



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-304647-19

Strategic Housing Development

469 homes

Location

Cornelscourt, Dublin 18

Planning Authority

Dun Laoghaire Rathdown County
Council

Prospective Applicant

Cornel Living Ltd.

Date of Consultation Meeting

19th July 2019

Date of Site Inspection

15th July 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 2.05 ha and is vacant. It is in the village core of Cornelscourt on the Old Bray Road that was by-passed by a dual carriageway in the 1980s. It has c70m of frontage onto the Old Bray Road in the village. The north-eastern boundary of the site runs for c150m along the verge beside the dual carriageway. There is no footpath on the dual carriageway and no private entrances between the junctions with the Old Bray Road c100m north of the site and with the Clonkeen Road c500m to the south. A bus corridor runs along the dual carriageway with the nearest stops on either side of the junction with the Old Bray Road. The land to the north of the site is occupied by bank in a modern detached building. The south-eastern boundary of the site runs along the back gardens of a cul-de-sac of 2 storey houses at Willow Grove. Most of the south-western boundary of the site runs along the back of a terrace of older single and two storey houses on the Old Bray Road that would have been part the historic village, several of which are in commercial use. It also adjoins the curtilage of a filling station. There is a large modern shopping centre c400m to the south of the site on the Old Bray Road.

3.0 Proposed Strategic Housing Development

3.1. It is proposed to demolish the houses on the site and build 453 apartments for rent in 6 connected blocks between 3 and 12 storeys high. It is also proposed to build 16

houses along the south western and south eastern sides of the site. The housing mix would be as follows –

	Studio	1 bed	2 bed	3 bed	Total
Houses	-	6	-	10	16
Apartments	71	229	130	23	453
Total	71	235	130	33	

- 3.2. Three of the blocks would have a mainly perpendicular orientation to the boundary of the site along the dual carriageway that would be between 12 and 6 storeys high. Connecting blocks between them would be 3 storeys high. The other three blocks would be between 3 and 5 storeys high and would be laid out in the middle of the site in a sickle's form. The blocks would provide frontage onto the Old Bray Road where a concierge service would be housed, along with a café of 132m² in a unit on the village street with 176m² commercial office space above. A gym and communal rooms would be provided in a central block. The floor area of the shared amenities is given as 652m². The total floor area of the development is stated to be 29,147m².
- 3.3. 277 car parking spaces would be provided, mostly at basement level, as well as 512 bike spaces at basement and ground level. There would be a single vehicular access from the Old Bray Road shared with the neighbouring back. A direct access would be provided to the bike lane along the dual carriageway to the north-east of the site.

4.0 Planning History

ABP-301161-18 – the board confirmed a notice of entry of the register of vacant sites for this site on 29th September 2018

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 to 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),

5.2. Local Policy

The Dun Laoghaire Rathdown County Development Plan 2016-2022 applies. The site is zoned residential under objective A. Appendix 9 of the plan refers to building height. Section 4.8.1 sets out circumstances where higher buildings may be justified including benefits to urban design and accessibility to public transport including the QBC on the N11.

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 pre-Planning Report
- A Statement of Consistency

- A Justification Report
- 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
- An Ecological Impact Assessment
- A DMURS Statement
- A Traffic and Transport Assessment
- An Archaeological Assessment

6.2. **Statement of consistency**

The proposal is for high density residential development on an infill site in the built up area of Dublin city on a bus priority route and also close to the Luas and DART. This would be in keeping with the objectives of the NPF and the RSES. It would be in keeping with the 2009 guidelines on sustainable residential urban development. It would be in keeping with SPPR 7a) and SPPR 8 of the 2018 apartment design guidelines. The proposed development would not need a childcare facility because there would be only 33 three-bedroom homes. The proposed development would comply with DMURS with a safe access from the Old Bray Road that would be more formal than the existing entrance to the bank. The site is in flood risk zone C under the 2009 flood risk guidelines where housing is acceptable in principle. The proposed development would be in keeping with the 2018 guidelines on building height because it is in a city on a public transport corridor. The proposed development would be in keeping with the provisions of the county development plan.

The submitted documentation includes a planning report that repeats much of the material set out in the statement of consistency and says that the development would not breach the height provisions of the development plan. It also includes a justification statement which states that the site is suitable for a build-to-rent scheme

of the proposed scale and density because it is on a public transport corridor for buses along the N11. It is also 1.8km from the Luas stop at Carrickmines. The statement identifies the employment centres in the city centre, the National Rehabilitation Hospital, the nearby shopping centre, Dun Laoghaire Industrial Estate, Deansgrange Business Park and the South County Business Park. Results from Daft.ie indicate that few homes are for rent in Dublin 18 and that they are expensive.

6.3. Planning Authority Submission

The principle of development is in line with the proper planning and sustainable development of the area and the use is in keeping with the zoning of the site. The strategy of the development plan is to consolidate the urban area and take advantage of transport corridors including the QBC along the N11. At 288 dph the proposed density is a radical departure from that prevailing in the area, as is the proposed height. The planning authority is concerned by this. A justification of the density and height is required with regard to section 4.8.1 and appendix 9 of the development plan, which the submitted documentation does not provide. The council is concerned about the share of studio and one-bedroom apartments. The development does not provide a wide range of house types in line with policy RES9 of the development plan. The share of single aspect apartments (68%) off long corridors is a concern. The development should integrate with the existing urban fabric and the village. The proposed commercial uses at the front of the scheme help with this. The provision of housing along the boundary of the site the back of the houses along the Old Bray Road is welcomed. The provision of open space seems limited without one useable space. The architectural merit of the scheme should be considered. The council is keen to avoid an austere and monotonous development. The omission of a childcare facility is not supported by the council. The proposed lease of 47 apartments under a Part V agreement is acceptable in principle. Better drawings are required to accompany any daylight/sunlight analysis. The low level of car parking is a concern. The impact of noise from the N11 on occupants should be addressed. The council advises that the proposed should be shown to comply with the 2018 guidelines on building heights and apartment design, and the proposed housing mix needs justification. The board should be satisfied that the development would fit into the urban fabric. The planning authority is concerned about the level of

open space and the omission of a creche. A separate report requires various details in relation to surface water drainage.

6.4. Other submissions

Irish Water stated that it had issued a confirmation of feasibility for 500 units. Investigations will be required to identify what upgrades may be needed to the wastewater network. These may need third party consents.

6.5. The Consultation Meeting

A section 5 consultation meeting took place at the offices of the board at 1100 on Friday, 19th July 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. Development Strategy including design, height, density, layout and housing mix
- ii. Residential Amenity for Occupants and Neighbours, including compliance with standards and access to daylight/sunlight
- iii. Access and parking
- iv. Drainage and Water Supply
- v. Any other issues

6.6. In relation to item i), the representatives of the board noted the references in the submitted documentation to the location of the site within the built up area of the site beside a dual carriageway that has a bus corridor. They advised that the documentation submitted with any application setting out the rationale for the type and scale of development should be concise and refer to the specific characteristics of the proposal and its location and the planning policies that might support it. The submission of several documents that contain similar arguments or assertions of a general nature may not be helpful in the consideration of an application. The council referred to its written submission and acknowledged the potential of the site to accommodate a significant amount of residential development. Nevertheless the council had concerns about the implications of the density of development that is

proposed and its housing mix whereby studios and one-bedroom units were predominant. The height was not supported by the strategy for higher buildings set out at appendix 9 of the county development plan. The board's representatives referred to the implications of a conclusion that a proposal would materially contravene the provisions of a development plan having regard to recent court decisions and the procedures set out in the SHD legislation. There was discussion between the parties on the matter, and the prospective applicant was advised to consult with the council on the issue and satisfy itself as to whether the proposed height or any other feature of the development would materially contravene the county development plan. The prospective applicant stated that it had a strong justification for the height, density and housing mix that was proposed and summarised the previous written submissions on the matter. It had carried out extensive research including inspections of similar schemes abroad, and was satisfied that the proposed development would provide a pleasant living environment and that it would meet the pressing demand for accommodation for smaller households in the community.

- 6.7. In relation to item ii) the council stated concern that, notwithstanding the quality of communal and incidental open space, the proposed development lacked a space that could provide recreational amenity equivalent to a park. There was very strong demand for such active open spaces in the county. Recent schemes at Honey Park and Coolinor had provided this type of open space. The prospective applicant stated that the scheme would provide a very substantial amount of open space for a site of its size (0.65ha on 2 ha) very little of which would be accessible by cars. The level of hard landscaping proposed was related to the need for emergency access. The proposed buildings would provide frontage onto all spaces, including own-door units at ground level. The board's representatives noted that there appeared to be a divergence of approach on the matter between the council and the prospective applicant. The prospective applicant outlined a daylight and sunlight analysis that it had carried out which demonstrated that the proposed buildings would not unduly overshadow properties in the vicinity of the site or the proposed open spaces within it. In response to a query from the board's representatives it stated that that c95% of the proposed apartments would meet BRE guidance on the matter and that this could be shown on the documents submitted with an application. The board's

representatives indicated that the BRE documents have been treated as guidelines rather than mandatory standards in previous pre-application consultations. They also stated that compliance with the requirements of the 2018 apartment guidelines should be demonstrated in the documents submitted with any application, only some of which were modified by the proposal to provide apartments on a built-to-let basis. The documents submitted for the current consultation did not provide the information in this manner. The council stated concern about the share of single aspect units and the long internal corridors proposed. The prospective applicant responded that the corridors would be broken up with numerous internal atriums that would have natural light. They would provide access to the centrally located amenities for residents, the value of which the prospective applicant emphasized. The council questioned whether the proposed planting and landscaping could be achieved on open space above a basement car park. The prospective applicant stated that the specifications indicated that adequate soil could be provided to do this. The issue of inward noise from the N11 would be addressed in the submitted EIAR.

- 6.8. In relation to item iii), the council noted the limited provision of car parking which was below the development plan standards and less than the level council had previously authorised which was not usually below 1 space per apartment. The documentation submitted with any application should justify the provision and show how excess demand for parking would be managed. It should also clarify pedestrian and cyclist access routes, and that the cycle parking could accommodate a suitable range of bicycle types. The prospective applicant referred to the policy in the 2018 guidelines for reduced parking in build to let development and stated that the proposed rate of 0.6 spaces per apartment was similar to that granted under the SHD process for a BTR scheme in Stillorgan, 304068 refers. 11 spaces would be provided for a car sharing scheme. The board's representatives noted that the proposed access from the Old Bray Road was wide and appeared to interrupt pedestrian movements through the village to the bus corridor on the N11. The prospective applicant stated that it could be tightened up. There was a shared right of way with the neighbouring bank, with reciprocal rights to improve the access. The prospective applicant stated that it had not been able to provide an access to the village at the south-west of the scheme, despite its efforts. It would facilitate access to the adjoining open space at the end of Willow Park which had been taken in charge by the council. The council

stated that Bus Connects raised the prospect of footpaths along the N11 beside the site so the proposed development should facilitate future access to them.

- 6.9. In relation to item iv) the council stated that the issues raised in its submission could be addressed in further consultation with the prospective applicant and did not relate to the principle of the development. Proposals for attenuation should be compatible with those for landscaping. The prospective applicant stated that it would confer with the council. It was also in contact with Irish Water and was confident that it could provide the information raised in the submission from that body.
- 6.10. In relation to item v) the prospective applicant indicated its intention to submit an EIAR with the application. The council stated that, notwithstanding its stated concerns about the proposal shown on the submitted documents, it was anxious to progress the development of this vacant site.

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 development strategy for the site and its consistency with national and local planning policy. The documentation should concisely set out the justification for the scale, design, housing mix and tenure of the proposed development by referring to its specific characteristics and those of the surrounding area, as well as to the provisions of guidelines issued by the minister under section 28 of the planning act and the county development plan, and to any other policies that may be material to the application. This should be included in the statement required under section 8(1)(iv)(I) of the Planning and Development (Housing) and Residential Tenancies Act and, if applicable, that required under section 8(1)(iv)(II).

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

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. 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
2. 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. A building lifecycle report for the proposed apartments in accordance with section 6.13 of the 2018 guidelines should also be submitted.

3. 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.
4. 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.
5. A visual impact assessment including photomontages and details of proposed materials and finishes.
6. A Transportation Impact Assessment and a mobility management plan that would *inter alia* describe the management of the demand for parking arising from the proposed development. It should also demonstrate that the entrance to the scheme would properly facilitate pedestrian movement across it.
7. 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.
8. 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.

9. 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.

Stephen J. O'Sullivan

Planning Inspector,

30th July 2019