

An  
Bord  
Pleanála

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

**Inspector's Report on  
Recommended Opinion  
ABP-302473-18**

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**Strategic Housing Development**

107 no. apartments and associated site works.

**Location**

Lands to the north and wider Marianella development, 75 Orwell Road, Rathgar, Dublin 6.

**Planning Authority**

Dublin City Council

**Prospective Applicant**

Cairn Homes Properties Limited

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**Date of Consultation Meeting**

11 October 2018

**Date of Site Inspection**

8 October 2018

**Inspector**

Una Crosse

## 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

The site which is c.0.96 ha in area is located to the east of the Orwell Road in Rathgar. It is adjoined to the north by the St John of Gods facility and to the east by St. Luke's Hospital. West of the site on the opposite side of the Orwell Road is Rostrevor Terrace which addresses a green space. To the immediate south of the site is the Marianella residential development. To the west of the site adjoining the proposed entrance but outside of the site is a gate lodge which is a protected structure.

## 3.0 Proposed Strategic Housing Development

Permission is sought for a development which proposes the following: a total of 107 apartments comprising a mix of 39 one bed and 68 two bed units accommodated within 2 apartment Blocks.

- Block F is 6 storeys in height. Block F is 6 storeys in height (19.45m) stepping down to 4 storeys (13m) on the eastern boundary comprising 68 no. units in total (15 one bed units and 53 two bed units).
- Block G is proposed as a 5 storey block (16.3m) with 39 units (24 one bed units and 15 two bed units).

The proposal also provides for private open space in the form of a balcony / terrace for the units. Public open space (2,585 sq.m) and communal open space (845 sq.m.), 72 car parking spaces at surface level, including 4 Go Car spaces, 168 bicycle parking spaces, partial basement beneath Block F to include a gym, changing facilities, a meeting room, plant and resident storage, resident lounge at ground level of Block F comprising of concierge, kitchenette and lounge area, ESB substation, provision of green roof, SUD's drainage, attenuation tanks, PV Panels, waste compactor, electrical generator, landscaping and revised boundary treatment on all boundaries and all ancillary development works necessary to facilitate the development.

#### **4.0 Planning History**

##### **4.1. On Site**

**Ref. 2128/17** – Permission granted for 22 three-storey residential units.

##### **4.2. Adjoining Sites**

**Reg. Ref. 2186/09/PL29S.234927** and amended under various applications for 208 units.

**Reg. Ref. 2962/17** for an extension and refurbishment of the existing protected structure.

#### **5.0 National and Local Planning Policy**

##### **5.1. 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 S.28 Ministerial Guidelines are:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- Design Manual for Urban Roads and Streets'
- Sustainable Urban Housing: Design Standards for New Apartments (2018)

- Childcare Facilities – Guidelines for Planning Authorities
- Architectural Heritage Protection – Guidelines for Planning Authorities.

Also of note is:

- Draft Urban Development and Building Height Guidelines 2018

#### **5.1.1. National Planning Framework**

Chapter 4 of the Framework addresses the topic of 'making stronger urban places and sets out a range of objectives which it is considered will assist in achieving same. National Policy Objective 13 provides that in urban areas, planning and related standards, including in particular building height and car parking, will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

#### **5.1.2. Dublin City Development Plan 2016-2022**

The relevant statutory plan for the area is the Dublin City Development Plan 2016-2022 wherein the site is zoned Z15 the objective of which is 'to protect and provide for institutional and community uses. Residential use is open for consideration within this zone.

There is a requirement for proposals on Z15 zoned lands to be accompanied by a masterplan that sets out a clear vision for the zoned lands, to provide for the identification of 25% of the lands for open space and/or community facilities, in lieu of the 10-20% of public open space normally provided for in development plan standards (does not apply if the footprint of the existing buildings > 50% of the total site area of the institutional lands).

The following standards also apply within Z15:

Plot ratio 0.5 – 2.5

Indicative site coverage 50%

Section 16.7 of the Plan deals with building height wherein the following applies:

Low Rise/Outer City- Maximum Height 16m/5 storeys for residential

Within 500m of a DART station- Maximum height 24m/8 storeys for residential

## **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 shall provide a brief detail on each of these elements hereunder.

### **6.1 Documentation Submitted**

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, a Completed Application Form, Cover Letter, Part V proposal, Site location Plan, Site Layout Plan, Architectural, Engineering, Landscape Drawings, Project Description and Data, Statement of Consistency, Material Contravention Statement, Environmental report, A3 booklet of Drawings, Masterplan, Architectural Design Statement, Housing Quality Assessment and Schedule of Areas, Landscape Report, Engineering Services Report, Outline Construction Management Plan, Traffic Impact Assessment, Waste Management Plan, Mobility Management Plan, Sunlight Analysis, Archaeological Assessment, AA Screening Report, Flood Risk Assessment, Visual Impact Assessment, CGI's, Conservation Assessment Report, Building Lifecycle Report, Construction and Operational Waste Management Plan, Arboricultural Assessment, Tree Constraints Plan and Tree Protection Plan.

Section 5(5)(b) of the Act of 2016 requires the submission of a statement that, in the prospective applicant's opinion, the proposal is consistent with both the relevant objectives of the development plan or local area plan concerned, and the relevant

guidelines issued by the Minister under section 28 of the Act of 2000. These statements have been submitted, as required.

The applicant's case is summarised as follows:

- While applicant consider that proposed height is not a material contravention of the City Plan if the Board consider it is, a justification is provided with Sustainable Residential Guidelines, National Planning Framework and Draft Urban Development and Building Height Guidelines considered to enable an increase in building height and density adjacent to public transport routes and within existing urban areas;
- In addition to supporting National policy and guidance on height and density noted that the existing scheme ranges in height up to 18.3m with proposed height at 19.3m in line with Government Guidance and emerging trends and principle of greater height has been established in the permitted scheme;
- Once Building Height Guidelines are finalised ABP will have to have regard to same and apply any SPPR's which take precedence over any conflicting policies and objectives in Development Plan;
- Proposal complies with Zoning Objective of City Plan with permission already granted for a residential development with lands no longer required by the Redemptorist Congregation;
- Area is well served by existing community facilities including schools, public open spaces, religious facilities;
- Proposal complies with other polices in City Plan including conservation and is compliant with residential quality requirements and development plan standards;
- Materials and finishes considered with regard to surrounding pattern of development and in keeping with building fabric of the area with layout informed by existing residential development to the south and surrounding institutional lands with adequate separation distances with orientation of development designed to ensure units achieve adequate levels of daylight and sunlight;
- Proposal provides 26.9% of site as public open space with overall development providing further 25% with mature trees to be retained and high quality open

spaces created with proposal provides 845 sq.m of communal open space which is in excess of the requirements;

- Proposal provides pedestrian links and potential future connections to surrounding lands improving legibility;
- Proposal including the wider Marianella lands provide for an appropriate density of c.147 units per hectare in an appropriate location with such density only achieved through provision of increased height;
- Proposal seeks to increase planting/buffer strip separating the existing Marianella Development with the subject lands with a 4m buffer zone comprising a footpath and landscaping to increase the level of amenity for future residents.
- Given location of the site in close proximity to the city centre, reduced car parking standards (0.6 per unit) are applicable with extensive cycle parking proposed.
- Access proposed through existing vehicular entrance to Gate Lodge with TIA confirming adequate provision to accommodate proposal;
- Site is located with Flood Zone C with no historical flood events and outside River Dodder 0.1% AEP zone with existing permitted development having a storm water attenuation system to address a 1 in 100 year extreme storm event;
- In addition to all apartment units meeting or exceeding the apartment size standards, a ground floor amenity space is proposed to serve residents;
- Daylight/sunlight assessment provides that on 21 March, 65% of units received at least 2 hours of sunlight which satisfies BRE requirements with majority of rooms exceeding recommendations and where rooms do not, the impact is minor;
- VIA notes that proposal has a very limited extent of visual influence due to sites separation from the public realm and most of sensitive residential locations in the area which are buffered by open space and landscaping;
- Conclusion of AA screening report is that proposal will not have any significant effects on any European Sites;
- Archaeological Assessment prepared concludes that there are no recorded monuments or sites of Architectural/Industrial Heritage located within confines of the site;

- Site located with vicinity of protected structure (Gate Lodge – RPS6137) but it is not part of application with assessment undertaken ensuring proposed does not have any significant impact on the protected structure with setting of same protected;
- Proposal complies with National and Regional Planning Policy and Guidance;

## **6.2 Planning Authority Submission**

A submission was received by An Bord Pleanála on the 27th of September 2018 from Dublin City Council. The 'opinion' of the planning authority included, inter alia, the following:

- The submission outlines the planning history and planning policy pertaining on the site.
- Z15 requires that 25% of the lands are provided as public open space with the plan outlining specific requirements for same including that the space should contribute to and create linkages with the strategic green network.
- Masterplan submitted is acceptable with scheme set out in context of adjacent Z15 lands and adjoining Marianella development and states that the site has currently no function associated with the former institutional lands and is no longer required within the ownership of the religious order;
- Difficult on this site to configure a single plot of land for public open space with City Plan requiring level of provision of open space (25%) in a single area 'unless site characteristics dictate otherwise' and in this case considered site characteristics militate against the provision of the open space in one area;
- Block F at 19.3m is in excess of CDP height strategy with statement of Material contravention noted and important to note that buildings currently permitted on overall Marianella site which are greater than 16m were granted under a previous CDP and in context of current CDP height would not be acceptable to the PA;
- PA has no objection to proposed layout as it is an extension of the existing Marianella scheme with materials complementing existing;
- Primary concern relates to provision of surface car parking in the scheme and impact on amenity of existing blocks C & D and future residents of F & G;



- Layout has been improved by planted buffer area and landscaping but considered further landscaping could be provided to lessen the visual impact of the parking along the main access route and in particular in north-eastern corner labelled 'home-zone';
- Clarity is required in relation to potential future connection to adjoining lands adjoining public open space and the relationship with Block G particularly as main entrance to G located here with focus on pedestrian access and residential amenity;
- Noted that there are ground floor private amenity terraces beside the main entrance doors into Block F with concern regarding amenity value of these terraces without adequate screening which is not detailed;
- Daylight, sunlight and overshadowing study highlights that northern section of site has greatest challenge in terms of impact on both communal open space area and lower floors of apartment and ABP may wish to request applicant to address;
- Limited provision of communal facilities on site and questioned if future residents would have access to amenities in the wider scheme and if not considered increase of onsite amenity provision required;
- 2018 guidelines states that 1-bed units are not included in the requirement of childcare facilities with 68 2-bed units proposed and therefore below threshold with planning report referring to wider development and crèche provision which is considered sufficient. Suggested application provide a full description of the wider scheme to prove the facility will meet demand generated;
- Notes that applicant refers back to an audit of community and social infrastructure carried out for previous proposal which concludes area is well served;
- Concur with screening report conclusion;
- Report from Parks and Landscape states provision of two separate public open space areas is unsatisfactory with smaller are not satisfactory in terms of location or size and preferable to join the two spaces and move block G with rational for location based on future potential connections rather than public recreation with a number of other minor amendments proposed;

- Transport report notes measures should be implemented to include contrasting materials etc. at the entrance with priority for pedestrian/cyclists;
- Traffic division generally satisfied with the general scope, content and conclusion of the TA and satisfied with overall quantum of car parking and with reduced levels of parking a management strategy should be set out. Noted motorcycle spaces or any visitor parking not indicated;
- Bicycle parking below the standard in the Apartment Guidelines which would require 224 spaces;
- Not clear whether any of the proposed development is to be taken in charge;
- Recommendations are set out which include details of service vehicles to the site, measures to address pedestrian priority at the entrance, justification for cycle parking provision, pedestrian permeability through the site, motorcycle and visitor parking, clear car parking management strategy;
- Housing Department will consider Part V proposal once planning is granted;

### **6.3 Response from Prescribed Bodies**

A response has been received from Irish Water which is appended to this report.

### **6.4 Consultation Meeting**

A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 11<sup>th</sup> October 2018, commencing at 11.30 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 based on the Agenda that issued in advance and contained the following issues:

1. Development strategy for the site including height and layout.
  2. Parking, permeability and taking in charge
  3. Any other matters
- In relation to development strategy for the site including height and layout, An Bord Pleanála sought further elaboration/discussion/consideration of the

following: the height in terms of policy context and site context, landscaping along the eastern boundary of the site, screening of private terraces adjoining entrances to blocks and impact of potential future connections to the north on open space and entrance to Block G, communal facilities within the wider scheme, public open spaces areas within the scheme and hierarchy of same.

- In relation to Parking, permeability and taking in charge, An Bord Pleanála sought further elaboration/discussion/consideration of the following: car parking management, treatment of Orwell Road junction, protection of future connections into adjoining lands and areas to be taken in charge including matters relating to attenuation and consideration of tree routes within layout.
- In relation to any other matters An Bord Pleanála sought further elaboration/discussion/consideration of the following: EIAR screening, AA screening, clarification of material contravention in context of proposed Building Height Guidelines and attenuation in open space.

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 302473' 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 & 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 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 s.28 Ministerial Guidelines, and local policy, via the statutory plan 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.

## **8.0 Recommended Opinion**

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.

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 constitutes a reasonable basis for an application to An Bord Pleanála under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

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. A car parking management strategy for the proposed development.
2. Screening details for private terraces adjoining public entrances and design details for the treatment of the open space area between Blocks G & F.
3. Additional cross sections at appropriate intervals showing the proposed development and the relationship with existing developments adjacent the site to the north and east. Drawings should be appropriately scaled. Site sections should be clearly labelled and located on a layout 'key' plan.
4. A full and complete drawing that details all boundary treatments.
5. A plan of the proposed open spaces within the site clearly delineating the hierarchy of open spaces.
6. A site layout that details any areas to be taken in charge by the local authority.

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. National Transport Authority
2. Minister for Culture, Heritage and the Gaeltacht
3. Heritage Council
4. An Taisce — the National Trust for Ireland
5. Irish Water
6. Dublin City 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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Una Crosse  
Senior Planning Inspector

 October 2018