



An
Bord
Pleanála

S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report ABP-304965-19

Strategic Housing Development

575 no. Build to Rent apartments and associated site works.

Location

Former Aldi Site, Carmanhall Road,
Sandyford Industrial Estate, Dublin 18.
Co. Dublin.

Planning Authority

Dun Laoghaire Rathdown County
Council

Perspective Applicant

Sandyford GP Limited

Date of Consultation Meeting

11th September 2019

Date of Site Inspection

5th September 2019

Inspector

Karen Kenny

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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 located in Sandyford, Dublin 18. It is at the northern end of the Sandyford Business Estate. The site is bounded to the north by Blackthorn Drive (North) and to the south by Carmanhall Road. The Stillorgan Luas stop and park and ride facility are directly to the north of the site.
 - 2.1.1. The site is a brownfield site with hardstanding and a derelict building on its southern end. Ground levels slope from south to north with a level difference of c. 5 metres between Carmanhall Road and Blackthorn Drive. An Bord Pleanála granted permission for a mixed-use development on this site in 2018 (ABP-301428-18), comprising 459 no. apartments and ancillary facilities in 6 no. Blocks of 5 to 14 storeys.
- 2.2. There is an unfinished mixed-use scheme to the immediate west of the site called the 'Rockbrook' development (see planning history in Section 4.0 below). Permission was granted on this site in 2005 for a mixed-use development comprising retail, commercial and residential uses in 6 no. 5-14 storey blocks. Two blocks (Blocks A and D) in the northern section of the site have been completed. These contain retail and commercial units at ground floor level and residential on the upper floors. Block C known as the 'Sentinel' building is a 6-14 storey office tower in the south west corner of the site. This building is completed to floor plate stage and permission was granted in 2017 to complete the building (PA Ref. D16A/0991). The south east section of the 'Rockbrook' site to the immediate west of the subject site is unfinished. The Board granted planning permission in August 2019 for 428 no.

apartments, 4 no. retail units and a creche on this part of the site (ABP-304405-19). The approved development includes a pedestrian connection in to the subject site. To the east of the site, there are office / commercial developments (1-4 storeys) with frontage onto the Ballymoss Road to the east. To the south there are office / commercial developments of c. 1-2 storeys with frontage onto Corrig Road. The 'Beacon South Quarter', a mixed-use development of residential, commercial and retail land uses is located to the south east of the site on the opposite (southern) side of Carmenhall Road.

3.0 Proposed Strategic Housing Development

3.1. The proposed development consists of 6 no. blocks of 5-17 storeys over basement level. The development comprises 575 no. build to rent apartments, a café, creche and communal facilities.

3.2. Key Details

Detail	Proposal
No. of Units	575 build-to-rent apartments
Site Area	1.54
Density	374 units per ha
Plot Ratio	3.19
Site Coverage	31.6%
Building Height	5 to 17 no. storeys.
Dual Aspect	57%
Open Space	6,302 sq.m communal; 2,485 sq.m public
Communal Facilities	1,236 sq.m
Other Uses	Creche (215 sq.m) and Café (122 sq.m)
Car Parking	272 no. spaces (241 no. basement; 31 no. surface).
Cycle Parking	1,183 no. spaces (895 no. resident; 288 no. visitor).
Part V	53 units (12 no. 1-bed and 41 no. 2-bed).

3.3. The breakdown of unit types is as follows:

Unit Type	No.	%
Studio	62	11%
1-Bed	195	34%
Two-Bed	316	55%
Three-Bed	2	<1%
Total	575	100

- Vehicular access from Carmanhall Road. Second servicing and bicycle access off Blackthorn Drive.
- North south pedestrian connection from Carmanhall Road to Blackthorn Drive and east west connection to a proposed Boulevard on the adjacent 'Rockbrook' site to the west.
- A submission from Irish Water states that a connection to the network can be facilitated. The submission states that no third party or statutory consents will be required.

4.0 Planning History

4.1. The following planning history pertains to the 'Tivway' site to the immediate east of the subject site:

ABP-301428-18: SHD application for demolition of existing buildings and construction of a residential development of 460 no. apartments in 6 no. blocks of 5-12 storeys and provision of ancillary on-site facilities. Permission Granted for 459 no. units. Condition no. 4 (a) requires 1 no. residential unit to be incorporated into creche.

PA Ref. D16A/0362: Permission sought for retention of 5 no. advertising signs. Permission granted.

PA Ref. D13A/0015: Permission sought for 5 no. advertising signs. Permission granted.

PA Ref. D07A/0619: Permission sought for a mixed-use scheme in 6 no. blocks (6-14 storeys over 3 no. basement levels) comprising 471 apartments units and 15,704 sq.m of commercial floorspace (6,020 sq.m office, 9,015 sq.m retail in 20 no. units and 669sq.m creche). Permission granted subject to conditions.

4.2. The following planning history pertains to the adjacent Rockbrook site:

ABP-304405-19: SHD application for 428 no. apartments, 4 no. retail units and a creche in 2 no. blocks of 5-14 storeys on a site of 2.02 ha, with frontage onto Carmanhall Road. Permission granted.

D16A/0991 Sentinel Building: Permission granted to complete the partially constructed 14-storey 'Sentinel Building' including 294 office suites and 28 meeting rooms; 2 additional floors (1,490 sq.m.) over existing 6 storey part of the building adjoining Block A; ground floor café / restaurant use; and new entrance to Blackthorn Drive.

D16A/0697 PL06D.248397: Permission sought for completion of the development permitted under D05A/1159 (Phase 2) on lands immediately to the west of the subject site. The proposed development included 3 no. 14 storey residential blocks with 492 no. apartments, 1 no. retail unit, café and crèche and modifications to and completion of basement. Permission was refused by the Planning Authority. This decision was upheld by the Board on appeal. The Board refused permission for 3 no. reasons that related to the impact on a proposed urban plaza and boulevard that formed part of the original scheme and the associated impact on the legibility and permeability of the scheme; the monolithic design of the blocks and their massing, scale and bulk, in addition to the quality of the living environment for future residents due to a lack of supporting community facilities and limited range of apartment sizes and types; and an undue diminution in the availability of light to the existing apartments.

D13A/0457: Permission granted for modifications to the Sentinel building including revised internal configuration of permitted office floorspace to comprise 294 no. office suites and 28 no. meeting rooms; 2 additional floors (1,490sqm) to the existing 6 storey part of the building adjoining Block A; ground floor café/restaurant use (198

sqm); new entrance to Blackthorn Drive; elevational amendments; ancillary areas and all site development works.

D11A/0031 PL06D.238756: Permission granted for retention and completion of the development originally permitted under D05A/1704 (Blocks A and D) including modifications to Block A and Block D.

D10A/0469, D09A/0130, D08A/0256, D07A/0975, D07A/0069 and D06A/1704: Permissions granted for modifications to Blocks A and D of the original scheme.

D09A/0117: Permission granted for retention and completion of modifications to the permitted Block C (Sentinel Building).

D05A/1159: Parent permission relating to the overall Rockbrook Development site that is bound by Blackthorn Drive to the north and west and by Carmanhall Road to the south (3.117 ha). Permission granted for a mixed use development comprising 847 apartments; neighbourhood retail shops and services and café restaurants with a GFA of 11,794 sq.m. (including a convenience store with a GFA of 1,768 sq.m. and a retail showroom / warehouse with a GFA of 2,039 sq.m.); offices with a GFA of 10,761 sq. m.; a crèche with a GFA of 374 sq. m.; community building with a GFA of 185 sq.m. and 39 no. live work units; 1,716 car parking spaces and 1,140 cycle spaces at basement and lower ground floor level. The development comprised 6 no. blocks A, B, C, D, E and F ranging in height from 6 to 14 stories. Vehicular access from Blackthorn Drive and from Carmanhall Road. A third-party appeal against the PA's decision was withdrawn (PL06D.215205).

5.0 National and Local Planning Policy

5.1. National Planning Framework

The recently published National Planning Framework includes a specific Chapter, No. 6, entitled 'People Homes and Communities'. It includes 12 objectives among which Objective 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages. Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an

appropriate scale of provision relative to location. Objective 35 seeks to increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

5.2. **Section 28 Ministerial Guidelines**

The following is a list of section 28 Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- ‘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 – Guidelines for Planning Authorities’ as updated March 2018.
- ‘Design Manual for Urban Roads and Streets’ (DMURS).
- ‘The Planning System and Flood Risk Management’ including the associated ‘Technical Appendices’.
- ‘Childcare Facilities – Guidelines for Planning Authorities’.
- Urban Development and Building Height, Guidelines for Planning Authorities, 2018.

5.3. **County Planning Policy**

5.1.1 The Dún Laoghaire-Rathdown Development Plan 2016-2022 is the relevant statutory plan for the area. The following provisions of the Development Plan are considered relevant:

- Sandyford is identified as a ‘Secondary Centre’ in the Development Plan Core Strategy and sits at the second tier of the county settlement hierarchy below the ‘Major Centre’ settlements of Dun Laoghaire and Dundrum. Sandyford Business District is identified as a ‘primary growth node’ from which a significant portion of the supply of residential units will derive up to 2022 and beyond.
- The site is zoned MIC with an objective “to consolidate and complete the development of the mixed-use inner core to enhance and reinforce

sustainable development”. Residential uses are permissible, subject to according with the relevant policies of the Sandyford Urban Framework Plan for the MIC area (Table 8.3.16 refers).

- Chapter 2 Sustainable Communities Strategy, includes policies which seek to increase housing supply, ensure an appropriate mix, type and range of housing and promoting the development of balanced sustainable communities. Relevant policies include RES3 promoting higher residential densities in line with national policy whilst ensuring a balance between density and the reasonable protection of residential amenities and established character. Section 2.1.3.3 states that densities of greater than 50 units per hectare will be encouraged within c. 1 km of public transport nodes. RES7 encourages the provision of a wide variety of housing and apartment types and RES8 seeks provision of social housing. RES14 seeks to ensure that community and neighbourhood facilities are provided in conjunction with, and as an integral component of, major new residential development. RES15 promotes an ‘urban village’ design approach in new development growth nodes. Section 2.2 sets out policies in relation to sustainable land use and travel. ST2 and ST11 relate to the integration of land use and transportation, ST19/20 relate to travel demand management and travel plans and ST27 relates to traffic and transport assessment and road safety audits.
- Chapter 4 ‘Green Infrastructure’ sets out policy in relation to open space and recreation including OSR5 in relation to public open space provision and OSR14 in relation to play facilities.
- Chapter 5 ‘Physical Infrastructure Strategy’ sets out policy in relation to (inter alia) water supply and wastewater, waste management, pollution, climate change, energy efficiency, renewable energy and flood risk.
- Chapter 7 ‘Community Strategy’ sets out policy for the delivery of community facilities in Section 7.1.3, including Policy SIC7: New Development Areas; and Policy SIC11: Childcare Facilities.
- Chapter 8 ‘Principles of Development’ contains the urban design policies and principles for development including public realm design, building heights strategy, car parking. Section 8.2 sets out Development Management

Standards for (inter alia) Residential Development (8.2.3), Sustainable Travel and Transport (Section 8.2.4); Open Space and Recreation (Section 8.2.8), Environmental Management (8.2.9), Climate Change Adaption and Energy (8.2.10) and Community Support Facilities (Section 8.2.12).

5.1.2 There are no Specific Local Objectives (SLO's) applying to the development site (Development Plan Map 6). The following SLOs apply to lands in the vicinity:

- SLO 109 on lands to the east of the development site 'To seek the provision of a use that animates the street corners e.g. Hotel / Apart Hotel at north western end of Ballymoss Road at the junction with Blackthorn Drive'.
- SLO 114 on lands to the north east of the development site 'To provide a Public Transport Interchange adjacent to the Stillorgan Luas Stop'.
- SLO 119 on lands to the south 'To develop a Sandyford Business District Civic Park at the corner of Corrig Road / Carmanhall Road'.
- SLO 121 on lands to the east of the site at Ballymoss Road and south east at the corner of Corrig Road / Carmanhall 'To ensure the provision of pocket parks and civic spaces in accordance with locations specified on Map I and Drawing no. 10 of the Sandyford Urban Framework Plan'.

5.1.3 Appendix 2: Interim Housing Strategy provides analysis of housing demand and supply including social housing. Section 7 of same deals with housing mix and housing type.

5.1.4 Appendix 9: Building Height Strategy

Development Plan Policy UD6 in Chapter 8 states that: "*It is Council policy to adhere to the recommendations and guidance set out within the Building Height Strategy for the county.*"

Building Height Strategy Section 3.1 Sandyford Business District, building height limits are set by the SUFF:

"The stated building height limits in the SUFF do not represent a 'target' height for each site – it is essential that any building makes a positive contribution to the built form of the area. It is intended that building height shall therefore be determined by how it responds to its surrounding environment and be informed by: location; the

function of the building in informing the streetscape; impact on open space and public realm (in particular shadow impact), impact on adjoining properties; views into the area and long distance vistas.”

5.4. Sandyford Urban Framework Plan 2016-2022

5.4.1. The Sandyford Urban Framework Plan (hereafter referred to as the SUFP) is incorporated as Appendix 15 of the County Development Plan and thus the objectives contained therein are objectives of the County Development Plan. It envisages the ongoing development of Sandyford primarily as an employment area but with complementary mixed uses including residential development. SUFP section 1.6 describes the Sandyford Business Estate, where the subject site is located, as follows:

“Sandyford Business Estate is at a pivotal stage of development in terms of type of business. Parts of Sandyford Business Estate are in the process of transforming from an area of low-density freestanding buildings formed around a road network, to higher density development within a tighter urban grain. This transition in form and land use has been driven primarily by landownership rather than by a master plan for the overall area. Recent high density developments have little spatial relationship with their neighbours and as a consequence the area has become fragmented. The current mix of uses lack co-ordination and rationale.”

Building heights within Sandyford Business Estate range between 1 and 2 storey developments in the established part of the estate to permitted development up to 14 storeys.

The application site, the with ‘Rockbrook’ site to the immediate west and the Beacon South quarter to the south, is identified as ‘Zone 1: Mixed Core Area Inner Core’, with the following stated objective: *“It is an objective of the Council to consolidate and complete the development of the Mixed Use Inner Core to enhance and reinforce its sustainable development. (Map 1)”*

Residential use is permitted in principle under this zoning objective, subject to SUFP policy on residential development in core areas. SUFP maps identify the following specific standards / requirements for the development site:

- Map 2 Plot Ratios / Residential Densities. Plot ratio 1:4

- Map 3 Building Height. Permitted / developed height of 5-14 storeys.
- Drawing No. 6 Walking & Cycling. Walking route between Carmanhall Road and Blackthorn Drive.
- Drawing No. 10 Sandyford Urban Framework Plan. Civic Space and Green Routes Network.

5.4.2. The site is identified as a suitable location for retail development close to the Luas stop and the existing Beacon Shopping Centre. Section 2.3.2.1 states: *“Retail and retail services should be used to enliven street frontages, particularly on main pedestrian corridors leading to Luas stops, and in particular along Ballymoss Road.”*

5.4.3. Section 2.3.2.2 states in relation to residential development in the Mixed Use Core Areas: *“It is considered that the number of apartments permitted to date in the Mixed Use Core Areas is sufficient to provide vitality to these areas. Future residential development should primarily be focused within the residential zoned land (Map 1, Zone 5). This will enable the creation of sustainable residential neighbourhoods with environments more conducive to protecting residential amenity and able to provide a mix of home types.”*

Objective MC4: *“It is an objective of the Council to limit the number of additional residential units within Zone 1 (MIC) and Zone 2 (MOC) to circa 1,300 residential units. Of these 1,300 residential units, 835 have planning permission as of October 2014. This scale of residential development accords with the SUFP 2011.”*

Objective MC5: *“It is an objective of the Council to require all residential development within the Plan boundary to benefit from the public open space requirements set down in the Dún Laoghaire-Rathdown County Development Plan. The applicant shall set out clearly in any proposed development, how this requirement is being addressed. Where the Planning Authority agrees it is not possible to provide meaningful and useable public open space or where a specific local objective requires, the applicant shall provide indoor community facilities (e.g. community rooms, indoor active recreational uses for residents) or a financial contribution in lieu of open space, the nature of which should be agreed with the Planning Authority at pre planning stage.”*

Objective MC6: *“It is an objective of the Council to require all residential developments to provide private open space in accordance with the requirements set down in the Dún Laoghaire-Rathdown County Development Plan.”*

Objective MC9: *“It is an objective of the Council to locate uses that enliven, and attract customers fronting the routes leading to the Luas, particularly along Ballymoss Road.”*

5.4.4. Density and scale objective DS3 apply to the development site:

“It is an objective of the Council to ensure where the plot ratio proposed is greater than 1:2, the layout should take the form of streets in order to contribute to the vibrancy of these core areas.”

Objective BH2 requires applicants to submit an analysis of the impact of height and positioning of buildings on the surrounding environment, adjoining structures, open spaces, the public realm, views and vistas and micro climates.

5.4.5. SUFP objective TAM1 is to require all future development in the Sandyford Business District to achieve a peak hour transport mode split of 45% trips by car drivers (maximum) and 55% trips by walking, cycling and public transport and other sustainable modes (minimum targets) as per Government policy stated in the document published by the Department of Transport entitled, ‘Smarter Travel, A Sustainable Transport Future 2009-2020’.

5.4.6. SUFP objective TAM2 provides for the creation of a new Luas / Bus interchange at the Stillorgan Luas stop, located across from the junction of Blackthorn Drive and Ballymoss Road, to the east of the development site. Objective TAM3 is to implement complementary Bus Priority Schemes including a QBC along Blackthorn Drive at the northern end of the development site. SUFP objective PR8 is to provide an urban plaza at the Ballymoss Road / Blackthorn Drive junction in front of the public transport interchange and objective PR7 is to create a pedestrian / cycle Green Route from the interchange, along Ballymoss Road, towards the centre of Sandyford Business Estate. There is also a Green Route along Carmanhall Road at the site’s southern road frontage, towards the pedestrian access to the Beacon shopping centre. SUFP objective PR6 is to implement a programme for enhanced planting along Green Routes. In addition, Map no. 3 Building Height identifies the site to the immediate east at the northern end of Ballymoss Road to be developed as

a 'Building of Notable Design', to serve as a visual reference marker, part of the overall aim to develop this location as a gateway to the Sandyford estate.

5.4.7. SUFP Section 3.5 Design Principles and Character Areas states in relation to Zones 1 and 2:

“Zone 1 & 2, the L-shaped area between Blackthorn Drive and Blackthorn Avenue, contains developments including Beacon South Quarter and Rockbrook. These developments which provide high density and high quality architectural finishes, sit uncomfortably against neighbouring underdeveloped and underutilised sites which reinforces the transitional nature of the area. It is the intention of the Plan to promote development of these sites, to consolidate the area by repairing edges and promoting a coherent street pattern and skyline.”

5.4.8. The following objectives relating to community facilities are noted:

- Drawing no. 10 Amenity Open Space and SLO 119. Civic park at the corner of Corrig Road and Carmanhall Road to the immediate south of the development site.
- SLO113 on lands to the east of the site is to facilitate the provision of community infrastructure at ground floor level along the eastern outer edge of the Carmanhall residential neighbourhood along Blackthorn Road, to create active street frontage and to ensure the appropriate provision of social and community infrastructure.
- Objective E1 regarding the provision of childcare facilities. Objective E2 to retain 2 no. core sites for the provision of 2 no. primary schools and 1 no. post primary school on lands at Stillorgan Industrial Estate to the west of the proposed development, ref. SLO 112.

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

6.1. Documentation Submitted

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, Cover Letter, Planning Report, Material Contravention Statement, Statement of Consistency, Lifecycle Report, Architectural Statement, Landscape Presentation, Site Specific Flood Risk Assessment, Daylight Sunlight Report, Site Lighting Report, Energy and Sustainability Report, Traffic Impact Assessment, DMURS Statement of Consistency, Mobility Management Plan, Engineering Services Report, Arboricultural Report, Schools and Creche Demand Assessment, Appropriate Assessment Screening, Photomontage Report, CGI's, Part V Letter, EIA Scoping Report, Wind and Microclimate Modelling, Ecological Impact Assessment, Cultural Heritage Report, Landscape and Visual Impact Appraisal.

6.2. Statement of Consistency

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:

- The development is consistent with policy objectives of the NPF and RSES.
- The development will directly address housing need identified in Rebuilding Ireland – Action Plan for Housing and Homelessness.
- The Urban Development and Building Height Guidelines for Planning Authorities (2018) seek increased building heights and densities in urban locations with good public transport accessibility and state that PA's shall not provide for blanket numerical limitations on building height. The Development Plan objective to restrict building heights to 14 storeys is outdated by reference to National Policy and contrary to SPPR 1 of the Guidelines. A Material Contravention Statement is included with the documents. The statement presents a case for compliance

under each of the broad criteria for taller buildings set out in the Guidelines. It is noted that LVIA, Daylight/Sunlight Analysis and Wind Assessments demonstrate that the development will not have negative impacts on the receiving environment. The proposed development is appropriate within the surrounding context having regard to the location within a mixed inner core that is well served by public transport and within minutes walking / cycling distance of various employment locations and services and facilities. The design response strikes a balance between respecting the planning parameters of the extant scheme and ensuring that the development potential of a strategically positioned plot is maximised.

- In terms of the Sustainable Urban Housing: Design Standards for New Apartments – the site is suitable for a large-scale apartment development – it is within 1,500 metres of numerous substantial employment sites and within 100m of Stillorgan Luas stop. The scheme meets the requirements of SPPR 1-5 of the Guidelines. SPPR 6 in relation to the number of apartments per core do not apply to BTR schemes. SPPR 7 and 8 criteria for BTR Schemes will be met.
- The development meets the 12 criteria for sustainable residential development contained in the Urban Design Best Practice Guide.
- The development accords with the Design Manual for Urban Roads and Streets and will ensure legibility within the streetscape.
- Site Specific Flood Risk Assessment concludes that the proposed development is acceptable having regard to the objectives of The Planning System and Flood Risk Management Guidelines.
- Requirement under the Childcare Guidelines is met.
- In terms of local policy – CDP and SUFP
 - The site is zoned 'Mixed Use Inner Core' and the proposed uses are acceptable in principle.
 - The scheme exceeds the residential unit cap set by Objective MC4 of the SUFP by 78 no. units. The cap is 'circa' 1300 residential units, so is not a

definitive number. The deviation (6%) is not a material contravention of the CDP.

- The proposal meets public open space, communal open space and private open space standards.
- SUFP details 'Permitted/Developed Building Height' of 5-14 storeys. BH₂ requires analysis of impact of the height and positioning of buildings. Design Statement, Photomontages and Landscape and Visual Impact Assessment (LVIA) are submitted with the scheme.
- Building height addressed in Material Contravention Statement.
- CDP (Section 8.2.3.2) promotes higher densities close to public transport corridors subject to the reasonable protection of existing residential amenities and established character (Res 3 and Res4).
- SUFP indicated a Plot Ratio of 1:4. The plot ratio is 1:3.21 across the overall Rockbrook Estate landholding (inc. subject site and the adjoining 'Rockbrook' site).
- Mix of units proposed provides an alternative accommodation scale and typology to meet the changing housing requirements of the County, in compliance with Section 8.2.3.3 of the CDP.
- Car parking provision of 272 no. spaces (inc. 30 no. electric car parking spaces and 5 no. go car spaces) is acceptable by reference to CDP maximum standards and the Apartment Guidelines which allow for reduced provision in central and/or accessible urban locations.
- The proposed development is consistent with sustainable travel policies of the SUFP – inc. the modal split targets detailed in Objective TAM1.
- Other policies in relation to Urban Design, Public Realm, Environment, Social Housing are met.

6.3. Planning Authority Submission

A submission was received by An Bord Pleanála on the 16th August 2019 from Dun Laoghaire Rathdown County Council. The 'opinion' of the planning authority included, inter alia, the following:

- The submission outlines the development proposal, section 247 meetings, a site description, planning history and planning policy pertaining on the site.
- The site is zoned for mixed use. Residential and childcare uses are permitted in principle. A residential development is welcomed, given the quantum of existing / permitted commercial uses in the area.
- MC4 of the SUFP limits the number of additional residential units within Zone 1 (MIC) and 2 (MOC) to 1,300 residential units. The proposed development would increase the residential units in this area to 3890, 590 above the cap. (Note: PA clarified at tri-patriate meeting that the submitted figures were in error and that the actual exceedance is 68 no. units).
- Similar footprint and design to that granted on the site under ABP-301428-19.
- Density and plot ratio are acceptable by reference to the SUFP.
- The proposed development is a BTR Scheme. No details of legal covenant / legal agreement submitted.
- The proposed building height would materially contravene the SUFP. The Urban Development and Building Height Guidelines are not applicable in this instance as there is an evidence-based policy led document pertaining to the site. The PA notes the detail of the submitted Material Contravention Statement but cannot support the proposed height increase.
- PA welcomes overall design approach and material palette.
- The proposed development meets the requirements of the Apartment Guidelines.
- The PA is concerned in relation to the mix of units and the low proportion of 3-bed units. The profile of the existing housing stock in Sandyford Business District is predominantly 1 and 2 bed apartments. There is a strong policy based imperative to require a greater proportion of larger apartment units.

- Concern in relation to the rate of car parking provision. A rate of 1 car parking space per unit is recommended.
- Applicant should consult with Drainage Division of the PA.
- Open Space: Apparent that much of the open space provision is at podium level and that there is little in the way of active recreation space. The receiving environment is seriously deficient in terms of open space provision. Development at the density proposed should be required to make a significant contribution to public open space provision.
- 18 no. studio units do not meet minimum private open space standards detailed in the Apartment Guidelines. While SPPR8 gives some flexibility in relation to standards there is an obligation to demonstrate that residents will enjoy an enhanced overall standard of amenity. The PA advises that the applicant provide the required 4sq.m of private open space or alternatively, provide a robust justification for the reduction. The scheme is also considered to fall short of residential support facilities.
- The submitted details do not refer to management facilities, maintenance or repair services, waste management facilities, details for management of roof level function room in accordance with SPPR 7 of the Apartment Guidelines.
- Application should detail separation between blocks and from existing / approved residential developments and that no overlooking issues arise and may require more information in relation to microclimate / wind impacts.
- In relation to Childcare, under ABP-301428-18 a condition was imposed to increase the size of the creche. The proposed creche is smaller than that approved under the previous scheme. A case needs to be put forward in this regard.
- The Housing Department raise concerns in relation to the feasibility of on-site transfer for a BTR scheme.
- SHD application should include a Construction Management Plan, a Quality Audit (inc. Road Safety Audit), a phasing plan and details of construction stage noise.

6.4. Consultation Meeting

A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 11th September 2019, commencing at 11.30. 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.

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

1. Building Height
 2. Quantum of development – residential cap under objective MC4 of the Sandyford Urban Framework Plan.
 3. Development Strategy – housing mix, amenity, residential support facilities / services / amenities, childcare and car parking.
 4. Part V
 5. Drainage and Flooding Matters
 6. Any other matters
- In relation to building height, An Bord Pleanála sought further elaboration / discussion / consideration in relation to the proposed building height having regard to, inter alia, the building height standards set out in the Dun Laoghaire Rathdown County Development Plan 2016-2022 (inc. Appendix 15 Sandyford Urban Framework Plan) and national guidance contained in the ‘Urban Development and Building Height Guidelines for Planning Authorities’ (December 2018), and in particular the development management and urban design criteria set in section 3.2 of the guidelines.
 - In relation to quantum of development, An Bord Pleanála sought further elaboration in relation to the quantum of development, having regard to, inter alia, the cap on residential development in the ‘mixed use inner core’ set by objective MC4 of the Sandyford Urban Framework Plan and the development plan core strategy.
 - In relation to Development Strategy An Bord Pleanála sought further elaboration / discussion / consideration of the following: housing mix and the proportion of 3-bed and larger units; the quantum and quality of open space and amenity areas

including provisions for active recreation; the quantum and quality of communal and residential support facilities and services and details in relation to the management of same; childcare provision in the context of the demands of the scheme and provision in the area; and the level of car parking provision based on the demands of the scheme and the management of car parking.

- In relation to Part V, An Bord Pleanála sought further elaboration in relation to the transfer of units within a BTR scheme.
- In relation to Drainage and Flooding Matters, An Bord Pleanála sought further details in relation to drainage and noted the submitted Flood Risk Assessment.
- In relation to Other Matters Issues, An Bord Pleanála sought further detail in relation to the management of the scheme, areas to be taken in charge, separation distances from existing and proposed blocks and phasing.

Both the prospective applicant and the planning authority were given an opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting 304965' which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

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 following elements: building height, quantum of development, housing

mix, opens space and amenity, communal facilities and support services, childcare, car parking and the management of the scheme, as sets 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

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.

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:

Building Height

Further justification of the documents as they relate to building height. This justification should have regard to, inter alia, the building height parameters of the Dun Laoghaire Rathdown County Development Plan 2016-2022 (inc. Appendix 15 Sandyford Urban Framework Plan) and national guidance set out in the 'Urban Development and Building Height Guidelines for Planning Authorities' (December 2018), with particular regard to the development management and urban design criteria set in section 3.2 of the guidelines.

Quantum of Development

Further justification of the documents as they relate to the quantum of development or number of units proposed. This justification should have regard to, inter alia, the cap on residential development in the 'mixed use inner core' set by objective MC4 of the Sandyford Urban Framework Plan and the Core Strategy of the Dun Laoghaire Rathdown County Development Plan 2016-2022.

Development Strategy

Further consideration / clarification of the documents as they relate to: housing mix and the proportion of 3-bed and larger units within the scheme; the quantum and quality of open space and amenities; the quantum and quality of communal facilities and residential support facilities and details in relation to the management of same; childcare provision in the context of the demands of the scheme and existing childcare capacity in the area; and the level of car parking provision having regard to the demands of the scheme and the management of car parking.

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. Details of the management provisions for the build to rent scheme to include details of a covenant or legal agreement as required under Section 5.10 Specific Planning Policy Requirement 7 of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities;
2. Details of Part V provision clearly indicating the proposed for compliance with Part V.
3. Detailed calculations for surface and foul water drainage.
4. Details of all materials proposed for buildings, open spaces, paved areas, boundary and retaining walls.
5. A site layout plan showing existing and permitted residential blocks and the proposed residential blocks that details the separation distances between the blocks and between opposing windows and balconies.
6. A plan and schedule of the proposed open spaces within the site clearly delineating public, semi-private and private spaces.
7. A detailed phasing plan for the proposed development.
8. A site layout plan clearly indicating what areas are to be taken in charge by the Local Authority.
9. Details of public lighting.
10. Where the applicant considers that the proposed strategic housing development would materially contravene the relevant development plan or local area plan, other than in relation to the zoning of the land, a statement indicating the plan objective (s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format.

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. Irish Aviation Authority
3. National Transport Authority
4. Transport Infrastructure Ireland
5. Coras Iompair Eireann
6. Commission for Railway Regulation
7. Health Service Executive

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.

Karen Kenny

Senior Planning Inspector

20th September 2019