientation.

#### Communal Amenity and Support Facilities

- The development provides a total of 766sqm of tenant amenities within Blocks D, E and F. This equates to a stated 4.5sqm per unit and includes gym, management suite, study/work space, cinema room, private dining/kitchen, laundry, roof terrace, parcel room. The documentation and drawings submitted do not clearly identify the location, type and quantum of each of communal amenity and support facilities. Further detail is required.

#### Dual Aspect

- The Planning Report submitted with the documentation states that 75%, which equates to 127 no. apartments, are dual aspect. As noted above a Housing Quality Assessment is required which indicates the orientation for each apartment and indicates compliance with all other standards, including floor to ceiling heights, and private open space.

#### Floor to Ceiling Height



- The ground level floor to ceiling heights of Blocks A, C, D and E are just 2.55 metres and therefore do not comply with the 2.7 metres requirement of the Apartment Guidelines.

### Transportation

- Concerns in relation to the proposed vehicular entrance and its proximity to the existing junction of Herberton Road and Dolphin Road. Sightlines and road safety audit required.
- No specific service set-down or loading area is identified on the submitted documents for the commercial units located along Herberton Road.
- Waste Management Plan.
- Cycle facilities, storage, and access to storage to be clarified.
- Compliance with accessible parking standards required.
- Minimum of 10% of the car parking spaces should be electric charging points from the opening of the development and should not be phased as proposed.
- Update traffic survey data.
- Mobility Management Plan to include a Car Parking Management Plan.
- Outline Construction Management Plan and Construction Traffic Management Plan required.

### Parks and Landscaping

- Tree survey is out of date.
- Masterplan distribution of open space is unsatisfactory, fails to present a strong urban identity and assist community building. One larger more usable space preferable to three small units.

### Water

- Detail site investigation required to demonstrate surface water drainage proposals can be constructed.
- Flood Risk Assessment to be further developed to include site specific flood risks, permanent mitigation measures, and revised surface water storage calculations to account for 20% climate change.

## 8.0 The Consultation Meeting

8.1. A Section 5 Consultation meeting took place via a Conference Call on the 10<sup>th</sup> June 2020, commencing at 10.00 am. 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.

8.2. 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. Policy Context – Zoning; Masterplan
2. Development Strategy - Layout / Public Realm / Height, Scale and Massing
3. Residential Amenity
4. Transportation Issues
5. Water Services and Flood Risk
6. Any Other Matters

### 8.2.1. Policy Context – Zoning; Masterplan

In relation to the Policy Context, ABP representatives sought further elaboration/discussion/consideration in relation to:

- Zoning and requirement for mix of uses.
- Masterplan objective and consideration of development strategy for the wider lands including the application site. Proposed layout and how it sits with masterplan layout requires further consideration.
- Impact of application site on development potential of adjoining lands.
- Issue of material contravention – requires further consideration where development plan objectives are being contravened.

### 8.2.2. Development Strategy – Layout/Public Realm/Height, Scale and Massing

In relation to the Development Strategy, ABP representatives sought further elaboration/discussion/consideration in relation to:

- Street layout and vehicular access – consideration of design of street given it is a pedestrian priority route and how traffic access is to be managed.

- Consideration in relation to the contribution of the buildings to the public realm, both onto Herberton Road and on the main street within the scheme itself. Consider further opportunities to maximise activity at street level of block DEF.
- Height, scale and massing of the development requires further justification. The design, scale and massing of the buildings requires further consideration in terms of their impact on existing dwellings bounding the block and impact on the development site to the south.
- Proximity to boundaries of neighbouring dwellings; proximity to southern boundary and impact on development potential of site to the south/sunlight daylight implications/overlooking/overbearance.
- Consideration of relative height guidance in Dublin City Development Plan and distance outside of 500m of a rail hub.

### 8.2.3. Residential Amenity

In relation to the Residential Amenity, ABP representatives sought further elaboration/discussion/consideration in relation to:

- A housing quality assessment is required and will be assessed at application stage – ensure compliance with all required standards in apartment guidelines.
- Documentation and plans should clearly indicate compliance with SPPR7 and 8 - justification and analysis in relation to what Resident Support Facilities and Resident Services and Amenities are being provided and whether scale of facilities provided is adequate.
- Communal amenity space calculations - the landscaping plan should clearly indicate the quantum of open space provision, having regard to any circulation space.
- Sunlight/Overshadowing analysis of communal amenity space: 3 of the 7 external communal spaces meet BRE standards. Further consideration of this is required.
- Relationship with two storey dwellings needs to be more explicitly examined and potential design solutions explored further given the significant level of impact reported in sunlight/daylight report.
- Documentation and assessment in relation to sunlight, daylight, and overshadowing needs to be robust. Identify where not meeting requirements.

Address alternative compensatory design solutions where appropriate. Rationale required in relation to approach adopted.

#### 8.2.4. **Transportation Issues**

In relation to the Transportation Issues, ABP representatives sought further elaboration/discussion/consideration in relation to:

- Baseline for traffic survey and methodology to be clarified having regard to impact of Covid on traffic surveys.
- Proximity of entrance to junction of Herberton Road/Dolphin Road; sightlines.
- Cycle facilities, storage, and access to storage to be clarified.

#### **Water Services and Flood Risk**

8.2.5. In relation to the Water Services and Flood Risk Issues, ABP representatives sought further elaboration/discussion/consideration in relation to:

- Surface water drainage proposals.
- Flood Risk Assessment.

#### 8.2.6. **Any Other Matters**

- Ensure all documentation, including any environmental reports, are robust in their assessment and in accordance with legislation.

## 9.0 **Conclusion and Recommendation**

9.1. 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.

9.2. 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 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.

9.3. 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.

## 10.0 Recommended Opinion

10.1. 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.

10.2. 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 **requires further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**

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

1. Further consideration of the requirement for a masterplan and associated level of information and consultation required, and further consideration of the impact of the development site on the masterplan area, including consideration of issues related to connectivity, level of pedestrian permeability (number and prioritisation of pedestrian connections), block and street layout, and overall open space layout/strategy.
2. While the site may be considered suitable for high density development and may be able to absorb height and taller elements within it, further consideration/justification of the documents is required in terms of design,

height, massing, and materiality of the proposed blocks, including the development's relationship and proximity to boundaries with existing two storey residential dwellings and proximity to the boundary with Z10 zoned lands to the south, and an examination of the impact on the development potential of those lands to the south (particularly where no agreement is reached in relation to the masterplan layout).

The further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

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 arising from this notification:

1. Examination of proximity of blocks to the southern boundary having regard to impacts of design/scale/massing of proposed development on the development potential of the neighbouring site (particularly where no agreement is reached in relation to the block/street layout on neighbouring site to be determined within a masterplan).
  2. Examination of proximity of blocks to the north/northwest/northeast boundaries having regard to issues related to residential and visual amenity.
  3. An Updated Sunlight/Daylight analysis showing an acceptable level of residential amenity for neighbours of the proposed development as well as future occupiers, which includes details on the standards achieved within adjacent properties and their gardens, and within the proposed residential units, and in private and shared open space.
1. A report that specifically addresses the proposed materials and finishes to the buildings and to the public realm. Particular regard should be had to the requirement to provide a high quality design with sustainable finishes and include details/varied finishes which seek to create a distinctive character for

the overall development. This report should address the full extent of requirements of BRE209/BS2011, as applicable.

4. 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 (SPPR 7 & SPPR 8). 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.
5. A landscaping plan including details of all proposals for the communal open space. The landscaping plan will clearly indicate the quantum of open space provision having regard to any circulation space.
6. Consideration of maximisation of ground level activity within the development, specifically along the northern frontage of block DEF which addresses the main east-west access street within the development.
7. A Wind Micro-Climate study.
8. A rationale for the proposed car parking provision should be prepared, to include details of car parking management, car share schemes and a mobility management plan.
9. A building life cycle report shall be submitted in accordance with section 6.3 of the Sustainable Urban housing: Design Standards for New Apartments (2020). The report should have regard to the long term management and maintenance of the proposed development.
10. Response to issues raised in relation to transportation, parks, and water services reports, as set out in Addendum B of the CE Report, received 25<sup>th</sup> May 2021.
11. Where the applicant considers that the proposed strategic housing development would materially contravene the relevant development plan or local area plan, other than in relation to the zoning of the land, a statement indicating the plan objective(s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a

consideration specified in section 37(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format.

12. 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. Minister for Housing, Local Government and Heritage
5. An Taisce
6. The Heritage Council
7. Dublin City Childcare Committee.

**PLEASE NOTE:**

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.



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Una O'Neill  
Senior Planning Inspector

11<sup>th</sup> June 2021