



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-311280-21

Strategic Housing Development	284 no. Build to Rent apartments, creche and associated site works.
Location	Northwood Crescent, Santry Demesne, Dublin 9.
Planning Authority	Fingal County Council
Prospective Applicant	Kategale Ltd.
Date of Consultation Meeting	12 th of October 2021
Date of Site Inspection	07 th of October 2021.
Inspector	Karen Hamilton

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1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The site 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.
- 2.2. The site is one of the remaining undeveloped sites in the vicinity and is located to the east of an existing 5 storey office building. The site contains a number of large mature trees on the site and there is overgrown scrub on the remainder on the site. The site has been previously used as both a carpark and a construction compound.
- 2.3. The site is well served by public transport and the Ballymun Road, c. 350m to the west of the site serves as a main bus route. The Santry River, M50 motorway and Dublin Airport are located further north, and Santry Demesne is located further east.

3.0 Proposed Strategic Housing Development

- 3.1. The proposal would comprise of 284 no BTR apartments in 2 blocks (A & B), a creche and 3,900m² office block. The number of other uses (non-residential) amounts to 4,193 m² (13.87%).
- 3.2. Development Parameters

Parameters	Site details
Site area	1.53ha

Height	7-12 storeys
Density	207uph
Apartments	284 no. BTR units
Dual Aspect	55.6%
Office Use	3,900m ²
Creche	295m ²
Residential Amenity Space	800m ²
Car parking	90 no. for residential (ratio 0.32) & 52 no. for office

3.3. Unit Mix

Unit	Number	Percentage
1 bed	129	45.4%
2 bed	155	54.6%
Total	284	100%

4.0 Planning History

F19A/0401

Permission granted for Phase 1 of a 2 Phase masterplan for a mixed residential and commercial scheme on an overall site of c.1.5 hectares.

- Construct 2 blocks comprising residential and commercial office development.
- The residential development component will comprise a 4 to 7 storey block (c. 8,745m²) over podium level (8 storeys over ground in total) to include: 99 apartments; plant rooms; etc

- a four-storey commercial office block (3,030m²) with 36 car parking spaces, 53 cycle parking spaces, etc
- associated site excavation/development works & site services.

F19A/0419

Permission granted for Phase 2 of a 2 Phase masterplan for a mixed development on a site of c.1.5 ha.

- Phase 2 development will comprise the construction of a proposed shared access road from Northwood Road to the east and a new residential block comprising 6 storeys over podium (7 storeys over ground) (c.6,742m²) to include: 12 studio units, 19 one-bedroom units, 41 two-bedroom units, 6 three-bed units; etc

4.1. Surrounding Area

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

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.

Noise

The subject site is located within Dublin Airport Noise Zone D

Map Based Objectives

The following map based local objectives are indicated to the northwest;

- support provision of retail for local needs only
- facilitate provision of an underpass to include provision for a car, bus, cycle & pedestrian link to link lands east and west of R108 to enhance connectivity.

6.0 Section 247 Consultation(s) with Planning Authority

6.1. The report of the PA includes minute for a S247 meeting held on the 25th of June 2021. The issues discussed are summarised below:

- 177 apartments permitted under the 2019 permissions are within the applicant's control. EIAR (sub-threshold) cumulative impact to be taken into account.
- Varied height of apartments to break up the scale and massing.
- Office building is located on the southern side of Northwood Avenue and quite a significant height difference between the office building and the adjoining apartment block. A transition could be included.
- Parks requested additional information on the taking in charge (open space and playground).
- Breakdown of car parking spaces is required.
- Social Infrastructure Audit needed.

- Residential amenity near the podium to be carefully considered using high quality material and buffer planting.

7.0 Prospective Applicant's Case

7.1. Statement of Consistency

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

7.2. Statement of Material Contravention

- Objective DMS25; *Require that the majority of all apartments in a proposed scheme of 100 or more apartments must exceed the minimum floor area standard for any combination of the relevant 1-, 2- or 3-bedroom unit types, by a minimum of 10%.*
- 24 units or 8.5% of units exceed the minimum floor areas by 10% which would not comply with the Fingal Development Plan Objective
- The applicant submits that the proposal complies with SPPR 8 of the apartment guidelines which states that the minimum floor areas shall not apply to BTR schemes.

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, Fingal County Council submitted a note of the S.247 meeting, the planning authority opinion, along with interdepartmental reports and the relevant planning applications in the area. These were received by An Bord Pleanála on the 30th of September 2021.

8.2. Density: The density is generally acceptable.

8.3. Height: The proposed height is a maximum of 12 storeys (39.7m). The height is generally considered acceptable and includes a high-quality scheme.

8.4. Architecture, Urban Design, Visual and Residential Amenity

- The colour scheme and external materials are acceptable.
- The overall design and layout comply with the national and development plan standards.
- The design of the blocks could have a more vertical emphasis along the eastern boundary facing Northwood Road. A variation of materials could help this.
- A more attractive varied roofline could assist the skyline and a glazed recessed floor could add visual interest and provide a varied roofline in one or more locations.
- The site is within Dublin Noise Zone D and an acoustic noise assessment should be provided.

8.5. Social Infrastructure

- A social infrastructure audit has been submitted.
- A full assessment of the capacity of the existing schools in the area should be carried out to determine the future demand for school places.
- A BTR justification report and operational management plan has been submitted.
- Amenity and social space have been provided.

8.6. Archaeology

- There are no archaeological features on the site.
- The nearest recorded monument is Santry House (610m to the east).

8.7. Open space provision, Trees & Landscaping

- Santry Park is a regional park (200m east), and Balcurris Park is 400m from the subject site.
- 10% open space is appropriate.
- The landscape plan states there are no TPOs on the site although Parks and Green Infrastructure state there is a TPO 1987 on the site. (Dublin County Council Tree Preservation Order Santry Demesne, Santry 1987).

- A mature tree (no. 716) on the site should be retained.

8.8. Public Art

- A piece of public art should be design in consultation with the PA and have a relationship to the area.

8.9. Vehicular Access, Car/Bicycle Parking, Movement & Transport

- There are different figures provided for parking in the documentation and this should be clarified.
- The creche drop off area has capacity for 6 spaces, for a crèche this size there is a requirement for 8-10 spaces.
- There should be clear definition between commercial spaces and residential parking.

8.10. Interdepartmental Reports.

Parks and Green Infrastructure Division:

- There are varying figures in the documentation relating to the open space area (i.e., 1,136m² & 1,885m²). The site area and POS need clarified.
- The play provision is acceptable in principle.
- A taking in charge drawing is required to indicate what is publicly managed and privately managed.
- There is a TPO on the site and any tree removal should be clearly referenced in the Arborist Report.

Water Services:

- The proposed connection to the foul sewer is feasible although there is potential requirement for an upgrade of the existing 700mm sewer crossing the river downstream.
- The proposal integrates SuDS measures and is generally acceptable.
- The site is in Flood Zone C.
- IW have confirmed the water connection can be achieved without upgrade.

Transportation planning

- The minimum practicable parking required should include visitor parking.
- A TTA should be submitted as part of any formal application.
- 10% electric charging should be provided for.
- A road safety audit should be carried out.

9.0 Irish Water

9.1. A submission was received from Irish Water to state that a confirmation of feasibility has been issued to the applicant for 284 BTR apartments subject to upgrade works to the IW network as summarised below:

Waste Water

There is capacity available in the wastewater network.

Water

A new 200mm diameter service connection to be made to the 200mm diameter watermain on Northwood Road, bulk meter to be installed and linked up with telemetry online.

On site storage is required for all commercial units, 24-hour period at Day Peak Week demand. Refill time of 12 hours from empty to full.

10.0 The Consultation Meeting

10.1. A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 12th of October 2021, commencing at 14.00 pm, via Microsoft Teams.

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 as detailed below:

1. Development Strategy for the site to include, *inter alia*:
 - Design along Northwood Road (east) and roof profile
2. Schools & Noise Assessment.
3. Tree Protection

4. Traffic and Transport

5. Any other matters.

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

- The design of the building along Northwood Road, the inclusion of a vertical emphasis on the elevation and the inclusion of a varied roof profile.
- The sunlight/daylight analysis, the ADF for the proposed apartments, the absence of shadow cast drawings for the open space and existing residences and the need to identify any shortcomings and propose mitigation measures.

10.3. In relation to the **Schools & Noise Assessment**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The location of the site within Dublin Airport Noise Zone D and the requirement for an acoustic noise assessment.
- The growth of the surrounding area, the capacity of schools to accommodate further growth and the need to submit a detailed schools capacity assessment.

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

- The status of the Tree Protection Order on the site, the proposed tree removal including mature tree No. 716 and the potential to further retain this mature tree.

10.5. In relation to the **Traffic & Transport**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The quantum of car parking proposed which is c. 10% below the minimum allowed having regard to the national guidance for reduced car parking.
- The location of the site within a business park and beside a retail park, the retention for the parking on site for residential and the need for a parking strategy for the site.
- The design of the basement car park and the integration of bicycle access.

- The number of car parking spaces for the creche drop-off area.

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

- The discharge of foul water to the North Fringe Pump station.
- The delineation of public and communal open space areas within the plans and particulars and the need to ensure compliance with the play spaces as per the apartment guidelines.

11.0 **Assessment**

Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

I have examined all of the information and submissions before me including the documentation submitted by prospective applicants, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the section 28 Ministerial Guidelines and local policy via the statutory plans for the area.

Conclusion

I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act: **constitutes a reasonable basis for an application** under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

12.0 **Recommended Opinion**

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

submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

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

Pursuant to article 285(5)(b)(i) and (ii) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that the **following specific information should** be submitted with any application for permission arising from this notification:

1. Notwithstanding that the proposal constitutes a reasonable basis for an application the prospective applicant is advised to address the following in the documents submitted:
 - (a) Provide further justification in relation to car parking strategy, the designation of parking spaces for commercial and residential, number of spaces for the crèche drop-off and the quantum of car parking proposed.
 - (b) 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. A detailed Phasing Strategy.
3. A Schools Capacity Assessment.
4. An Acoustic Noise Assessment.
5. A Construction and Demolition Waste Management Plan (CDWMP).
6. 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.

7. 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. 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.

Karen Hamilton
Senior Planning Inspector

13th of October 2021