



An  
Bord  
Pleanála

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

### **Inspector's Report on Recommended Opinion ABP-304381-19**

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**Strategic Housing Development**

594 apartments

**Location**

Scholarstown Road, Dublin 16

**Planning Authority**

South Dublin County Council

**Prospective Applicant**

Ardstone Homes Ltd.

**Date of Consultation Meeting**

7<sup>th</sup> June 2019

**Date of Site Inspection**

31<sup>st</sup> May 2019

**Inspector**

Stephen J. O'Sullivan

## 1.0 Introduction

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

## 2.0 Site Location and Description

2.1. The site is in a suburban part of Dublin c11km south of the city centre. It has a stated area of 5.35ha. Two detached houses stand on the site. The use of the rest of the land was previously agricultural. The southern boundary of the site has c300m frontage along the Scholarstown Road, a suburban distributor road without frontage development that has a junction on the M50 c500m west of the site. A school and a church stand across this road from the site. The eastern and northern boundary of the site adjoin the back gardens of semi-detached houses, apart from a short strip in the corner where it adjoins public open space. The western site boundary is with the curtilage of a detached house with a gate lodge on the road. There is an apartment building to the west of the site off the Scholarstown Road.

## 3.0 Proposed Strategic Housing Development

3.1. It is proposed to demolish the houses on the site and build 594 apartments. The housing mix is as follows –

- 2 studio apartments
- 199 one-bedroom apartments
- 337 two-bedroom apartments
- 56 three-bedroom apartments

3.2. 482 of the apartments would be in 8 buildings between 4 and storeys high. They would be built to let. An amenity building of 500m<sup>2</sup> would be open to the residents of those apartments. Another 112 apartments would be provided in three storey buildings along the eastern, northern and western edges of the site. They would include 56 three-bedroom and 56 two-bedroom units and would be built to sell. It is proposed to provide a creche of 430m<sup>2</sup> at ground floor level in on the apartment blocks and a stand-alone building of 656m<sup>2</sup> that could be used for shops or restaurants. The stated floor area of the buildings is 51,923m<sup>2</sup> . There would also be a basement car park with 182 spaces on 5,890m<sup>2</sup> under open space and apartment buildings in the centre of the site. Another 298 car parking spaces would be provided along the streets in the scheme. The main access would be from the Scholarstown Road at a junction that is already controlled by traffic signals. There would be another pedestrian access off that road, and the development would allow a link at the north-eastern corner of the site to the open space beyond. Around 800 bike parking spaces would be provided.

## 4.0 Planning History

Reg. Ref. SD19A/0088 – an application is before the council seeking permission to demolish a house and divert foul sewers on the site

## 5.0 Policy

### 5.1. National Policy

The government published the National Planning Framework in February 2018. Objective 3a is that 40% of new homes would be within the footprint of existing settlements. Objective 27 is to ensure the integration of safe and convenient alternatives to the car into the design of communities. Objective 33 is the prioritise the provision of new homes where they can support sustainable development at an appropriate scale.

The applicable section 28 guidelines include -

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')

- Design Manual for Urban Roads and Streets'
- Guidelines for Planning Authorities on Urban Development and Building Heights, 2018
- Sustainable Urban Housing: Design Standards for New Apartments (2018),
- Childcare Facilities – Guidelines for Planning Authorities
- The Planning System and Flood Risk Management (including associated Technical Appendices).

## 5.2. Local Policy

The South Dublin County Development Plan 2016-2022 applies. The site is zoned residential. The house on the adjoining site to the west is a protected structure, known as Ros Mor.

## 6.0 Forming of the Opinion

### 6.1. Documentation Submitted

The prospective applicant submitted extensive documentation including drawings of the proposed development and various reports including–

- A Planning Report
- A Statement of Consistency
- An Environmental Report
- An Architectural Design Statement
- A Housing Quality Assessment
- An Infrastructure Design Report
- A Site Specific Flood Risk Assessment
- An Appropriate Assessment Screening Report
- A DMURS Design Statement
- A Traffic and Transport Assessment
- An Archaeological Assessment

## 6.2. Statement of consistency

The statement describes the site as accessible, being near the high frequency bus route No. 15, as well as routes 15B and 175, providing public transport links to the employment centres in the city centre, Dundrum, Sandyford and Tallaght. It is also within walking distance of the Knocklyon Shopping Centre and several schools. The proposed development would therefore comply with the objectives of the NPF to provide compact urban growth on the existing footprint of Dublin, as well as to support sustainable travel patterns and provide a greater range of housing choices. The proposed heights of 2 to 6 storeys provide an appropriate balance between the potential of the site and the surrounding environment, with the taller buildings in the middle of the site and along the main road and 3 storey buildings backing on to the older housing around the edge. The proposed development would therefore comply with SPPR3 of the 2018 guidelines on building height. The higher buildings would affect the outlook for the upper floors of the protected structure at Ros Mor, but this impact would not significantly detract from its character. The proposed apartments would all meet the minimum floor areas specified in the 2018 guidelines on apartment design. 49 of them would not have balconies, but these would be build-to-rent units and compensation would be provided by the amenities in the proposed service building of 500m<sup>2</sup> as well as the provision of 18,275m<sup>2</sup> of open space across the site, in line with SPPR 7 of the guidelines. 51% of the apartments would have dual aspect in line with SPPR 4 and ceilings would be 2.7m high in line with SPPR 5. The proposed development would comply with the design manual issued with the 2008 urban residential guidelines. It would comply with DMURS by providing frontage development and self regulating streets. The site is in Flood Zone C under the flood risk management guidelines from 2009 and residential development is acceptable in principle there. A creche is proposed in line with the guidelines on childcare facilities. The development complies with the residential zoning of the site under the county development plan, and the various objectives and policies in that plan in favour of good development.

## 6.3. Planning Authority Submission

The development is in keeping with the zoning of the site. The planning authority will be guided by the advice of the National Monuments Services regarding the archaeological remains found in the north-east of the site. The proposed

development would not adversely affect the protected structure at Ros Mor. The Part V units should be spread through the scheme. The house mix is acceptable given the predominance of three-bedroom houses in the area already. The density of development is considered too high having regard to the requirement for surface car parking and limited open space. The development has long rows of repetitive apartment blocks. The higher buildings would be overbearing on the surrounding units, particularly the duplexes to the north of the site. There should be more variation in the height of the apartment blocks. The standards of the 2018 apartment design guidelines on internal space, aspect and core ratios would be met. With regard to DMURS, the main street around the scheme would not be self-regulating because the carriageway would be 6m wide and the perpendicular parking would lead to wide spaces between frontages with implications for traffic speeds and urban design. A lot of land would be dedicated to roads and car parking. In sufficient tree planting is proposed along streets. Pedestrian permeability and facilitation of desire lines through the site could be improved. The placing of attenuation tanks in tanks under the open space in the west of the site would limit its future use. The overall provision of public space is too small for 594 apartments. The landscape plans do not clearly differentiate between communal and public open space. Privacy strips are required in front of ground floor apartments. The proposed internal bin stores should be external. Detailed concerns are expressed about particular bin/bike stores and the control of open space beside the shops. Details of play areas are required. A bat survey should be undertaken in the appropriate season. A single access point is not desirable for a scheme of this size and a second access should be considered. The proposed surface water drainage system should incorporate SUDS features. The submitted drainage calculations are disputed.

#### **6.4. Other submissions**

Irish Water report that capital works to the wastewater network in the area are required to facilitate the proposed development. They are scheduled to be complete in 2021. A watermain in the public road needs to be upgraded by the developer for a distance of 395m. This would not require third party consents.

## 6.5. The Consultation Meeting

A section 5 consultation meeting took place at the offices of the board at 1430 on Friday, 7<sup>th</sup> June 2019 between representatives of the board, the planning authority and the prospective applicants about the proposed development. A record of the meeting was made and is available. The main topics discussed at the meeting were—

- i. Height, layout and design
- ii. Access and parking, including compliance with DMURS and link to the adjoining open space
- iii. Amenity for occupants of the proposed development
- iv. Drainage and water supply
- v. Any other issues

6.6. In relation to item i). The council noted that the predominant built form in the area was two-storey houses although there are apartments including a four storey block on the adjacent site to the west. The transition of building heights is therefore an issue. The site is prominent with extensive frontage onto a main road and the visual impact of the height and design of the proposed development there would be significant, as would its impact on the neighbouring housing and within the proposed scheme. So the southern elevation is particularly important, as is the modulation and materiality of the apartments buildings. Extensive facades on long buildings would need to be varied. The prospective applicant referred to the influence of recent changes in planning policy set out in the 2018 building height guidelines and the NPF in the preparation of the submitted documentation. The proposal would retain 25-30% of the site as open space including an exceptional oak in the central space and the tree line along the Scholarstown Road. Heights would be stepped down at the edge of the site. The proposed 3 storey blocks would screen the higher blocks from view from the housing estates to the east and north. Building heights of the other apartment buildings would properly enclose the central space, which would contain a pavillion as well. The prospective applicant was satisfied that the

elevations of the longer blocks would provide an attractive environment within the site.

- 6.7. In relation to item ii) the board's representatives sought clarification on the provision of a pedestrian link to the park to the north-east of the site, the provision of an appropriate character and streetscape on the proposed road within the development and proposals for the management of mobility and car parking. The prospective applicant stated that the layout and specifications of the street around the site is determined by the need for access by refuse trucks and fire tenders. The prospective applicant considers that it would be a self regulating street per DMURS. The on-street parking would contribute to this. The occupiers of the own-door build-to-sell apartments would have an expectation of their own adjacent car parking, while two-thirds of the parking for the BTR units would be underground. Expanding the underground car park would affect the quality of the open space. The prospective applicant was satisfied with the ratio of 0.65 spaces per BTR unit. The parking strategy is supported by census data for the area. The streets and spaces will not be taken in charge by the council and will be controlled by a management company for the development. Details of streets and parking can be revisited to improve the character of the proposed street. The council stated that the level of parking that is proposed should not be further reduced. It also advised that the width of the secondary access should be 6m. The prospective applicant stated that bollards would be erected on that access which can be removed by emergency services. The council stated the Traffic and Transportation Assessment should address the impact on the adjacent junction on the M50. The council stated that the provision of access to the open space is a reserved function. The prospective applicant stated that this may not represent the legal position. The board's representatives stated that the documentation submitted with any application should address this issue.
- 6.8. In relation to item iii), the council stated that the treatment of the open space in the north east of the site should reflect its archaeological heritage. The prospective applicant stated that the remains of a ringfort there would be reflected in the layout and planting of that open space. It could also provide houses adjoining that space that would properly overlook it. The council referred to the need for permeability of open space and proper transition from private to public space and privacy strips adjoining ground floor apartments. The prospective applicant stated that the



treatment of corner units would be looked at in this regard. The area occupied by ventilation units are excluded from the calculations of open space. The council raised concerns about attenuation tanks under open space. The prospective applicant stated that it will propose planting there with species that have shallower root systems.

- 6.9. In relation to item iv) the prospective applicant stated that it had consulted with Irish Water regarding its proposals to upgrade the foul sewer serving the area, a substantial part of which crosses the site. The layout of the blocks on the eastern part takes account of the wayleave for this sewer. The council stated that there was a surface water culvert to the east of the site and that access and protection of it are important. The prospective applicant should consult with the area office for the council for written confirmation of its location and protection. Under SUDS principles the use of attenuation tanks and storage should be the last resort with other features providing a better level of amenity and biodiversity. The prospective applicant stated that the proper approach would be set out in the documentation submitted with any application, including proposals for green roofs and permeable paving, but noted that the proposed development was at a high density and should provide a large amount of useable open space. The council queried the attenuation calculations submitted by the prospective applicants. The board's representatives advised the parties to consult further on the matter and that any outstanding differences should be described in the documents submitted with an application having regard to the limitations placed on the submission of further information under the SHD process.
- 6.10. In relation to item v), the board's representatives noted the size of the proposed development and referred to the EIA regulations.

## **7.0 Conclusion and Recommendation**

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.

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.

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 elements that are set out in the Recommended Opinion below.

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.

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

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

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:

Further consideration/amendment of the submitted documentation as it relates to the drainage of foul effluent and surface water and the supply of water to the proposed development. The documentation should describe any consultations that the prospective applicant may have had with Irish Water and South Dublin County Council on these matters and any issues or details where disagreements are outstanding and how they would be addressed by the proposed development.

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. The Minister for Culture, Heritage and the Gaeltacht, (in relation to archaeological and architectural heritage)
5. The Heritage Council (in relation to archaeological and architectural heritage)
6. An Taisce — the National Trust for Ireland (in relation to archaeological and architectural heritage)

## 7. The South Dublin County Childcare Committee

Pursuant to article 285(5)(b)(i) and (ii) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that the following specific information should be submitted with any application for permission:

1. Specific information on the provision of pedestrian/cycle access to the open space to the north-east of the site and consideration of the legal consents required to achieve it.
2. A visual impact assessment including photomontages and details of proposed materials and finishes that would address the impact of the proposed development on Scholarstown Road and neighbouring residential areas, as well as the environment provided within the scheme.
3. A report demonstrating compliance with the Guidelines for Planning Authorities on Urban Development and Building Heights issued by the minister in December 2018 in accordance with SPPR3 of those guidelines
4. A housing quality assessment which provides the specific information regarding the proposed apartments required by the 2018 Guidelines on Design Standards for New Apartments. The assessment should also demonstrate how the proposed apartments comply with the various requirements of those guidelines, including its specific planning policy requirements. Departures from the bike parking standards in the guidelines should be justified by reference to the capacity of storage facilities to accommodate different types of bicycles at secure and convenient locations. A building lifecycle report for the proposed apartments in accordance with section 6.13 of the 2018 guidelines should also be submitted.
5. Proposals for the management and operation of the proposed development as one including 'Build-to-Rent' apartments in accordance with Specific Planning Policy Requirement No. 7 of the 2018 Guidelines on Design Standards for New Apartments, including detailed proposals for the provision and management of support facilities, services and amenities for residents, having regard to the

proposal to provide other apartments for sale in the same proposed development.

6. A proposed covenant or legal agreement further to which appropriate planning conditions may be attached to any grant of permission to ensure that the proposed Build- to-Rent accommodation remains as such, and which imposes a requirement that the accommodation remains owned and operated by an institutional entity and that similarly no individual units are sold or rented separately. The proposed agreement shall be suitable to form the basis for an agreement under section 47 of the planning act between the planning authority and the owner of the site and it shall bind the owner and any successors in title for a minimum period of at least 15 years.
7. A Transportation Impact Assessment that would include consideration of the adjacent junction on the M50, and a mobility management plan that would *inter alia* describe the management of parking in the proposed development.
8. A report demonstrating compliance with the principles and specifications set out in DMURS and the National Cycle Manual in relation to the proposed housing and the works at Scholarstown Road. The report should consider whether the shared cycle/pedestrian link in front of proposed blocks A1 to A4 in the east of the site is in keeping with the advice against such facilities at section 1.9.3 of the manual and whether cyclists should be diverted to the adjacent street instead after having crossed the open space in the north-east of the site and the area between blocks C3 and D2 in the south of the site.
9. Information regarding the likely impact of the proposed development on the natural, archaeological and architectural heritage of the area. This may be incorporated in an EIAR.
10. A study of the impact of the proposed development on daylight and sunlight available to existing and proposed homes, including associated private and public open space.
11. A Site Specific Flood Risk Assessment Report. The prospective applicant is advised to consult with the relevant technical section of the planning authority prior to the completion of this report which should describe this consultation and clarify if there are any outstanding matters on which agreement has not been reached with regard to surface water drainage.

12. Details of proposed boundary and surface treatments throughout the development, and of landscaping and planting.
13. A draft construction management plan and a draft waste management plan.

**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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Stephen J. O'Sullivan

Planning Inspector,

24<sup>th</sup> June 2019