



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-312108-21

Strategic Housing Development	156 no. apartments and associated site works.
Location	Site 10, Mayne River Avenue, Northern Cross, Malahide Road, Dublin 17.
Planning Authority	Dublin City Council North
Prospective Applicant	Camgill Property a Tri Ltd.
Date of Consultation Meeting	21 st of April 2022
Date of Site Inspection	03 rd of March 2022.
Inspector	Karen Hamilton

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1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The subject site contains a large commercial car park, located to the rear of Walls Construction headquarters Northern Cross, Malahide Road, Dublin 17. The site is currently used as a construction compound associated with an adjoining site. The River Mayne is located to the north of the site, this is a county boundary between Dublin and Fingal. The site is currently accessed through lands developed as part of the Clongriffin-Belmayne area which include a mixed of uses although is predominantly apartment developments.
- 2.2. The site is described as Site 10 within the overall Clongriffin-Belmayne Local Area Plan 2012-2018. The Walls Construction building is located to the south (currently a pre application before the Board for a Strategic Housing Development ABP 312248-21) and Site 2 is located to the east. Site 2, to the east of the site, has a recent SHD permission (ABP 307887-20) and an apartment development is currently under construction.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development consists of the construction of 156 no. residential units in two no. blocks (Block 10A and 10B). Access to the development is provided from Mayne River Avenue to the south and Mayne River Street to the east (as extended under 307887-20).

3.2. Development Parameters

Parameters	Description
Area	0.76 ha
Units	156 no. units
Density	205 uph
Block 10A	75 no apartments, part 8 to 10 storeys
Block 10B	81 no apartments, part 10 to 11 storeys
Public Open Space	1,286m ²
Communal Open Space	1,657m ²
Car parking spaces	94 no. parking spaces (49 no. at surface level and 45 no at basement)
Bicycle Spaces	312 no spaces (78 no. visitor at surface and 234 no. at basement)

4.0 Planning History

ABP 308761-20

Permission refused for the retention of a carpark for five years for two reasons as the carpark was an unsustainable use of zoned lands and would not be consistent with the Z14 land use zoning. In addition, the car park would result in an excess of car parking spaces above the maximum permitted in the development plan.

Reg Ref 2409/14

Five-year permission granted for the provision of 207 spaces on the site, new and replacement boundary treatment, etc., to serve Block E of the City Junction Business Park.

Adjoining Site

ABP 307887-20 (also within the applicant's ownership)

Permission granted for SHD application for 191 no. apartments at Site 2, Mayne River Avenue.

Condition No 24 included the requirement for the applicant to enter into a Section 47 agreement so that the shared access shall make provision for facilitating the possible future development of lands into the Mayne River corridor area.

Current Pre application on the site to the south Rosemount House

ABP 312248-21

Pre application for a SHD for the demolition of the Walls Construction headquarter (Rosemount House) and construction of 176 no. 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: Zone Z14: Strategic Development and Regeneration Areas (SDRA), where it is an objective to “*To seek the social, economic and physical development and/or rejuvenation of an area with mixed use of which residential and 'Z6' would be the predominant uses*”.

- SDRA 1 North Fringe (including Clongriffin/Belmayne)
- Z14 areas are capable of accommodating significant mixed-use development; therefore, developments must include proposals for additional physical and social infrastructure/facilities to support same

Strategic Development and Regeneration Area (SDRA) 1 North Fringe (Clongriffin-Belmayne).

The site is located within the SDRA 1 North Fringe (Clongriffin-Belmayne).

The local area plan is based on the following key **objectives/guiding principles**:

1. To create a highly sustainable, mixed-use urban district, based around high-quality public transport nodes, with a strong sense of place.
2. To achieve a sufficient density of development to sustain efficient public transport networks and a viable mix of uses and community facilities.

3. To establish a coherent urban structure, based on urban design principles, as a focus for a new community and its integration with the established community, comprising of a number of detailed elements for urban design

5.1.1. **Clongriffin-Belmayne Local Area Plan 2012-2018 (as extended)**

5.1.2. **Draft Belmayne and Belcamp Lane Masterplan (2020)**

- The masterplan provides a detailed urban design framework for buildings, movement, space and land-use at Belmayne and Belcamp Lane.

6.0 **Section 247 Consultation(s) with Planning Authority**

6.1. The PA submission notes two S247 meetings held on the 08th of September 2021 and the 12th of November 2021. The details of the meetings are summarised below:

- Clarity on the interaction between the walls on the south of the site.
- North face units to receive adequate daylight.
- Assess the cumulative impacts of Northern Cross.
- The development does not prejudice the delivery of the road alignment as presented in the South Fingal Transport Study.
- The revised design shows the road running in a south- north across the northern portion of the site.
- There is greater permeability from the southern open area and between the blocks

7.0 **Prospective Applicant's Case**

Statement of Consistency

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

Statement of Material Contravention

- 7.2. The applicant has submitted a statement of material contravention in relation to the **residential mix** proposed. The applicant considers the mix proposed (74 no. on bed (47%) and 82 no. two beds (53%)) is a contravention of Section 16.10.1 of the development plan which relates to unit mix (maximum 25-30% on bedroom and minimum of 15% three or more bedroom). The proposed is considered justified having regard to the national guidance and SPPR 1 of the apartment guidelines.

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 13th of January 2022. 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. **Building Height, Scale and Design**

- The max height of the two blocks is 35.2m.
- The SDRA for the North Fringe identifies mid-rise of up to 50m these are not blanket heights.
- The height should be viewed in its entirety, including the permitted developemnt.
- The overall height and massing are considered appropriate at this location.

8.1.2. **Density, Plot Ratio and Site Coverage**

- The plot ration is 1.7, the development plan standards for Z14 lands is 1.0-3.0.
- The density stated is 205 uph. There is adequate high quality public transport at this location to support higher density.

8.1.3. Internal Layout

- The north facing units are larger than the majority of units.
- No kitchen layouts have been provided on the floor plans.
- The daylight/ sunlight study states that the units meet or exceed the minimum requirements.
- A material contravention has been submitted in relation to the mix.
- The units per core complies with the guidelines.
- The ground floor amenity for the bedroom windows along the south should be retained and low-level planting etc is required.
- Some one-bedroom units have the doors leading directly onto the corridors, there should be a corridor separating these.

8.1.4. Interaction within the scheme

- The gable ends of the blocks are 7.61m apart at the southern end and 12.19m at the northern end
- Each block has two apartments which are directly opposite to each other.
- The two blocks should be moved further apart.
- Those units have dual aspect, and some form of obscure glazing could be used.
- The bedroom windows should address each other at an angle and the applicant should explore options to provide greater privacy to these rooms.

8.1.5. Photomontages and CGI

- No photomontage is provided from the west at the green space, north of Bewley's building or across the Mayne River valley north.

8.1.6. Interaction with Adjacent properties

- The impact on the adjoining permitted and proposed (Rosemount House) have been assessed.

- The separation distance, from site 2, as previously indicated in the application has now been reduced and this is not adequate.
- Block 10 must now prove that there will be no overlooking.
- If the separation blocks aren't changed then the KLD rooms would need obscure glazing/ angled/ projecting etc.

8.1.7. **Amenity and Private Open Space**

- Ground floor apartments should have buffers/ landscape areas to protect amenity.
- 10% public open space is required.
- There is no physical delineation between the public/ communal
- There is dedicated communal space on the two roof terraces. There is concern in relation to the location beside unit rooms.
- The pedestrian link to the Mayne River Avenue is welcomed.

8.1.8. **Part V**

The part v provision works out at 9.6%, an additional unit may be required.

8.1.9. **Ecology**

- A Terrestrial Ecology Report. Microclimate Impact Assessment Report, Noise and Vibration Impact Assessment and Archaeological Assessment have been provided.

8.2. Interdepartmental Reports

8.2.1. **Transport Planning:**

- There is a discrepancy in parking spaces at basement level.
- Provision of 23 no. spaces in line with the apartment guidelines.
- Access to the cycle stores at basement level.
- Bin stores located in the basement for ease of access.

8.2.2. **Drainage Department**

- Full details of pond/ bio retention area.
- Clarification of surface water storage
- Proposed surface water infrastructure to be taken in charge.
- Consent for the connection of the surface water drainage system on third party lands.

8.2.3. **Environment and Transport Department (Waste)**

- Additional information in relation to waste collection/ permits and disposal of waste.

8.2.4. **Environmental Health Officer**

- Compliance with the DCC, Construction and Demolition Good Practice Guide for air, noise and vibration measure.

8.2.5. **Housing**

- Compliance with Part V obligations.

8.2.6. **Archaeology**

- There are two recorded monuments in the vicinity of the site comprising a ring-ditch (DU015-116), c. 130m north and a ringfort (DU015-033), c. 250m northwest respectively, which are subject to statutory protection under Section 12 of the National Monuments (Amendment) Act 1994.
- These features have been subject to a large amount of disturbance and no further archaeological mitigation is recommended.
- A condition of monitoring site works is recommended.

9.0 **Irish Water (IW)**

9.1. A submission was received from IW on the 06th of January 2022 to confirm that a Confirmation of Feasibility was issued advising the following:

9.2. In respect of **Water**:

A water connection to service the development can be facilitated without infrastructure upgrades.

The existing infrastructure has not been taken in charge by IW and at connection application stage and prior to the commencement of works, including site preparation works, the applicant must;

- Identify and procure transfer to Irish Water of the Infrastructure within Third-Party infrastructure.
- Demonstrate that the arterial infrastructure within the Third-Party infrastructure is in compliance with requirements of Irish Water Code of Practice and Standard Details and in adequate condition and capacity to cater for the additional demand.

9.3. In respect of **Wastewater**:

- A wastewater connection to service the development can be facilitated without infrastructure upgrades.

9.4. **Other**

- A wayleave in favour of Irish Water will be required over the infrastructure that is not located within the Public Space.
- The proposed connection to Irish Water sewer is via private land/s. Please be advised that at connection application stage you have to provide evidence of consent of the Third-Party Landowner/s.
- **Storm water** from the Site cannot be discharged to the Network.
- Proposed basement car park should be designed such that surface water from the Site and/or surrounding areas cannot flow down to the car park.
- Wastewater from the car park (contaminated water generated from run off from cars/tyres) must be pumped to ground level to discharge by gravity to the Irish Water Network via a petrol interceptor

10.0 The Consultation Meeting

10.1. A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 21st of April 2022, 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. Design and Layout, *inter alia*, impact on adjoining sites
2. Impact on Residential Amenity, *inter alia*, separation distance between blocks, ground floor privacy, integration and phasing of public open space
3. Drainage, *inter alia*, surface water treatment
4. Any Other Business

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

- The overall design and layout of the proposal in the context of the adjoining sites, in particular the design of the boundary treatment and open spaces.
- The external materials, the integration with the surrounding development and the visual impact assessment in relation to the overall height of the building.
- The need to submit a Material Contravention Statement in relation to the proposed height of the building.

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

- The design of the building and the integration with the adjoining site, Site 2.
- The separation distances proposed and the need to ensure no direct overlooking into the permitted SHD on site 2.

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

- The Irish Water Submission, the need to gain third party approval and the discharge of wastewater.

- The treatment of the surface water into the network, from the site and the basement car park.

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

- The overall design of the public and communal open space throughout the site.
- The unit mix proposed and the material contravention statement.
- The density proposed, the submission of a material contravention statement and the need to ensure an analysis of the public transport capacity.

11.0 Assessment

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

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

Conclusion

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

12.0 Recommended Opinion

The Board refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

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

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. Notwithstanding that the proposal constitutes a reasonable basis for an application the prospective applicant is advised to address the following in the documents submitted:
 - a) Further consideration and/or justification of the documents as they relate to the design and layout of the proposal having regard to the need to ensure no significant overlooking on the currently under construction Site 2 building.
This further consideration may require amended to the design and layout of the apartments and /or reconfiguration of the blocks.
2. Submission of Additional Computer-Generated Images (CGIs) and visualisation/cross section drawings illustrating the visual impact of the proposed development in the context of the impact on the permitted and proposed apartment blocks in the vicinity of the site.

3. 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, boundary treatment/s. 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).
4. A Sunlight/Daylight/Overshadowing analysis showing an acceptable level of residential amenity for future occupiers and existing residents, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development and in adjacent properties. This report should address the full extent of requirements of BRE209/BS2011, as applicable.
5. 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.
6. Submission of Wind and Pedestrian Comfort Study.
7. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018, unless it is proposed to submit an EIAR at application stage.

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. Transport Infrastructure Ireland
3. National Transport Authority
4. Dublin City Childcare Committee
5. Irish Aviation Authority
6. Dublin Airport Operator
7. Fingal County Council

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

28th of April 2022