



An  
Bord  
Pleanála

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

### **Inspector's Report on Recommended Opinion ABP-305419-19**

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|--------------------------------------|--|
| <b>Strategic Housing Development</b> | 444 no. apartments, crèche and associated site works |
| <b>Location</b>                      | Village Road, Aikens Village, Stepside, Dublin 18.   |
| <b>Planning Authority</b>            | Dun Laoghaire Rathdown County Council                |
| <b>Prospective Applicant</b>         | Ironborn Real Estate Limited                         |
| <b>Date of Consultation Meeting</b>  | 21 <sup>st</sup> of October 2019.                    |
| <b>Date of Site Inspection</b>       | 10 <sup>th</sup> of October 2019.                    |
| <b>Inspector</b>                     | Karen Hamilton                                       |

## 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

The site (c.2.8ha) is located within the residential area of Aikens Village, Stepside, Co. Dublin. The site fronts onto and is accessed from Village Road, a spine road which flows through the centre of Aikens Village. Atkinson Drive, along the west is a connector road which provides access to the remainder of the site and a larger residential development permitted in 2010 which is nearing completion. Those dwellings in the vicinity of the site consist mostly of three storey semi-detached dwellings with a larger four storey apartment unit to the north. There is a wide range and mix of unit types in the vicinity with a large apartment development on the opposite side of Village Road. An area of open space, associated with the adjoining parent permission, is wrapped around the site although not within the applicant's ownership.

## 3.0 Proposed Strategic Housing Development

- 3.1. The proposed development would comprise of 444 no. apartments, crèche and associated site works.

### Development Parameters

| Parameters | Site Proposal |
|------------|---------------|
| Height     | 3 – 8 stories |

|  |   |
|--|---|
| Community                              | n/a   |
| No. of Residential Units               | 121 no. 1 bed (27.3%)<br>309 no. 2 bed (69.6%)<br>14 no. 3 bed (3.2%)   |
| Retail/Commercial                      | n/a   |
| Residential Amenity/Support Facilities | Total 1,778m <sup>2</sup><br>Block K Crèche 390m <sup>2</sup> ( capacity c. 60)<br>Block K (first floor) – Communal 449m <sup>2</sup><br>Block C- Residential Amenities 939m <sup>2</sup> |
| Public and Semi Private Open Space     | 3,379m <sup>2</sup> (11.9%)   |
| Car Parking                            | 455 (undercroft)  |
| Bike Parking                           | 594 (required by the apartment guidelines 1,003<br>DLR requirements 533)  |
| Density                                | 156.3 units per ha  |

#### 4.0 Planning History

##### D16A/0511

Permission granted for a similar development on the site relating to a revision of D10A/0440 / ABP Ref. PL06D.239332 (10 year permission) for

- 11 no. residential blocks comprising **243 no. apartments and duplexes** (74 no. 1 bed, 143 no. 2 bed and 26 no. 3 bed units) ranging in height from 3-6 storeys;

- Provision of a 1-2 storey community building providing a crèche, residents sports hall and community rooms (total GFA c.1,017m<sup>2</sup>);
- Provision of 2 no. single level basements comprising residential car parking/bicycle parking/storage/plant.
- Additional car parking provided at surface level. A total of 342 car parking spaces;
- Associated works and the remainder of the Belmont development as per parent permission Reg. Ref. D10A/0440 / PL06D.239332.

**D10A/0440 / ABP Ref. PL06D.239332 (10 year permission).**

Planning for a 10 year permission for a development on this site of c.11.82 hectares in the townlands of Murphystown and Woodside at Stepside, Co. Dublin,

- 410 no. residential units with a total GFA of c. 44,108m<sup>2</sup> comprising: 206 no. houses and 204 no. apartment units (127 no. units within 13 no. apartment blocks ranging in height from 3 to 4 storeys; 28 no. units at 1st to 4th floor levels within the 4-5 storey feature block; (All apartment units provided with balconies/and or terraces); 49 no. units within a single 4 storey block which will be managed as housing for the elderly.
- Provision of the following local facilities (GFA, 1,936m<sup>2</sup>); comprising 2 no. retail units (each c.228m<sup>2</sup> GFA) and 4 no. office units (ranging from c.113 m<sup>2</sup> and c.118m<sup>2</sup> GFA) at ground floor level of the 4-5 storey Feature Block. A crèche (of c.487.7m<sup>2</sup> GFA) and 2 no. units to provide for a sports hall and community room (each of c.265.7m<sup>2</sup> GFA) are provided within a 2 storey building.

**PL06D.205533 (D03A/0942)**

Planning permission was granted for 264 no. dwellings, supermarket, and restaurant and on 6.8ha site (corresponds to parcel 5 in the Stepside AAO)

## 5.0 National and Local Planning Policy

### 5.1. Section 28 Ministerial Guidelines

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 S.28 Ministerial Guidelines are:

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

### 5.2. Dun Laoghaire-Rathdown County Development Plan 2016-2022

The site is located on lands zoned as Residential, where Objective A states *“To protect and-or improve residential amenity”*.

Lands along the south and adjoining the site are zoned Open space, where Objective F states *“To preserve and provide for open space and ancillary active recreational amenities”*.

#### Sustainable Communities

- **Policy RES3:** Residential Density - promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development.
- **Policy RES7:** Overall Housing Mix - encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided within the County in accordance with the provisions of the Interim Housing Strategy.
- **Policy RES14:** Planning for Communities –in accordance with the aims, objectives and principles of 'Sustainable Residential Development in Urban

Areas' and the accompanying 'Urban Design Manual – A Best Practice Guide'.

- **Chapter 2.2** - Sustainable Travel and Transportation.
- **Policy UD1:** Urban Design Principles - all development is of high quality design that assists in promoting a 'sense of place'.
- **Policy UD6:** Building Height Strategy- Compliance with the national guidance.
- **Appendix 9** – Building Height Strategy
- **Section 8.2.3.2-** (i) Density. The sustainable housing guidelines of 2009 are promoted and a minimum of 35 units per hectare are allowed with more than 50 required at public transport nodes.
- **Section 8.2.3.3-** Apartment Development
  - (ii) 70% to have dual aspect,
  - (iii) mix required at a ratio of 40/ 40/ 20 for 1/2/3 plus units.
  - (iv) 22m separation distance required.

An advisory note at the beginning of the development plan to state that these apartment standards have been superseded by the implementation of the national apartment standards and **those SPPRs contained** within.

#### Car parking

- **Section 8.2.4.5-** Parking provision in excess of the maximum standards set out for non-residential land uses in Table 8.2.4 shall only be permitted in exceptional circumstances as described below.

Reduced parking or car –free parking will be allowed in areas with high public transport accessibility.

- **Table 8.2.3:** Residential Land Use - Car Parking Standards
- Apartments- 1 space per 1-bed unit/ 1.5 spaces per 2-bed unit/ 2 spaces per 3-bed unit+/ (depending on design and location).

## 6.0 **Section 247 Consultation(s) with Planning Authority**

- 6.1. PAC/SHD/255/19 meeting on the 07<sup>th</sup> of July 2019 and the issues raised are summarised below:

- The area subject to the SHD had recently been sold to the applicant.
- The previous application D10A/0440 was still a live permission.
- The open space associated with D10A/0440 had been taken in charge by the Council.
- The “L” shaped area highlighted in green in the SHD pre app drawing did not form part of the open space calculations.
- A housing block is too close to existing dwellings.
- Dual aspect is too low.
- Car parking spaces/ mobility management/ electric charging and cycle spaces are to be addressed (min 1.1 car space per apartment).
- Attenuation system is under the proposed park.
- There was a commercial element along the front of the site, Village Road in the initial application (D10A/0440) and should be integrated.

## 7.0 Prospective Applicant’s Case

7.1. The applicant has submitted a range of documentation with the pre application as summarised below:

- Planning Report & Statement of Consistency
- Confirmation of feasibility Statement form Irish Water
- Part V Cover letter
- Plans & Particulars
- SHD Housing Quality Assessment
- Architectural Design Statement
- Traffic and Transportation Assessment
- Proposed Visibility Spay
- Proposed Auto track Analysis
- Flood Risk Assessment

- Drainage Design Strategy
- Foul, Drainage Layout
- Watermain Layout
- Landscape Design Report
- Landscape Drawings
- Arboriculture Note
- Sunlight, Daylight and Shadow Assessment
- Site Lighting Services Layout
- Sustainability and Services Report.

## 7.2. **Planning Report and Statement of Consistency**

The applicant submits the proposed development is compliant with the following documents:

- NPF- The proposal includes high density house close to a LUAS stop.
- Eastern & Midlands Regional Spatial Economic Strategy- The site is well connected to the City Centre, employment, health and education.
- Sustainable Residential Development in Urban Areas (2009)- Design led approach to infill development addresses the character of the area.
- Sustainable Urban Housing- Design Standards for New Apartments- The density of 156.3ha on a site adjoining local bus connections, services and amenities is appropriate.
- Childcare Guidelines- A childcare facility will be provided which provides for 50% of the two bed units therefore 60 no childcare spaces are provided.
- Planning System and Flood Risk Assessment- Guidelines for local Authorities- The site is within Flood Zone C and will not be vulnerable to flooding.
- Design Manual for Urban Roads and Streets (2013) - A statement of consistency has been provided.



- Urban Developments and Building Heights, Guidelines for Planning Authorities- The height of the building is 3-4 storeys along the north of the site, rising to an 8 storey block on the southern corner, the most prominent location on the site. The Design Statement indicates compliance.
- Dun Laoighaire Rathdown County Development Plan (not covered by Ministerial Guidelines) - Public open space (11.9%), Cycle Standards and parking standards are set out.
- The Stepside Area Action Plan was made in 2000, is nearly 20 years old and there has been a significant amount of national guidance since then.

## 8.0 Planning Authority Submission

8.1. The submission from the PA provides a background of the site, the planning history a summary of the SHD meeting 07th of August 2019 and the interdepartmental reports. The issues raised are summarised as follows:

- The current permission on the site is the 10 year permission under D10A/0440.
- Where the SPPR's differ from the County Development Plan they take precedence.
- The density of c.158 units per ha is significantly higher than the surrounding area.
- The layout, block form, scale and simple palate of materials is considered acceptable.
- The previous permitted development is 6 storeys the proposed development does not justify the additional 2 storeys.
- The mix of housing units is considered acceptable considering Section 8.2.3.3 of the development plan.
- A 22 m separation distance has not been provided, there is concern over the separation distance between Block F and residential unit No. 18 at c. 8m.

- The daylight and sunlight analysis uses the assumption that the permitted development has been built, this is not the case.
- There is no analysis of the inside of the apartments (VSC/ADF) as per Chapter 2 of the BRE Guidelines.
- Development plan open space requirements of 15-20m<sup>2</sup> per person have not been met although the default 10% is met.
- There is no clarification if the open space standards as per Section 8.2.8.5 of the development plan has been met.
- In relation to the provision of open space in the wider area, the applicant should clarify if any open space will be provided and if so, is it within the applicant's ownership.
- The applicant should investigate the possibility of providing a connection to Ferncarrig Avenue.
- Further detail/ clarification on the provision of community facilities is required.
- The applicant states there is capacity in the schools in the vicinity although the latest information from the Department of Education indicates the schools are at/ or over capacity.
- There is a significant decrease in the sports community facility provision since the previous granted permission (D16A/0511) although there has been an increase in units.
- The applicant states there is 47% dual aspect although as the site is greenfield this should be 50%.

8.2. Housing: The Part V proposal includes a long-term lease (25 years) for 44 units in Block J. The proposal is not for BTR, although this should be clarified therefore the acquisition of units is the preferred option.

8.3. Drainage: The surface water proposals are seriously deficient, it has not been demonstrated how QBar is being calculated. The previous permission should not be relied upon and full details and attenuation should be submitted.

8.4. Waste: A detailed construction and demolition waste plan should be submitted.

## 8.5. Transport:

- The calculated trip generation for the apartments has significantly decreased from the 2016 calculation (submitted with D16A/0511) and the proposed development and should be justified. The documentation states that the AECOM traffic and transport assessment will be more comprehensive.
- The proposed access does not include any pedestrian/cyclist crossing points across Thornberry Road to follow desire lines and south towards Glencairn Luas stop.
- The cycle parking provision does not comply with the standards in the plan or the apartment guidelines. Sheffield stands are required.
- The car parking is deficient by 4 spaces with additional spaces for the crèche required.
- Crèche spaces should not be in the basement and should be at the set down
- Surface car parking spaces along the south on the public road
- 44 electric charging spaces are required in accordance with Section 8.2.4.12 of the DLR plan
- 19 no motorcycle parking spaces are required.
- A Quality Audit or Road Safety Audit is required.
- Public lighting issues.
- A Construction Management Plan is required.
- An outline Travel Plan was submitted.

## 9.0 **Irish Water**

Irish Water issued a Confirmation of Feasibility for a development of 501 residential units and states there was capacity both in the wastewater and water treatment plants.

Regarding the wastewater network, Irish Water are currently carrying out a Drainage Area Plan (DAP) with hydraulic modelling on the network and the outcome of this plan will indicate the available capacity and determine the full extent of any required

network upgrades. The study will be complete in Q4 of 2019 and any third party consents will be determined by the outcome of the DAP.

## 10.0 The Consultation Meeting

A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 21<sup>st</sup> of October 2019, commencing at 11.30am. 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.

1. Development Strategy for the site to include inter alia:
  - Site area
  - Quantum and quality of the provision of shared services, childcare and open space facilities.
  - Dual aspect design and calculations.
  - Sunlight and Daylight analysis.
  - Main interface areas and treatment along the Village Road.
2. Residential Amenity.
3. Part V provision.
4. Surface Water attenuation and Foul Water Capacity.
5. Any other matters.

10.1. In relation to the **development strategy** further consideration/ justification of the documents as they relate to the following were discussed:

- The land ownership of the site and the surrounding area for the purpose of any potential application having regard to the previous permissions of the site including PL06D.239332 (2010) the parent permission and a recently granted permission for the subject site D16A/0511.
- The size of the site and the lands outlined in red for the purposes of the proposed development and any potential planning application.

- The potential for a BTR development having regard to the quantum of the residential amenity services and the management of these communal areas for the future residents.
- Design of the apartments to ensure sufficient and appropriate design to warrant compliance with the 50% provision of dual aspect units for greenfield sites.
- Design and layout of interface areas facing onto Village Road, with the provision of appropriate design features to encourage the movement of public along the south of the site adjoining the public plaza, the restriction of service areas into the communal facility in Block C and the inclusion of high quality elevation treatment for this prominent building.
- Design and layout of interface areas facing onto Thornberry Road and Atkinson Drive, with the treatment of the undercroft parking as such that it will not be visible from the public thoroughfares and will not have a negative impact on the surrounding areas.
- The design and layout of communal open space areas to facilitate play areas for different ages, provide direct access for the crèche and remove and restrictions on the movement of pedestrians throughout the site.

10.2. In relation to the **residential amenity** further consideration/ justification of the documents as they relate to the following where discussed:

- The calculation of the childcare spaces, having regard to the childcare guidelines, the number of units provided and the availability of spaces in the vicinity.
- A social audit and the capacity of the adjoining schools to accommodate future population growth, having regard to the number of units provided and those figures from the Department indicating availability in the local schools.
- Distance and design of apartments and balconies relative to the existing residential units to the north of the site and the inclusion of appropriate design and separation distances to prevent any overlooking.

10.3. In relation to **traffic, car parking and cycle parking rationale** further consideration/ justification of the documents as the relate to the followings where discussed:

- The quantum and location of car parking spaces provided having regard to the standards in the development plan, apartment guidelines, location of the site relative to the Luas Line and the requirement for drop of spaces for the crèche.
- Rationale for the quantum and design cycle parking spaces provided having regard to the standards in the development plan and the apartment guidelines, and the provision of high quality facilities.
- The figures used for analysis of the trip generation and the inclusion of a mobility management plan.

10.4. In relation to the **Surface Water and Foul Water** further consideration/ justification of the documents as the relate to the following where discussed:

- The treatment of surface water on the site having regard to the recently constructed housing development around the site, parent permission PL06D.239332 (2010) and the necessity to compliment the surrounding systems.
- Connection to the Irish Water treatment system, the current drainage plan on the network capacity and relevant third party consents required.

## 11.0 **Assessment**

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 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.

## Conclusion

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 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

## 12.0 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 the constituting a reasonable basis for an application for strategic housing.

1. Wastewater Treatment

Further consideration of the documents as they relate to wastewater treatment. Clarity is to be provided concerning the delivery of wastewater infrastructure required to serve the proposed development, including works required to upgrade the capacity of the network following completion of a Drainage Area Plan (DAP) by Irish Water. The documents should provide details of necessary upgrade works required on foot of the DAP to include, *inter alia*: what works exactly are required; who is to deliver the works; the status of any planning and other consents required to deliver the infrastructure; the timelines involved in the delivery of the required infrastructure in the context of the proposed strategic housing development. The prospective applicant is advised that any application for development prior to obtaining of consents for the wastewater infrastructure may be considered premature. Further consideration of these issues may require further correspondence and/or coordination of documentation from Irish Water.

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. Visual Impact/ CGIs and photomontages, sections and continuous elevations where relevant, of the main elevation treatment including but not restricted to the following:
  - Block C and the façade facing onto the proposed public plaza and Village Road,
  - Block B & C and the relationship between the ground floor and undercroft parking and the treatment along Atkinson Road,
  - Block A/B, Block K & Block G/F and the relationship between the ground floor and undercroft parking and the treatment along Thornbury Road.
2. A detailed schedule of accommodation which indicates consistency with relevant standards and SPPRs in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (2018)



including a report (Site Specific Management Plan) which addresses the use of the residential support facilities and amenity areas.

3. A comprehensive daylight and sunlight analysis addressing existing residential units in proximity to the site and proposed units and open spaces within the development. A comprehensive justification is required for any proposed north facing single aspect units.
4. The inclusion of all works to be carried out, and the necessary consents to carry out works on lands, within the red line boundary.
5. Submission of a Taking in Charge map.
6. Surface Water drainage details, including plans and particulars, having regard to the concerns raised by the Drainage Department in Appendix B of the Planning Authority Submission in particular the submission of attenuation details and the necessity to prevent any adverse impact on the surrounding area.
7. Details of all materials proposed for buildings, open spaces, paved areas, boundary and retaining walls and a building life cycle report in accordance with section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2018).
8. Details of Part V provision clearly indicating the proposed Part V units.
9. Childcare demand analysis, including but not restricted to the justification for size of the proposed crèche, having regard to the existing childcare facility in the vicinity of the site, the likely demand and use for childcare places and the accommodation of additional requirement resulting from the proposed development.
10. Inclusion of a Social and Community Audit of the schools in the vicinity in particular school going children and the accommodation of additional requirement resulting from the proposed development.
11. A landscape and permeability plan of the proposed open space within the site clearly delineating public, semi-private and private spaces, areas to be gated, treatment of interface areas and provision of future connections to adjoining lands.

12. Submission of an amended Traffic and Transport Assessment to include car parking and cycle parking rationale and justification for different versions of calculations for trip generation.

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. Transport Infrastructure Ireland
2. Irish Water
3. Dublin County Childcare Committee
4. Commission for Energy Regulation

**PLEASE NOTE:**

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

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Karen Hamilton  
Planning Inspector

07<sup>th</sup> of November 2019