



An  
Bord  
Pleanála

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

**Inspector's Report on  
Recommended Opinion  
304147-19**

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<b>Strategic Housing Development</b>	Demolition of three structures and construction of 268 residential units and childcare facility
<b>Location</b>	Land at adjacent to 'The Grange', Brewery Road, Stillorgan, Blackrock, Co. Dublin
<b>Planning Authority</b>	Dun Laoghaire- Rathdown County Council
<b>Prospective Applicant</b>	KW PRS ICAV acting for and on behalf of its sub fund KW PRS Fund 10
<b>Date of Consultation Meeting</b>	May 17 <sup>th</sup> 2019
<b>Date of Site Inspection</b>	May 9 <sup>th</sup> 2019
<b>Inspector</b>	L. Dockery

## 1.0 Introduction

Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority and the documentation received from the prospective applicant, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

## 2.0 Site Location and Description

2.1 The subject site, which has a stated area of circa 9.0173 hectares, is located at the junction of Brewer Road and the N11, Stillorgan, Blackrock, Co. Dublin. The site contains a number of structures including a gate lodge, business centre, The Grange Marketing Suite and No.s 2 and 3 Grange Cottages. The site is located at the north-western end of The Grange apartment development.

2.2 Access to the site is from Brewery Road.

## 3.0 Proposed Strategic Housing Development

3.1 The proposed development comprises the demolition of three buildings and the construction of 268 residential units, together with a childcare facility

The following details are noted:

Parameter	Site Proposal
Application Site	1.6 ha
No. of Units	268 residential units
Density	167.5 units/ha
Height	3-11 storeys
Other Uses	Childcare facility- 658 m <sup>2</sup>
Parking	142 car parking spaces 560 bicycle parking spaces
Vehicular Access	From Brewery Road
Part V	27 units

The breakdown of unit types is as follows:

Unit Type	Studio	1 bed	2 bed	Total
Apartments	17	113	138	268
% Total	6.3%	42.1%	51.4%	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)

- Urban Development and Building Heights, Guidelines for Planning Authorities (2018)
- Design Manual for Urban Roads and Streets (2013)
- The Planning System and Flood Risk Management (including the associated 'Technical Appendices') (2009)

## 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'.

The subject site is partially zoned 'Objective F' whose objective is 'to preserve and provide for open space with ancillary active recreational amenities'

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

The site is located within an area subject to section 49 Supplementary Development Contribution Scheme

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

Appendix 3 Building Height Strategy

## 5.0 Planning History

There is a long and protracted history relating to the overall 'The Grange' development. The parent permission is

D03A/0750 (PL06D.206308)

Permission GRANTED for mixed use scheme with 525 residential units in 9 blocks- noted that number of units reduced to 478 by condition

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

6.1 It is stated by the planning authority that one pre-application consultation took place with the planning authority on 18<sup>th</sup> December 2018.

## 7.0 Submissions Received

### Irish Water

Confirmation of Feasibility issued for this site for 280 no. residential units.

The applicant must extend the existing 200mm water main approximately 140m along the N11 road in order to facilitate the connection of the development to the Irish water infrastructure. No statutory or third party consents are required for this upgrade 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.

## 8.0 Forming of Opinion

Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the planning authority submissions and the discussions which took place during the tripartite

consultation meeting. I shall provide brief detail on each of these elements hereunder.

## **8.1 Documentation Submitted**

- 8.1.1. The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. This information included, inter alia, completed application form, a completed pre-connection enquiry feedback form from Irish Water, Statement of Consistency, Pre-Planning Report, Landscape Planting Schedule, EIA Screening Report, Visual Impact Assessment, Daylight and Sunlight Analysis, architectural drawings; landscape drawings; Traffic and Transport Assessment; Flood Risk Assessment, engineering drawings, Engineering Assessment Report, AA Screening Report and DMURS Design Statement.
- 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 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 03<sup>rd</sup> May 2019.

The planning authority's 'opinion' included the following matters: development proposal, planning history, site and surrounding area, policy context, principle of proposal, density, apartment standards, parking and access, principle of building height; design and appearance; design approach; layout, communal open space; sunlight and daylight; microclimate-wind analysis; overlooking; Part V; childcare; surface water drainage; construction and environmental management and EIAR.

- 8.2.2 The following points are noted:

- Development accords with zoning objective and PA welcome the provision of residential units

- Poor relationship with Brewery Road in terms of visual impact- development lacks spacing from Brewer Road that would contribute to the setting of the proposed buildings of this scale
- Relationship with Brewery Road needs to be addressed also in terms of heights proposed
- Blank elevations on side facing elevations of Block J would not be acceptable- other blank elevations need addressing
- Concerns with level differences across the site
- Concerns in terms of impact on residential amenity in relation to proposed bridge link, at properties 1-3 Grange Cottages
- Need for universal access plan
- Wind mitigation measures need to be introduced
- Level of car parking on site needs to be increased
- Concerns that no visitor parking proposed
- Accessibility through the site- concerns regarding stepped access
- Removal of significant number of trees on site
- Accurate CGIs required
- Details of proposed link through to neighbouring areas of open space require further detail
- Details of phasing arrangements
- Details of external finishes
- Block N poorly served with no parking in close proximity; location of communal waste
- Plans difficult to assess

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

### 8.3 Consultation Meeting

8.3.1 A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 17<sup>th</sup> day of May 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- layout, height, elevational treatment, open space provision and permeability/connectivity
- Visual and Residential Amenity
- Parking and transportation
- Drainage matters
- Any other matters

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

- Layout in the context of DMURS and Sustainable Residential Development in Urban Areas with associated Design Manual, masterplan for overall site; frontage onto Brewery Road; interface with public realm along Brewery Road, height; level differences across the site; relationship between proposed development and any possible future landmark building at junction of Brewery Road/N11
- Elevational treatments, in particular blank elevations; elevational treatment of buildings at entrance to site; materials/finishes
- Quantum of public open space provision and the desire to ensure that it is functional and usable, passively supervised with good pedestrian and cycle linkages; interface between public/private and communal open space areas; landscaping/boundary treatments; treatment of level differences
- Permeability/accessibility- both within the site in terms of level differences/stepped access and to wider area including through to area of public open space at Leopardstown Oak Park



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

- Visual impacts of proposal on Brewery Road and N11- cross sections required
- Tree loss
- 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; microclimate; wind analysis
- Internal daylight/sunlight analysis to ensure adequate amenity of future residents including sunlight analysis to include areas of open space

8.3.5 In relation to traffic and transportation, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Report of Transportation Division of planning authority dated 01<sup>st</sup> May 2019

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

- Report of Surface Water Drainage Planning Division of planning authority undated, as contained in Appendix B of Chief Executive Opinion
- Report of Irish Water to An Bord Pleanála dated 26<sup>th</sup> April 2019

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

- Submission of schedule of floor areas; details relating to mix of units; Universal Action Plan; phasing details; submission of ecological survey; landscaping/boundary treatments; submission of CGIS/visualisations/cross sections; discrepancies between information; waste management and EIAR

#### 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, including CGIs, visualisations and cross sections, as necessary, which clearly show the relationship between the proposed development and existing development on Brewery Road. Details should include rational/justification for the heights and setbacks proposed; the interface between the proposed development and Brewery Road; boundary treatments; public realm and ground floor elevational treatments. Details should also be include of the relationship between the proposed heights and any future development on adjacent lands at the junction of the N11/Brewery Road
2. 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
3. A detailed landscaping plan for the site which clearly sets out proposals for hard and soft landscaping including street furniture, where proposed, which ensures that areas of open space are accessible, usable and available for all. Details relating to the materiality of the proposed interface between proposed

development and adjoining lands should be also submitted. Additional cross sections, CGIs and visualisations should be included in this regard.

4. A detailed phasing plan for the proposed development
5. Additional details in relation to surface water management for the site, having regard to the requirements of the Drainage Division as indicated in Appendix B of the Planning Authority's Opinion. Any surface water management proposals should be considered in tandem with a Flood Risk Assessment specifically relating to appropriate flood risk assessment that demonstrates the development proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk.
6. Additional details and justification for the proposed development in relation to roads, access and circulation, having regard to the report of the Transportation Division of the planning authority as detailed in Appendix B of their Opinion.
7. Ecological Survey of existing trees and hedgerows which clearly identifies all trees/hedgerows proposed for removal
8. Waste management details
9. 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, finishes and detailing which seek to create a distinctive character for the development, avoiding blank facades, dead frontage and render and which provides for active frontages and corners. The documents should also have regard to the long term management and maintenance of the proposed development.
10. A schedule of floor areas for all proposed units
11. Site Specific Construction and Demolition Waste Management Plan
12. Information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018, submitted as a standalone document

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. Dun Laoghaire 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.

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Lorraine Dockery  
Senior Planning Inspector

29<sup>th</sup> May 2019