



An  
Bord  
Pleanála

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

**Inspector's Report on  
Recommended Opinion**

**ABP-304358-19**

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<b>Strategic Housing Development</b>	109 no. apartments, cafe and associated site works.
<b>Location</b>	Building 5, Dundrum Town Centre, Sandyford Road, Dundrum, Dublin 16.
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Prospective Applicant</b>	Dundrum Retail Limited Partnership
<b>Date of Consultation Meeting</b>	11 <sup>th</sup> June 2019
<b>Date of Site Inspection</b>	22 <sup>nd</sup> May 2019
<b>Inspector</b>	Erika Casey

## 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, 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 has an area of 0.43 ha and is located on Sandyford Road in Dundrum. The site is an infill site and is partially developed. It accommodates a podium that was constructed as part of the Dundrum Town Centre development with basement car parking below which forms part of the overall Dundrum Town Centre multi level car park. The podium slab is approximately 2 metres higher than the level of the adjacent Sandyford Road.
- 2.2 Dundrum Shopping Centre is located to the south of the site. The existing service road, upper level of the Tesco podium car park and office buildings are located to the south west of the site. To the north west of the site, is the Ridgefort Apartment complex, constructed in the 1990's. Opposite the site is the Herbert Hill development, a large scale residential scheme that extends to 7 storeys, currently under construction. The Slang Stream runs along the eastern and northern boundaries of the site. It is a closed culvert for part of the eastern boundary and open culvert to remaining east boundary and north boundary.
- 2.3 Development in the vicinity is characterised by a mix of residential and commercial uses. The site is well served by public transport and is located c. 300 metres from the Balally Luas stop. There is a bus stop on the Sandyford Road.

## 3.0 Proposed Strategic Housing Development

3.1 The proposed development comprises a new 8 part 9 storey over basement residential apartment scheme to accommodate 109 units with an overall gross floor area (excluding basement) of 9,791 sq. metres. The breakdown of accommodation is

as follows:

<b>Unit Type</b>	<b>No. of Units</b>	<b>%</b>
<b>Studio</b>	6	5.5
<b>1 Bed</b>	48	44
<b>2 Bed</b>	55	50.5
<b>Total</b>	109	100

- 3.2 The development also provides for a café at ground floor with an area of 78 sq. metres. A number of other ancillary facilities are also proposed at ground floor including a co-working space, management office, multipurpose games room and lounge. There is a further resident's lounge on the 8<sup>th</sup> floor. The floor area of the ancillary residential support facilities is 378 sq. metres. The overall density is 254 units per hectare. The plot ratio is 2.3 and the site coverage is 31.6%.
- 3.3 Over half of the 2 bed apartments are more than 10% over the required minimum standard and are generally between 76 and 80 sq. metres in size. All of the one bed apartments are in excess of the minimum 45 sq. metres standard. Floor to ceiling heights generally exceed 2.55 metres internally and the ground floor units have a height of 2.7 metres. It is stated that the development is designed to have two cores serving the scheme. The maximum number of apartments per floor is 15 units, thus the development provides one core per 7.5 units. The ratio of dual aspect units is 43%.
- 3.4 Private open space is provided by means of balconies or terraces, shared roof gardens, courtyard space and through the internal shared resident amenity space at both ground floor and 7<sup>th</sup> floor level. Balconies have a minimum depth of 1.5 metres and are compliant with the relevant standards. A total of 766 sq. metres of communal amenity space is provided. The development proposes to provide 47 no. car parking spaces including 5 no. e-car spaces with electric charge points, 3 no. car club spaces and 160 cycle spaces, all within the existing basement serving the wider Dundrum TC development. Vehicular access will be from Sandyford Road.

## Key Development Parameters

Parameter	Site Proposal
No. of Units	109 units
Site Area	0.43 ha
Density	254.3 units p/ha
Plot Ratio	2.3
Site Coverage	31.6%
Communal Amenity Space	766 sq. metres
Dual Aspect	43.1%
Part V	On Site
Car Parking	47 plus 3 car club spaces
Bicycle parking	160 spaces
Resident Support Facilities	378 sq. m.

### 4.0 Planning History

4.1 The two previous applications most relevant to the subject site are:

#### **Planning Authority Reference D00A/0112**

4.2 This is the parent permission for Dundrum Town Centre. Under this permission, it was proposed that the subject site be developed as a residential building (Building 5) of 4 storeys over podium to accommodate 62 units and a crèche. It was one of three pavilion buildings at the southern quarter of Dundrum Town Centre referred to as Buildings 3, 4, and 5. The podium level was constructed but the permitted residential block was never completed.

#### **Planning Authority Reference D18A/0639**

4.3 Permission granted for the temporary use (for the next 5 years 2018-2022 inclusive) of the external space above Building 5 of 1,795 sq. metres for the erection of a temporary structure (834 sq. m.) for use as an ice rink for a period of 17 weeks

(October to January).

## **Adjacent Site**

### **Planning Authority Reference D17A/0071/ Appeal Reference PL06D.248343**

4.4 Under application reference D17A/0071/ Appeal Reference PL06D.248343, the Board granted permission in September 2017 for a development referred to as the Herbert Hill residential scheme on a site opposite the subject site. This development is under construction and comprises an apartment block accommodating 91 units within the grounds of protected structure.

## **5.0 National and Local Planning Policy**

### **5.1 National Policy**

#### **Project Ireland 2040 - National Planning Framework**

5.1.1 Chapter 4 of the Framework addresses the topic of ‘making stronger urban places’ and sets out a range of objectives which it is considered will assist in achieving same. National Policy Objective 13 provides that in urban areas, planning and related standards, including in particular building height and car parking, will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

#### **Section 28 Ministerial Guidelines**

5.1.2 Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submission from the Planning Authority, I am of the opinion that the directly relevant S.28 Ministerial Guidelines are:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’).
- Design Manual for Urban Roads and Streets.
- Sustainable Urban Housing: Design Standards for New Apartments (2018).
- Childcare Facilities – Guidelines for Planning Authorities.
- Urban Development and Building Heights – Guidelines for Planning Authorities

2018.

- The Planning System and Flood Risk Management Guidelines 2009.

## 5.2 Local Planning Policy

### **Dun Laoghaire Rathdown County Development Plan 2016-2022**

5.2.1 The site is zoned Objective MTC – Major Town Centre – *To protect, provide for and/or improve major town centre facilities*. Dundrum is designated as a Metropolitan Consolidation Town and is identified as a key urban node with potential for further growth due to its location with regard to public transport networks, comparison shopping facilities and employment services provision.

5.2.3 **Policy RES 3** promotes higher residential densities and a minimum of 50 units per ha are encouraged within 1km of a Town/District Centre, a rail station, Luas line, BRT and Priority 1 QBC and within 500 metres of a Bus Priority Route.

## 6.0 Forming of the Opinion

### 6.1 Introduction

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 submission and the discussions which took place during the tripartite consultation meeting. I shall provide a brief detail on each of these elements hereunder.

### 6.2 Documentation Submitted

6.2.1 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, a Completed Application Form, Housing Quality Assessment, Part V Proposals, Area Schedule, Planning Statement, Statement of Consistency, Design Statement, Design Statement – Architectural Drawings, Photomontage Report, Preliminary Construction Management Plan, Mobility Management Plan, Flood Risk Assessment, Engineering Services Report, Transport Statement, Energy Analysis Report, Landscape Design Report, Environmental Report – daylight/sunlight, shadow and wind studies.

6.2.2 Section 5(5)(b) of the Act of 2016 requires the submission of a statement that, in the prospective applicant's opinion, the proposal is consistent with both the relevant objectives of the Development Plan or Local Area Plan concerned, and the relevant guidelines issued by the Minister under section 28 of the Act of 2000. These statements have been submitted, as required. The applicant's case is summarised as follows:

- Notes that the application site is partially constructed to podium level within the Dundrum Town Centre (DTC) and is an appropriate location for an infill development. The scheme can readily connect to the existing infrastructure and transport network that serves the DTC. The development provides a satisfactory tie in with the existing buildings of the Town Centre.
- The development provides for improved street frontage with the scale and massing increased to respond to the now established character and scale of the development. The architectural design is contemporary and high quality.
- The proposed development strikes a balance between maximising daylight access across the units within the development and providing an appropriate density and compact form of development for the site and its urban context.
- The provision of open space within the scheme exceeds the requirements set out in Appendix 1 of the Apartment Guidelines. The scheme is compliant with the guidance set out in the guidelines in terms of internal accommodation, private amenity, storage, apartment mix, dual aspect etc. 40% of the units will be allocated a parking space which is considered appropriate having regard to the location of the site.
- The proposed development is compliant with the Major Town Centre zoning objective pertaining to the site and 'Residential' is a permitted use within this zone.
- The development will deliver much sought after residential accommodation on an underutilised site within Dundrum Town Centre in close proximity to public transport networks and amenities.
- The density of the development is appropriate and in accordance with the Guidelines for Planning Authorities on Sustainable Residential Development in

Urban Areas which refer to a minimum net density of 50 dwellings per ha. along public transport corridors.

- The development provides a wide variety of apartment types to promote a diverse tenure mix.
- The site is located in close proximity to a public transport node. Existing neighbouring structures including the Dundrum Town Centre, the RSA building and Herbert Hill have set a precedent for increased building heights in the area. The development is compliant with the criteria set out in the Building Height Guidelines.
- The proposed development when discounting studio and one bedroom units falls below the benchmark figure of 75 houses that would require a childcare facility to be provided as part of the development.

### **6.3 Planning Authority Submission**

6.3.1 A submission was received by An Bord Pleanála on the 28<sup>th</sup> of May 2019 from Dun Laoghaire Rathdown County Council. The 'opinion' of the Planning Authority included, inter alia, the following:

- The proposed development is considered in accordance with the zoning objective for the site.
- The proposed density of 254 units per hectare is significantly higher than existing and emerging residential developments in the vicinity and concern is had that such a density and consequent design implications could result in a material impact on future residential amenity and on existing residential and visual amenity. Consider that the development would provide a substandard level of amenity for future occupiers.
- The proposed development does not comply with the County Height Strategy. With regard to the Building Height Guidelines the PA does not concur with the assessment set out by the applicant with regard to compliance of section 3.2 of the Guidelines, in particular in terms of access to light, overshadowing and a lack of detail on alternative design solutions. The PA is of the view that the proposed height of 10 storeys has not been sufficiently justified.
- The proposed L shaped form, interesting elevational detail and prominent



angular shape on the corner facing east are generally welcomed. They help add visual interest to the streetscape and character of the area. The café will have a double height ceiling with clear glass walls facing the street. This will help create a sense of space and openness which is welcomed.

- Finishes are considered in keeping with the surrounding area. The proposed housing mix is acceptable. It needs to be demonstrated that there is adequate physical and social infrastructure to serve the development. The demand for childcare in particular needs to be addressed.
- Concerns regarding the external courtyards in terms of its usability and accessibility particularly the podium area. Universal design needs to be considered.
- Note that the site is in proximity to existing residential development including Ridgefort Apartments and Herbert Hill. There are also apartments to the south west of the site approximately 12 metres from the development. Although these appear to be vacant, the potential impact of the development on these apartments needs to be considered. The protect structure (Herbert Hill) should also be examined in the overshadowing analysis.
- With regard to the sunlight and daylight analysis, note that no analysis of the kitchens has been carried out. State that the applicant could look at improving access to light by rearranging rooms within the apartment units i.e. where bedrooms achieve a higher % compared to living room area, swapping them around (noting the living rooms tend to be larger), rearranging/relocating the balcony above or by changing the use from residential to another use for those units most affected. Significant concerns exist that a development at this density in its current layout will make it difficult to achieve a good standard of light access to a significant number of units. Results that are lower than ADF 1% are of particular concern.
- The wind levels in the courtyard on the ground floor appear to show it is suitable for 'Walking and Strolling' but not 'Long Term Sitting' or 'Standing or Short Term Sitting'. The applicant should consider if this can be improved. Clarification on the suitability of the open space provided on the upper floors is also required. Noise also needs to be considered.

- Note some discrepancies in terms of compliance with the apartment guidelines. Consider that the apartment corridors are too long. It is considered that more than one stand alone core would improve the development in compliance with SPPR6.
- Consider that car parking provision is not in compliance with the Development Plan standards. Applicant should address the low provision of car parking spaces, car club initiatives and additional requirements for cycle parking.
- Conclude that potentially reducing the density and providing additional cores, would address many of the issues with regard to light penetration, parking provision, dual aspect and quality of space provided.

### **Other Technical Reports**

#### **Waste (22.05.2019)**

- No comments.

#### **Drainage Planning (03.05.2019)**

- Drainage Planning have raised a number of issues with regard to attenuation volume, suitability of photovoltaic panels on the green roofs, access to the green roofs, surface water run off to the basement, SUDS compliance, compliance with GDSDS etc.

#### **Transportation Planning (22.05.2019)**

- Consider a reduction in car parking provision may be acceptable on provision of 1 space per unit. The proposed rate of 0.43 spaces per unit is not acceptable and is not in line with car ownership. A reduction of the permitted non residential spaces may be acceptable.
- Short stay cycle parking at surface level should be provided. Existing footpath along Sandyford Road shall be maintained. The adequacy of street lighting at the service road and junction with Sandyford needs to be assessed. Mobility Management Plan should be linked to the parent permission.

### **Housing Department**

- Applicant should be requested to confirm their intention for compliance with Part V and submit a firm proposal duly costed.

## **Parks Department**

- Consider that required quantum of open space has not been provided. The space to the rear adjacent to the service road is not accepted as part of the public realm.
- Concern regarding shading of the proposed open space and that its quality will be reduced.
- Comprehensive tree report is required. Detailed landscape design rational with comprehensive and detailed landscape proposal required.

## **6.4 Prescribed Bodies**

### **Response from Irish Water (17.05.2019)**

- The proposed development, as assessed for the Confirmation of Feasibility, is a standard connection, requiring no network or treatment of plant upgrades for water or wastewater by either customer of Irish Water. Written confirmation that connection via third party infrastructure can take place is required.

## **6.5 Consultation Meeting**

6.5.1 A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 11<sup>th</sup> of June 2019, commencing at 2.00 PM. 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.

6.5.2 The main topics raised for discussion at the tripartite meeting were based on the Agenda that issued in advance and contained the following issues:

- Development Strategy – height and scale, materials and finishes.
- Streetscape, public realm and boundary treatment.
- Residential amenity, particularly with regard to sunlight and daylight.
- Parking provision and management.
- Drainage.
- Any other matters

6.5.3 In relation to **Development Strategy** for the site An Bord Pleanála sought further elaboration/discussion/consideration of the following: Justification for the height of the development in the context of the Urban Development and Building Heights –

Guidelines for Planning Authorities 2018; concerns of the Planning Authority regarding the provisions of the Development Plan regarding height and the lack of an LAP for Dundrum; quality of proposed materials and finishes.

- 6.5.4 In relation to **Streetscape, Public Realm and Boundary Treatment**, An Bord Pleanála sought further elaboration/discussion/consideration of the following: treatment of boundary along the Sandyford Road and interface with the public realm; potential relocation of the proposed ESB substation; clarification on nature boundary treatment.
- 6.5.5 In relation to **Residential Amenity**, An Bord Pleanála sought further elaboration/discussion/consideration of the following: standard of amenity for occupants, including access to daylight and sunlight; the provision of quality open space and other facilities within the scheme; compliance with the quantitative and qualitative standards of the Sustainable Urban Housing – Design Standards for New Apartments (2018); overshadowing impacts to adjoining properties.
- 6.5.6 In relation to **Parking Provision and Management** for the site An Bord Pleanála sought further elaboration/discussion/consideration of the following: Justification for quantum of car parking proposed, management of same and management and operation of go car spaces. The bicycle parking strategy for the site was also discussed.
- 6.5.7 In relation to **Drainage**, An Bord Pleanála sought further elaboration/discussion/consideration of the following: Response to the issues raised in the Drainage Report appended to the Report of the Chief Executive, Dun Laoghaire Rathdown County Council. Potential flood impacts were also discussed.
- 6.5.8 In relation to **Any Other Matters**, An Bord Pleanála sought further elaboration/discussion/consideration of the following: Justification for omission of crèche facility, taking in charge proposals, treatment of the public realm along the rear service access road and AA screening.

## 7.0 Conclusion and Recommendation

- 7.1 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.

- 7.2 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 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.
- 7.3 Having regard to all of the above, I recommend that **further consideration and/or possible amendment** of the documents submitted are required at application stage in respect of the following elements: interface of the development with the public realm, particularly along Sandyford Road and amendments to the layout to ensure a greater degree of sunlight and daylight penetration which are set out in the Recommended Opinion below.
- 7.4 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 **requires further consideration and amendment in order to constitute a reasonable basis for an application** under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 7.5 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.

## 8.0 **Recommended Opinion**

- 8.1 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.

8.2 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 requires **further consideration and amendment** to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.

8.3 In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development:

#### **Public Realm**

8.4 Further consideration of documents as they relate to the interface of the development with the public realm and in particular that development appropriately responds to the sites context along the Sandyford Road. Consideration should be given to the relocation of the substation and omission/relocation of the service doors along Sandyford Road. Further clarity required regarding the treatment of the podium at street level and landscaping proposals. Detail should also be provided regarding the treatment of the public realm and streetscape along the existing service road to the rear of the site. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

#### **Sunlight and Daylight**

8.5 Further consideration of documents as they relate to the layout of the development in order to achieve an improved level of sunlight and daylight access to ensure that the apartments are afforded a sufficient degree of amenity. Further consideration of this issues may require an amendment to the documents and/or design proposals submitted.

8.6 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:

1. A report that specifically addresses the proposed materials and finishes to the scheme including specific detailing of finishes, the treatment of balconies in the apartment buildings, landscaped areas, pathways, entrances and boundary treatment/s. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the 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). The report should have regard to the long term management and maintenance of the proposed development.
3. A detailed analysis of car parking and bicycle parking demand and proposed parking strategy on the site particularly in the context of the proximity of the site to the LUAS and Dublin Bus Services and also due to the fact that it is served by a large multi storey car park. To include a statement on particular measures to implement and manage the proposed car club spaces and how proposed car parking spaces will be allocated and managed.
4. Detailed drawings, sections, elevations and CGI's showing the treatment of the public realm along the Sandyford Road and to demonstrate that the development provides an appropriate interface and treatment of the public realm.
5. Further overshadowing analysis of the development in the context of surrounding residential development including Herbert Hill, Ridgefort Apartments and apartments in DTC to the south west.
6. Detailed landscape plan that ensures the principles of universal access are adhered to.
7. Childcare demand analysis and the likely demand for childcare places resulting from the proposed development.
8. A detailed schedule of accommodation which shall indicate compliance with relevant standards in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' 2018.
9. Additional drainage details having regard to the report of the Drainage Division

of the planning authority, as contained in submission received by An Bord Pleanála on the 28<sup>th</sup> of May 2019 from Dun Laoghaire Rathdown County Council.

10. Taking in charge plan.

8.4 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. Minister for Culture, Heritage and the Gaeltacht
4. Heritage Council
5. An Taisce — the National Trust for Ireland
6. Dun Laoghaire Rathdown County Childcare Committee.

**PLEASE NOTE:**

8.5 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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**Erika Casey**

**Senior Planning Inspector**

**17th June 2019**