



An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion
302964-18**

Strategic Housing Development

Location	Old School House, Eblana Avenue, Dun Laoghaire, Co. Dublin
Planning Authority	Dun Laoghaire Rathdown Co. Co.
Prospective Applicant	Bartra Property (Eblana) Ltd
Date of Consultation Meeting	December 12 th 2018
Date of Site Inspection	December 6 th 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 0.0262 hectares is located on Eblana Avenue, Dun Laoghaire, Co. Dublin, close to its junction with Marine Road. The site currently comprises the Old School House buildings and surface car parking. The two buildings on site, which are part two/three storey in height are both vacant and are proposed for demolition. A right of access exists along the eastern boundary of the site which allows for access to the rear yards/gardens of properties fronting onto Marine Road.

3.0 Proposed Strategic Housing Development

3.1 The proposed development comprises the demolition of all existing buildings on site and the construction of a 5-6 storey over lower ground floor shared living residential development comprising 212 no. bedspaces. The development also consists the provision of a communal kitchen/dining room at each floor level to serve the residents of each floor; communal resident amenity space at lower ground and ground floor levels including the provision of a gymnasium, laundrette, storage lockers, lounge/reception area and resident function/cinema room; a roof garden at fifth floor level.

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)
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018)

4.2 Local

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

Zoning:

'MTC' which seeks to 'protect, provide for and/or improve Major Town Centre facilities'

Residential development is 'permitted in principle'

The site is partly located within the boundary of the proposed Dun Laoghaire and Environs LAP area

Appendix 9: Building Height Strategy

Appendix 12 Dun Laoghaire Urban Framework Plan – subject site is located within this Plan area

Objectives of this Plan are set out in Section 5 and include:

3. Improve physical linkages and accessibility between the town centre and waterfront
4. Encourage and provide for increased pedestrian and cycle permeability between George's Street and Crofton Road
6. Encourage development of buildings of the highest architectural quality and appropriate to context
7. Provide a network of attractive urban spaces and public realm
8. Improve and enhance existing visual amenity and streetscape within the Framework Plan area

Section 2.5 Crofton Road to Sussex Street

5.0 Planning History

The most recent relevant applications for the subject site are as follows:

D16A/0548 (PL06D.248770): Permission GRANTED for demolition of existing buildings and construction of 59 apartments, café, kiosk all in a scheme 5-6 storey above basement level, 59 car parking spaces and ancillary site works

D06A/1914 (PL06D.225933): Permission GRANTED for demolition of existing buildings and construction of a mixed use development of retail and office accommodation, 71 residential unit

6.0 Section 247 Consultation(s) with Planning Authority

- 6.1 It is stated by the planning authority that one pre-application consultation took place with them on August 22nd 2018.

7.0 Submissions Received

Irish Water

Confirmation of Feasibility issued for this site for 215 no. residential units. Advises that subject to a valid connection agreement being put in place, the proposed

connections to the Irish Water networks can be facilitated. The proposed development, as assessed for the CoF, is a standard connection, requiring no network or treatment plant upgrades for water or wastewater by either the customer or Irish Water. No third party consents are required for these connections to take place.

8.0 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.

8.1 Documentation Submitted

8.1.1 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, photomontages, a completed pre-connection enquiry feedback form from Irish Water, Statement of Consistency Report, Planning Report, Pre-Planning Submission Drawings (A3 booklet), Architectural Design Statement (A3 booklet), Mobility Management Plan Framework, Socio Economic Potential of Shared Living Accommodation in Ireland, Outline CDWMP, Outline Method Statement for Demolition of Existing Building, Sustainability/Energy Report, Operational Waste Management Plan, Outline Construction Management Plan, Environmental Report, Engineering Services Report and Flood Risk Assessment.

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

8.2 Planning Authority Submission

8.2.1 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 06th December 2018.

8.2.2 The planning authority's 'opinion' included the following matters: planning history; internal reports, description of development, site and surrounding area, general observations, policy context, principle of proposed development, built heritage/visual impact, demolition of existing buildings., visual impact, urban design framework, urban form, public realm and attractiveness, residential amenities, apartment guidelines, bin storage, demolition and construction waste management plan, environmental management, taking in charge, Part V, surface water drainage, transportation planning, public lighting, parks and landscape services, and appropriate assessment. A number of concerns have been raised as follows:

- Appraisal/justification for demolition of Old School House
- Scale of proposal; internal configuration and layout; considered to be substandard arrangement that will result in poor level of amenity for future occupiers
- Future adaptability
- Significant potential to provide a greater integration with the town centre, can improve linkages
- Fails to provide an appropriate mix and balance of uses at this location; detrimental to the character of the existing Eblana Avenue streetscape
- Concerns with regards western and eastern elevations; more graduated stepping in height is required on northern side of building
- Architectural expression of main spine of proposed building and its visual impact when viewed from surrounding interfaces- fenestration and massing lack meaningful articulation and visual interest
- Stronger visual marker is required to signify and emphasise the public nature of the walkway
- Significant concerns regarding layout and design of communal walkway- over reliance on ramps within this space; disjointed and segregated; not conducive to social interaction or engagement

- Taking in Charge details have not been submitted
- Concerns regarding gated access of proposed pedestrian walkway- should be maintained as public right of way at all times; lack of information regarding its interface with harbour Square; need to ensure attractive and coherent public realm along full length of pedestrian route
- Units at lower ground floor level and interface with public walkway- low levels of daylight/sunlight
- Should consider modified internal layout including a ground floor commercial use which provides an active street frontage to Eblana Avenue
- Absence of street planting proposal
- Covenant or legal agreement
- Address issues raised in internal reports
- Part V

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

8.3 Consultation Meeting

8.3.1 A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 12th day of December 2018, commencing at 10.30 am. 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.

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

1. Development Strategy- proposed uses in the context of site zoning, connectivity and public realm
2. Residential amenity to include layout, quantum and distribution of resident facilities, internal amenity
3. Visual Impact to include architectural heritage, elevational treatment
4. Drainage issues- surface water
5. Parking

6. Any other matters

8.3.3 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 Eblana Avenue, in the context of the site zoning; creation of active streetscape
- Connectivity through the site to improve linkages from town centre to the waterfront as per objectives of Dun Laoghaire Urban Framework Plan; desire to ensure that the public realm along the length of the proposed linkage is attractive and coherent, without the use of excessive ramping and is available to all;
- Security/24 hour access in the context of PA Opinion
- Public open space to the east of proposed building and the quality of its provision; landscaping plan; details of proposed materials and planting

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

- Internal layout/format of proposed shared accommodation and its appropriateness as a living arrangement for longer term rentals; absence of cluster format with common shared area as per Section 5.15 of in Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities
- Floor area of proposed bedrooms in the context of minimum requirements set out in Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities; stated single occupancy and provision of double bed
- Quantum, distribution and quality of resident support facilities/resident services and amenities in context of Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2018) and Circular PL11/2016
- Details relating to operational management of the proposed scheme

- Standard of amenity for occupants of west facing, single aspect units at lower ground floor level behind ramped access
- Internal daylight/sunlight analysis to ensure adequate amenity of future residents
- Proposed materials and finishes; desire to provide quality finishes; durability, maintenance

8.3.5 In relation to visual impact, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- Massing, scale and elevational treatments of proposed structure in the context of the character of the existing area, in particular given number of Protected Structures and buildings of note in the vicinity; finishes and materials

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

- Report of Drainage Division of planning authority dated 30th November 2018 in relation to surface water

8.3.7 In relation to parking, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- Parking provision
- Traffic and Transportation Report of the planning authority dated 30th November 2018

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

- Justification for demolition of existing buildings on site
- Part V
- Taking in Charge
- Boundary treatments/landscaping
- Waste Management

- Public notices and inclusion of demolition of existing structure in development description

8.4 Conclusion and Recommendation

- 8.4.1 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.
- 8.4.2 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.
- 8.4.3 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.
- 8.4.4 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.

9. 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. Principle of Shared Accommodation provision at this location

Further consideration of the documents as they relate to the principle of Shared Accommodation at this location. This consideration and justification should have regard to, inter alia, (i) the vision for the development of Dun Laoghaire and the relevant housing and settlement policies set out in the Dun Laoghaire County Development Plan 2016-2022 which includes Appendix 12 Dun Laoghaire Urban Framework Plan; (ii) the Sustainable Urban Housing: Design Standards for New Apartments, specifically the guidance on Shared Accommodation Developments and in particular sections 5.18, 5.19 and 5.22 and SPPR 9 of same and (iii) the suitability of this location for Shared Accommodation with regard to accessibility and connections to employment centres and community facilities. Comprehensive information regarding the nature of the proposed use should be submitted to facilitate assessment of this issue including details of the occupation, operation and management of the scheme. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted relating to density and layout of the proposed development.

2. Format of Shared Accommodation

An Bord Pleanála notes that the proposed format of the shared accommodation is not to be provided in the cluster format with a common shared area within the residential units as referenced in paragraph 5.15 of the 'Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities 2018' (hereafter apartment guidelines 2018). Your format approach of allocating the common living and kitchen facilities (as specified under Table 5b of the apartment guidelines 2018) to each bedroom rather than as a common shared area within the residential unit raises a number of questions for ABP and should be addressed in more detail at application stage. An Bord Pleanála acknowledges that the apartment guidelines 2018 in relation to 'Shared Accommodation Developments' are not definitive and allow for various formats of this typology.

It appears your format is creating what are effectively 'self-contained' residential units with each bedroom having its own living and kitchen facilities along with an ensuite bathroom. Should you continue to adopt this format at application stage then a clear justification and rationale should be provided to the Board at application stage. In that regard, An Bord Pleanála notes that this potentially self-contained unit has a floor area of c. 16 sq.m. whereas the apartment guidelines 2018 indicate that a studio apartment should have a minimum overall floor area of 37 sq.m. You are requested to clarify the difference, in your opinion, between your proposed potentially self-contained bedroom unit and a studio apartment (other than the significant difference in floor area). You should seek to provide comfort to the Board that your proposal does not set an undesirable precedent of creating substandard self-contained/studio apartments and such proposals do not replace quality urban apartment development as a viable long term housing option.

Furthermore, the apartment guidelines in relation to shared accommodation developments place significant emphasis on the 'shared' or 'communal' aspect of this typology, with the shared living element being delivered in the communal living and kitchen facilities. If, as in your proposal, the living/kitchen accommodation is to be delivered as separate/private facilities in each bedroom, then ABP would question

how this approach constitutes 'shared accommodation' for the purposes of the 2018 guidelines. It is noted that paragraph 5.23 of the apartment guidelines 2018 indicate that the standards specified in Table 5b relate to 'communal' amenities, not private amenities serving each bedroom. Creating self-contained bedrooms may appear to conflict with both the spirit and letter of the provisions of 'Shared Accommodation Developments' as contained within the 2018 guidelines, this should be addressed at application stage.

You should also address the fact that a 'dwelling' is defined as being, inter alia, "a property let for rent...as a self-contained residential unit..." (Ref: Pt. 1 S.4 of the *Residential Tenancies Act 2004*) and how your proposed bedroom format does, or does not, constitute a 'dwelling' given that definition. You should specify what measures you propose and/or what measures, if any, the Board could adopt in the event of a grant of permission to safeguard against the establishment of what could be defined as a dwelling when the floor area is only c. 16 sq.m.

3. Proposed ground floor uses

Further consideration and/or justification of the documents as they relate to the ground floor element of the proposed development in terms of the possible provision of commercial uses and the creation of an active streetscape along Eblana Avenue, having regard to the 'Major Town Centre' land use zoning of the site. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage.

4. Impacts on the visual amenity of the area.

Further consideration of the documents as they relate to the design, scale and elevational treatment of the proposed development and to potential impacts on visual amenity, including impacts on nearby Protected Structures and buildings of note. In this regard the prospective applicant should satisfy themselves that the design strategy for the site provides the optimal architectural solution for this location and that it is of sufficient quality to ensure that the proposed development makes a positive contribution to the character of the area over the long term. The submitted

documents should also allow for further consideration of the proposed materials with regard to impacts on visual amenity. The proposed development shall have regard to inter alia, national policy including the National Planning Framework, the Sustainable Urban Housing: Design Standards for New Apartments, the Urban Development and Building Heights Guidelines for Planning Authorities, the Dun Laoghaire County Development Plan 2016-2022 including Appendix 12 Dun Laoghaire Urban Framework Plan and the site's context and locational attributes. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

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 details of the layout and design of the proposed pedestrian walkway/urban realm linking the town centre with the waterfront and the desire to ensure that this is an attractive, accessible area that is conducive to social interaction/engagement and offers high amenity value for all users. Details relating to 24 hour accessibility, or otherwise, of this walkway should be included.
2. Additional details offering justification for the proposed demolition of the Old School House building
3. Additional drainage details having regard to the report of the Drainage Division of the planning authority, as contained in the Chief Executive Report dated 30th November 2018
4. Additional CGIs/visualisations showing proposed development in context of existing development within the area
5. Daylight/Sunlight analysis, showing an acceptable level of residential amenity for future occupiers of the proposed development
6. Construction and Demolition Waste Management Plan
7. Landscaping proposals including an overall landscaping masterplan for the development site. Details pertaining to the quantity, type and location of all

proposed hard and soft landscaping including boundary treatments should be submitted. Proposals relating to improving accessibility for vulnerable road users into/out of site and in accessing surrounding area should also be submitted.

8. Details of proposed operation and management of the right of way/wayleave on eastern side of the development site
9. A site specific Operational Management Plan
10. Waste Management Plan

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. Department of Culture, Heritage and the Gaeltacht
3. An Taisce-the National Trust for Ireland
4. Heritage Council
5. Failte Ireland
6. An Comhairle Ealaíonn
7. Transport Infrastructure Ireland
8. National Transport Authority

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

Lorraine Dockery
Senior Planning Inspector

09th January 2019