



An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion
303357-19**

Strategic Housing Development

Location	RB Central, Rockbrook, Carmanhall Road, Sandyford, Dublin 18
Planning Authority	Dun Laoghaire Rathdown Co. Co.
Prospective Applicant	IRES Residential Properties Ltd
Date of Consultation Meeting	15 th February 2019
Date of Site Inspection	8 th February 2019
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 is located in the north-western block of the former Sandyford Industrial Estate and has a stated area of 2.02 hectares, is bounded by Carmanhall Road to the south, Blackthorn Drive to the west and north and a site known as 'Tivway' to the east.

2.2 The site has been partially developed under its parent permission and subsequent modifications. It has been stated that the site has remained uncompleted for 10 years.

3.0 Proposed Strategic Housing Development

3.1 The proposed development comprises 2 no. residential blocks ranging in height from 6-14 storeys comprising 428 no. apartments, residential community space at ground floor, communal open space, public open space including boulevards, 4 no. ground floor retail/commercial units, crèche with outdoor play area. The development will also include revisions to existing basement levels including car and bicycle provision with new vehicular access from Carmanhall Road and associated site works.

3.2 The following is noted:

Parameter	Site Proposal
Application Site	2.02 ha
No. of Units	428 apartments
Other Uses	4 retail/commercial units (865 sq. m) Residential community space (279 sq. m) Crèche with outdoor play area (486 sq. m)
Car Parking	523 spaces
Bicycle Parking	572 spaces
Vehicular Access	From Carmanhall Road
Part V	3 options proposed
Density	255 units/ha

3.3 The breakdown of unit types is as follows:

Unit Type	No.	% No.
Studio	32	7
1-Bed	122	29
Two-Bed	251	59
Three-Bed	23	5
Four- Bed	-	-
Total	428	100

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.

Appendix 15 Sandyford Urban Framework Plan 2016- Zone 1- Mixed Core Area- Inner Core

Zoning:

‘Objective MIC’ which seeks to ‘ consolidate and complete the development of the mixed use inner core to enhance and reinforce sustainable development’

Maps 2 and 3 if the SUFP show an allowable plot ratio of 1:4 and a height limit of 5-14 storeys

The following specific objectives

Objective MC1- require that a Retail Impact Assessment accompany all convenience and comparison retail development proposals in excess of 300 square metres GFA

Objective MC2- require that all Retail Impact Assessment demonstrate that the scale and nature of retail proposed caters only for the employment population within Sandyford Business District and the residential catchments within walking distance and that it will not have a negative impact on adjacent retail centres

Objective MC3- objective to require all planning applicants for proposed retail developments to identify the nature of the proposed use in order that the appropriateness of the use at that location can be determined

Objective MC4-objective to limit the number of additional residential units within Zone 1 and Zone 2 to circa 1300 residential units. If these 1300 residential units, 835 have planning permission as of October 2014

Objective MC5-objective to require all residential development within the Plan boundary to benefit from public open space spaces set down in DLR CDP. The applicant shall out clearly in any proposed development, how this requirement is

being addressed. Where the PA agrees that it is not possible to provide meaningful and useable public open space or where a specific local objective requires, the applicant shall provide indoor community facilities (eg community rooms, indoor active recreational uses for residents) or a financial contribution in lieu of open space, the nature of which should be agreed with the PA at pre-planning stage.

Objective MC6- objective to provide private open space in accordance with requirements of CDP

Objective MC7-require enterprise and employment development (including retail) to provide 10-15% of the site as outdoor amenity space for passive enjoyment of employees, excluding suitable boundary treatments...in Zone 1 due to high plot ratios and creation of streets it may not be feasible or appropriate to provide outdoor amenity open space accessible to all employees. In this case the amenity space shall be provided by alternative means, as detailed in section 2.3.2.3 of SUFP

Appendix 3 Building Height Strategy

Application site subject to Section 49 Supplementary Development Contribution Scheme-Luas B1

5.0 Planning History

Subject Site:

D05A/1159 (PL06D.215205):

Permission GRANTED in June 2006 and has been partially implemented for demolition of existing buildings and construction of mixed use development in six blocks comprising 847 residential units, offices and a crèche.

A number of applications for modifications to this scheme have been made in the interim.

D16A/0697 (PL06D.248397):

Application for completion of 492 apartments in 3-14 storey blocks including a retail unit, café and crèche in Block 1, modification and completion of three basements levels and revised ramp access arrangements, landscaping and ancillary works. Permission REFUSED in September 2017 for three reasons relating to

- (1) ...by reason for location of Block 1... proposal would compromise the legibility and associated permeability of this boulevard and negate the opportunity to have a centrally placed urban plaza as a focal point to the overall development
- (2) by reason of monolithic nature of the design of the proposed apartment blocks and their massing, scale and bulk and by reason of lack of appropriate level of supporting community facilities and limited range of apartment sizes and type to be provided...fail to comply with principles of Sustainable Residential Development in Urban Areas...fail to provide a high quality living environment
- (3) Design, siting, location and layout, that the proposed apartment blocks would result in undue diminution in the availability of light to the existing apartments to the north, Blocks A and D, as compared to the previously approved development...seriously injure the residential amenities of neighbouring property

Adjoining Sites:

ABP-301428/18:

Strategic Housing Development Application to ABP

Permission GRANTED for demolition of existing buildings and construction of a residential development of 460 no. apartments in 12 storey and provision of ancillary on-site facilities

6.0 Section 247 Consultation(s) with Planning Authority

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

7.0 Submissions Received

Irish Water

Irish Water has issued a Confirmation of Feasibility for this development for 450 residential units.

As stated in the CoF, to facilitate the wastewater connection Irish Water must carry out capital works to the wastewater network on Blackthorn Avenue/Blackthorn Drive. The project (Sandyford Tank Sewer) is on Irish Water's Capital Investment Plan and is scheduled to be complete by Q4 2019.

No third party or statutory consents will be required other than a road opening licence from the local authority.

Therefore, based on the CoF, Irish Water confirms that subject to a compliant water and wastewater layout and a valid connection agreement being put in place between Irish Water and the developer, the proposed connections to the Irish Water networks can be facilitated.

Commission for Railway Regulation (incorrect site address noted)

Their observations may be broadly summarised as follows:

1. Notification of your decision is required to TII
2. TII should be consulted to ensure risks associated with railway/tramway trespass are not increased in the vicinity of this development either during the works or when the works are complete
3. The party undertaking the construction should ensure future works which may affect the safe operation of the tramway are undertaken with the consultation of TII- particular care should be taken for construction traffic routing which may cross the tramway at nearby junctions during the works

4. Observations or issues raised by TII, or by the Luas operator through TII, should be addressed in particular with regard to the LUAS green line
5. If permission is granted, the party undertaking the works should consult with TII regarding road-rail interfaces on access routes which may have increased flow or abnormal loads during the construction phase of the project

8.0 Forming of Opinion

8.0.1 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 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, 3D visualisations, a completed pre-connection enquiry feedback form from Irish Water, Statement of Consistency Report, Pre-Planning Submission Drawings (A3 booklet), Pre-Planning Design Statement (A3 booklet), Transport Statement, Infrastructure Report and Flood Risk Assessment.

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 30th January 2019.

8.2.2 The planning authority's 'opinion' included the following matters: development proposal, planning history, site and surrounding area, policy context, proposed uses, density and plot ratio, heights and scale, design and layout, daylight/sunlight wind analysis, boundary with adjoining 'Tivway' site, separation distances, open space provision and public realm, childcare/community facilities, flooding/drainage, transportation issues, waste management, schools, EIA/AA and Part V.

8.2.3 Report concludes that the following may require further consideration:

- Increased provision of community space to accord with Policy SUFP 9 and MC5 of the SUFP in order to improve residential amenity for future occupants and to compensate for overreliance on roof top open space areas
- Retail Impact Assessment
- Full details of external finishes and how they match adjoining schemes
- Sunlight and Daylight Analysis which analysis average daylight factor for a number of specified units and which also confirms that the location of the play areas would benefit from sunshine on a sunny day
- Details on usability, quality and accessibility of roof terraces- confirm that they are capable of being used for sitting
- Breakdown of open space areas and cross reference to a drawing required
- Details, specifications and samples for all boundaries
- Details of an 'External Seating and Street Furniture Strategy'
- A strategy for all areas of public realm which identifies all locations for vents which are visible within any public or communal spaces
- Liaise with Department of Education and Skills with regard to school places
- Details of management and areas to be taken in charge
- Clarity on whether this is a build-to-rent scheme
- Details of way finding/connectivity
- Clarification of details around EIAR screening and requirement for same
- Detailed drawings to confirm separation distances between blocks
- Issues raised in Parks and Landscape Section report, as contained in Appendix B of Chief Executive Report
- Issues raised in Drainage Section report, as contained in Appendix B of Chief Executive Report

- Issues raised in Waste management Report, as contained in Appendix B of Chief Executive Report
- Issues raised in Housing Section Report, as contained in Appendix B of Chief Executive Report

8.2.4 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 15th day of February 2019, 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:

- Development strategy for the site including site history, proposed uses, Part V, community spaces
- Residential amenity and open space provision/public realm; microclimate
- Parking and mobility management
- Drainage matters
- Other matters

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

- Previous refusal of permission on this site under PL06D.248397
- Clarity in relation to tenure of proposed scheme
- Clarity on proposed commercial uses along boulevard; interface with public realm
- Clarity with regards to Part V proposals; liaison with Housing Section of PA
- Clarity with regards quantum, distribution, quality and uses of proposed community spaces
- Details pertaining to interface between proposed development and adjoining lands; positioning of vents;

- (ii) In relation to residential amenity, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:
- Potential impacts on nearby residential properties development in terms of overlooking, overshadowing, overbearing and noise
 - Compliance with Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018); daylight/sunlight into proposed lower ground floor units
 - Internal daylight/sunlight analysis to ensure adequate amenity of future residents including sunlight analysis to include areas of open space
 - Microclimate including details of wind analysis
 - Materials/finishes
- (iii) In relation to parking and mobility management, An Bord Pleanála sought further elaboration/discussion/consideration of the following:
- No report received from transportation Department of PA- liaise with Transportation Department prior to lodging any subsequent application
 - Details of proposed basement layout, access details and details of parking allocation to be submitted at application stage
- (iv) In relation to drainage issues, An Bord Pleanála sought further elaboration/discussion/consideration of the following:
- Report of Irish Water to An Bord Pleanála dated 29th January 2019, which refers, to the requirement for capital works to the wastewater network on Blackthorn Avenue/Blackthorn Drive
 - Report of Drainage Division of planning authority dated 15th January 2019
- (v) In relation to other matters, An Bord Pleanála sought further elaboration/discussion/consideration of the following:
- Clarification in relation to boundary treatments/landscaping, submission of CGIs/visualisations/cross sections, waste management, connectivity through the site, management of the proposed scheme, taking in charge, roof antennae and EIAR

8.3.3 The prospective applicant and the planning authority were given the 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 303357' 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.

8.4 Conclusion and Recommendation

8.5 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.

8.6 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.

8.7 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.**

8.8 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

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 would constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**

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. A report that specifically addresses the proposed materials and finishes and the requirement to provide high quality and sustainable finishes and details. Particular attention is required in the context of the visibility of the site and to the long-term management and maintenance of the proposed development.
2. A life cycle report shall be submitted in accordance with section 6.3 of the Sustainable urban housing: Design Standards for New Apartments (2018)
3. Additional drainage details having regard to the report of the Drainage Division of the planning authority, as contained in Appendix B of the Chief Executive Report dated 15th January 2019
4. Additional documentation relating to appropriate flood risk assessment that demonstrates the proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk. A Flood Risk Assessment should be prepared in accordance with 'The Planning System and Flood Risk Management' (including associated 'Technical Appendices')
5. A report that addresses issues of residential amenity (both existing residents of adjoining development and future occupants), specifically with regards to overlooking, overshadowing, overbearing and noise. The report shall include full and complete drawings including levels and cross-sections showing the

relationship between the proposed development and adjoining residential development. Furthermore, landscape and architectural drawings that clearly detail the relationship between wind impact mitigation measures and the design of the proposed development shall be included

6. Daylight and Sunlight Analysis
7. Retail Impact Assessment
8. Waste Management Plan
9. Schedule of accommodation
10. A detailed landscaping plan for the site which clearly sets out proposals for hard and soft landscaping including street furniture, where proposed. Details relating to the materiality of the proposed boulevard, together with proposals for the interface between proposed development and adjoining lands should be also submitted. Additional cross sections, CGIs and visualisations should be included in this regard.
11. A site layout plan indicating what areas, if any, are to be taken in charge by the planning 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. Irish Water
2. Irish Aviation Authority
3. National Transport Authority
4. Transport Infrastructure Ireland
5. Coras Iompair Eireann
6. Commission for Railway Regulation
7. Health Service Executive

PLEASE NOTE:

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

Lorraine Dockery
Senior Planning Inspector

01st March 2019