



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-310978-21

Strategic Housing Development	288 no. apartments, creche and associated site works
Location	Northwood Avenue, Santry Demesne, Dublin 9.
Planning Authority	Fingal County Council
Prospective Applicant	Cosgrave Developments Unlimited Company
Date of Consultation Meeting	29 th October 2021
Date of Site Inspection	28 th October 2021
Inspector	Ronan O'Connor

Contents

1.0 Introduction	3
2.0 Site Location and Description.....	3
3.0 Proposed Strategic Housing Development.....	3
4.0 Planning History.....	4
5.0 Relevant Planning Policy.....	5
6.0 Section 247 Consultation(s) with Planning Authority.....	6
7.0 Irish Water Submission.....	6
8.0 Forming of the Opinion	6
9.0 Recommended Opinion.....	11

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 is located within the Northwood Business Park, Dublin 9. The business park is located to the south of Junction 4, M50, and comprises a mix of business and residential uses. The site is bounded to the north by Cedarview residential development, to the south by Northwood Avenue, to the east by the Santry Sports Clinic, and to the west by Swift Square Office Park. The subject site comprises of a vacant site consisting of a grassed area, including hedgerow and trees and an area of hard standing.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development
- 3.2. Development Parameters

Parameters	Site details
Site area	1.4ha
Height	Up to 9 Storeys
Density	205 units/ha
Apartments	288 no. apartments
Dual Aspect	54%

Creche	379 sq. m.
Car parking	293 no. spaces

3.3. Unit Mix

Unit	Number	Percentage
1 bed	10	3.5%
2 bed	229	79.5%
3 bed	49	17%
Total	288	100%

4.0 Planning History

4.1.1. There is significant planning history related to the overall masterplan area, some of which relate to the subject site. I have summarised same below.

Reg. Ref. F04A/1562

4.1.2. The subject site forms part of a larger masterplan area of 19.8 hectares on which planning permission was granted for a mixed-use development in 2005 under Reg. Ref. F04A/1562. The appropriate period for this consent was extended to 2020 under Reg. Ref. F04A/1562/E2 but has now since lapsed. The development comprised of c. 77,016 sq.m. of modern business, enterprise and commercial facilities. Completed elements of the masterplan include a retail park (Gulliver's Retail Park), 2 no. of the 4 no. business units (Swift Square Office Park) and Gulliver's Local Centre.

4.1.3. The above application has been subject to amendments and modifications as detailed in the applicant's planning report.

Surrounding Area

SHD ABP 306075 (PA Ref SHD/015/19)

- 4.1.4. Site off Northwood Avenue, Santry – Blackwood Square Permission granted for 331 apartments, creche & associated site works.

5.0 Relevant Planning Policy

5.1. Fingal County Development Plan 2017-2023

Metro Economic (ME)

The site is located on lands zoned for, Metro Economic, ME, where it is an objective to:

“Facilitate opportunities for high-density mixed-use development generating activity and commercial development, and support the provision of an appropriate quantum of residential development within the Metro Economic Corridor”

- The Metro Economic (ME) zoning is a specific zoning created to respond to the provision of the Metro rail connection from Dublin City to Swords via Dublin Airport.
- The purpose of the zoning is to facilitate opportunities for high-density mixed-use employment, commercial and residential along and adjacent to the Metro route through the County

Fingal Development Plan Maps indicate the following:

- Indicative cycle/pedestrian route indicated along Northwood Avenue.
- Indicative route for MetroLink indicated west of subject site
- There is an objective to protect & preserve Trees, Woodlands and Hedgerows, with the symbol for same located to the north-east of the site on Map 11 of the Fingal Development Plan.
- MP.11E relates to the wider surrounding area but includes the subject to site, and refers to a Masterplan Area (See also Objective Santry 5)

Objective Santry 5:

- Prepare and implement a Masterplan for lands identified at Northwood (see Map Sheet 11, MP 11.E) during the lifetime of this Plan. The main elements to be included are provided below. The list is not intended to be exhaustive.

- Facilitate provision of an underpass to include provision for a car, bus, cycle, and pedestrian link to link lands east and west of the R108 to enhance connectivity.
- Ensure where feasible, development overlooks the Santry River Walk.
- Allow the re-location of existing units to facilitate connectivity to the proposed Northwood Metro Stop.
- Enhance pedestrian links within and to Santry Demesne.
- Ensure the continued protection of trees within the subject lands.
- Facilitate provision of a direct access route from Old Ballymun Road through Northwood.
- Development shall enhance connectivity to the proposed Northwood Metro Stop.

Noise

The subject site is located within the Outer Noise Zone.

6.0 Section 247 Consultation(s) with Planning Authority

- 6.1. The report of the PA includes minutes for a S247 meeting held on 4th December 2020.

7.0 Irish Water Submission

- 7.1. Irish Water assessed and issued the applicant a Confirmation of Feasibility for connection(s) to the Irish Water network(s) subject to upgrades to the water main network.

8.0 Forming of the Opinion

- 8.1. 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 submissions and the discussions which took place during the tripartite consultation meeting. I shall provide brief detail on each of these elements below.

8.2. Documentation Submitted

8.2.1. 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 and I have had regard to same.

8.3. **Planning Authority Submission**

8.3.1. In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Fingal County Council have submitted a copy of the record of their section 247 consultations with the prospective applicant and their opinion in relation to the proposal.

8.3.2. Fingal County Council has also submitted a report on this pre-application submission which raises the following matters:

Principle

- Density: The density is generally acceptable.
- Residential permitted in principle
- Within Masterplan Area MP 11.E 'Masterplan to be prepared and/or implemented for these lands' - No masterplan prepared to date
- Specific Objective to 'Protect & Preserve Trees, Woodlands and Hedgerows'
- Within Noise Zone D/C

Design (including summary of Architects Department Report)

- Design of Block 2 (southeast corner – could be refined/reduce extent of stone)/reduction in the number of protruding balconies/increase in number semi-recessed/integrated balconies
- Relationship of Block 3 with the two storey housing at Cedarview – height appears excessive
- Massing of Blocks 1 & 3 – treatment needed to break down massing
- Ground level of Block 2 - should be reconsidered as an active frontage
- Existing building line should be retained
- Materiality should be reconsidered

- Lack of expression of entrances
- Screening between amenity areas should be provided
- Gap should be provided between Blocks 2 & 3 to allow light into courtyard
- Massing and treatment of northwest and northern elevations would benefit from design features to break down these elevations.
- Separation distance between Block 1 and Block 2 should be increased to prevent overlooking
- Quality of amenity spaces could be improved.
- Proposed height of Block 3 should be further reduced towards the two-story housing at Cedarview to reduce overbearing impacts
- Building line should be retained.

Other

- 2 No. Sycamore Trees on the site should be retained – revised site plan required to retain/Tree Preservation Order /up to date Tree Survey is required
- Plan showing open space provision is required.
- Car parking – 293 spaces provided which is 215 spaces below Development Plan Standards – 44 spaces below minimum /amendments required to basement parking layout/special contribution required for local junction upgrades
- Details in relation to the foul sewer connection point required.

Interdepartmental Reports.

Transportation Planning

- Car parking – 293 spaces provided which is 215 spaces below Development Plan Standards – 44 spaces below minimum
- Requirement for up to 759 cycle spaces
- Creche set down and parking required
- Amendments to basement layout required
- 10% electric charging should be provided for.

- Special contribution required for local junction upgrades
- A road safety audit should be carried out.

Water Services:

- Details in relation to the foul sewer connection point required
- The proposal integrates SuDS measures and is generally acceptable subject to a clarification of some design matters.
- The site is in Flood Zone C.

Archaeological Report

- Low archaeological potential and therefore no mitigation required.

Parks and Green Infrastructure Division:

- The play provision is acceptable.
- A taking in charge drawing is required to indicate what is publicly managed and privately managed.
- Up to date tree survey, Arboricultural Impact Statement and Tree Protection Plan required/TPO associated with the site.

Architects Report

- Comments are summarised above.

8.3.3. I have reviewed and considered all of the documentation submitted by the planning authority relating to this case.

8.4. Consultation Meeting

8.4.1. A Section 5 Consultation meeting took place via Microsoft Teams on the 29th September 2021. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. 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. Principle
2. Design and Layout
3. Residential Standards

4. Existing Residential Amenity
5. Transport
6. Trees/Environmental Screening
7. Site Services/Flood Risk
8. Any Other Matters

8.4.2. 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 310978-21' which is on file.

8.4.3. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

8.5. **Conclusion**

8.5.1. 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.

8.5.2. I have examined all of the 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, including section 28 Ministerial Guidelines and local policy via the statutory plans for the area.

8.5.3. Having regard to all of the above, I recommend that further consideration and/or possible amendment of the documents submitted are required at application stage in respect of the following elements – Design including height and massing of the proposed residential blocks - as set out in the Recommended Opinion below.

8.5.4. Having regard to 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.

- 8.5.5. 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.

9.0 Recommended Opinion

The Board refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request

- (i) constitute a reasonable basis for an application under section 4 of the Act, or
- (ii) Require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

- 9.1.1. 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.

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

Scale, Height and Massing/Layout/Detailed Design

1. Further consideration/justification of the documents as they relate to: the scale, height and massing, and visual impact of the proposed blocks, in particular proposed Block 3; the proximity of the proposed blocks to one another; treatment of ground floor frontages and entrances; and the detailed design and materiality of the proposed blocks. The further consideration / justification should address

the proposed scale and massing of the proposals, in particular Block 3, and the potential visual impact of same; the separation distances of proposed Blocks 1 and 2, and proposed Blocks 2 and 3; the materiality proposed for the development in its entirety, and its appropriateness for a residential development; the provision of active frontages at ground floor level; and the treatment of north facing elevations and appropriate detailing of same. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

9.1.3. 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. Provide further justification in relation to the removal of trees on the site, having regard to any Tree Preservation Order which may be in place at the time of the making of the application.
2. Justification, and where appropriate amendment, to demonstrate that the proposed car parking quantity is appropriate, having regard to local, regional and national policy on same. To this end, matters raised in at the Tri-Partite Meeting and as set out in the Planning Authority's submission on this proposal, including that as set out within the Transportation Planning report (dated 30/07/2021) should be addressed in any report/justification relating to the outlined transport issues.
3. A 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.
4. A Housing Quality Assessment (HQA) and Design Statement which provides the specific information regarding the proposed apartments as required by the

Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (December, 2020). The documentation should also demonstrate how the proposed apartments comply with the various requirements of those guidelines, including its specific planning policy requirements.

5. A report that specifically addresses the proposed materials and finishes to the scheme including specific detailing of external finishes, the treatment of balconies and boundary treatments. Particular regard should be had to the requirement to provide high quality and durable finishes and materials which have regard to the surrounding context of the site.
6. Surface Water Drainage details such as would clearly address and respond to comments within the internal report from Water Services (dated 30/07/21).
7. An Acoustic Noise Assessment.
8. All supporting technical/environmental reports to be updated as required.
9. A plan of the proposed open spaces within the site clearly delineating public, communal and private spaces.
10. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority.
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. The notice and statement should clearly indicate which Planning Authority statutory plan it is proposed to materially contravene.
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. Dublin City Council
3. Dublin Airport Authority
4. Irish Aviation Authority
5. National Transport Authority
6. Transport Infrastructure Ireland
7. Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media
8. An Taisce
9. Heritage Council
10. The relevant childcare committee for the area

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.

Rónán O'Connor
Senior Planning Inspector

Date: 29th November 2021