



An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion
304426-19**

Strategic Housing Development	Construction of 100 residential units across two blocks, together with associated site development works
Location	Dalguise House, Monkstown Road, Monkstown, Blackrock, Co. Dublin
Planning Authority	Dun Laoghaire- Rathdown County Council
Prospective Applicant	Lulani Dalguise Ltd
Date of Consultation Meeting	June 21 st 2019
Date of Site Inspection	June 20 th 2019
Inspector	L. Dockery

1.0 Introduction

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

2.0 Site Location and Description

2.1 The subject site, which has a stated area of 0.86 hectares, is located approximately 350-400 metres from Monkstown village, which is situated to its east. Access to the proposed development is via either the proposed new access road along the recently constructed Purbeck housing scheme via the existing internal access road of Dalguise Hose, to the west of the site. The site consists of a steeply sloping field leading from the north edge of an internal access road into the greater Dalguise House to the south. Dalguise House is a Protected Structure. The site flattens out to the stream on the northern side, which forms the northern boundary. A number of mature trees are evident on site.

2.2 The site does not have any public road frontage and is located approximately 100 metres from, and is at a lower level to, Monkstown Road.

3.0 Proposed Strategic Housing Development

3.1 The proposed development comprises the construction of 100 residential units, together with associated site development works.

The following details are noted:

Parameter	Site Proposal
Application Site	0.86 ha
No. of Units	100 residential units
Density	116 units/ha
Height	7-8 storeys
Other Uses	None
Parking	72 car parking spaces 120 bicycle parking spaces
Vehicular Access	From Monkstown Road
Part V	10 units (in Block A)

The breakdown of unit types is as follows:

Unit Type	Studio	1 bed	2 bed	3 bed	4 bed	Total
Apartments	5	44	43	7	1	100
% Total	5%	44%	43%	7%	1%	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'.

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

To the north of the site, in the areas bounding Monkstown Road, is the Monkstown Architectural Conservation Area.

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

Appendix 3 Building Height Strategy

The Flooding Maps, show a Flood Hotspot Symbol, a short distance away, adjacent to Cheshire Homes building site, to the east of the subject site.

5.0 Planning History

Subject Site:

None

Adjacent Sites:

D17A/0590 (ABP-301533-18)

Permission GRANTED for demolition of existing nursing home and construction of 56 residential units in two apartment blocks (to east at Cheshire Home)

D16A/0724

Permission GRANTED for 7 residential units at rear of Purbeck Lodge (RPS No. 718)

D16A/0678 (PL06D.247679)

Permission REFUSED for demolition of existing nursing home and construction of 70 residential units. The reason for refusal related to density, scale and layout; loss of screening and restricted separation distances seriously injuring residential amenity; depreciating value of property and the provision of substandard form of accommodation.

D16A/0126

Permission REFUSED for 7 residential units at Heathfield for reason of mass, scale, bulk and height, in conjunction to proximity to boundaries would be overbearing, visually obtrusive and cause overlooking/overshadowing when viewed from adjoining properties.

6.0 Section 247 Consultation(s) with Planning Authority

6.1 It is stated by the planning authority that two pre-application consultations took place with the planning authority on 17th October 2018 and 5th December 2018.

7.0 Submissions Received

Irish Water

Confirmation of Feasibility issued for this site for 120 no. residential units.

As stated in CoF, to provide water connection to proposed development, the applicant must either upsize an existing 3" water main to 150mm diameter or install a new 150mm water main approximately 100m to the site boundary. Neither of these options require third party or statutory consents 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, letter of consent, a completed pre-connection enquiry feedback form from Irish Water, Statement of Consistency, Bat Assessment, Management Strategy and Life Cycle Report, Part V details, EIA Screening Report, architectural drawings; masterplan design report; Architectural Design Statement, Traffic Impact

Assessment; Flood Risk Assessment, Sustainability and Energy Report, engineering drawings, Engineering Services Report, AA Screening Report.

- 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 07th June 2019.

The planning authority's 'opinion' included the following matters: section 247 consultations, internal reports, development proposal, planning history, site and surrounding area, policy context, principle of proposal, density, residential mix, design and layout, public realm, height, scale and mass; apartment standards and amenities, impact on adjoining amenities; private/public open space; landscape design and boundary treatment; permeability' childcare facilities; bin storage; taking in charge; part V; drainage planning; transportation planning; impacts on environment- EIAR and AA Screening; biodiversity and conservation.

The following points are noted:

- In general, no objections to principle of provision of residential units at this location
- Development as currently proposed is not compatible with zoning objective and relevant policies for acceptable residential development
- Concerns regarding height, length, bulk and massing, together with design on this restricted site
- Density considered acceptable in principle
- Residential mix acceptable in principle
- Layout allows for good permeability from the site to Monkstown Road and to the main parent site to the north- concerns regarding usability and utility (access for all) of the two pedestrian connections to the south boundary- large extent of steps, platforms/ramps and changes to levels

- Submitted description does not fully describe and understates the proposal with regard to overall height- Block B is eight stories, Block A is seven stories
- Subject site does not have the potential to adequately accommodate the current building heights and proposal's layout and design does not allow for the proposed heights at this location
- Does not represent an acceptable graduation of height for the site and location
- Proposed apartments generally comply with the requirements of each relevant SPPR
- Proposal would have negative impacts on residential and visual amenities of the site and surroundings
- Private open space provision considered acceptable
- Architectural design statement does not make clear differentiation between proposed public and communal open space
- Small oversights and miscalculations in design statement schedules
- Functionality of different open spaces; use of northern parts of site as spaces other than buffer areas- do not address requirements for children's play areas
- Should be some provision of childcare/crèche facilities
- No taking in charge drawings; no public lighting information
- ABP is competent authority in relation to EIAR and AA Screening
- No report received from Housing Dept. in relation to Part V
- Drainage Planning section raised a number of queries
- Under provision of car parking- further details requested in relation to a number of transportation points
- Notes submitted bat survey and other details but request further details in relation to impact of lights, links to any potential Phase 2 development and requests submission of NIS that includes a detailed site specific Construction and Environmental Management Plan
- PA has serious concerns regarding excessive height, size, bulk, length, layout and design of two proposed blocks and their impacts on the character and residential and visual amenities if the site and surroundings, including on the adjacent Monkstown ACA- particularly height and length of Block B

- Significant revision to the scheme would be appropriate, with reductions sought in terms of height and bulk, together with length of Block B
- Improvements to the amenity and outlook of the first floor rear apartments related to their level, orientation and aspect relative to the opposing bank and road
- Discrepancy with regards to figures given for car parking spaces and open space provision
- Assess if all units would have adequate storage space
- Clarify the retention/feasibility of the large tree shown beside the front, east corner and side elevation of Block B
- Address concerns and issues raised in reports from Parks and landscape Section, Conservation Officer, Drainage Division, Transportation Planning Lighting Section and Biodiversity officer

8.2.2 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 21st day of June 2019, commencing at 11.30 am. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

8.3.2 The main topics raised for discussion at the tripartite meeting were as follows:

- Development Strategy to include height, length, bulk and massing; open space provision; permeability; childcare provision
- Residential Amenity
- Biodiversity
- Transport and Parking
- 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:

- Principle of proposed development in the context of the overall re-development of the Dalguise House lands
- Capacity of site, as outlined in red, to accommodate a development of scale proposed
- Height/scale of proposed apartment blocks in the context of the existing pattern of development in the area and in the context of existing Development Plan policy
- Architectural Heritage, in particular interactions with, and possible impacts on Protected Structure
- Level differences across the site; relationship between proposed development and any possible future development on wider Dalguise lands Height, length, bulk and massing of proposal
- Materials/finishes
- Quantum of public open space provision and the desire to ensure that it is functional and usable; potential accessibility issues due to level differences; interface between open space areas; landscaping/boundary treatments
- Permeability/accessibility- both within the site in terms of level differences/stepped access and to wider area; bridge over Stradbrook stream
- Discussions regarding the provision of a childcare facility

8.3.4 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

- Internal daylight/sunlight analysis to ensure adequate amenity of future residents including sunlight analysis to include areas of open space, in particular with regards to single aspect units to south behind bank/ramped access

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

- Report of Biodiversity Officer of planning authority dated 30th May 2019, as contained in Appendix B of Chief Executive Opinion
- Tree removal; root protection for trees proposed for retention

8.3.6 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 31st May 2019, as contained in Appendix B of Chief Executive Opinion
- Details relating to excavation/haulage routes/ construction traffic management

8.3.7 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 dated 29th May 2019, as contained in Appendix B of Chief Executive Opinion
- Report of Irish Water to An Bord Pleanála dated 07th June 2019

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

- Submission of schedule of floor areas; description of development in public notices; details relating to archaeology; mix of units; Building Lifecycle Report Plan; landscaping/boundary treatments; submission of CGIS/visualisations/cross sections including views from outside immediate area; discrepancies between information and waste management

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.
- 8.6.1 Having regard to all of 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.
- 8.6.2 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 **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:

1. Principle of proposal:

Further consideration/justification of the documents as they relate to the principle of the proposed development in the context of the overall re-development of Dalguise House and associated lands. The applicant should satisfy themselves that the design strategy for the site, as outlined in red, provides the optimal outcome for the overall lands and should address why the proposed development could not be considered to be ad hoc, piecemeal, premature development in the absence of proposals for the redevelopment of the wider lands within the applicant's ownership at this location. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

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 in the immediate and wider area and which illustrates the topography of the site. Details should include the relationship between the proposed blocks and any future development on adjacent lands within the applicants ownership. Details should also include interactions with the Protected

Structure, Dalguise House, and associated lands; boundary treatments; public realm and ground floor elevational treatments.

2. An Architectural Heritage Impact Assessment considering the location of the subject site relative to Dalguise House, a Protected Structure, which includes for photomontages showing the proposed development relative to Dalguise House
3. Contour/site level map accurately and legibly showing levels across the site.
4. 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. Specific attention should be paid to lower ground floor units within Block A.
5. 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. Additional cross sections, CGIs and visualisations should be included in this regard.
6. Justification for lack of childcare facility which includes childcare demand analysis and likely demand for childcare places resulting from the proposed development
7. A detailed phasing plan for the proposed development
8. 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.
9. 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.
10. Ecological Survey which includes a site layout plan indicating the full extent of tree retention and removal, together with details of proposed tree protection measures during construction.

11. Waste management details

12. 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 finishes. The documents should also have regard to the long term management and maintenance of the proposed development.

13. A schedule of floor areas for all proposed units

14. Site Specific Construction Management Plan

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. Department of Culture, Heritage and the Gaeltacht
3. Transport Infrastructure Ireland
4. National Transport Authority
5. An Taisce-the National Trust for Ireland
6. Heritage Council
7. Failte Ireland
8. An Comhairle Ealaíonn
9. Dun Laoghaire Rathdown County 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

09th July 2019