



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion TC0026



Strategic Housing Development

421 residential units (419 no. apartments, 2 no. houses), 4 no. retail units, crèche and community centre, car and bicycle parking spaces, landscaped open space and all associated site works.

Location

Former CIE lands, Carnlough Road, Cabra, Dublin 7.

Planning Authority

Dublin City Council

Prospective Applicant

Crekav Trading GP Limited.

Date of Consultation Meeting

25th October 2017

Date of Site Inspection

11th October 2017

Inspector

Joanna Kelly

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 proposed development is located on an overall stated site of approx. 3.88ha on former CIE lands in Cabra, an inner suburb of Dublin. The site is approx. 3 kilometres from the city centre and 1 kilometre from Phoenix Park. There are existing shops, community facilities located approx. 500m west of the site.
- 2.2 The site is an irregular rectangular shape with a current single access point from Old Cabra Road. The lands immediately straddle the rail-line to the east. The topography of the land rises steeply from the rail-line fence to the rear of the existing residential properties. The land has been made up over time through the deposition of soils to this site. There is an existing palisade fence to the eastern boundary along the rail-line.
- 2.3 The area in which the site is located is characterised by predominantly low rise residential development i.e. two-storey terraced houses. The units along Carnlough Road and Faussagh Avenue have long narrow gardens which back onto the site. There is an existing bridge over the rail-line at Faussagh Avenue and Old Cabra Road which offer views towards the site.
- 2.4 Pursuant to site inspection, it is noted that demolition works have occurred on Carnlough Road where two dwellings have been removed so as to facilitate the creation of an access point from this road. These works were permitted under an extant permission pertaining to the site. There is an existing access lane between

house units 19 and 21 Faussagh Avenue to an Esb substation. There is a vacant public house and funeral home located on the opposite side of Faussagh Avenue at this location.

3.0 Proposed Strategic Housing Development

3.1 It is proposed that the overall site of c. 3.88 hectares will be developed. There are 8 no. proposed blocks (A-H). Block A and B contain retail/commercial uses while the remaining blocks are residential. There is also a community building which is to be located near the proposed entrance at Carnlough Road.

Figure 1: Residential Unit Types

| Residential Units | | |
|--------------------------|---------------------|-------------------------------|
| Houses | No. of Units | % Mix of bed type only |
| 2 beds | 2 | .5 % |
| Apartments | | |
| 1 bed | 93 | 22% |
| 2 bed | 259 | 61.5% |
| 3 bed | 67 | 16% |
| Total | 421 | 100% |

Figure 2 Commercial Floor area

| Retail | Floor area |
|--------------------------|-------------------|
| Unit 1 | 144sq.m. |
| Unit 2 (supermarket) | 1,704sq.m. |
| Unit 3 | 467sq.m. |
| Unit 4 | 451sq.m. |
| Creche | 338sq.m. |
| Community Centre | 409sq.m. |
| Total Floor Space | 3513sq.m. |

3.2 Permission is also sought for 380 no. car parking spaces at basement level and 36 no. surface parking spaces. 444 no. bicycle spaces are also proposed.

4.0 Planning History

History associated with site

File Ref. No. 2387/16 / PL.247658 Extant permission granted by planning authority for mixed use development comprising of 320 no. units and

approx. 3,259sq.m. of commercial floorspace. There was an appeal in respect of this application which was subsequently withdrawn.

File Ref. No. PL.29N.235890 Permission granted on appeal for mixed use development for 388 no. units and crèche.

File Ref. No. PL29N.231352 Permission refused by ABP for a mixed use development of 433 no. residential dwellings including crèche, community centre and retail.

File Ref. No. 29N.221512 Permission granted by ABP for mixed use development consisting of 330 no. residential units, crèche, retail and civic centre.

5.0 National and Local Planning Policy

5.1 National

5.1.1 Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant section 28 Ministerial Guidelines are:

- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- 'Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities'
- 'Design Manual for Urban Roads and Streets' (DMURS)
- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices')
- Guidelines for Planning Authorities, Retail Planning, 2012
- 'Childcare Facilities – Guidelines for Planning Authorities'

5.2 Local

5.2.1 The Dublin City Development Plan 2016-2022 is the statutory plan for the area.

5.2.2 Chapter 5 of the development plan deals with quality housing. The strategic approach is to provide for an appropriate quantity and quality of residential accommodation incorporating sustainable densities and designs including the provision of the right quantity of appropriate housing in the right locations that is accessible and affordable for all residents of the city through the implementation of the housing strategy.

5.2.3 There are two land use zoning objectives relevant to the overall site. The northern portion of the site is zoned Z1 Sustainable Residential Neighbourhoods – “to protect, provide and improve residential amenities”. The southern portion of the site is zoned Z3 Neighbourhood Centres, “to provide for and improve neighbourhood facilities”. The Z3 zoning provides that the neighbourhood facilities may be anchored by a supermarket type development of between 1,000sq.m. and 2,500sq.m. of net retail floor-space.

6.0 Forming of 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. I will provide a brief detail on each of these elements hereunder.

6.1 Documentation Submitted

6.1.1 The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 and article 285 of the Planning and of the Planning and Development (Strategic Housing Development) Regulations 2017.

6.1.2 The information submitted included *inter alia*: a completed application form; site location and site layout plans; Architectural Drawings including Landscape Masterplan volumes 01A, 01B, 02, 03 and 04; site specific flood risk assessment; Irish Water pre-connection enquiry; details in respect of Part V; statement of

consistency with planning policy and material contravention of the development plan statement; environmental and appropriate assessment screening report; landscape and visual impact appraisal; engineering services report and drawings; photomontages and sunlight analysis and shadow study.

6.1.3 I have reviewed and considered all of the documents and drawings submitted.

6.2 Planning Authority Submission

6.2.1 In compliance with section 6(4)(b) of the Act of 2016 the planning authority for the area in which the proposed development is located, Dublin City Council, submitted a note of their section 247 consultations with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on 17 October 2017.

6.2.2 The planning authority's opinion included the following matters: planning history; reference to local planning policies; and reference to the following particular issues:

- Height (material contravention of development plan)
- Separation distances to avoid overlooking
- Sunlight and shadow study

6.3 Consultation Meeting

6.3.1 A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on 25 October 2017, commencing at 10.00am. 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.

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

1. Urban Design (having particular regard to creation of an active new streetscape/public realm to southern part of the site)
2. Height
3. Irish Water submission

4. Any other matters

- 6.3.3 In relation to Urban Design, ABP representatives sought further elaboration/discussion on how a sense of place/focal point is to be created on entry from Carnlough Road and along the streetscape where Block A is located so as to create an active and vibrant streetscape and a good quality development for future/existing residents. ABP representatives also sought elaboration/discussion on how this development differs from the extant permission and also the qualitative standards of the proposed apartments.
- 6.3.4 In relation to Height, ABP representatives sought further elaboration/discussion on the proposed rationale for contravening the policy in the development plan regarding height restrictions and to clarify what other information may need to be submitted with an application to support this rationale.
- 6.3.5 In relation to the Irish Water submission, ABP representatives sought elaboration/discussion on the comments from Irish Water and whether the investigations referred to would result in further amendment to the layout and/or how these matters would be resolved prior to making an application.
- 6.3.6 In relation to Other matters, ABP representatives sought clarification on details pertaining to the basement car park. It was also emphasised that there should be consistency in the information contained within each report submitted so as to avoid any ambiguity regarding the proposal. There should also be clarity regarding permeability through the site and ease of connections to public amenity spaces.
- 6.3.7 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 TC0026' 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.

7.0 Conclusion and Recommendation

- 7.1 Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development,

as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

- 7.2 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, via the section 28 Ministerial Guidelines, and local policy via the statutory plan for the area.
- 7.3 Having regard to all of the above, I recommend that further consideration and/or possible amendment of the documents submitted are required at application stage in respect of Urban Design which is set out in the recommended Opinion below.
- 7.4 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.
- 7.5 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.

8.0 Recommended Opinion

- 8.1 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.

- 8.2 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.
- 8.3 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 consulting a reasonable basis for an application for strategic housing development:

1. Urban Design

- Further consideration should be given in relation to the design rationale/justification outlined in the documents as it relates to the creation of a sense of place particularly from the entrance on Carnlough Road into the development.
- In addition, further consideration of the documents as they relate to the retail element of the proposal and the creation of active, high quality streetscapes and in particular the elevational treatment and use of external finishes (particularly Block A) in contributing to vibrant streetscapes and the legibility and ease of connectivity from Carnlough Road to the central open space area.

2. Design and Layout of Apartment Units

Further consideration should be given to improving residential amenity for future occupants by *inter alia* maximising the potential for dual aspect and improving natural light provision to proposed units notably within Block A on the western elevation, re-configuring apartments to maximise the functionality of internal floor areas and/or increasing floor areas to awkwardly configured units. Further

consideration of these issues may require an amendment to the documents and/or design proposals submitted.

3. Height

Further consideration of the planning rationale/justification for the proposed material contravention regarding the height restriction policy in the current Dublin City Development Plan. This justification may result in the amendment to the documents and/or design proposals by way of demonstrating an enhancement in the quality of residential amenity that is to be delivered for future occupants.

8.4 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. Information clearly setting out the existing, proposed and any 'would be' scenario regarding water and waste water connections.
2. Cross-sections through the commercial/apartment blocks proposed along the western boundary backing onto the existing dwellings along Carnlough Road and Fassagh Avenue. The cross-sections should show the proposed blocks relative to the existing dwellings.
3. Cross-sections through the apartment blocks proposed along the eastern boundary relative to the existing rail-line.
4. Details in respect of the green roofs and/or water features where proposed including consideration of appropriate public health and safety measures where necessary.
5. A construction and demolition waste management plan should be provided.
6. A phasing plan for the proposed development should be provided.

8.5 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. Iarnród Éireann (in relation to potential for impact on the rail line)
3. Commission for Railway Regulation (in relation to potential for interference with the safe operation of rail line)
4. Transport Infrastructure Ireland (in relation to potential for impact on the rail line)
5. National Transport Authority (in relation to potential impact on surface transport in the Greater Dublin Area).
6. Local 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.

Joanna Kelly

Senior Planning Inspector

7 November 2017