



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-311744-21

Strategic Housing Development	110 no. Build to Rent apartments and associated site works.
Location	Site at the former Royal Oak Public House, Finglas Road, Glasnevin, Dublin 11.
Planning Authority	Dublin City Council North
Prospective Applicant	Three Castle Investments Ltd.
Date of Consultation Meeting	02 nd of December 2021
Date of Site Inspection	01 st of November 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.....	4
5.0 Relevant Planning Policy.....	4
6.0 Section 247 Consultation(s) with Planning Authority.....	5
7.0 Prospective Applicant’s Case.....	6
8.0 Planning Authority Submission.....	6
9.0 Irish Water.....	9
10.0 The Consultation Meeting.....	9
11.0 Assessment.....	11
12.0 Recommended Opinion.....	12

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 subject site (c. 0.3845ha) is located at the junction of Finglas Road (R135) and the Old Finglas Road (R102), Glasnevin, Co. Dublin. The site fronts directly onto the Finglas Road, a dual carriageway which includes a Quality Bus Corridor (QBC) and cycle lane. The site is undeveloped and has some hardstanding associated with a demolished public house (Royal Oak). The rear of the site has a steep embankment which is overgrown and includes a significant number of trees. A residential estate (Violet Hill) is located at the top of this embankment (north) and consists of two storey semi-detached dwellings.

3.0 Proposed Strategic Housing Development

3.1. The proposed development would comprise of 110 no. Build To Rent (BTR) apartments and associated works, as summarised below:

3.2. Development Parameters

Parameters	Description
Units	110 BTR apartments
Height	7-9 storeys (24m- 31m)
Density	286 uph
Dual Aspect	70%

Residential Amenity	252m ² (gym/ laundry/ library etc) 0.6m ² per bed space
Communal Amenity space	1,163m ² 3 no. terrace on 1 st floor & 1 no terrace on the 7 th floor

3.3. Unit Mix

Units	No	Percentage
Studio	10	9%
1 bed	29	26%
2 bed	71	65%
Total	110	100%

4.0 Planning History

4.1. ABP PL29N.248996 (Reg Ref 2458/17)

Permission granted for 69 apartments and associated site works.

5.0 Relevant Planning Policy

5.1. Dublin City Development Plan 2016-2022

The site is located on lands zoned as 'Z1 - Sustainable Residential Neighbourhoods', where it is an objective to *"to protect, provide and improve residential amenities"*.

A section of the site, along the wooded area to the northeast, is zoned 'Z9 - Amenity/Open Space Lands/Green Network' with a stated objective *"to preserve, provide and improve recreational amenity and open space and green networks"*.

6.0 Section 247 Consultation(s) with Planning Authority

6.1. The PA submission includes minutes from two S.247 meetings on the 27th of February 2021 and the 16th of March 2021, as summarised below.

27th of February 2021

- Concern how the ground floor relates to the street.
- The applicant is currently registering some of the site, so it is within the red line.
- The density is unknown, and the PA have concerns with the height proposed.
- The quality and layout of the open space is questioned.
- Daylight/sunlight & CGI's to be submitted.
- Facilities and amenities for BTR to be provided.
- Building lifecycle report.
- Potential overlooking onto adjoining properties.
- Impacts on residents of Violet Hill
- Need to consider the decision on Premier Dairies.
- Need to consider the development standards.

16th of March 2021

- Open space should be quality, useable.
- A financial contribution may be taken instead of public open space.
- Ground floor presentation to the street.
- No positive contribution to the streetscape (criteria 3.2 of the building height guidelines).
- Concern in relation to the distances between the scheme and Violet Hill.
- Green roof plan.
- Tree Survey Report and tree protection plan required.

- Query over the dual aspect, density proposed, quality of the communal open space.
- BTR Facilities required.

7.0 **Prospective Applicant's Case**

7.1. Statement of Consistency

The applicant's Statement of Consistency notes the national, regional and local planning polices relevant to the development of the site.

7.2. Statement of Material Contravention

The applicant stated in the planning documentation that the height proposed will be a material contravention the height restrictions in the Dublin City Development Plan 2016-2022. No separate Statement of Material Contravention is submitted with the documentation. The planning statement refers to the criteria in Section 16.7.1 of the development plan and other permitted developments in the vicinity (ABP 305312-19) as justification for increased heights at this location.

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 opinions in relation to the proposal on the 17th of November 2021. The opinion noted the S. 247 meetings in relation to the proposed SHD development, the planning history on the site and surrounding area, and the policy background. This opinion has been summarised below:

8.1.1. **Planning Assessment**

- Z9 Zoning: All trees to be preserved within the designated area and the water plant/ sprinkler rooms/ commons area removed. Clarity how this area contributes to the amenity of the scheme.
- Build To Rent (BTR): The applicant needs to demonstrate how the overall facilities can enhance the amenity of the residents.

- Building Height, Scale and Design: Two assessments under Section 3.2 of the building height guidelines have been submitted, these differ. Further justification for the 31 m. Photomontages are minimal. There are major implications for the residents in the dwellings along Violet Hill Drive. The proposal would overshadow the rear gardens along Violet Hill and will cause overbearing. The rear boundary set back should avoid impact on trees. The proposed block is considered to be a significant intrusion on those existing dwellings.
- Design: Dual aspect is not 70% as some of the dual proposals are not acceptable and 50% should be achieved.

8.2. Interdepartmental Reports

8.2.1. **Transport Planning Division:** Request for additional information as summarised below:

- Clarify the type of entrances serving the site, the visibility splays and road works and markings
- Submission of a car parking management strategy justifying the ratio of (0.44)
- Submission of a Road Safety Audit 1.
- Liaise with DCC and the NTA prior to the submission of a SHD application in relation to Bus Connects.
- Submission of details to indicate compliance with the bicycle access and parking requirements with clarity of visitor and resident spaces.
- Additional auto track analysis.

8.2.2. **Drainage Division:** No objection subject to clarification on the management of SuDS for including the 2-stage treatment, compliance with the design criteria in Section 16.3 of “The Greater Dublin Regional Code of Practice for Drainage Works Version 6.0” and inclusion of 20% Climate Change in the surface water attenuation calculations.

8.2.3. **Parks, Biodiversity and Landscape Services**

Delivery of open space

- As a new residential development there is a requirement for 10% of the site area to be public open space.
- A landscape scheme has been submitted which includes the provision of communal open space but not public open space.
- The vegetated areas around the site are of good value and together with adjacent off-site woodland provide as strong green character to the Finglas Road.
- This includes proposed tree loss in Z9 zoned lands, which is not considered acceptable.
- Further details are required on Trees 1 to 7 to clarify any expected future damage to the adjacent residential boundary wall, including photos of proximity of trees to wall and any signs of structural impact.
- A tree bond will be required for the retained trees together with adequate supervision during development construction, if any, by an arboriculturist
- The landscape architecture report will include an open space key plan, colour coded to indicate public, communal and private open space together with the following completed table.
- The provision of Public Open Space (POS) is not clarified in the submission.
- POS may be provided in areas to facilitate tree conservation and biodiversity enhancement
- Green Roof Plan: Park Services promote the use of green roofs on all flat or gently sloped roof to at least 70% of roof areas

8.2.4. **Environment & Transport Department (Waste Regulation):** No objection subject to the submission of additional information relating to waste collection, treatment and disposal.

8.2.5. **Environmental Health Officer:** No objection subject to the submission of a Construction Management Plan.

9.0 Irish Water (IW)

9.1. A submission received from IW on the 02nd of November 2021 confirmed feasibility for 110 no. BTR apartments subject to the following:

In respect of **Wastewater:**

- IW records indicate there is existing wastewater assets within the site.
- The applicant must engage with Irish Waters diversion section in regard to an assessment of feasibility any diversions or build over/near 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 as per IW standards codes and practices.
- A wayleave in favour of Irish Water will be required over the assets that are not located within the Public Space.

10.0 The Consultation Meeting

10.1. A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 02nd of December 2021, commencing at 10.00am, via Microsoft Teams.

Representatives of the prospective applicant, Dublin City Council 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, *inter alia*, scale and massing, height, open space, Z9 zoning
2. Impact on Residential Amenity, *inter alia*, daylight/sunlight analysis, distance from existing property
3. Traffic & Transport, *inter alia*, access, car parking

4. Irish Water Submission

5. AOB

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

- The height of the proposed development along both the front (Fingal Road) and rear (close to Violet Hill), the material contravention of the development plan for reason of height and the need to provide justification for increased height at this location.
- The location of part of the proposed residential building on lands zoned as Z9 (open space/amenity).
- The design, layout and functionality of the communal open space areas.
- The location of the public open space and the potential for a public plaza.
- The design response along the Finglas Road and the need to provide a high-quality urban streetscape.

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

- The location of the site adjacent to Violet Hill properties, the height of the proposed development to the rear of the site and the potential for overshadowing and overbearing on the existing residential properties.
- The CGI's submitted, the absence of any visuals at the rear of the site, adjoining Violet Hill, and the need for a representative visual impact assessment.
- The location of the residential amenities in the basement and the need for a high-quality amenity to serve the future occupants.

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

- The quantum of car parking provided, having regard to the BTR nature of the proposed development, and the location of the site in proximity to the City Centre and along a QBC.

- The access into the site, the sightlines provided and the integration of pedestrian and cyclist facilities.

10.5. In relation to the **Irish Water submission**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The Irish Water submission which requires diversions of the IW wastewater assets on the site.

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

- The detail in the PA submission which includes further detailed comments in relation to the design and layout of the proposed development.

11.0 Assessment

11.1. 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.

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

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

Residential Amenity

Further consideration and/or justification of the documents as they relate to impact of the proposed development on the residential amenity of the existing neighbouring dwellings, having regard, *inter alia*, the location and height of the proposed development and the potential for a negative impact on the visual and residential amenity of existing occupants along Violet Hill. Additional Computer-Generated Images (CGIs) and visualisation/cross section drawings showing the proposed development in the context of the existing residential properties surrounding the site may further elaborate on the visual impact on these properties. This further consideration may require the submission of updated sunlight and daylight analysis detailing compliance with the requirements of BRE209/BS2011, as applicable and may require an amendment of the documents and/or design proposal submitted.

- 12.1. 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. Additional Computer-Generated Images (CGIs) and visualisation/cross section drawings showing the proposed development in the context of the site at key landmark views along the Finglas Road and surrounding areas.
2. Updated contextual elevations clearly illustrating the relationship between the ground floor and the Finglas Road.
3. 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.
4. A Social Audit necessary to comply with Section 16.10.4 of the Dublin City Development Plan 2016-2022 and indicating the range of existing facilities in the area.
5. A report that specifically addresses the proposed materials and finishes to the scheme including specific detailing of finishes, the treatment of balconies in the apartment buildings, landscaped areas, pathways, entrances, and boundary treatment. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the development. The documents should also have regard to the long-term management and maintenance of the proposed development and a life cycle report for the apartments in accordance with section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2020).
6. A detailed site layout plan clearly illustrating the proposed development and the land use zoning for the site from the statutory development plan.
7. A Microclimate Study.
8. A quantitative and qualitative assessment which provides a breakdown of the public and communal open space areas. This assessment should include a detailed landscape plan including the provision of communal amenity spaces and play facilities in line with the Sustainable Urban Housing: Design

Standards for New Apartments (2020). Further details relating to a specific tree survey, tree retention report and tree planting scheme should be included in the landscaping report.

9. Submission of a Car Parking Management Strategy will provide further justification in relation to car parking strategy, the designation of parking spaces for visitor and residents, car sharing spaces, 10% electric charging and provision of motorcycle spaces.
 10. Submission of detailed information indicating compliance with Section 4.15 – 4.17 of the Apartment Guidelines (2020) for bicycle parking facilities
 11. 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.
 12. 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.
- 12.2. 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. National Transport Authority
 3. Transport Infrastructure Ireland.

4. Irish Aviation Authority
5. Dublin Airport Authority
6. 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

17th of December 2021