



An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion
301629-18**

Strategic Housing Development

Location

Avid Technology International,
Carmanhall Road, Sandyford
Industrial Estate, Dublin 18

Planning Authority

Dun Laoghaire Rathdown Co. Co.

Prospective Applicant

Prime Living Sandyford Ltd

Date of Consultation Meeting

June 21st 2018

Date of Site Inspection

June 8th 2018

Inspector

L. Dockery

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 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 circa 0.81 hectares, is located at the corner of Carmanhall Road and Blackthorn Road. The site is currently occupied by a two-storey disused office building. Vehicular access is provided in the north-western corner of the site. There is a slight slope from south to north towards Carmanhall Road.

2.2 The site is located approximately 350 metres to the south-west of the Sandyford Luas stop, located on Blackthorn Avenue. A number of bus routes run along Blackthorn Road.

3.0 Proposed Strategic Housing Development

3.1 The proposed development comprises 828 student accommodation bedspaces in 115 residential cluster units, gym, laundrette and café area at ground floor, together with ancillary uses. The scheme is part 7/8 storey in height and is designed as perimeter blocks surrounding a central courtyard area, with frontage onto both Carmanhall Road and Blackthorn Road. Vehicular access is provided from Carmanhall Road, with separate service vehicle access provided off Blackthorn

Road. The parking provision is such that 60 car parking spaces, 580 bicycle parking spaces and 5 motorbike spaces are proposed.

3.2 The breakdown of unit types is as follows:

Unit Type	No.
1-Bed	1
Two-Bed	-
Three-Bed	1
Four- Bed	2
Five-Bed	1
Six-Bed	16
Seven-Bed	37
Eight-Bed	57
Total	828

3.3 The stated cumulative gross floor space of non-residential uses are 1644 square metres

3.4 The student accommodation will be professionally managed and accommodation will be available for short-term stays outside of term time. Development includes an on-site management office.

4.0 National and Local Planning Policy

4.1 National

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’ (2015)
- ‘Design Manual for Urban Roads and Streets’ (2013)
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’) (2009)
- Rebuilding Ireland- National Student Accommodation Strategy (2018)

4.2 Local

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

Appendix 15 Sandyford Urban Framework Plan 2016- Zone 5 Carmanhall Road Neighbourhood

Zoning:

‘Objective A2’ which seeks to ‘provide for the creation of sustainable residential neighbourhoods and preserve and protect residential amenity’

SLO 113 applies which seeks ‘to facilitate the provision of community infrastructure at ground floor along the eastern outer edge of the Carmanhall residential neighbourhood along Blackthorn Road, to create active street frontage and to ensure the appropriate provision of social and community infrastructure to serve the needs of the resident and employee population’

Residential development is ‘permitted in principle’

Policy RES12: Provision of Student Accommodation is to facilitate student accommodation on campuses or in locations which have convenient access to Third Level colleges (particularly by foot, bicycle and high quality and convenient public transport) in a manner compatible with surrounding residential amenities. No social / affordable housing will be required in instances where it is proposed that bona fide / purpose built student accommodation is to be provided on the campus of a recognised Third Level Institution. Section 8.2.3.4 (xii) all proposals for student accommodation should comply with the Department of Education and Science Guidelines on Residential development for Third Level Students (1999), the subsequent supplementary document (2005) and the 'Student Accommodation Scheme', Office of the Revenue Commissioner (2007).

Section 8.2.3.4 (ix) Student Accommodation, sets out the various design criteria and the location of student accommodation and includes: within close proximity to high quality public transport corridors (DART, N11 and Luas), cycle and pedestrian routes and green routes. In addition, no social/affordable housing will be required in instances where it is proposed that student accommodation is to be provided on the campus of a recognised third level institution.

5.0 **Planning History**

Subject Site:

D16A/0158: Permission GRANTED for demolition of existing buildings and construction of 5-8 storey mixed use development in two blocks comprising 147 apartments, crèche, gym, media suite, café, 151 car parking spaces and ancillary site works

Adjoining Sites:

D16A/0076: Permission GRANTED for demolition of existing building and construction of 4 no. six storey buildings, primarily office use (opposite side of Blackthorn Road).

D15A/0827: Permission GRANTED for demolition of existing building and construction of six storey over basement office building (north of subject site).

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

6.1 It is stated by the prospective applicant that two pre-application consultations took place with the planning authority.

7.0 **Forming of 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 submissions and the discussions which took place during the tripartite consultation meeting. I shall provide brief detail on each of these elements hereunder.

7.1 **Documentation Submitted**

7.1.1. 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, 3D visualisations, a completed pre-connection enquiry feedback form from Irish Water, Statement of Consistency Report, Pre-Planning Submission Drawings (A3 booklet), Pre-Planning Design Statement (A3 booklet), Transport Statement, Infrastructure Report and Flood Risk Assessment, I have considered all of the documentation submitted by the prospective applicant, relating to this case.

7.2 Planning Authority Submission

7.2.1 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 Laoighre 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 12th June 2018.

7.2.2 The planning authority's 'opinion' included the following matters: planning history; internal reports, description of development, site and surrounding area, general observations, principle of proposed development, height and density, urban design and streetscape, open space, Part V, student apartment standards, traffic and transport, drainage,, flood risk assessment, waste management, development contributions, appropriate assessment, miscellaneous. Report concludes that the absence of more details amounts to a missed opportunity for the detailed review of the prospective application in advance of lodging of a SHD application. The following matters require further attention- micro-climate; details and sample of elevational finishes; external doorway between proposed library/study and Blackthorn Road as well as supplementary access onto Carmanhall Road to Units 4,5,6,7; provision of steps linking boardwalk/terrace with footpath below in front of laundry; conflict between existing pedestrian crossing and siting of proposed vehicular access off Carmanhall Road; provision of cycle land along Blackthorn Road; Quality Audit and Travel Plan; Construction Management Plan; detailed drainage proposals; detailed Site Specific Flood Risk Assessment and provision of detailed operational waste management plan.

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

7.3 Consultation Meeting

7.3.1 A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 21st day of June 2018, commencing at 14.30 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.

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

- Development strategy in context of site zoning; unit typology, quantum and distribution of communal facilities; internal amenity
- Drainage issues- foul drainage and stormwater/flood impact assessment
- Traffic and transportation
- Other matters

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

- Proposed uses, in particular at ground floor level to Blackthorn Road, in the context of the site zoning; interface with public realm
- Unit typology proposed with particularly high concentration of larger residential clusters
- Quantum, distribution and quality of communal facilities
- Details relating to management of the proposed scheme
- Internal daylight/sunlight analysis to ensure adequate amenity of future residents
- Proposed materials and finishes, in particular durability, maintenance of coloured panels

7.3.4 In relation to drainage issues, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Report of Irish Water to An Bord Pleanála dated 11th June 2018, which refers, *inter alia* to the requirement for a Project Works Services Agreement with the prospective applicant regarding the carrying out of a network survey and flow and load surveys.
- Report of Drainage Division of planning authority dated 05th June 2018
- Location of site adjacent to Flood Zone B

7.3.5 In relation to traffic and transportation, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Traffic and Transportation Report of the planning authority dated 06th day of June 2018 which includes inter alia, discrepancies between documents relating to number of car parking spaces proposed, location of proposed vehicular access relative to existing signalised pelican crossing on Carmanhall Road and details relating to continuation of Blackthorn Road cycle track

7.3.6 In relation to other matters, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Links with third level institutions-submission of a Student Demand and Concentration Report
- Use of proposed development outside of term-time
- Student Management Plan
- Assessment of micro-climate
- Boundary treatments/landscaping
- Waste Management
- Public notices and inclusion of demolition of existing structure in development description
- Letter of consent from DLRCoCo in relation to carrying out of works in Council ownership

7.4 Conclusion and Recommendation

7.4.1 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.

7.4.2 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.

- 7.4.3 Having regard to all of 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.
- 7.4.4 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 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 requires further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**

In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development:

1. Further consideration and/or justification of the documents as they relate to the proposed commercial element of the scheme in terms of public accessibility, their availability for use by the wider public and the creation of an active streetscape as per section 3.5.4 of the Sandyford Urban Framework Plan 2016 and Specific Local Objective 113 of the operative County Development Plan, 2016. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage.
2. Further consideration and/or justification of the documents as they relate to the internal layout of the proposed development, having particular regard to the quantum, distribution and compatibility of communal facilities and their location within the overall development, creation of an attractive and accessible central hub and the provision of a greater range of apartment types. Further consideration of the proposed quantity of 7 and 8 bed units, or justification at application stage, if the number of these units is to be maintained. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage.

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. Additional drainage details having regard to the Report of Irish Water to An Bord Pleanála dated 11th June 2018, together with the report of the Drainage Division of the planning authority, as contained in the Chief Executive Report dated 05th June 2018

2. Additional documentation relating to appropriate flood risk assessment that demonstrates the proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk. A Flood Risk Assessment should be prepared in accordance with 'The Planning System and Flood Risk Management' (including associated 'Technical Appendices')
3. Internal Daylight/Sunlight Analysis, showing an acceptable level of residential amenity for future occupiers
4. A site specific Student Management Plan which includes details on management outside of term-time
5. Construction and Demolition Waste Management Plan
6. Waste Management Plan
7. A detailed landscaping plan for the site which clearly sets out proposals for hard and soft landscaping including street furniture, where proposed

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. National Transport Authority
3. Transport Infrastructure Ireland
4. Coras Iompair Eireann
5. Commission for Railway Regulation
6. Health Service Executive

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.

Lorraine Dockery
Senior Planning Inspector

27th June 2018