



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion

303355

Strategic Housing Development	Demolition of existing structures on site, construction of 143 no. Build to Rent apartments.
Location	Roselawn and Aberdour, Stillorgan Road, Foxrock, Dublin 18.
Planning Authority	Dun Laoghaire Rathdown County Council.
Prospective Applicant	Granville Hall Partnership.
Date of Consultation Meeting	13 February 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

- 2.1.1. The site (stated area 0.85ha) is located on the northern side of the N11 Stillorgan Road, south east of the N11 / Newtownpark Avenue junction in Foxrock, Co. Dublin. The main part of the site is occupied by an existing partially constructed detached house, formerly known as 'Aberdour', along with its associated grounds, in addition to the house and gardens of 'Roselawn'. The site boundary also includes a right of way over a public road serving Knocksinna Court, a cul-de-sac of five detached houses off Granville Road. The public right of way continues via an existing pedestrian laneway to the N11, along the eastern site boundary, which is currently unsurfaced and overgrown.
- 2.1.2. Levels fall slightly away from the N11 road frontage within the site. The ground within the site is disturbed and unmaintained. There is a 2.2 m high stone wall along the N11 site frontage, with a vehicular access to the N11 from both properties at Roselawn and Aberdour. There are hedgerows with mature trees along the other site boundaries. The context of the site is generally defined by low density 2 storey residential development, with residential properties to the immediate east and west on the N11 and to the north on Granville Road.

3.0 Proposed Strategic Housing Development

The proposed development which is subject of this pre-application consultation request comprises 143 build to rent units provided in a two apartment blocks over seven storeys on 0.85 Hectares, the detail is as follows:

- 73 one bedroom apartments
- 70 two bedroom apartments
- 61.5% of units are dual aspect.
- Residents facilities include: gymnasium, multifunctional space and work lounge at lower ground floor level and a social integration space at ground floor level.
- Access - a pedestrian link from the N11 to Granville Road; permanent vehicular access off Granville Road and temporary construction access off the N11.
- 93 car parking spaces (81 at basement level and 12 at surface level); set down area and bicycle parking (284 spaces).

The site area is 0.85 Hectares and the gross floor space proposed is 14,610 sq.m. Residential density (143 apartments over 0.85 Hectares) 168 units per hectare.

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

- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’)
- ‘Design Manual for Urban Roads and Streets’
- ‘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. There is a specific objective ‘To protect and preserve Trees and Woodlands’ relating to an adjacent property to the north of the site.

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’
- ‘Urban Design Manual – A Best Practice Guide’
- ‘Quality Housing for Sustainable Communities’
- ‘Irish Design Manual for Urban Roads and Streets’
- ‘National Climate Change Adaptation Framework – Building Resilience to Climate Change’

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.

Other policies and objectives relevant to the site include:

- Section 2 policies on residential development, including the housing strategy and policies RES4 and RES7, public transport policy in section 2.2.8 and roads policy in section 2.2.10.
- Biodiversity policies in section 4.1.3, including Policy LHB19: Protection of Natural Heritage and the Environment and policies on open space and recreation in section 4.2.
- Urban design principles in section 8.1. Section 8.2 policies on residential development, car parking, open space.
- Building Height Strategy set out in Appendix 9.

5.0 Planning History

Subject site:

- PA reference D16A/0904 and ABP reference PL06D.248703 – Permission for a residential development of 48 apartments and all associated site works. November 2017.
- PA reference D08A/0028 - Revisions to planning applications D04A/1072 and D04A/0778 by deleting one house to rear of the site, and construct two number two storey five bedroom detached houses with attic conversion and dormer window to front and 1 no. roof light to rear, each with single storey garages, with new outfall sewer to rear of site.
- PA reference D04A/1072 - Construction 2 two storey detached dwellings with single storey garages.

- PA reference D04A/0778 - Demolition of a fire damaged derelict two storey dwelling. The construction of a new two storey replacement dwelling with detached single storey garage and new boundary wall along the laneway facing on to Knocksinna Court.

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 on 27 September 2018 and 14 November 2018.

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, Planning Report, Statement of Consistency, Environmental Report, architectural drawings and design report, Traffic Assessment and DMURS Statement of Consistency, Infrastructure /Engineering Report (and Flood Risk Assessment), Drainage Drawings, Tree Impact Assessment, Daylight/ Sunlight and Shadow Study, Appropriate Assessment Screening, Ecological Assessment, Lighting Study Sustainability Statement, photomontages, Landscape and Visual Assessment, Landscape Masterplan, Construction and Demolition Waste Management Plan, Operational Waste Management Plan, Acoustics Report, Conservation Report, Childcare Study 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 01 February 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 of the Development Plan and 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 appendix A to the report.
- **Internal Reports** – Reports are noted from Transportation Planning, Drainage Planning, Housing Department, Parks and Landscape, Public Lighting Section and Waster Management.
- **Planning history** – A comprehensive list of planning applications on 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 states that the site is ideally located for higher densities.
- **Building Height** – The N11 has the capacity to accommodate taller buildings. Little concern is shown towards Block A that fronts onto the N11, however, there are serious concerns over Block B to the rear and its impact upon neighbouring residential properties. SPPR3 of the Building Height Guidelines is referenced.

- **Form, Building Line and Materiality** – no objections are raised in relation to the building line and form along the N11, however, concerns remain in relation to Block B to the rear. The selection of materials and finishes are acceptable.
- **Residential Amenities** – in terms of residential properties to the south and east, no strong concerns are raised and screens are recommended in order to avoid any opportunity of overlooking. Block B causes a number of issues including overlooking and overshadowing to properties to the north east and north west of the site and the proposed heights have not addressed issues raised at pre-planning discussions. Concerns are also raised in relation to future occupants and the potential for overlooking between blocks. Separation distances of at least 22m have been achieved, but pinch points result in areas where 17m is achieved.
- **Apartment Standards (BTR)** – the relevant standards have been met. However, given the location of the site away from shops and other services, the resident’s communal facilities require greater detail.
- **Open Space and Pedestrian Connections** – the proposed quantum and quality of the public open space is welcomed; however, concerns remain over the design of the pedestrian connections between N11 and Knocksinna Court. The retention of strategically located trees along the boundary to the north east and additional tree planting is recommended.
- **Parking** – 149 car parking spaces are recommended but a reduction in quantum is feasible.
- **Daylight** – concerns that not all apartments will receive the required amount of daylight and that the communal open space will suffer from overshadowing.
- **Part V-** Proposals are noted but costs exceed the Council’s limits.
- **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 13 February 2019, commencing at 2.30pm. 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, scale and massing
 2. Residential Amenity
 3. Visual Impact
 4. Car/Cycle Parking – quantum and design
 5. Pedestrian linkage
 6. Surface water management
 7. Legal Covenant
 8. Any other matters
- 7.1.3. In relation to Building height, scale and massing, ABP representatives sought further elaboration/discussion on the building height, scale and massing. The applicant briefly outlined the design rationale for the site and that they are satisfied that the optimum density and height has been achieved. The previous scheme was on a smaller site. ABP representatives suggested that a greater range of long sections through the site and adjacent property would be useful. Additional photomontage and CGI imagery could be considered. There should be a statement regarding building height and scale as outlined in the recently published building height guidelines.
- 7.1.4. In relation to Residential Amenity, ABP representatives sought further elaboration/discussion on the likely residential amenities that will be afforded to future residents. The applicant outlined the beneficial location of the site and the availability of local amenities and services. In addition, the design of the proposed development was examined, in particular the decision to locate one block in front of the other to take advantage of morning and evening light. The inclusion of a sprinkler system, allows more open floorplans and light penetration. The retention of notable

trees was discussed and the location of surface car parking and what impact would result to tree viability was clarified. The prospective applicant was advised that a robust rationale should be prepared that illustrates the impact of overshadowing to adjacent dwellings as well as to future occupants of the proposed scheme.

- 7.1.5. In relation to Visual Impact, ABP representatives sought further elaboration/discussion on the impact of the development as viewed from the street and Knocksinna Court in particular. Any design should clearly show the interface with the public domain and be designed in accordance with the advice provided by DMURS. Further consultation with the planning authority in this respect is advised.
- 7.1.6. In relation to Car/Cycle Parking – quantum and design, ABP representatives sought further elaboration/discussion on the amount of car parking spaces provided given that the development will be build to rent and the proximity to public transport. The prospective applicant outlined the marketability of the development with the desired amount of car parking spaces but would research a lesser amount if possible. A management plan that details a car parking strategy would be useful to demonstrate a rationale for reduced car parking.
- 7.1.7. In relation to Pedestrian linkage, ABP representatives sought further elaboration/discussion on the importance of maintaining a pedestrian/universal access from the N11 to Knocksinna Court. The technical difficulties of the site, combined with the requirements for universal access were set out by the prospective applicant. It was concluded that further discussions between the planning authority and prospective applicant could yield the desired planning gain of a linkage at this location.
- 7.1.8. In relation to Surface water management, ABP representatives sought further elaboration/discussion on any surface water issues that might still be outstanding. The planning authority outlined their concerns with regard to flooding issues and that these should be addressed at application stage. It was concluded that further discussions between the planning authority and prospective applicant should continue to address any technical issues prior to the submission of an application.
- 7.1.9. In relation to the preparation of a Legal covenant, ABP representatives sought further elaboration/discussion on the requirement to submit a legal covenant document with any application for the type of development proposed.

- 7.1.10. In relation to any other matters, ABP representatives reminded the applicant to engage further, as necessary, with regard to temporary access from the N11, during the construction phase. In addition, the planning authority sought clarification that the access road proposed would allow for sites currently landlocked to be opened up for development. .
- 7.1.11. 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 303355' 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 and scale, 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 and specifically with reference to Chapter 3 Building Height and the Development Management process, of the guidelines. The applicant should satisfactorily demonstrate that the proposed development complies with the criteria as set out in section 3 of the guidelines and responds positively to the specific characteristics of the site.

2. Cross-sections at appropriate intervals, photomontages, computer generated imagery and any other information deemed relevant, illustrating the topography of the site and showing the proposal relative to existing development in the vicinity. In particular, detail concerning proposed apartment blocks and adjacent residential development to the north east along Granville Road and adjacent properties to the south east and north west should be clearly illustrated and described.
3. Sufficiently detailed cross section drawings through the proposed pedestrian/cyclist connection between the N11 and Knocksinna Court should take account of NDA advice in relation to a Building for Everyone – a Universal Design Approach.
4. A Daylight/Sunlight analysis, showing an acceptable level of residential amenity for future occupiers and neighbours of the proposed development, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development and in adjacent properties. Specific regard should be had to ground floor apartments at sensitive locations and existing adjacent properties.
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 which demonstrates compliance with the various requirements of the 2018 Guidelines on Design Standards for New Apartments, including the specific planning policy requirements in respect of Build to Rent developments.

7. Additional drainage details for the site having regard to the requirements of the Municipal Services Drainage Planning as indicated in their report and contained in Appendix B of the Planning Authority's Opinion. Any surface water management proposals should be considered in tandem with any Flood Risk Assessment, which should in turn accord with the requirements of 'The Planning System and Flood Risk Management' (including associated 'Technical Appendices'), specifically with reference to safe overland flow routes.
8. Contour/site level map accurately and legibly showing levels across the site and adjacent to the site.
9. A site layout plan showing which, if any, areas are to be taken in charge by the planning authority. Streets should be shown up to the boundaries of the site and facilitate future access.
10. Childcare demand analysis and likely demand for childcare places resulting from the proposed development, if any.
11. 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.
12. Construction and Demolition Waste Management Plan.
13. A proposed covenant or legal agreement further to which appropriate planning conditions may be attached to any grant of permission to ensure that the development remains in use as Build to Rent accommodation. There shall be a requirement that the development remains owned and operated by an institutional entity and that this status will continue to apply for a minimum period of not less than 15 years and that similarly no individual residential units are sold or rented separately for that period (Your attention is drawn to the provisions of Specific Planning Policy Requirement 7 of the 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' 2018).

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:

1. Irish Water
2. Transport Infrastructure Ireland
3. National Transport Authority
4. 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

05 March 2019