



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion

303165

Strategic Housing Development	343 residential units.
Location	Cualanor, Glenageary, Dun Laoghaire, Co Dublin.
Planning Authority	Dun Laoghaire Rathdown County Council.
Prospective Applicant	Cosgrave Developments Ltd.
Date of Consultation Meeting	25 January 2019.
Date of Site Inspection	11 January 2019.
Inspector	Stephen Rhys Thomas.

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 subject site is located on lands associated with the emerging Cualanor Estate in Dun Laoghaire, Co Dublin. The estate is almost complete, with some apartment buildings currently under construction. The subject site is to the north of a site where construction works are ongoing and to the west of recently completed dwellings. To the north and west of the site is a large area of newly completed parkland, walkways and a playground. The site comprises disturbed ground with a lightly sloping topography.

3.0 Proposed Strategic Housing Development

The proposed development which is subject of this pre-application consultation request comprises 343 residential units provided in four separate apartment blocks on 2.31 Hectares, the detail is as follows:

343 units in 4 apartment buildings between 5 and 6 storeys:

- 1 bed apartments 54 units (15%)
- 2 bed apartments 237 units (69%)
- 3 bed apartments 52 units (16%)

83% of units are dual aspect.

429 car parking spaces, 686 bicycle spaces.

Communal Facilities such as a gym and concierge service are provided in each block.

The site area is 2.31 Hectares and the cumulative gross floor space proposed is 34,966 sq.m. Residential density (343 apartments over 2.31 H) 148 dwellings per hectare (dph) or total site (Honeypark and Cualanor) (1,023 units over 15.25 H) 69 dph.

The main changes from that previously proposed includes:

- Disaggregate the previously permitted singular enclosed structure at each Block to two smaller blocks, thereby providing four buildings in total in lieu of two as permitted.
- Increase the number of apartments overall by 35 units to a combined total of 343.
- Separation of the previously permitted joined basement car parking to provide a dedicated basement for each block.

4.0 National and Local Policy

4.1 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:

- 'Urban Development and Building Heights Guidelines for Planning Authorities' - 2018
- 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities' - 2018
- 'Design Manual for Urban Roads and Streets'
- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices')
- 'Childcare Facilities – Guidelines for Planning Authorities'

4.2 Local Policy

The **Dún Laoghaire-Rathdown County Development Plan 2016-2022**, is the operative county development plan and contains general policies and objectives in relation to residential amenity standards. The site is located on land zoned Objective A - to protect and-or improve residential amenity.

SLO 64 - To improve pedestrian and cycle permeability to and from the former Dún Laoghaire golf course lands at Honeypark.

Policy RES3: Residential Density provides that it is Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development. In promoting more compact, good quality, higher density forms of residential development it is Council policy to have regard to the policies and objectives contained in the following Guidelines:

- 'Sustainable Residential Development in Urban Areas' (DoEHLG 2009)
- 'Urban Design Manual – A Best Practice Guide' (DoEHLG 2009)
- 'Quality Housing for Sustainable Communities' (DoEHLG 2007)
- 'Irish Design Manual for Urban Roads and Streets' (DTTaS and DoEHLG 2013)
- 'National Climate Change Adaptation Framework – Building Resilience to Climate Change' (DoECLG 2013)

Policy RES14: Planning for Communities – it is Council policy to plan for communities in accordance with the aims, objectives and principles of 'Sustainable Residential Development in Urban Areas' and the accompanying 'Urban Design Manual – A Best Practice Guide'. In all new development growth areas, and in existing residential communities it is policy to ensure that proper community and neighbourhood facilities are provided in conjunction with, and as an integral component of, major new residential developments and proposed renewal/redevelopment areas, in accordance with the concept of sustainable urban villages outlined under Policy RES15.

5.0 Planning History

Subject site:

- PA reference D08A/1379 and ABP PL06D.235181 – Permission for residential development comprising 605 no. residential units and a creche. PA reference D08A/1379/E extends the appropriate period until 5 August 2022.
- PA reference D09A/0908 / PL 06D.237650 – Permission for 384 no. Residential Units. PA reference D08A/0908/E extends the appropriate period until 15 March 2023.
- There are a number of amending planning permissions throughout the area of the development and these are outlined in detail in the planning authority opinion. Most relevant are D17A/0445, D16A/0745 and ABP PL06D.237560, that relate to revisions to apartment blocks.

5.1.1. Section 247 Consultation(s) with Planning Authority

It is stated by the prospective applicants in the submitted documentation that Section 247 pre-application consultations took place with the planning authority (20/03/18 and 19/06/18).

6.0 Forming of an Opinion

- 6.1.1. 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 a brief detail on each of these elements hereunder.

Documentation Submitted

- 6.1.2. 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.
- 6.1.3. The information submitted included the following: Cover Letter, SHD Application Form, architectural drawings and design report, cgi images, engineering drawings

and assessment report, flood risk assessment, construction management plan, landscape drawings, AA Screening Report, Part V proposal, Housing Quality Assessment, planning report including a statement of consistency, Traffic Impact Assessment and a response from Irish Water Letter.

- 6.1.4. I have reviewed and considered all of the above mentioned documents and drawings.

Planning Authority Submission

- 6.1.5. 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 11 January 2019.

- 6.1.6. The planning authority's 'opinion' included the following matters: a description of the site and surroundings, a brief overview of the proposed development, planning history, the zoning provisions, any specific objectives for the area and a list of relevant national policy documents. The planning authority's comments included the following:

- **Minutes of Section 247 Consultations** – Minutes are provided within the report.
- **Internal Reports** – Reports are noted from the Transportation, Drainage, Waste Division, Parks and Landscape Services and Public Lighting Section.
- **Planning history** – A comprehensive list of planning applications on site and adjacent to the site.
- **Policy Context** – An outline of relevant policies for the site are detailed in the report. The lands are zoned for 'residential' use. The principle of accommodating a higher density development at this location is generally accepted and encouraged.
- **Density** – Planning Authority is satisfied that a higher density development is acceptable.
- **Residential Mix** – it is considered that the current proposal provides an appropriate mix of housing types, sizes and tenures on the site given its location.

- **Height, Scale and Mass** – The specific site has the capacity to absorb the heights proposed and accords with the height strategy set out in Appendix 9 of the CDP.
- **Apartment Standards and Amenities** - All apartments proposed comply with national guidelines and generally exceed the floor area requirements. The applicant is advised to set out the proposed occupancy of each unit to allow full assessment of the proposal.
- **Impact on adjoining amenities** – it is not anticipated that the proposed apartment units would impact upon overshadowing or overlooking to existing residential units. However, the applicant should demonstrate how the internal elevations at ‘pinch points’ would not impact on residential amenity for future occupants.
- **Private/public open space** – the calculation of private amenity space would benefit from the supply of information on the occupancy of each unit. The quantum of public open space appears to comply with the requirements, however, a more detailed assessment and conclusion should be prepared by the applicant when an application is made. Landscape design is acceptable.
- **Permeability** – the provision of internal courtyards and interconnecting pathways are acceptable.
- **Childcare** – the childcare facility, though permitted, is not yet in place.
- **Taking in Charge** – details are noted.
- **Part V-** Proposals are noted.
- **Drainage Surface Water** - Report outlines details required by Drainage division of the local authority.
- **Transportation Planning** – Details regarding transportation from the transportation section is outlined. It is indicated that 429 parking spaces are provided.
- **Conclusion** – A summary of the issues that ABP may wish to consider are provided in the conclusion.

Submission from Irish Water

- 6.1.7. A submission was received from Irish Water and is available on file. In summary, the submission states that the proposed development 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.

- 7.1.1. A section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 25 January 2019, commencing at 11.30pm. 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.
- 7.1.2. 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. Building Height
 2. Residential Amenity
 3. Tenure Type
 4. Any other matters
- 7.1.3. In relation to Building Height, ABP representatives sought further elaboration/discussion on the rationale for the building heights proposed and had consideration been given to the Urban Development and Building Heights Guidelines, 2018. The applicant was asked to clarify if the heights proposed are optimal for the site given the prevailing character of the area and proximity to a park. In any event the applicant was reminded to comply with the requirements of the guidelines and provide a suitable architectural report that outlines the height strategy for the site.
- 7.1.4. In relation to Residential Amenity, ABP representatives sought further elaboration/discussion on the potential occupancy of the apartments and the resultant private and communal open space provision. Additional explanation of the residential amenity for future residents in terms of overlooking was explored and clarification should be submitted if necessary.
- 7.1.5. In relation to Tenure Type, ABP representatives sought further elaboration/discussion on the designation of the units as build-for-rent and the necessity to comply with the relevant guidelines in relation to same. The applicant confirmed that the units are not build-for-rent but it is their intention to provide a

varied level of communal amenities similar to those for build-for-rent, but meeting the accommodation levels of ordinary apartments.

- 7.1.6. In relation to any other matters, ABP representatives reminded the applicant for the need to ensure that all drainage drawings are in good order and correct, further consultation with the planning authority is encouraged prior to the submission of an application. EIA screening report should be considered by the applicant as a standalone report and structured in the manner of the regulations/guidelines.
- 7.1.7. Both the prospective applicant and the planning authority were given an opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting 303165' 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

- 8.1.1. 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.
- 8.1.2. I have examined all of the information and submissions before me including the documentation submitted by the prospective applicant, the submissions of the planning authority, submissions received from statutory consultees referred to under Section 6(10) of the Act 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.
- 8.1.3. 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.

8.1.4. 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.

9.0 Recommended Opinion

9.1.1. An Bord Pleanála refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

9.1.2. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, and submissions received from statutory consultees referred to under Section 6(10) of the Act, 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.

9.1.3. 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, the prospective applicant should satisfy themselves that the proposed building heights provide the optimal architectural solution for this site and in this regard, the proposed development shall be accompanied by an architectural report and accompanying drawings which outlines the design

rationale for the proposed building height having regard to inter alia, National and Local planning policy, the site's context and locational attributes. An accompanying architectural report should outline the design rationale for the proposed building height, scale and massing in light of the publication of 'Urban Development and Building Height' 2018.

2. A building life cycle report shall be submitted in accordance with Section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2018). In addition, the applicant shall ensure that advice provided by the guidelines in relation to the development management process (section 6.0) is followed.
3. Full and complete analysis and drawings that detail the impact of the proposed development on the residential amenity of future residents in relation to daylighting, overshadowing and overlooking. Specific attention should be paid to the separation distances between opposing blocks and the impact upon privacy and overlooking. Section 3.0 *Apartment Design Standards* of the Sustainable Urban Housing: Design Standards for New Apartments 2018, provides guidance in respect to these issues.
4. Details of existing and proposed levels across the development site relative to adjoining lands in particular contiguous residential properties. Full details of any changes in levels proposed should be provided.
5. A mobility management strategy that shall be sufficient to justify the amount of parking proposed for cars and bicycles.
6. A housing quality assessment which provides specific information regarding the proposed apartments and likely occupants, and which demonstrates compliance with the various requirements of the 2018 Guidelines on Design Standards for New Apartments, including information on the occupancy of each unit.
7. A site layout plan showing which, if any, areas are to be taken in charge by the planning authority.

9.1.4. Also, 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:

- Irish Water
- National Transport Authority
- Transport Infrastructure Ireland
- Dun Laoghaire Rathdown County 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.

Stephen Rhys Thomas
Planning Inspector

13 February 2019