

An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion
ABP-311749-21**

Strategic Housing Development	472 no. apartments, creche and associated site works.
Location	'Hartfield Place', Swords Road, Whitehall, Dublin 9.
Planning Authority	Dublin City Council
Prospective Applicant	Eastwise Construction Limited
Date of Consultation Meeting	25/01/2022
Inspector	Conor McGrath

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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

The subject site is located on the eastern side of the Swords Road (R132) at Whitehall, Dublin 9, approx. 160m south of the junction with Collins Avenue. The site is described as comprising c.3.25 ha gross (including works to public road and infrastructure connection), with a 2.734 ha net development area. To the north of the site are vacant lands owned by Dublin City Council and Whitehall GAA grounds to the northeast. Beech Lawn Nursing home is located to the east of the site, accessed from High Park via Grace Park Road. To the south of the site is Highfield Hospital Alzheimer's care centre and mental health centre, which campus includes two protected structures. To the west, across the Swords Road, are a number of two-storey houses and a row of neighbourhood shops based around the signalised junction with Iveragh Avenue. A QBC bus lane runs along the frontage of the site. The route of the Port Tunnel runs roughly north-south under the eastern side of the site.

3.0 Proposed Strategic Housing Development

The development is described as:

- The construction of 472 no. apartments within 7 no. blocks (A – G) ranging generally from 4 to 8-storeys in height. Apartments comprise 32 no. studio

apartments, 198 no.1-bed apartments, 233 no. 2-bed apartments and 9 no. 3-bed apartments.

- Creche (c.445.8 sq.m), café (c.99 sq.m) and internal communal amenity space (c.511 sq.m) including reception area, meeting rooms, screening room, lounge, residents' gym, yoga room and ancillary areas.
- 353 no. car parking spaces, 575 bicycle parking spaces and 11 no. motorcycle spaces at basement/surface levels.
- A new public open space / park, and communal open spaces at ground and roof levels.
- New access from the Swords Road with upgrades to the public road and footpaths, and amendments to the existing Iveragh Road junction.
- Hard and soft landscaping; bin storage; plant areas, ESB substations and switch rooms and all associated site development works and services provision.

Key development parameters include:

Site Area	2.73 ha net developable 3.25 ha gross	
No. of Units	472 no. units	
Unit Breakdown	<ul style="list-style-type: none"> • 32 no. studios (6.8%) • 198 no. 1 beds (41.9%) • 233 no. 2 beds (49.4%) • 9 no. 3 beds (1.9%) 	
No. of Blocks	7 no. blocks	
Density	173 units per hectare (net)	
Site Coverage	29.2 %	
Plot ratio	1.47	
Building Height	<ul style="list-style-type: none"> • Block A: 5 - 8 storeys • Block B: 5 - 6 storeys • Block C: 4 - 6 storeys • Block D: 7 - 8 storeys • Block E: 1 - 8 storeys • Block F: 5- 6 storeys • Block G: 4 - 6 storeys 	
Dual Aspect	55.6%	
Open Space	Public:	5,746 sq.m net (21% of site area)
	Communal:	3,150 sq.m - 2,814 sq.m at ground level - 336 sq.m at roof garden level.
Facilities in Block A	Creche (c. 445.8 sqm.)	

	Café unit (c. 99 sqm) Residential Amenity Space (c.511 sqm).
Car Parking	353 no. car parking spaces 344 resident spaces
Cycle Parking	575 no. cycle parking spaces <ul style="list-style-type: none"> • 528 no. secure residential spaces • 47 no. visitor spaces
Motorcycle Parking	11 no. spaces

The application seeks to address a previous refusal of permission on the site and amendments from the previous scheme include the following:

- Blocks F & G have moved eastwards and the creche has been relocated from the public open space to the ground floor of Block A.
- The eastern open space is thus increased to 6,466-sq.m. gross. This provides a clearly defined public park of 5,746-sq.m exclusive of the defensible residential space for adjoining apartments, representing 21% of the net site area.
- The new park will be predominantly soft landscaped and set out as a large green park with children's play area and MUGA at the northern end, which meets the requirements of the Z12 objective.
- Improvements to ground level communal open space include relocating the ESB substations and repositioning of vents to basement car parking.
- Total communal open space comprises 3,150-sq.m. net which includes 2,814-sq.m. at ground level and 336-sq.m at roof top level.
- A decrease in the number of units from 475 to 472.
- Revisions to the mix of dwelling units.

4.0 Relevant Planning History

PA ref. 3269/10 ABP Ref. PL29N.238685: Permission granted for a mixed-use scheme comprising 3 no. commercial units and 358 no. residential units. An extension of duration of this permission was granted under PA ref. 3269/10/X1 until April 2022.

PA Ref. 3405/19: Permission granted for amendments to Block F (granted under 3269/10/ PL29N.23868) increasing the number of permitted units by 16 no. to a total of 374 no. apartments.

PA ref. 3766/20: An application for amendments to Block A comprising the rationalisation of floor plans and provision of an additional floor, increasing the number of apartments within by 18 no. units and an amendment to the 3 no. permitted retail /commercial units to provide a cafe unit and communal amenity space including a reception area. This application was deemed withdrawn.

ABP-309608-21: Permission refused for the development of 475 no. apartments and associated site works on the lands for the following reason:

The development site is zoned Z12 'Institutional Land (Future Development Potential)' under the Dublin City Development Plan 2016-2022, with the objective 'To ensure that existing environmental amenities are protected in the predominantly residential future use of these lands'. Section 14.8.12 of the Dublin City Development requires that developments on lands with the Z12 zoning objective shall retain a minimum of 20% of the site as accessible public open space, incorporating landscape features and the essential open character of the site, which shall not be split up into sections and shall be comprised of soft landscape suitable for relaxation and children's play.

Having regard to the quantum, design and layout of the proposed public open space on the eastern side of the development, the Board is not satisfied that the development meets this requirement.

In addition, having regard to the quantum, design and layout of the communal open space on the western side of the development, the Board is not satisfied that the development meets the quantitative standards set out in development plan section 16.10.1 in relation to the provision of communal open space for apartment developments.

The development is therefore considered to materially contravene the development plan in relation to the provision of public and communal open space to serve the proposed apartments.

These issues have not been addressed in the applicant's Material Contravention Statement or mentioned in site notices and the subject application therefore does not meet the requirements of section 8(1)(a)(iv)(I) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended). The Board therefore cannot invoke section 37(2)(b) of the Planning and Development

Act 2000 (as amended) in this instance and is precluded from granting permission.

The pre-application consultation in respect of this application took place under ref. ABP-308050-20.

5.0 Section 247 Consultation(s) with Planning Authority

Application documentation refers to a pre-planning consultation meeting with the planning authority on 7th September 2021. The main matters discussed at the meeting related to the following:

- Compliance with the Z12 zoning.
- Layout and design of the public open space.
- Boundary treatment and residential amenity.
- Relocation of childcare facility.
- Housing mix.
- Daylight and sunlight assessment.
- Provision of green roofs.

6.0 Planning Policy

6.1. National and Regional Planning Policy

6.1.1. Project Ireland 2040 - National Planning Framework

National Strategic Outcome 1 is identified as Compact Growth, recognising the need to deliver a greater proportion of residential development within existing built-up areas. Activating these strategic areas and achieving effective density and consolidation, rather than sprawl of urban development, is a top priority.

Objective 2A identifies a target of half of future population growth occurring in the cities or their suburbs. Objective 3A seeks the delivery of at least 40% of all new housing in existing built-up areas of cities, towns and villages on infill and/or brownfield sites.

Objective 11 favours development within existing cities, towns and villages, subject to appropriate planning standards and achieving targeted growth

Objective 13 provides that, in urban areas, planning and related standards will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth.

Objective 33 prioritises the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

6.1.2. Regional Spatial and Economic Strategy for the Eastern and Midland Region (2019)

The site is located within the Dublin Metropolitan Area. The following Regional Policy Objectives are noted in particular:

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 5.4 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.

6.1.3. Rebuilding Ireland – Action Plan for Housing and Homelessness (2016)

The overarching aim of the Plan is to increase the delivery of housing, from its current undersupply across all tenures, to help individuals and families meet their housing needs. The Plan identifies a target to double the number of residential

dwellings delivered annually by the construction sector and to provide 47,000 social housing units in the period up to 2021. The plan identifies five pillars for action.

Pillar 2 - Accelerate Social Housing

Pillar 3: Build More Homes, seeks to increase the output of private housing to meet demand at affordable prices. The key action is to double housing output over the Plan period.

6.1.4. Housing for All - A New Housing Plan for Ireland (Sept 2021)

The stated aim is to provide access to a home to purchase or rent at an affordable price, built to a high standard and in the right place, offering a high quality of life. The plan identifies the need for construction of an average of 33,000 homes per annum nationally until 2030 to meet the targets outlined in the National Planning Framework. Four overarching objectives are identified:

- Supporting Homeownership and Increasing Affordability.
- Eradicating Homelessness, Increasing Social Housing Delivery and Supporting Social Inclusion.
- Increasing New Housing Supply; and
- Addressing Vacancy and Efficient Use of Existing Stock.

The Pathway to Increasing New Housing Supply includes a focus on the adequate supply of serviced zoned lands to meet housing need, at required densities.

6.2. S.28 Ministerial Guidelines

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority and other bodies, and the discussions at the tripartite meeting, I consider that the directly relevant section 28 Ministerial Guidelines are:

- Urban Development and Building Heights, Guidelines for Planning Authorities
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), and the accompanying Urban Design Manual
- Design Manual for Urban Roads and Streets (DMURS)
- The Planning System and Flood Risk Management (including the associated 'Technical Appendices') (2009)
- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme.

6.3. Local Planning Policy

6.3.1. Dublin City Development Plan 2016-2022

The site and adjoining lands to the north are zoned 'Z12 Institutional Land (Future Development Potential)' with the objective 'to ensure that existing environmental amenities are protected in the predominantly residential future use of these lands'.

Section 14.8.12 notes that where Z12 lands are to be developed, a minimum of 20% of the site, incorporating landscape features and the essential open character of the site, will be required to be retained as accessible public open space. The predominant land-use will be residential.

A masterplan setting out a clear vision for the future for the development of the entire land holding will be required. Development at the perimeter of the site adjacent to existing residential development shall have regard to the prevailing height of existing residential development.

The minimum 20% public open space shall not be split up into sections and shall be comprised of soft landscape suitable for relaxation and children's play.

Policies in relation to residential density and housing mix include:

SC13, which supports sustainable densities, particularly in public transport corridors, which will enhance the urban form and spatial structure of the city, which are appropriate to their context, and which are supported by a full range of community

infrastructure. These sustainable densities will include due consideration for the protection of surrounding residents, households, and communities.

SC14, which promotes a variety of housing and apartment types which will create a distinctive sense of place in particular areas and neighbourhoods, including coherent streets and open spaces.

Section 4.5.4.1 sets out policy on building height.

SC16 recognises the fundamentally low-rise nature of Dublin City and that the intrinsic quality associated with this feature is protected whilst also recognising the potential and need for taller buildings in a limited number of locations subject to the provisions of a relevant LAP, SDZ or within the designated strategic development regeneration area (SDRA).

The development site is not located in an area designated for high rise or medium rise, as per development plan Fig. no. 39. A maximum height of 16m is identified for this low-rise area of the city, as per section 16.7.2.

Chapter 5 sets out policies for quality housing, including:

QH6: To encourage and foster attractive mixed-use sustainable neighbourhoods which contain a variety of housing types and tenures with supporting community facilities, public realm, and residential amenities, and which are socially mixed in order to achieve a socially inclusive city.

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.

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.

Section 8.5.10 refers to Dublin Port Tunnel and Public Transport Tunnel Structural Safety. Policy MT22 which requires the submission of a Development Assessment for all development proposals located in the vicinity of Dublin Port Tunnel.

Chapter 16 deals with Development Standards: Design, Layout, Mix of Uses and Sustainable Design. Section 16.4 promotes sustainable residential densities in accordance with the Guidelines on Sustainable Residential Development in Urban Areas and the policies and targets in the Regional Planning Guidelines or any subsequent RSES. In respect of Z12 lands, section 16.5 identifies an indicative plot ratio 0.5 – 2.5 while section 16.6 prescribes an indicative site coverage of 50%. Section 16.10 sets out the required housing mix for apartment developments of >15 units.

The site is located within a Zone 3 parking area, where a standard of 1.5 car parking spaces and 1 cycle parking space per apartment applies.

6.3.2. Whitehall Framework Plan 2008

This plan is described as a non-statutory Schematic Framework Plan and Site Brief for Z12 zoned lands previously used as the Port Tunnel Depot at the junction of Swords Road and Collins Avenue and adjoining development site. The Plan boundary includes the development site and lands to the immediate north, which are owned by DCC and which remain undeveloped.

Section 3.6 notes that any proposal for development over or near the port tunnel must show that no additional loading of greater than 22.5KN/m² will be imposed on the tunnel and must satisfy the tunnel designers that this criterion is met.

The plan notes that the introduction of planned Quality Bus Corridors (QBC) on Swords Road (overall road width of 22m) and Collins Avenue will require the site boundaries to be set back to accommodate dedicated bus and cycle lanes.

The Framework Plan includes indicative locations for preferred vehicular access from the Swords Road. Section 5.0 sets out a vision and proposed site layout for the lands.

7.0 Submissions Received

- 7.1. Irish Water:** Confirmation of Feasibility has been issued to the prospective applicant. In respect of Wastewater, local network upgrades of c.500m may be required. The development shall be connected to the existing 300mm DI watermain in Collins Avenue with a new 200mm ID pipe of approx. 180m in length.

The applicant will be required to fund these works to be delivered in Irish Water in the public domain.

8.0 Forming the Opinion

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.

8.1. Documentation Submitted

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. The documentation submitted with this pre-application consultation request is set out in Appendix 1 to this report.

In accordance with section 5(5)(b) of the Act of 2016, the documentation includes a statement that, in the prospective applicant's opinion, the proposal is consistent with the relevant objectives of the development plan concerned, and the relevant guidelines issued by the Minister under section 28 of the Act of 2000. This Statement of Consistency considers the following policy documents:

- Ireland 2040 Our Plan - National Planning Framework (2018).
- Housing for All – a New Housing Plan for Ireland (2021).
- Regional Spatial and Economic Strategy 2019- 2031.
- Guidelines for Planning Authorities on Urban Development and Building Heights (2018).

- Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments (2018).
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), and the accompanying Urban Design Manual.
- Delivering Homes, Sustaining Communities (2008) and the accompanying Best Practice Guidelines- Quality Housing for Sustainable Communities.
- Quality Housing for Sustainable Communities (2007).
- Design Manual for Urban Roads and Streets (2013).
- Guidelines for Planning Authorities on Childcare Facilities (2001).
- Smarter Travel – A New Transport Policy for Ireland (2009-2020).
- The Planning System and Flood Risk Management (2009).
- Dublin City Development Plan 2016-2022

The policy documents are described and relevant policies / objectives, including relevant Specific Planning Policy Requirements (SPPR's) are identified, and a response describing how the development is consistent therewith.

In accordance with section 5(6) of the Act, the prospective applicants have also submitted a statement indicating why, having regard to the provisions of s.37(2)(b) of the Act, permission should be granted notwithstanding that the development would potentially materially contravene the provisions of the Dublin City Development Plan in the following regard:

- Building Height: The height of the proposed development is 26.75m which exceeds the maximum height of 16m identified in the City Development Plan.
- Public open space: Public Open Space equates to 21% of the development site and is compliant with the provisions of the Development Plan.
- Residential mix: The residential mix contravenes section 16.10 of the development plan but complies with SPPR 1 of the Apartment Design Guidelines.
- Car parking: Parking provision does not exceed the maximum standards of the development plan.

The statement continues to consider the development against SPPR3 and the development management criteria set out in section 3.2 of the Urban Development and Building Height Guidelines.

It concludes that under Section 37(2)(b) of the 2016 Act, An Bord Pleanála can materially contravene a development plan where national planning policy objectives take precedence including Section 28 Guidelines.

8.2. Planning Authority Submission

A submission from Dublin City Council was received by An Bord Pleanála on the 18th November 2021 in accordance with Section 6(4)(b) of the 2016 Act. The submission includes the following:

- A statement of the planning authority's opinion in respect of the proposed development.
- Details of s.247 consultation meetings.
- Copies of internal technical reports.
- Details of relevant planning applications in the area.

The report containing the opinion of the planning authority makes the following points:

- It is envisaged that the undeveloped DCC lands to the north will be subject to a part 8 residential application in due course.
- A larger number of smaller units may not provide for a long-term residential community, will lead to higher turnover of residents, and will undermine the creation of attractive, enduring neighbourhoods and consolidated development.
- The Material Contravention Statement does not address residential mix in detail. It depends on SPPR1 and an unsupported argument that the area comprises mainly larger 3+ bed houses at present.
- The proposed development is acceptable in principle.
- There is no objection to the public open space proposals, however, inconsistencies in submitted documents should be addressed.
- Public pedestrian and cycle routes to the park should be supported by appropriate treatments and crossing points, ensuring connectivity to the north.
- Any interim boundary treatment should indicate the connection between these two sites and suitable conditions should be attached to ensure public access and use of this park.

- Communal open space exceeds the minimum development plan standard.
- Proposed building height materially contravenes the development plan.
- While national policy on building height is noted, due regard must be had to site specific issues and the impacts on the surrounding environment.
- The proposed height increase could be said to improve the design. The increase would not cause undue overlooking, relative to that permitted.
- North-facing apartments in Blocks C and D may not receive adequate sunlight.
- The stated level of dual aspect apartments are genuinely dual aspect. There are no single-aspect northern orientated apartments.
- Proposed pedestrian and cycle permeability to the Swords Road, and potentially through to High Park, is welcomed. Compliance with DMURS is required.
- Proposed materials are largely the same as the permitted development and are acceptable. There are concerns regarding maintenance of render finishes to courtyard elevations.
- Sunlight to neighbouring windows and gardens has not been assessed.
- Some opposing ground floor windows in Blocks B and D would have a VSC of less than c. 10%. No ADF figures are provided.
- Further assessment is required, particularly for north-facing apartments, and those identified as having a low Vertical Sky Component.
- Appropriate management of communal residential facilities is required.
- There is not likely to be additional demand for childcare over the permitted development or a large population of school-age children.
- The Social and Community Infrastructure Audit identifies no community centres or parish halls or similar in the area. Proposed communal facilities are welcome.
- The development is approx. 100 metres from the chapel and original High Park convent building (RPS no.3239), and approx. 200 metres from the Whitehall Grand façade (RPS 8740) at 396-402 Collins Avenue.
- The site is not adjacent to any National or Archaeological Monuments. The City Archaeologist recommends a geophysical survey and archaeological test excavation of the site.
- Surveys identify the site as being of local importance for bats and mitigation measures are identified.

- Requirements regarding development over the Port Tunnel must be complied with to the satisfaction of TII.
- Clarification on build-to-rent proposals is required and compliance with relevant provisions of the Apartment Design Guidelines.
- Justification of the mix of dwelling type, size, and tenure is required.
- Clarification is required and consistency regarding the provision of public and communal open space.
- Biodiversity issues are raised in the EIA Non-Technical Summary and AA Screening, including the requirement to provide wildlife corridors and habitats, to mitigate impacts on bats, and to further assess the routes for Brent Geese.
- The development should contribute to social infrastructure, as per Section 16.10.4 of the Dublin City Development Plan 2016-22.
- The Transport Planning Division is largely satisfied, while raising a large number of detailed issues, both in relation to the design and management of the scheme.

Copies of internal planning authority reports are submitted as follows:

- Transport Planning Division
- Housing
- Parks, Biodiversity and Landscape Services
- Air Quality Monitoring & Noise Control Unit
- Drainage Division:
- Environment & Transportation Department - Waste Regulation & Enforcement Unit

I note the in particular the following comments in technical reports:

- Air Quality Monitoring & Noise Control Unit recommend an acoustics report to identify potential impacts from traffic noise and other uses within the scheme.
- Drainage Division require further detail on surface water management and SUDS measures. Attenuation tanks are not acceptable under pavement / carriageways.
- Transport Planning Division comments include the following:
 - The applicant should demonstrate that the structural integrity of the Port Tunnel is not compromised. Consultation with TII is required.

- There are concerns regarding separation from the Swords Road cycle track and public footpath following the revised road layout under BusConnects.
- The Swords Road footpath appears narrow and further development set back may be required. Design details for works in this area are required.
- Any application should be referred to the NTA to agree the proposed junction access and western boundary setback distances.
- There is no objection in principle to the upgrade of the Swords Road / Iveragh Road junction subject to final agreement.
- Clarity is required regarding emergency vehicle access from Swords Road.
- Further connectivity to lands to the north would be favoured.
- Clarification is required in relation to car parking and visitor parking provision.
- Cycle parking should be increased.
- Additional motorcycle parking should be provided.
- Road width and design should accord with DMURS and enhanced pedestrian crossing / routes should be provided.
- The application should include a Stage 1 Road Safety Audit, a Site Servicing and Operation Plan, a mobility management plan and car parking strategy along with a letter of commitment from a car club provider.
- Areas to be taken in charge should be identified.

8.3. The Consultation Meeting

A Section 5 Consultation meeting was held on 25/01/2022, commencing at 2pm, via Microsoft Teams. I refer to the record of the meeting in respect thereof.

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 and the main topics raised for discussion at the tripartite meeting were as follows:

- Land use and development principle and previous refusal.
- Residential Amenity
 - Open space design and layout
 - Housing Mix
 - Daylight and Sunlight

- Transport and Parking
 - Port Tunnel
 - Bus Connects
 - Car and Cycle Parking
- AOB

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 ABP-311749-21' which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

With regard to Land use and Development Principle, An Bord Pleanála sought further clarification and elaboration for the proposed development in respect to the following:

- The nature and tenure of the proposed development.
- The status of the current Draft Dublin City Development Plan.
- The status of the Whitehall Framework Plan, relating to this site.
- Compliance with the open space requirements for Z12 zoned lands.

With regard to Residential Amenity, An Bord Pleanála, sought further clarification and elaboration for the proposed development in respect of the following matters:

- The design and layout of open space, including proposed public plaza.
- The proposed management arrangements for Z12 public open space.
- The rationale for the proposed housing mix.
- The assessment of sunlight and daylight to proposed apartments and potential impacts on adjoining properties.

With regard to Transport and Parking, An Bord Pleanála sought clarification and further elaboration of the proposed development in respect of the following matters:

- Compliance with TII requirements with regard to development adjoining the Port Tunnel.
- The design and layout of the proposed junction with the Swords Road and Iveragh Road, and compliance with the requirements of Bus Connects.
- The design and layout of footpaths and cyclepaths along the Swords Road.
- The level and design of cycle parking provision within the development.
- Connectivity and permeability with adjoining land.

With regard to Any Other Business, An Bord Pleanála noted that any servicing works to be carried out by the prospective applicant should be included within the red line boundary. Regard should be had to public transport capacity in the context of reliance on SPPR 3.

9.0 Conclusion and Recommendation

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

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.

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 constitutes a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

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

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.

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) 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:

1. Drawings and documentation clearly describing the design and layout of the proposed junction with the Swords Road / Iveragh Road and proposed modifications to the existing road, footpath and cyclepath networks. The application should demonstrate how the proposed development, will facilitate, and not interfere with, the implementation of Bus Connects proposals at this location.

2. Any subsequent planning application should address the matters raised in the report of the Dublin City Council Transportation Planning Division dated 14th November 2021 and should be accompanied by the following:
- i. Drawings clearly showing the proposed public footpath and cycle path along the Swords Road frontage of the site. Evidence of consent for all works to the public realm on lands outside of the applicant's landholdings should be provided.
 - ii. A detailed Traffic and Transport Assessment (TTA).
 - iii. A Mobility Management Plan and a Parking Management Strategy.
 - iv. An operational service plan including a detailed swept path analysis. The plan should address inter alia, the management of car parking and drop-off movements associated with the proposed creche.
 - v. Details of the quantum and design of bicycle parking / storage, in accordance with the provisions of the guidelines on Sustainable Urban Housing: Design Standards for New Apartments.
 - vi. A Quality Audit in accordance with Annex 4 of DMURS, including a Road Safety Audit. The Road Safety Audit should consider, inter alia, the design and layout of parking within the development, design of the Swords Road junction, and the movement of pedestrians and cyclists through the site.
 - vii. A construction traffic management plan.
3. A Draft Construction and Waste Management Plan.
4. A Tunnel Impact Assessment having regard to Policy MT22 of the Dublin City Development Plan and Appendix 6 thereof, with regard to the Dublin Port Tunnel. This assessment should be accompanied by a Construction Management Plan and Method Statement in accordance with the requirements of Transport Infrastructure Ireland (TII).
5. An assessment of the noise environment and an Acoustic Design Statement demonstrating that adequate levels of residential amenity will be achieved for future residents of the development and of adjoining properties.
6. A report which addresses the matters raised in the report of the Dublin City Council Drainage Division dated 4th November 2021.

7. A comprehensive daylight and sunlight assessment examining the proposed dwelling units and amenity / open spaces, as well as potential impacts on daylight and sunlight to adjoining properties. In preparing such assessment regard should be had to the provisions of section 3.2 of the Urban Development and Building Heights Guidelines for Planning Authorities (2018) and to the approach outlined in guides like the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.

The assessment should provide a comprehensive view of the performance of the entire development in respect of daylight provision, including in particular accommodation at ground and first floor levels. Where any alternative, compensatory design solutions in respect of daylight are proposed, these should be clearly identified, and their effect appropriately described and / or quantified.

8. A report that addresses issues of residential amenity (of both future occupants and occupants of adjacent development), specifically with regard to overlooking, overshadowing, visual impact and the potential effects of flood lighting of adjoining playing fields. The report shall include cross-section drawings showing the relationship between the proposed development and adjoining development.
9. A detailed rationale for the proposed housing mix having regard to the provisions of the current Dublin City Development Plan and relevant national and regional planning policy.
10. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority.
11. 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.
12. A Building Lifecycle Report in accordance with section 6.13 of the guidelines should also be submitted and shall detail the appropriate use of external materials on all elevations. The plan shall also address the management and maintenance of public spaces and access to the development.

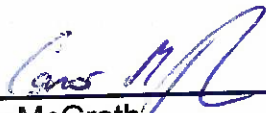
13. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 unless it is proposed to submit an EIAR at application stage.

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. Minister for Housing, Local Government and Heritage
2. An Taisce- The National Trust for Ireland.
3. The Heritage Council.
4. Irish Water
5. National Transport Authority (NTA)
6. Transport Infrastructure Ireland (TII)
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.


Conor McGrath
Planning Inspector

26/01/2022

Appendix 1

LIST OF ENCLOSURES

- Completed Planning Application Form (including List of Enclosures, Letters of Consent, Irish Water COF Letter and Part V Submission)
- Cheque for €1500 application fee
- 3 CD copies of Pre-Application
- ITM Co-ordinates on CD
- Cover letter to ABP
- Cover letter to Dublin City Council
- Planning Report including:
 - Statement of Consistency
 - Material Contravention
 - Response to S247 Meeting
- EIA Summary Report
- Architectural Design Statement
- Schedule of Accommodation
- Housing Quality Audit
- Architectural drawings
- Landscape Design Rationale and drawings
- Geotechnical Engineering Letter & Tunnel Impact Assessment
- Engineering Services Report
- Engineering Drawings
- Site Specific Flood Risk Assessment
- Traffic & Transport Assessment
- DMURS Statement
- Transport drawings
- Outline of Proposed Structure Report
- Structural drawings.
- Interim Daylight & Shadow Report
- Appropriate assessment Screening Report
- Verified Photomontages
- TVIA

