



An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion
ABP-312081-21**

Strategic Housing Development

Demolition of existing buildings on site, construction of 194 no. apartments, creche and associated site works.

Location

Lands at "Harold's Bridge Court", Harold's Cross Road, & Greenmount Lane, Harold's Cross, Dublin 6W.

Planning Authority

Dublin City Council

Prospective Applicant

The Adroit Company Ltd.

Date of Consultation Meeting

25/03/2022

Date of Site Inspection

15/03/2022

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 irregularly shaped and comprises a stated area of 1.01 ha, located southwest of the junction of Harold's Cross Road and Parnell Road / Grove Road at Emmet Bridge, at Dublin 6W. The site has frontage to Harold's Cross Road to the east and Greenmount Lane to the west. To the north, the site is bounded by a low-rise office development and the rear of residential properties fronting Parnell Road. To the south, the site is bounded by existing commercial and residential development. Residential development to the south-west on Limekiln Lane and Greenmount Lane comprise single-storey terraced cottages. Greenmount Lane also includes industrial buildings and terraced two-storey housing to the west of the site. There is a detached dormer dwelling immediately north of the site fronting onto this lane.

The site is currently in predominantly residential use, comprising four duplex blocks and two single storey detached houses in Harold Bridge Court, of which two face onto Harold's Cross Road but without active frontage thereto. This development is accessed via an entrance from Harold's Cross Road which is shared with the adjoining office development to the south. Within the site, Clare Villas comprises a terrace of three no. two-storey houses, which are currently accessed via mews laneway off Parnell Road to the north.

The site also includes a large industrial / warehouse building fronting onto Greenmount Lane to the west. This building is currently partly in use as an artist's

gallery and studio space (Mart Gallery and Studios). There is pay and display parking on Greenmount Lane.

3.0 Proposed Strategic Housing Development

The proposed development includes the demolition of existing structures on the site comprising 48 no. duplex dwellings, 2 no. single-storey residential buildings, 3 no. 2 storey houses at Clare Villas, and the existing warehouse and ancillary structures fronting onto Greenmount Lane. The development provides for the construction of 194 no. dwellings in 4 blocks as follows:

Block A:	56 no. units	<ul style="list-style-type: none"> • 29 no. 1 bed & 27 no. 2 bed), • 1 no. ground floor commercial / retail unit (192.5m²), • Communal room (15.82-sq.m.) • 2 no. communal roof gardens (202.96 m²) on the 6th floor. 	7-storeys (22m)
Block B:	56 no. units	<ul style="list-style-type: none"> • 23 no. 1 bed, 31 no. 2 bed & 2 no. 3 bed units, • Communal room (31.43-sq.m.) at ground floor level, • Communal roof garden (163.59m²) on the 3rd floor. 	9-storeys (29.6m)
Block C:	57 no. units	<ul style="list-style-type: none"> • 15 no. 1 bed, 36 no. 2 bed & 6 no. 3 bed units), • Creche (162.85m²) at ground level • Communal room (49.62m²) on the 7th floor. 	8-storeys 26.6m
Block D:	25 no. units	<ul style="list-style-type: none"> • 1 no. studio, 16 no. 1 bed, 7 no. 2 bed & 1 no. 3 bed units, • 22 no. work studios (1,930m²) at ground & 1st floor level, • Exhibition courtyard (180.13m²) • Communal open space (114.16m²) at 2nd floor level. 	5-storeys (25m)

The development provides for public open space (1,355m²), hard and soft landscaping & boundary treatments. Communal residential amenity space is also

provided in communal roof gardens and communal rooms associated with individual blocks.

Parking is to be provided at basement level (58 no. car parking spaces, 4 no. motorcycle spaces and 330 no. bicycle parking spaces (inclusive of 4 no. cargo bike spaces). An additional 7/9 no. surface level car parking spaces are proposed with access from Greenmount Lane to the west (including 2 no. club car spaces).

Key development parameters include:

Site Area	1.01ha
No. of units	194 no.
Density	194 / ha
Plot Ratio	1.56
Site Coverage	40%
Building Heights	5 to 9 storeys (29.6m) reducing to part 2-storey
Dual Aspect	140 / 72%
Other uses	Creche 162.85-sq.m. (38 no. spaces) Studio / commercial workspace 1,930-sq.m. Retail / Commercial unit 192.5-sq.m.
Public open space	1,355m ² / 13.3%
Communal open space	480.71-sq.m. (Blocks A, B & D)
Car parking	58 at basement level and 9 no. at surface level (0.35 / unit)
Cycle parking	449 (330 at basement & 119 at surface level)

Unit type	Studio	1-bed	2-bed	3-bed
No.	1	83	101	9
%	0.5%	43%	52%	4.5%

4.0 Relevant Planning History

PA ref. 3605/16 & ABP ref. PL29S.247583: Permission refused in 2017 for a mixed-use development comprising 121 no. apartments and creche in 6 no. 3-4 storey buildings. The reasons for refusal related to:

1. The development would constitute substandard over-development by reason of:

- lack of diversity in dwelling mix.
- deficiencies in quantity, layout, quality and amenity potential of public open space, lack of permeability and visual connectivity and linkage across the development and with the established neighbourhood.
- excessive proximity between blocks resulting in reciprocal overbearing impact, poor access to sunlight and daylight at some units, especially at lower levels with a north facing aspect and the proximity of some units to the external play areas for the crèche.

The development would fail to satisfy the recommendations and standards in the “Sustainable Designs for New Apartments: Guidelines for Planning Authorities” and the Dublin City Development Plan, and would set a precedent for further similar development.

2. The use of designated spaces on Greenmount Lane, which has a max carriageway width of 6m and which serves existing residential and industrial development, as a route for traffic between Parnell Road and Harold’s Cross Road and as the sole drop-off and collection point for the crèche would result in additional turning movements at the junctions with the Regional routes and obstruction of the safe and free flow of vehicular traffic and pedestrian circulation. In the absence of an alternate vehicular access to the crèche the development would endanger public safety by reason of traffic hazard.
3. Part of the site is subject to the zoning objective: Z6: To provide for the creation and protection of enterprise and to facilitate opportunities for employment creation. It is policy that possible residential development within lands subject to the Z6 zoning objective must be subsidiary to the employment generating land use and not conflict with the primary objective providing for employment requirements of the city. The proposed residential development would eliminate the potential for the achievement of this primary objective, would set a precedent

for further similar development at other locations subject to a similar zoning objective and would, therefore, materially contravene this development objective and be contrary to the proper planning and sustainable development of the area.

PA ref. 4261/05 & ABP ref. No. PL29S.214671: Permission refused in 2006 for 66 no. dwellings and 6 no. live / work units in five buildings ranging in height from 4-6 storeys. Alterations to no.47 and 48 Harold Bridge Court were also proposed. The three reasons for refusal related to the following:

1. The development would be visually obtrusive and out of scale with the established pattern of development in the vicinity and would be detrimental to the residential amenities of adjoining properties by reason overlooking and loss of privacy.
2. Over-development of the site, detrimental to the residential amenity of future residents having regard to the mix of house types proposed and the deficiencies in open space provision and natural daylighting.
3. Loss of public open space associated with Harold's Bridge Court detrimental to the residential amenities thereof.

PA ref. 1499/00 & ABP ref. PL29S.12 2977: Permission refused in 2001 for 8 no. 1 bedroom apartments and 31 no. 2 bedroom apartments and 2 no. ground floor apartments with 2 no. 3 bedroom duplex units.

PA ref. 1305/93: Permission granted for 48 no. residential units in 4 no. 3 storey blocks and associated site development works on 2.25 acre site.

5.0 Section 247 Consultation(s) with Planning Authority

Application documentation refers to pre-planning consultation meetings with the planning authority on 1st July 2020 and 1st June 2021. It is reported that the main matters discussed were included the following:

- Compliance with Z6 zoning.
- Building heights and scale, and transition to its surroundings.
- Design of public and private open spaces.
- Daylight and overshadowing analysis.
Active frontage to Harold's Cross Road.
- Permeability.

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 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.

Objectives of Chapter 6, 'People Homes and Communities', including Objective 27, seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities.

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

Objective 35 seeks to increase densities in settlements, through a range of measures including reduced vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

6.1.2. Rebuilding Ireland – Action Plan for Housing and Homelessness 2016

The overarching aim of the Plan is to increase the delivery of housing across all tenures, to help individuals and families meet their housing needs. A target to double the number of residential dwellings delivered annually and to provide 47,000 social housing units up to 2021 is identified. The plan identified 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.

6.1.3. **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.

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

The Strategy supports the implementation of Project Ireland 2040 and the National Planning Framework (NPF).

RPO 3.2 promotes compact urban growth and targets at least 50% of all new homes to be built, to be within or contiguous to the existing built-up area of Dublin city and suburbs and a target of at least 30% for other urban areas.

RPO 3.3 notes that Local authorities shall, in their core strategies, identify regeneration areas within existing urban settlements and set out specific objectives relating to the delivery of development on urban infill and brownfield regeneration sites and provide for increased densities as set out in the national policy.

Regional Policy Objective 4.3. supports the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the

existing built-up area and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport.

The site lies within the Dublin Metropolitan Area (DMA). The aim of the Dublin Metropolitan Area Strategic Plan is to deliver strategic development areas to ensure a steady supply of serviced development lands to support sustainable growth.

Section 5.3 identifies guiding principles for development of the MASP area including:

Compact sustainable growth and accelerated housing delivery – To promote sustainable consolidated growth of the Metropolitan Area, including brownfield and infill development, to achieve a target to 50% of all new homes within or contiguous to the built-up area of Dublin City and suburbs, and at least 30% in other settlements. To support a steady supply of sites and to accelerate housing supply in order to achieve higher densities in urban built up areas, supported by improved services and public transport.

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’.

6.2. **S.28 Ministerial Guidelines**

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submission of the planning authority and other authorities, I am of the opinion that the most directly relevant section 28 Ministerial Guidelines are:

- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020).
- Urban Development and Building heights, Guidelines for Planning Authorities (2018).
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated ‘Urban Design Manual’) (2009).
- Design Manual for Urban Roads and Streets (DMURS).
- National Cycle Manual.

- The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009).
- Childcare Facilities – Guidelines for Planning Authorities.
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment.

6.3. Local Planning Policy – Dublin City Development Plan 2016

The application site is primarily zoned Z1, Sustainable Residential Neighbourhoods - To protect, provide and improve residential amenities.

The vision for residential development in the city is one where a wide range of accommodation is available within sustainable communities where residents are within easy reach of services, open space and facilities such as shops, education, leisure, community facilities and amenities, on foot and by public transport and where adequate public transport provides good access to employment, the city centre and the key district centres.

The western part of the site, fronting Greenfield Lane, is zoned Objective Z6 – Employment and Enterprise: ‘to provide for the creation and protection of enterprise and facilitate opportunities for employment creation’

Z6 lands constitute an important land bank for employment use in the city, which is strategically important to protect. The primary objective is to facilitate long-term economic development in the city region.

The permissible uses will be accommodated in primarily office-based industry and business technology parks. A range of other uses including residential, local support businesses, are open for consideration on lands zoned Z6 but are seen as subsidiary to their primary use as employment zones. The incorporation of other uses, such as residential, recreation, and retail uses, will be at an appropriate ratio where they are subsidiary to the main employment generating uses and shall not conflict with the primary land-use zoning objective, nor with the vitality and viability of nearby district centres.

Within the Z6 zoning, the following development principles shall apply, in addition to complying with land-use zoning:

- **Employment:** To create dynamic and sustainable employment areas. Any redevelopment proposals should ensure that the employment element should be in excess of that on site prior to re-development in terms of the numbers employed and/or floor space.
- **Uses:** To incorporate mixed uses in appropriate ratios. All such uses, including residential and retail, shall be subsidiary to employment-generating uses and shall not conflict with the primary aim of the Z6 land-use zoning to provide for the employment requirements of the city.
- **Transport:** To maximise access to public transport connections and proposed public transport infrastructure.
- **Built Environment:** To create a distinct identity for individual areas with a high-quality, physical environment and coherent urban structure.
- **Landscape:** To exploit and integrate natural amenities, biodiversity considerations and emerging strategic green networks

Permissible Uses include, childcare facility, cultural/recreational building and uses, live-work units, cultural, creative and artistic enterprise and uses. Residential use is Open for Consideration.

Section 4.5.3, Making a more Compact Sustainable City, promotes the consolidation of the city. Policy SC13 promotes 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.

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

Chapter 5 deals with Quality Housing, and policies include:

Policy QH5 promotes residential development addressing any shortfall in housing provision through active land management and a co-ordinated planned approach to developing appropriately zoned lands at key locations including regeneration areas, vacant sites and under-utilised sites.

QH6: To encourage and foster the creation of 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.

Lands to the north, along the canal are identified as Conservation Area, while properties along Parnell Road to the north are protected structures.

Section 11.1.5.3 of the plan deals with Protected Structures. Section 11.1.5.6 outlines Conservation Area Policy. Policy CHC2 seeks to protect the special interest of protected structures, while Policy CHC4 seeks to protect the special interest and character of conservation areas.

Section 16.4 promotes sustainable residential densities. Density should respect the existing character, context and urban form of an area and seek to protect existing and future residential amenity. Public transport capacity will also be used to determine the appropriate density allowable.

An urban design and quality-led approach to creating urban densities is promoted, focused on the creation of sustainable urban villages and neighbourhoods. A varied typology of residential units will be promoted within neighbourhoods in order to encourage a diverse choice of housing options in terms of tenure, unit size, building design and to ensure demographic balance in residential communities.

Section 16.5 notes that the indicative plot ratio for outer city Z1 lands is 0.5 – 2.

In accordance with section 16.7.2, the site is considered to be 'outer city', wherein a maximum building height of 16m is specified for commercial and residential development.

7.0 Submissions Received

- 7.1. **Irish Water:** A Confirmation of Feasibility has been issued. New connections to the existing water and wastewater networks are feasible without upgrades.

There are Irish Water pipes within, and in close proximity to, the site boundaries. The applicant is required to engage with Irish Water in respect of a feasibility assessment and any requirements for a diversion(s) of existing asset(s) and/or to agree the required separation distances and demonstrate that the development will not inhibit access for maintenance or endanger structural or functional integrity of the public infrastructure during and after the works. The Developer will be required to survey the site to determine the exact location of the pipes.

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.

Section 5(5)(b) of the Act of 2016 requires the submission of a statement that, in the prospective applicant's opinion, the proposal is consistent with both the relevant objectives of the development plan or local area plan concerned, and relevant guidelines issued by the Minister under section 28 of the Act of 2000. Section 5(6) requires that where the proposed development would materially contravene the development plan or local area plan, other than in relation to the zoning of the land, then the statement provided for the purposes of subsection (5)(b)(i) shall indicate why, in the prospective applicant's opinion, permission should nonetheless be

granted, having regard to a consideration specified in section 37(2)(b) of the Act of 2000.

A Statement of Consistency under S.5(5) has been submitted, which considers compliance with the provisions of the following policy documents:

- Project Ireland 2040 - National Planning Framework.
- Rebuilding Ireland – Action Plan for Housing and Homelessness.
- Eastern and Midland Regional Assembly Regional Spatial & Economic Strategy.
- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009.
- Urban Design Manual – A best practice guide, 2009.
- Urban Development and Building Heights Guidelines for Planning Authorities, 2018.
- Sustainable Urban Housing: Design Standards for New Apartments, 2020.
- Quality Housing for Sustainable Communities - Best Practice Guidelines, 2007.
- Guidelines for Planning Authorities for Child Care Facilities, 2001.
- Design Manual for Urban Roads and Streets, 2013.
- The Planning System and Flood Risk Management Guidelines for Planning Authorities, 2009.
- Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities 2009. Dublin City Development Plan 2016-2022.
- Dublin City Development Plan 2016-2022.

The request is also accompanied by a Material Contravention Statement having regard to section 5(6) of the Act. This refers to the potential material contravention of the Dublin City Development Plan in respect of:

- Building height, and;
- Residential / unit mix.

The statement concludes that there is sufficient justification for An Bord Pleanála to grant permission for the proposed development, notwithstanding any material contravention of the existing Dublin City Development Plan, by reference to sub-paragraphs (iii) and (iv) of Section 37(2)(b) of the 2000 Act, as amended.

8.2. Planning Authority Submission

A submission from Dublin City Council was received by An Bord Pleanála on 22/12/2021 in accordance with Section 6(4)(b) of the 2016 Act. The submission includes the following:

- A copy of record of meetings held in accordance with s.247.
- A copy of Planning Authority's opinion on the proposed development.
- A list of relevant applications in the area.
- Copies of internal technical reports.

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

- The development is permissible and is generally consistent with the zoning objectives.
- Increased density is reasonable given policy for the intensification of sites within the urban area so as to provide for a more compact sustainable city.
- There is a need for efficient brownfield land uses particularly in well-established residential areas with access to existing services and public transport.
- The site is suitable for higher densities given the location adjacent to a number of bus routes, just outside the Grand Canal.
- The maximum height of 29.6m materially contravenes the Development Plan.
- The applicant should review the height and scale of the development given its overbearing impact on streetscape and to mitigate its visual obtrusiveness.
- There are inconsistency between CGI's / Photomontages submitted.
- Revise ground floor units in Block A such that communal kitchen, living dining rooms face internally / westerly into the 'Urban Garden', rather than the street.
- Further detail regarding the impact of metal screens on western elevation of Block B on future residential amenity is required, and regarding its appearance on the façade and effectiveness in limiting overlooking to adjoining properties.
- Overlooking by Block C of the amenity space of Boyne Court apartments should be reviewed.
- The applicant is requested to review their level of compliance with the BRE guidelines in relation to the Average Daylight Factor, particularly for Block B.

- Block D should ensure greater variation in the design. Review gable elevations to add greater visual interest in the absence of windows and balconies.
- The mix complies SPPR1 of Apartment Design Guidelines.
- There are concerns regarding the potential impact of the creche on adjoining residential amenities.
- Any roof apparatus should be fully detailed in the plans and elevations.
- The development should be reviewed having regard to bus corridor proposals on Harold's Cross Road and consultation should take place with the NTA.
- Consultation is required regarding works within the public realm.
- There are concerns regarding the design and layout of the proposed access and accessibility for large service and emergency vehicles.
- Service and delivery access should be fully demonstrated.
- Clarity is required in relation to works outside the red line boundary.
- Further detail of cycle parking and basement access is required.
- The design of the 4m wide access off Greenmount Lane and treatment of existing informal parking thereon should be reviewed.
- Car share parking should be increased and a letter of intent from an operator should be included with any application
- A building lifecycle report should be submitted at application stage.
- Taking in charge proposals are not acceptable.
- An Operational Service Access Strategy and an Operational Waste Management plan is required, and a full suite of construction management plans.
- Revised surface water management strategy and drainage details are required.
- A Site-specific flood risk assessment is required.

8.3. The Consultation Meeting

A Section 5 Consultation meeting was held on 25/03/2022, commencing at 10am, 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 and the main topics raised for discussion at the tripartite meeting were as follows:

1. Land use and Development Principle – including compliance with the Z6 zoning objective.

2. Design and Layout, including transition in height and scale, relationship with adjoining residential properties, daylighting.
3. Transport and Access Arrangements.
4. 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-312081-21' 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.

In relation to Land use and Development Principle – including compliance with the Z6 zoning objective, An Bord Pleanála sought clarification and further elaboration of the documents and justification for the proposed development in respect of the following:

- Compliance with the Z6 Land use zoning objective in respect of Block D..
- The extent of existing commercial / employment uses on the site vis the proposed development.
- The relationship between proposed residential uses and workshop uses on the site.

In relation to Design and Layout, including transition in height and scale, relationship with adjoining residential properties, and daylighting, An Bord Pleanála sought clarification and further elaboration of the documents and justification for the proposed development in respect of the following

- The rationale for the height and scale of development proposed and the assessment of visual impacts.
- The nature and effectiveness of screening to balconies and windows in Block B and potential impacts on residential amenity therefrom.
- Potential to facilitate or impact on the future development potential of adjoining lands to the north and south.

- The relationship of the development with adjoining residential properties.
- The assessment of daylighting to adjoining properties.

In relation to Transport and Access Arrangements, An Bord Pleanála sought clarification and further elaboration of the documents and justification for the proposed development in respect of the following

- The design and layout of the primary vehicular access from Harold's Cross Road and traffic movements likely to be generated by the proposed development.
- Service vehicle access arrangements, including refuse collection.
- The provision of other pedestrian and cycle access points to the development.
- Proposals for the treatment of Greenfield Lane and access therefrom.

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 the discussions which took place at the tripartite meeting. I have had regard to both national policy, including relevant 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 further consideration and/or possible amendment of the documents submitted are required at application stage in respect of the following elements, details of which are set out in the Recommended Opinion below.

1. Further clarification and justification for the proposed development in respect of compliance with the land use zoning objectives for the site, in particular the Z6 objective.

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.

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

In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could

result in them constituting a reasonable basis for an application for strategic housing development:

1. Further consideration of, and possible amendment to the documents submitted with regard to compliance with the zoning objectives relating to this site. In this regard, the documentation should include a detailed statement of consistency and planning rationale, clearly outlining how in the prospective applicant's opinion, the proposed development is in compliance with local planning policies having specific regard to the Z6 zoning objective relating to the site – '*to provide for the creation and protection of enterprise and facilitate opportunities for employment creation*'.

Justification for the principle of the proposed development on lands zoned Z6 should have regard to the specific policies and principles of the Development Plan which state, inter alia, that

"A range of other uses including residential, local support businesses, are open for consideration on lands zoned Z6 but are seen as subsidiary to their primary use as employment zones. The incorporation of other uses, such as residential, recreation, and retail uses, will be at an appropriate ratio where they are subsidiary to the main employment generating uses and shall not conflict with the primary land-use zoning objective, ..."

"Any redevelopment proposals should ensure that the employment element should be in excess of that on site prior to re-development in terms of the numbers employed and/or floor space."

This may require possible amendment to the documents and/or design proposals submitted.

Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission:

1. A detailed Housing Quality Assessment, demonstrating compliance with relevant development standards. The application should clearly identify those dwelling units indicated as dual aspect units.
2. An updated and complete Townscape and Visual Impact Assessment, and updated CGS's, which should have regard to final proposed materials and finishes. Such assessment should take account of the reduced screening effects of any foliage / vegetation in winter months.
3. Proposed pedestrian and cycle connections to adjoining public roads should be clearly identified. The application should demonstrate that the building set-back provides for satisfactory levels of pedestrian provision along Greenfield Lane.
4. Details of areas intended to be taken in charge by the local authority.
5. The application should include 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. Where any alternative, compensatory design solutions in respect of daylight are proposed, these should be clearly identified and justified, and their effect appropriately described and / or quantified. The assessment should demonstrate that due regard was had to any screening to balconies or windows proposed to address potential overlooking of adjoining properties.

6. Further consideration with regard to the relationship of the proposed development with adjoining lands to the north and south. It should be demonstrated that the proposed development would not prejudice any future development / redevelopment of those lands, having particular regard to the proximity of Blocks B and C, and associated windows and balconies, to the northern and southern site boundaries.

7. The application should provide detailed section drawings and other visualisations clearly describing the relationship with adjoining residential properties and demonstrating how the development will address potential overlooking and overbearing impacts thereon, having regard to the transition in heights between the development its surroundings. Particular regard should be had to the relationship with properties on Limekiln Lane and Boyne Court.
8. With regard to Block B, further detail should be provided with regard to proposed screens to windows and balconies to address potential overlooking of properties on Parnell Road. Such detail should address the nature, function and effectiveness of the proposed screens as well as an assessment of their impact on the quality, value and daylighting of these residential amenity spaces.
9. A report addressing the matters raised in report of the Dublin City Council Transportation Department, dated 16/12/2021.
10. A servicing and operational management plan, to include the requirements of the proposed creche and retail unit on the site. The plan should be accompanied by swept path analysis to demonstrate that emergency and service vehicle requirements can be accommodated and that the prospective applicants are entitled to carry out any necessary works in this regard. Access and set-down arrangements from the proposed creche should be clearly identified.
11. An operational waste management plan demonstrating how refuse / bin collection can be facilitated without impacting on the operation of the adjoining road network, and in particular the adjoining bus corridor. The plan should identify bin storage and collection staging areas, which should not obstruct or interfere with pedestrian movement along the adjoining roads and footpaths.
12. A report addressing the matters raised in report of the Dublin City Council Engineering Department – Drainage Division, dated 14/12/2022. Application documentation should also clearly identify existing drains / sewers traversing the site and their relationship with the proposed development. Any associated maintenance requirements, including any required building set-back or landscaping arrangements should be identified.

13. A report that specifically addresses the proposed materials and finishes to the scheme, including specific detailing of external finishes, landscaping and paving, pathways, entrances and boundary treatments. Particular regard should be had to the requirement to provide high quality, durable and sustainable finishes which have regard to the context of the site.
14. A Building Lifecycle Report in accordance with section 6.13 of the Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities (2020) guidelines which should consider external materials on all elevations. The report shall also address the management and maintenance of public spaces and access routes to the development.
15. 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:

- Irish Water
- Dublin City Childcare Committee
- NTA
- Minister of Housing, Local Government and Heritage
- Heritage Council
- An Taisce

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

04/04/2022

Appendix 1 Documentation accompanying the S.5 request.

- Section 5 Pre-application Consultation Request Form and appropriate fee.
- Part V proposal, including drawing and architectural plans and letter of validation from Dublin City Council Housing Department.
- Copy of Cover Letter to An Bord Pleanála A4 Letter
- Copy of Cover Letter to Dublin City Council A4 Letter
- Planning Report & Statement of Consistency
- Material Contravention Statement
- Architectural Drawings & Details:
- Masterplan / Urban Design Statement
- Infrastructure Design Report
- Site Specific Flood Risk Assessment
- Construction & Environmental Management Plan
- Traffic and Transport Assessment & Mobility Management Plan
- A4 Document
- Landscape Report & Outline Landscape Specification
- Landscape Masterplan and Landscape drawings
- Architectural Heritage Impact Assessment
- Ecological Technical Note
- Daylight and Sunlight Assessment Results
- Preliminary Verified Views A3 Document
- Impact Report 2020