



An  
Bord  
Pleanála

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

**Inspector's Report on  
Recommended Opinion  
306682-20**

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**Strategic Housing Development**

67 apartments on the previously permitted development of 253 no. apartments granted under ABP 304469-19.

**Location**

Greenacres, Longacre and Drumahill House, Upper Kilmacud Road, Dublin 14.

**Planning Authority**

Dun Laoghaire Rathdown County Council.

**Prospective Applicant**

Greenacres GP3 Limited.

**Date of Consultation Meeting**

8<sup>th</sup> May 2020.

**Date of Site Inspection**

11<sup>th</sup> March 2020.

**Inspector**

Dáire McDevitt.

## **1.0 Introduction**

1.1 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 and the documentation received from the prospective applicant, 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, which has a stated area of 1.76 hectares, is roughly rectangular in shape with a section projecting eastwards, and has access onto Kilmacud Road Upper. It is generally level, with a small fall from north to south.

2.2 The site previously contained two houses, these have been demolished on foot of 304469-19. There are a number of mature trees on the site, particularly along its boundaries and towards the southern end. Works have commenced on site on foot of the 304469-19 permission.

2.3 The site is located within 1km of Dundrum town centre and the LUAS stop. A cycle lane is in operation along this part of the road and it is noted that the 75 bus runs along Kilmacud Road Upper.

2.4 The site is bounded to the west by Eden Farm and Airfield Estate with a portion of the southern boundary bounding Airfield, to the north it is bounded by Kilmacud Road Upper, to the east by houses which form part of Drumahill, the eastern section of site is bounded to the south and east by open space associated with the residential estate.

## **3.0 Proposed Strategic Housing Development**

3.1 The proposed development comprises the provision of an additional 67 no.

apartments to the permitted development of 253 no. apartments granted permission ABP 304469-19. This will result in an overall development with 320 no. apartments. Height will increase from the permitted 4 to 6 storeys to 5 to 8 storeys. The additional units will be provided by way of additional storeys as follows:

- Block A will increase in height from the permitted 4-6 storeys to 5-8 storeys with the addition of 34 no. units.
- Block B will increase from the permitted 4-6 storeys to 5-8 storeys with the addition of 25 no. units.
- Block C will increase from the permitted 4-6 storeys to 5-7 storeys with the addition of 8 no. units.

26 no. additional bicycle spaces resulting on 426 spaces. A reduction in car parking spaces from the permitted 203 to 193. Increase in residential amenity space from c.387sq.m to c.530sq.m.

Associated site development works, including the addition of a sub-station.

### 3.2 Development Parameters and comparison with ABP 304469-19:

- Site Area at 1.76 hectares remains the same.
- Increase in number of units from 253 to 320 apartments (increase of 67 units).
- Increase in density from 143.7uph to 181.8 uph.
- Increase in building height from 4-6 storey to 6-8 storeys.
- Dual aspect reduced from 59.7% to 54 %.
- Communal residential amenities increase from c.387sq.m to 530sq.m
- Public Open space at 3,833sq.m (25%) remains the same.
- Crèche at c. 236 sq.m (41 child places) remains the same.
- Parking:
  - Car parking has decreased from 203 spaces (0.8 spu) to 193 spaces (1.6 spu). A decrease of 10 spaces.
  - Bicycle parking has increased from 400 to 426 spaces. An increase of 26 spaces.
- Part V has increase from 25 units to 32.

3.3 The breakdown of unit types is as follows:

ABP 304469-19:

<b>Unit Type</b>	<b>No.</b>	<b>% No.</b>
1-Bed	115	45
2-Bed	115	45
3-Bed	23	10
<b>Total</b>	<b>253</b>	<b>100</b>

Current proposal:

<b>Unit Type</b>	<b>No.</b>	<b>% No.</b>
1-Bed	147	45.9
2-Bed	145	45.3
3-Bed	28	8.7
<b>Total</b>	<b>320</b>	<b>100</b>

3.4 Change in height and Units per block:

- Block A will increase in height from 4-6 storeys to 5-8 storeys with the addition of 34 no. units.
- Block B will increase from 4-6 storeys to 5-8 storeys with the addition of 25 no. units.

- Block C will increase from 4-6 storeys to 5-7 storeys with the addition of 8 no. units.

## **4.0 Planning Policy**

### **4.1 National**

#### **Project Ireland 2040 - National Planning Framework**

Chapter 6 'People Homes and Communities' includes 12 objectives among which include:

Objective 27 which seeks to ensure the integration of safe and convenient alternatives to the car design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages.

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

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

#### **Rebuilding Ireland – Action Plan for Housing and Homelessness 2016.**

The Plan contains five key pillars of which Pillar 3 and 4 are of note:

Pillar 3 to build more houses: Increase the output of private housing to meet demand at affordable prices.

Pillar 4 – Improve the rental sector: Address the obstacles to greater private rented sector delivery, to improve the supply of units at affordable rents.

## 4.2 Section 28 Ministerial Guidelines

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) (2009).
- Sustainable Urban Housing: Design Standards for New Apartments (2018).
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018).
- Design Manual for Urban Roads and Street (2013).
- The Planning System and Flood Risk Management' (including the associated Technical Appendices) (2009).
- Childcare Facilities- Guidelines for Planning Authorities (2001).

## 4.3 Regional

### **Eastern and Midland Regional Assembly – Regional Spatial and Economic Strategy (RSES) 2019.**

The RSES is underpinned by key principles that reflect the three pillars of sustainability: Social, Environmental and Economic, and expressed in a manner which best reflects the challenges and opportunities of the Region.

The site is located with the 'Dublin Metropolitan Area'. The Metropolitan Area Strategic Plan (MASP), which is part of the RSES, seeks to focus in a number of large strategic sites, based on key corridors that will deliver significant development in an integrated and sustainable fashion.

The followings RPOs are of particular relevance:

RPO 5.4: Future development of strategic residential development areas within the Dublin Metropolitan Area shall provide for higher densities and qualitative standards

set out in the 'Sustainable Residential Development in Urban Areas'. 'Sustainable Urban Housing; Design Standards for New Apartment' Guidelines, and Draft 'Urban Development and Building Heights Guidelines for Planning Authorities'.

RPO 5.5: Future residential development in the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, supported by the development of Key Metropolitan Towns in a sequential manner as set out in the Dublin Area Strategic Plan (MASP) and in line with the overall settlement strategy for the RSES.

#### **4.4 Local**

The **Dun Laoghaire Rathdown County Development Plan 2016-2022** is the operative County Development Plan.

##### Zoning

'Objective A' which seeks to 'protect and or improve residential amenity'.

Immediately to the south and west of the site is land zoned 'Objective F' its objective is 'to preserve and provide for open space with ancillary active recreational amenities'

There is a Specific Local Objective on lands to the south and west of the site to 'encourage the retention and development of the Airfield Estate for educational, recreational and cultural uses'.

There is also an Objective to 'preserve trees and woodlands' on the Airfield lands.

There are a number of policies within the Development Plan relating to residential development.

Section 7.1.3.6 refers to childcare facilities.

Section 8.2.3 sets out the development managements standards for residential developments.

Section 16.10 refers to sustainable travel and transport.

Appendix 9 Building Height Strategy

The application site is not included within the boundaries of the proposed Dundrum LAP 2019-2025, but adjoins Airfield Estate which is included with the Draft LAP lands.

## 5.0 Planning History

### Subject Site:

**ABP 304469-19** Crekav Trading GP Ltd were granted permission in 2019 for a strategic housing development at site which comprises the three parcels of land of, Green Acres Convent (1.23 hectares), Drumahill House (0.26 hectares), and the Long Acre (0.27 hectares), all at Upper Kilmacud Road, Dundrum, Dublin 14.

The proposed development consisted of:

1. The demolition of the former Green Acres Convent (circa. 425 sq.m and Drumahill House (circa. 378 sq.m) and associated out-buildings.
2. The construction of 253 number apartments in 3 number blocks ranging in height from 4 to 6 storeys, over single level basement parking, all on a site of circa. 1.76 hectares at Kilmacud Road Upper comprising:
  - Block A – 4 to 6 storey building, with a total floor area of approximately 11,362 sq.m (excluding basement), over basement parking, comprising 118 number apartments with 47 number one-bedroom apartments, 61 number two-bedroom apartments, and 10 number three-bedroom apartments, including balconies on all elevations.
  - Block B – 4 to 6 storey building of approximately 8,244 sq.m, (excluding basement), part over basement parking, comprising 94 number apartments with 53 number one-bedroom apartments, 32 number two-bedroom apartments, and 9 number three-bedroom apartments, with balconies on all elevations.

- Block C – 4 to 6 storey building of approximately 3,624 sq.m, (excluding basement), over basement parking, comprising 41 number apartments with 15 number one-bedroom apartments, 22 number two-bedroom apartments, and 4 number three-bedroom apartments, with balconies on all elevations.
  - Basement area of approximately 5,620 sq.m below Blocks A-C.
  - Residential amenity space is provided at ground floor of Block A and Block C amounting to a total floor area of approximately 387 sq.m.
  - Communal open space area of approximately 3,833 sq.m.
3. A crèche of approximately 236 sq.m is provided within Block A with associated external play space.
  4. Car parking is provided on site with 212 number car parking spaces (198 at basement level), and 348 number bicycle spaces at basement level plus 52 visitor bicycle spaces at ground level (totalling 400 bicycle spaces). 7 number motorbike spaces.
  5. The principal vehicular access is provided via a relocated new entrance off Kilmacud Road Upper proximate to the Greenacres entrance. Visitor vehicular entrance and services entrance at the existing Drumahill House entrance. A cycle path provided along Kilmacud Road Upper. A pedestrian access provided to Drumahill Estate to the east.
  6. Site development and landscape works, including a sub-station, provision of bin stores at basement level, boundary treatment, hard and soft landscaping, provision of green roofs, and provision of foul, surface water and water services on site with connections to existing.

**D15A/0660 (PL06D.246030):** Permission refused for 130 apartments in 4 separate blocks ranging from 5-6 storeys with basement parking.

The reasons for refusal related to (i) overlooking/overbearing impact of adjoining properties, particularly to the east due to height and proximity to boundaries, impacts

on residential amenity; and (ii) poor standard of residential amenity for future residents due to limited separation distances, relationship with open space and monolithic aspect of the area.

**D16A/0818 (PL06D.248265):** Permission granted for 120 apartments in two blocks ranging in height from 2-5 storeys. Noted that site area was slightly smaller than current site area.

## **6.0 Forming of Opinion**

6.0.1 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 submissions and the discussions which took place during the tripartite consultation meeting. I shall provide 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 & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. This information included, inter alia, completed application form, planning report, letter of consent, Architectural Design Statement, Schedule of Accommodation, Housing Quality Assessment, Verified Views, Statement of Consistency, Statement of Material Contravention, Pre-Application Consultation Design Statement & Drawing, Landscape & Visual Appraisal, Daylight & Sunlight Analysis, Engineering Services Report and drawings, Mobility Management Plan, Traffic Impact Assessment, Site Specific Flood Risk Assessment, Outline Construction and Demolition Waste Management Plan, Outline Construction Management Plan, Estate & Common Area Operational Management Strategy Report, Building Lifecycle Report, Appropriate Assessment Screening, Screening for Environmental Impact Assessment, Arborist Report and Drawings, Wind desktop Study, a pre-connection enquiry from Irish Water, Part V correspondence.

6.1.2 I have considered all of the documentation submitted by the prospective applicant, relating to this case.

## **6.2 Planning Authority Submission**

6.2.1 In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Dun Laoghaire Rathdown County 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 12<sup>th</sup> March 2020.

6.2.2 The planning authority's 'opinion' included the following matters: development proposal, relevant planning history, description of site and surrounding area, policy context; principle of development, zoning; density; height and transitional zoning; layout, block structure, form and appearance; housing mix; privacy; public open space/landscaping; permeability; supporting community infrastructure; residential amenities of adjoining sites; design standards; refuse storage/waste plan/construction management plan; drainage planning comments, transport planning comments, taking in charge; public lighting; Social housing; AA/EIA and development contributions.

6.2.3 Report may be summarised as follows:

Density:

- The ultimate density for the site has been reached within the permitted scheme. The increased density achieved through the additional height is inappropriate for the location of the site and would negatively impact on the existing residential amenities.

Housing Mix:

- Acceptable.

Height:

- It is considered that the additional height proposed can be accommodated on Blocks A and C.
- The proposed building heights on Block B materially contravenes the provision of the Dun Laoghaire Rathdown County Development Plan as it

would create an abrupt transition in scale between the subject site and the adjoining 'F' zoned lands at Airfield.

- The height of the proposed development will significantly impact on the residential and visual amenities of properties in the vicinity.

#### Design:

- With regard to form and appearance, the proposed form and visual appearance and finishes of the apartment blocks are acceptable. The material palette is reflect of the surrounding area along with the introduction of a brick soldier course over balcony opes at the top of each block in place of a precast band.
- Adequate separation distances between blocks. Overlooking not an issue within the scheme.
- Visually the development will appear dominant and overbearing due to the increased height, particularly when viewed from Drumahill and Eden House. The impact on Drumahill is particularly evident from the contiguous elevation. No contiguous elevation has been submitted from Eden House.
- A number of the units do not meet the minimum unit size and storage requirements set out in the Design Standards for New Apartments.
- The Housing Quality Assessment does not accurately reflect the private terraces on ground floor and dual aspect units.
- The increase in communal residential amenity space is acceptable.

#### Public Open Space/Landscaping:

- Public Open space exceeds the minimum requirements and is acceptable.
- Boundary treatment is unclear and should be clearly identified at application stage.

#### Permeability:

- The provisions of pathways through and around the development is welcomed and enables permeability through the site.
- The pedestrian link to Drumahill is noted and the condition attached to ABP 304469 omitting the gate.

#### Crèche:

- The application provides an additional 35 no. 2 and 3 bed units than previously approved, yet the size of the crèche at 236sq.m remains unchanged.

Residential Amenities of adjoining properties:

- The Daylight and Sunlight report does not include Eden House in the Shading Assessment. It is considered that Eden House on the grounds of Airfield will be negatively impacted by overshadowing.

Parking:

- The site is not sufficiently proximate to public transport to permit such a low provision of carparking (0.6 spaces per unit). This parking provision provides 193 spaces when the Transportation Planning Department requires 320 spaces. Notwithstanding the forecasted modal shift going forward, resulting in a reduction in car usage, the requirement remains for car storage. The potential for overspill into the surrounding roads and streets is also a concern.

Traffic and Transportation:

- As per Transportation Planning Department report

Drainage:

- As per Drainage Section report.

Park and Landscaping:

- As per Parks and Landscaping Section report.

Waste:

- As per Drainage Section report

#### 6.2.4 Conclusion:

The Planning Authority does not support the proposed development and wish to raise the following concerns:

Lack of Waste Management Plan.

Lack of Landscape details and drawings.

Clarification is required on the proposed access to Drumahill estate in terms of access. The Planning Authority would not favour a gated access.

#### Building Height:

- It is considered that the additional height proposed can be accommodated on Blocks A and C.
- The proposed building heights on Block B materially contravenes the provision of the Dun Laoghaire Rathdown County Development Plan as it would create an abrupt transition in scale between the subject site and the adjoining 'F' zoned lands at Airfield.
- The height of the proposed development will significantly impact on the residential and visual amenities of properties in the vicinity.

#### Design:

- A number of the units do not meet the minimum unit size and storage requirements set out in the Design Standards for New Apartments.
- The Housing Quality Assessment does not accurately reflect the private terraces on ground floor and dual aspect units.

#### Crèche:

- The application provides an additional 35 no. 2 and 3 bed units than previously approved, yet the size of the crèche at 236sq.m remains unchanged.

#### Residential Amenities of adjoining properties:

- The Daylight and Sunlight report does not include Eden House in the Shading Assessment. It is considered that Eden House on the grounds of Airfield will be negatively impacted by overshadowing.

#### Parking:

- The site is not sufficiently proximate to public transport to permit such a low provision of carparking (0.6 spaces per unit). This parking provision provides 193 spaces when the Transportation Planning Department requires 320 spaces. Notwithstanding the forecasted modal shift going forward, resulting in

a reduction in car usage, the requirement remains for car storage. The potential for overspill into the surrounding roads and streets is also a concern.

Drainage issues as set out in the Drainage Planning report.

Waste issues as per the Waste Section report.

Transportation issues as per the Transport Planning Department report.

Park and Landscaping issues as per Parks and Landscaping Services report.

#### **6.2.5 Technical Reports (Appendix B):**

##### Drainage Planning (24<sup>th</sup> February 2020):

- Amend Engineering services report and address inconsistencies in the figures relating to interception/treatment volumes.
- Confirmation that the outflow from the site will be limited to the Qbar value of 5.63l/s shown in the uksuds.com sheet include in Appendix B rather than the 5.9l/s figure referenced in Sections 3.3, 3.15 and 3.19.4 of the OCSC Engineering Services report and on the submitted drawings.
- Proposals for runoff from the proposed basement carpark areas to be discharge to the foul system via a petrol/oil interceptor as opposed to discharging to the surface water system as required by Irish Water.
- The FRA is appropriately detailed and provides sufficient evidence to pass the Development Management Justification Test and that the proposals are in accordance with and satisfy the requirements of Appendix 13 SRFA of the DLR County Development Plan 2016-2022.

##### Waste Section (5<sup>th</sup> March 2020):

- Main concerns is an increase in population served is being proposed without any increase in the already tight space allocation for waste management in the completed development. No serious consideration appears to have been given to the waste management in the completed development, either in terms of provision of a proper system of segregation and storage of waste, the leaving out of waste for collection or the provision for access by an authorised collector.

##### Transportation Planning (10<sup>th</sup> March 2020):

- Conflicting figures for the level of cycle parking provision at the development have been provided. The proposed level and type of reduced cycle parking is unacceptable. A total of 653 spaces (160 no. short stay spaces and 493 no. long stay spaces) would be acceptable.
- Conflicting figures for the level of car parking provision at the development have been provided. Furthermore 320 car parking spaces (1.0 spaces per unit) is required.
- The applicant's reliance on a reduced level of car ownership by reduced onsite parking provision and car park management is not deemed sufficient to avoid potential for negatively impact on the adjoining neighbourhood roads with overspill parking.
- 6 disable parking spaces are proposed, 13 are required.
- Conflicting figures for the level of motorcycle parking provision at the development have been provided. This needs to be clarified.
- The TIA submitted concluded that the impact of the proposed development on the existing junctions in the local areas was clearly demonstrated as being negligible.
- Suitability of access ramps to the basement car park for cyclists needs to be addressed.
- Linkages with the Kilmacud Road Upper cycle track need to be addressed.
- The proposed cycle track terminates 14m short of the western site boundary. The cycle track and footpath are required to be constructed along the entire roadside front of the development and be completed to the satisfaction of the Municipal services at the applicant's expense.
- Concerns highlight regarding construction traffic and lack of parking to be provided. It is not acceptable to have site construction staff parking in the nearby residential areas.
- Updated visibility splays required at application stage.
- Revised Quality Audit required.
- Further details required regarding gated access route to Drumahill.

Parks and Landscaping Services (6<sup>th</sup> March 2020):

- No objection subject to conditions.

- Landscaping Plan should however be amended to take into account comments from the onsite meeting of the 18<sup>th</sup> December 2019.

Relating to:

- The retention of as many trees as possible on the perimeter of the site.
- The construction of a cycle lane along the perimeter of the site on Kilmacud Road Upper will see the wholesale removal of trees along the boundary. There are several good quality trees, early mature trees in this belt whose loss will have a detrimental effect on the local area. The potential to retain any trees along this boundary, particularly large ones, will go some way to reducing the loss of the belt. A slight shift in the sub-station structure could accommodate this tree (no. 241).
- Other Category B trees identified (no. 23, 24, 327, 324, 325) have the potential to be retained.
- Overshadowing.
- Policy OSR7 Trees and Woodland and Section 8.2.8.3 Trees and Urban Woodlands.

6.2.6 I have reviewed and considered all of the documentation submitted by the planning authority relating to this case.

### 6.3 Submissions Received

***Irish Water*** (19<sup>th</sup> March 2020)

Irish Water has issued a confirmation of feasibility for this development for 360 residential units.

#### Water:

A new connection to network is feasible without upgrade. Approx. 25m of 200ID new connection main has to be connected from the site location to the existing 9" cast iron network. This extension will be carried out in the public domain by Irish Water with costs borne by the applicant.

Please note that Irish Water cannot guarantee a flow rate to meet the fire flow requirements. In order to guarantee a flow to meet Fire Authority requirements the

applicant may be required to provide adequate fire storage capacity within the development. In order to determine the potential flow that could be delivered during normal operational conditions, an onsite assessment of the existing network is required.

#### Waste water:

In order to accommodate the proposed connection at the Premises significant network upgrades are required on Goatstown Road to accommodate this development. Small portions of the upgrades are on Irish Waters Capital Investment Programme through Goatstown Local Network Reinforcement Project, which is scheduled to commence in Q3 2020 (subject to change). Network upgrades required not on Irish Waters current CIP will need to be funded by the developer. The network upgrades and or consents required will be determined by the local network reinforcement project.

In respect of any future water and wastewater connections, the applicant must sign a connection agreement with Irish Water prior to any works commencing to connect to our network. All development is to be carried out in compliance with Irish Water Standards Codes and Practices and any proposed by the applicant to build over or divert existing water or wastewater services shall be submitted to Irish Water for written approval prior to works commencing.

## **7.0 Consultation Meeting**

A Section 5 Consultation meeting took place via Microsoft Office Team on the 8<sup>th</sup> day of May 2020 commencing at 2:30 pm. 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.

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

1. Development Strategy with particular regard to overall density, design, including heights, scale, massing and materials, connections and permeability.
2. Residential Amenities (potential overlooking, overshadowing, overbearance).

3. Visual Impact Assessment.
4. Carparking
5. Issues raised in the Irish Water Submission.
6. Childcare.
7. Any Other Business.

In relation to **development strategy**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- Extant permission on this site under ABP 304469-19.
- Justification/rationale for the increase in height.
- Justification/rationale for the increase in density.
- Connectivity through the site, in particular to Drumahill estate to the east and associated public open space.
- Linkages with Kilmacud Road Upper cycle track.

In relation to **residential amenity**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- Potential impacts on nearby residential properties development in terms of overlooking, overshadowing, overbearing and noise
- Impact on Eden Farm.
- Materials/finishes.

In relation to **Visual Impact Assessment**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- Cross section and contextual elevations showing all adjoining properties.
- Short and long views.

In relation to **carparking**, An Bord Pleanála Representative sought further elaboration/discussion/consideration on the following:

- Extent of parking provision and justification/rationale for the reduction in car and bicycle spaces.

In relation to **Issues raised in the Irish Water Submission**, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Report of Irish Water to An Bord Pleanála dated 19<sup>th</sup> March 2020.
- Issues raised in the Report of Drainage Division of planning authority dated 24<sup>th</sup> February 2020.

In relation to **Childcare**, An Bord Pleanála representative sought further elaboration/discussion/consideration of the following:

- Justification/rationale for the size and capacity of the proposed childcare facility.

The prospective applicant and the planning authority were given the 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 306682' 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.

## **8.0 Conclusion and Recommendation**

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 the 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.

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

I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

## 9.0 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.**

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 arising from this notification:

1. Notwithstanding that the proposal constitutes a reasonable basis for an application demonstrate/justify the suitability of the proposed site to accommodate the proposed height, residential density and housing mix with regard to the provisions of the current Dun Laoghaire Rathdown Development Plan and relevant national and regional planning policy including the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual'); The 'Design Standards for New Apartments – Guidelines for Planning Authorities' (2018) and the 'Urban Development and Building Heights – Guidelines for Planning Authorities' (2018).
2. A housing quality assessment which provides the specific information regarding the proposed apartments required by the 2018 Guidelines on Design Standards for New Apartments. The assessment should also demonstrate how the proposed apartments comply with the various requirements of those guidelines, including its specific planning policy requirements. A building lifecycle report for the proposed apartments in accordance with section 6.13 of the 2018 guidelines should also be submitted.
3. A report that addresses issues of residential amenity (both existing residents of adjoining development and future occupants), specifically with regards to overlooking, overshadowing, overbearing and noise. The report shall include full and complete drawings including levels and cross-sections showing the relationship between the proposed development and adjoining residential development.
4. Traffic Impact Assessment
5. Details relating to the provision of pedestrian/cycle links to the existing infrastructure along Kilmacud Road Upper to northwest and southeast of the site and consideration of the legal consents, where required, to achieve this.
6. A report detailing the extent of car parking proposed, having regard to the location of the site and its proximity to public transport services. This should also include a Carparking Strategy.

7. A detailed Sunlight and Daylight Impact Assessment.
8. Childcare Demand and Concentration Report, which identifies demand for childcare places likely to be generated by the proposal and the capacity of the childcare facility previously granted on the subject site and existing facilities in the vicinity to cater for such demand.
9. School Demand and Concentration Report, which identifies demand for school places likely to be generated by the proposal and the capacity of existing schools in the vicinity to cater for such demand.
10. Address issues raised in the Drainage Department report dated 24<sup>th</sup> February 2020 included in the Planning Authority's Opinion dated the 12<sup>th</sup> March 2020.
11. Address issues raised in the Irish Water Submission dated 19<sup>th</sup> March 2020.
12. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority
13. A draft Construction & Environmental Management Plan and a draft Waste Management Plan.
14. The information referred to in article 299B (1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 should be submitted as a standalone document.

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. Dun Laoghaire Rathdown 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.

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Dáire McDevitt  
Planning Inspector

14<sup>th</sup> May 2020