



An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion
303691-19**

Strategic Housing Development

Location	Greenacres, Longacre and Drumahill House, Upper Kilmacud Road, Dublin 14
Planning Authority	Dun Laoghaire Rathdown Co. Co.
Prospective Applicant	Crekav Trading GP Ltd
Date of Consultation Meeting	20 th March 2019
Date of Site Inspection	13 th March 2019
Inspector	L. Dockery

1.0 Introduction

1.1 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 1.76 hectares, is roughly rectangular in shape and has access onto Kilmacud Road Upper. It is generally level, with a small fall from north to south.

2.2 The site contains two houses presently. There are a number of mature trees on the site, particularly along its boundaries and towards the southern end.

2.3 The site is located within 1km of Dundrum town centre and the LUAS stop. A cycle lane is in operation along this part of the road and it is noted that the 75 bus runs along Kilmacud Road Upper.

3.0 Proposed Strategic Housing Development

3.1 The proposed development comprises the demolition of the former Green Acres Convent and Drumahill House and associated out-buildings and the construction of 255 apartments in 3 no. blocks, 4-6 storeys in height, over single level basement parking, all on a site of 1.76 hectares.

3.2 The following is noted:

Parameter	Site Proposal
Application Site	1.76 ha
No. of Units	255 apartments
Other Uses	N/A
Car Parking	215 spaces (200 at basement level)
Bicycle Parking	360 spaces
Vehicular Access	From Kilmacud Road Upper
Part V	25 units
Density	145 units/ha

3.3 The breakdown of unit types is as follows:

Unit Type	No.	% No.
1-Bed	114	44.7%
Two-Bed	123	48.2%
Three-Bed	18	7%
Total	255	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 (2018)
- Design Manual for Urban Roads and Street (2013)
- The Planning System and Flood Risk Management' (including the associated Technical Appendices) (2009)
- Childcare Facilities- Guidelines for Planning Authorities (2001)
- 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

'Objective A' which seeks to 'protect and or improve residential amenity'.

Immediately to the south and west of the site is land zoned 'Objective F' whose objective is 'to preserve and provide for open space with ancillary active recreational amenities'

There is a Specific Local Objective on lands to the south and east of the site to 'encourage the retention and development of the Airfield Estate for educational, recreational and cultural uses'.

There is also an Objective to 'preserve trees and woodlands' on the Airfield lands.

There are a number of policies within the Development Plan relating to residential development.

Appendix 3 Building Height Strategy

5.0 **Planning History**

Subject Site:

D15A/0660 (PL06D.246030):

Permission REFUSED for 130 apartments in 4 separate blocks ranging from 5-6 storeys with basement parking.

The reasons for refusal related to (i) overlooking/overbearing of adjoining properties, particularly to the east due to height and proximity to boundaries, impacts on residential amenity; and (ii) poor standard of residential amenity for future residents due to limited separation distances, relationship with open space and monolithic aspect of the area.

D16A/0818 (PL06D.248265):

Permission GRANTED for 120 apartments in two blocks ranging in height from 2-5 storeys.

Noted that site area was slightly smaller than current site area.

6.0 **Section 247 Consultation(s) with Planning Authority**

6.1 It is stated by the prospective applicant that three 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 300 residential units.

As stated in the CoF, the applicant must enter into a Project Works Services Agreement with Irish Water to determine if wastewater network upgrades to facilitate the connection are required between Eden Park Avenue and Lower Kilmacud Road.

The applicant has not yet signed a Project Works Services Agreement with Irish Water but has entered into discussions with Irish Water to progress the works. It is envisaged that if upgrades are required, no statutory or third party consents will be required other than a road opening licence from the local authority.

Also stated in the CoF is that Irish Water must carry out capital works to the wastewater network (Goatstown Road Local Network Reinforcement Project). This project is on Irish Water's Capital Investment Plan and is scheduled to be complete to Q4 2020.

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.

Archaeology

Their observations may be broadly summarised as follows:

Notes that the proposed development is large scale in extent and could have significant impacts on previously unidentified archaeological remains within the footprint of the development area.

Recommended that an Archaeological Impact Assessment, as described, should be prepared to assess the potential impact, if any, on archaeological remains in the area where development is proposed to take place. This will enable An Bord Pleanála and Department to formulate an informed archaeological recommendation before a planning decision is taken.

Details attached in relation to compilation of Archaeological Impact Assessment.

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, planning report, a completed pre-connection enquiry feedback form from Irish Water, Statement of Consistency Report, Drawing Pack (A3 booklet), visualisations, Design Statement (A3 booklet), engineering drawings, Transport Impact Assessment, Architectural Heritage Assessment, Engineering Services Report, Flood Risk Assessment, plans and particulars.

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 March 2019.

8.2.2 The planning authority's 'opinion' included the following matters: development proposal, planning history, site and surrounding area, policy context, principle of proposal, density, demolition of houses, height and transitional zoning; layout, block structure, form and appearance; housing mix; privacy; public open space/landscaping; permeability; supporting community infrastructure; residential amenities of adjoining sites; design standards; refuse storage/waste plan/construction management plan; drainage planning comments, transport planning comments, taking in charge; public lighting; Social housing; AA/EIA and development contributions.

8.2.3 Report may be summarised as follows:

- Residential development is permitted in principle under the zoning objective
- Current construction rate within PA area is significantly below targets set out in Regional Planning Guidelines
- In light of construction rate, together with the site's urban location, in close proximity to public transport and Dundrum Town Centre, proposed density is considered acceptable
- Retention of houses was not sought by either PA or ABP in granting permission previously on the site
- Proposed height and scale is considered acceptable subject to overshadowing and loss of light analysis at application stage
- Layout and block structure welcomed, differing level zigzag approach helps ensure scheme does not appear bulky or heavy
- Open space coverage is approximately 25%
- Proposed form and visual appearance/finishes are considered acceptable

- Proposed unit mix is considered acceptable
- No significant concerns raised with regards to overlooking of surrounding neighbouring sites/properties, given the distances involved
- Query raised with regards relatively high wall separating the road from the open space area to the west of the site, further clarification would be useful
- Provision of pathways through the site is welcomed and enables permeability through the site- pedestrian link to Drumahill Estate is additionally welcomed, query remains as to whether this is gated or not
- Definitive lack of childcare facilities
- Demand for childcare facilities as a result of the development is likely to be notable, the area is at/near capacity for childcare services and the applicant is advised to include a crèche in the development
- Considered that proposed scheme would not give rise to an unreasonable amount of overlooking of the existing adjoining sites/properties given the distances involved
- An analysis of the existing situation in terms of daylight/sunlight should be included with any future application
- Proposal appears to show apartments largely meet the 'Sustainable Urban Housing: Design Standards for New Apartment, Guidelines for Planning Authorities'
- Errors in documentation noted
- Full housing quality assessment needs to be undertaken
- Further details required in relation to drainage
- A total of 255 car parking spaces would be deemed appropriate for 255 units
- Details on taking in charge, public lighting should be submitted
- Housing report noted in relation to Part V
- Standard development contributions should be attached to any grant of permission
- ABP is competent authority in terms of AA screening and EIA screening

8.2.4 Report concludes that the following may require further consideration:

- Ensure compliance with BRE standards

- Proximity and relationship between the corners of Blocks A and C should be reviewed in particular with regards to loss of privacy and overlooking
- Clarification on proposed new access to Drumahill Estate in terms of access. THE PA would not favour a gated access
- Application should include a crèche on site
- Plans/drawings should be consistent and accurate
- Taking in charge proposals should be clarified
- Clarity on whether this is a build-to-rent scheme, covenant details are needed if this is the case
- Transportation issues as set out in Appendix B of Chief Executive Report
- 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

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

8.2 Consultation Meeting

8.3.1 A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 20th day of March 2019, commencing at 10.00 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 to include site history, permeability/connectivity, childcare provision
- Residential amenity
- Archaeology

- Drainage
- Transport and parking
- Any other matters

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

- Extant permission on this site under PL06D.248265
- Connectivity through the site, in particular to Drumahill estate to the east and associated public open space
- Justification in relation to lack of childcare provision

(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
- Materials/finishes

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

- Report of Department of Culture, Heritage and the Gaeltacht in relation to submission of Archaeological Impact Assessment

(iv) In relation to parking and mobility management, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Extent of parking provision

- Report of Transportation Division of planning authority dated 01st March 2019

(v) 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 06th March 2019,
- Report of Drainage Division of planning authority dated 25th February 2019

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

- Clarification in relation to boundary treatments/landscaping, tree protection/removal, submission of CGIs/visualisations/cross sections, waste management, building lifecycle report, school demand report, management of the proposed scheme, taking in charge

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 303691' 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 life cycle report shall be submitted in accordance with section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2018).

This report should specifically address 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 report detailing the extent of car parking proposed, having regard to the location of the site and its proximity to public transport services
3. Traffic Impact Assessment
4. A report identifying the demand for school places likely to be generated by the proposal shall be submitted in accordance with section 4.4 of the Sustainable Urban Housing: Design Standards for New Apartments (2018)
5. 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 25th February 2019, together with report of Irish Water to An Bord Pleanála dated 06th March 2019
6. 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.
7. Daylight and Sunlight Analysis
8. Archaeological Impact Assessment
9. Waste Management Plan
10. Schedule of accommodation
11. A detailed landscaping plan for the site which clearly sets out proposals for hard and soft landscaping including street furniture, where proposed. A Tree Survey should also be submitted which clearly outlines which trees are proposed for removal, together with tree and root protection measures proposed for those trees to be retained. The applicant should also submit a report which details the rationale for the removal of the granite wall along the boundary with Holywell. Additional cross sections, CGIs and visualisations should be included in this regard.
12. 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. National Transport Authority
3. Transport Infrastructure Ireland
4. Coras Iompair Eireann
5. Commission for Railway Regulation
6. Dun Laoghaire Rathdown 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.

Lorraine Dockery
Senior Planning Inspector

27th March 2019