



An  
Bord  
Pleanála

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

### **Inspector's Report on Recommended Opinion ABP-312248-21**

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<b>Strategic Housing Development</b>	Demolition of buildings, construction of 176 no. apartments and associated site works.
<b>Location</b>	Rosemount House, Northern Cross, Malahide Road, Dublin 17.
<b>Planning Authority</b>	Dublin City Council North
<b>Prospective Applicant</b>	Walls Construction Ltd
<b>Date of Consultation Meeting</b>	21 <sup>st</sup> of April 2022
<b>Date of Site Inspection</b>	03 <sup>rd</sup> of March 2022.
<b>Inspector</b>	Karen Hamilton

## **Contents**

1.0 Introduction .....	3
2.0 Site Location and Description .....	3
3.0 Proposed Strategic Housing Development .....	3
4.0 Planning History.....	4
5.0 Relevant Planning Policy .....	5
6.0 Section 247 Consultation(s) with Planning Authority .....	6
7.0 Prospective Applicant’s Case .....	6
8.0 Planning Authority Submission .....	6
9.0 Irish Water .....	10
10.0 The Consultation Meeting .....	11
11.0 Assessment.....	12
12.0 Recommended Opinion .....	13

## 1.0 Introduction

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

## 2.0 Site Location and Description

- 2.1. The subject site (c.0.6ha) is located within the Northern Cross District, south of the Mayne River and North of the Malahide Road, Dublin 17. The site currently houses a large two storey office building, the headquarters of Walls Construction. Carparking associated with the office use surrounds the site.
- 2.2. The site fronts onto Mayne River Avenue and there is a carpark to the north of the site, currently used as a construction compound for an apartment development to the east. The apartment development, which is under construction, is a recently permitted SHD proposal (Site 2 ABP 307887-20) for 191 apartments. There is currently a pre application consultation before the Board (ABP 312108-21) for 156 no. apartments and associated site works.

## 3.0 Proposed Strategic Housing Development

- 3.1. The proposed development would comprise of the construction of an existing office block (3,313m<sup>2</sup>) and the construction of 176 no. residential units and office use on the ground floor (1,028m<sup>2</sup>).
- 3.2. Development Parameters

Parameter	Description
Area	0.6ha

Units	176 no. units  (72 no. one bedroom, 57 no. two bedroom, 47 no. three bedroom)
Density	259 uph
Height	9 storeys over basement
Café	100m <sup>2</sup> (fronting onto Mayne River Avenue/ public open space)
Office Use	Demolition (3,315m <sup>2</sup> )  Construction (1,028m <sup>2</sup> )
Residential Amenity Facilities	Cinema, lounge, co-working etc
Communal Open Space	1,705m <sup>2</sup> (1 <sup>st</sup> floor podium, 4 <sup>th</sup> and 7 <sup>th</sup> floor)
Public Open Space	1,526m <sup>2</sup> at ground level
Car parking	134 no. spaces at basement  2 no car share & 2 no drop off at surface level
Bicycle Space	374 no spaces  350 at surface level and 24 for visitors

## 4.0 Planning History

### Adjoining Site

#### **ABP 307887-20**

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

### Current Pre application on the site to the south on the carpark

#### **ABP-312108-21**

Pre application Consultation for 156 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 includes minutes from two S247 meetings (18<sup>th</sup> of August 2021 and the 21<sup>st</sup> of November 2021) and the issues raised are summarised below:

- The interaction with the existing approved scheme to the east and proposed site (site 10) should be shown.
- Distance between units, impact on sunlight/daylight between blocks and interaction at street level.
- Provision of open space.
- Daylight and Sunlight to communal space and internal rooms.
- ADF must be demonstrated in the rooms.

## 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 proposed **height**. The height of the development is considered to be a material contravention of the Clongriffin Belmayne Local Area Plan 2012, which identifies that a height of 3 storey in Figure 8.13 Indicative Heights. A justification of the proposed height is set out in this report in accordance with SPPR 3 of the Urban Development and building Height Guidelines and the pattern of development in the vicinity (Site 2 ABP 307887-20) up to 9 storeys.

## 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 21<sup>st</sup> 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:

## 8.2. Planning Assessment

### Demolition

- The building is not architecturally exceptional.
- The demolition is considered appropriate.

### Building Height, Scale and Design

- The Rosemount block has varying heights with the southern elevation at four storeys relating to the streetscape of Mayne River Avenue and the proposal represents a suitable context.
- A statement of material contravention has been submitted for the height with the rationale set out.

### Density, Plot Ratio and Site Coverage

- The density is (259 uph) and the site is serviced by adequate high quality public transport at this location.
- The plot ratio is 2.6 (within the development plan standards 1.0 -3.0) and the proposal does not represent overdevelopment.

### Office Component

- The office element is retained, albeit a smaller portion, on the site.
- It is considered the proposal represents efficient use of lands.

### Internal Layout

- 39 % are dual aspect.
- Only 2 of the units surveyed do not meet the minimum BRE standards.
- An assessment of the impact on Block 10 should be undertaken.
- The impact on the VSC on Block 2 is noted although this is assessed against a greenfield site and would not be representative of a similar site.

- There will be overshadowing on Block 10 although the levels of daylight will be acceptable.
- Some degree of overshadowing would be expected as the site forms part of the wider North Fringe area.
- The mix is acceptable.
- The units per core is acceptable.
- The use of the concierge/lobby could be used more effectively.
- The bicycle parking area is of concern.

#### Interaction within the Scheme

- Privacy between the units adjoining the courtyard spaces.

#### Photomontages and CGIs

- The submitted documentation is generally acceptable.

#### Interaction with Adjacent Properties

- The overall design, integration of permeability and open space is considered acceptable.

#### Amenity and Private Open Spaces

- 23% public open space will be provided. The use of the space to provide pedestrian access between the Mayne River Valley and the river is acceptable.

#### Child Care Facilities

- The PA is satisfied there is acceptable childcare in the vicinity of the site.

#### Community and Social Infrastructure

- The submitted Social Infrastructure Audit is considered acceptable.

### **8.3. Interdepartmental Reports**

#### **8.3.1. Transport Planning Division:**

- All permeability routes should be co-ordinated with the adjoining proposed developments.



- Auto tracking should be submitted.
- Clarity required between the office and residential parking.
- A letter of consent with Go Car.
- Requirement for shower and changing facilities.

### 8.3.2. **Drainage Division:**

- Revised Site-Specific Flood Risk Assessment (SSFRA) to address the section on pluvial flood risk, demonstrate compliance with the minimum FFLs, potential risks to the basement during construction etc.
- Details of outcomes from site investigation works.
- Surface Water Management details.
- Details of all basement construction.
- Details of all surface water management (taking in charge).
- Details of surface water sewer along the southern boundary.
- Third party consents for surface water infrastructure.

### 8.3.3. **Waste Regulations Officer**

- No objection subject to additional information on the authorised removal of waste from the site.

### 8.3.4. **Housing Department**

- No objection to the proposal.

### 8.3.5. **Parks, Biodiversity & Landscape Services**

- The landscape report should highlight the different areas for communal and public open space.
- The public open space should be set back by a privacy strip.
- Public open space should be safe guarded for the public.
- Details of tree removal to be supplied.

- Sunlight and daylight analysis for open space areas.

## 9.0 Irish Water

9.1. Irish Water letter dated 21<sup>st</sup> of January 2022 includes a Confirmation of Feasibility for 176 no. apartments and associated works subject to the following contingencies:

9.2. In respect of **Water**:

- The applicant has been advised that a water connection is feasible via private infrastructure.
- Alternatively, a network extension for approximately 200m is required to connect to Irish Water 200mm MO PVC in Mayne River Avenue.
- All costs associated with any upgrades required to vest the private infrastructure to Irish Water will be borne by the applicant.
- If the applicant proposes to connect directly to Irish Water infrastructure, they will have to fund the extension works and it will be calculated in a connection offer fee.
- The applicant will be required to reflect this connection point in their designs and layout ahead of any SHD application.

9.3. In respect of Wastewater:

- The applicant has been advised that a wastewater connection is feasible via private infrastructure.
- Alternatively, a network extension for approximately 220m is required to connect to Irish Water 900 CO sewer in Malahide Road.
- All costs associated with any upgrades required to vest the private infrastructure to Irish Water will be borne by the applicant. If the applicant proposes to connect directly to Irish Water infrastructure, they will have to fund the extension works and it will be calculated in a connection offer fee. The applicant will be required to reflect this connection point in their designs and layout ahead of any SHD application.

- If the applicant proposes to connect to the Irish Water network via infrastructure that has not been taken in charge by Irish Water (Third Party Infrastructure). Please be advised that at connection application stage and prior to the commencement of any Self-Lay Works, the applicant must:
  - a) Identify and procure transfer to Irish Water of the arterial (water and wastewater) Infrastructure within the Third-Party Infrastructure.
  - b) Demonstrate that the arterial 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 load from the Development.

## 10.0 The Consultation Meeting

10.1. A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 21<sup>st</sup> of April 2022, commencing at 12:00pm, 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*, ground floor privacy, quality 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 design and layout of the ground floor, the extent of reception/concierge proposed and the efficient use of other spaces on the ground floor.
- The Statement of Material Contravention and the need for a detailed analysis of the public transport capacity/frequency in the vicinity of the site.

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

- The design and layout of the ground floor apartment units and the potential impact on the privacy of these proposed units.
- The Sunlight and Daylight analysis and the potential impact on the public open space and the permitted and proposed residential developments adjoining the site.

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

- The inclusion of a Site-Specific Flood Risk Assessment and the treatment of surface water in the basement area.
- The Irish Water submission and any third-party consents required to service the site.

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

- Additional comments from the Transport Section in relation to the proposed development and the applicant's intention to contact the department directly.

## 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

12.1. 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.

1. 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.
2. 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).

3. 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.
4. 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.
5. Submission of Wind and Pedestrian Comfort Study.
6. 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.

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Karen Hamilton  
Senior Planning Inspector

04<sup>th</sup> of May 2022