



An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion
305781-19**

Strategic Housing Development

The demolition of all existing part-one, part-two storey structures on the site (1,150 sq. m); the construction of a shared living five storey building (over Lower Ground Floor Level, comprising of 204 No. single-occupancy bedspaces and additional resident amenities; concierge/management space, plant, waste management areas, office and circulation space; communal open space and 140 No. cycle parking spaces.

Location

No. 348 Harold's Cross Road, Dublin 6W

Planning Authority

Dublin City Council

Prospective Applicant

AAI Kenilworth Ltd

Date of Consultation Meeting

12th December 2019

Date of Site Inspection

27th November 2019

Inspector

F. Fair

1.0 Introduction

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

2.0 Site Location and Description

- 2.1.1. The c. 0.22 ha (2,155 sq. m) subject site is located on lands at No. 348 Harold's Cross Road, principally bounded by Harold's Cross Road to the east, Laundry Lane and residential dwellings to the north, Kenilworth Manor to the south, and Rosary Park, sports ground and club house to the west.
- 2.1.2. The site is an irregular shape and currently accommodates a number of single-storey buildings to the rear. The site comprises of an existing vacant single storey building (a former car dealership known as Kenilworth Motors) with large sheds, associated small outbuildings and existing hardstanding and yard areas to the rear, surrounded by a circa 2m-3m high boundary wall to the north, south and west.
- 2.1.3. It can be described as a brownfield urban site located approx. 3.5 / 4 km of the city centre.
- 2.1.4. The lands are located immediately adjacent to Harold's Cross Road (R137 Regional Road) Quality Bus Corridor (QBC), which includes a dedicated combined bus/cycle lane for city-bound (northbound) buses and cyclists and a dedicated on-road cycle lane for southbound cyclists. Additionally, the proposed development site is well served by existing public transport and is accessible via Dublin Bus Routes 16

(which provides a connection to Dublin Airport), 16c, 49 to the east from Harold's Cross Road and Dublin Bus Routes 83, 83a and Go-Ahead Bus Route 18 to the north from Kenilworth Park.

3.0 Proposed Strategic Housing Development

3.1.1. The proposed development consists of: the demolition of all existing part-one, part-two storey structures on the site (1,150 sq. m); the construction of a shared living five storey building with a gross floor area of c. 7,645 sq. m (comprising of 204 No. single-occupancy bedspaces (including 8 No. accessible rooms) accommodated in 39 No. shared living cluster units (3 No. 3-bed clusters; 9 No. 4-bed clusters; 3 No. 5-bed clusters; and 24 No. 6-bed clusters, each with a kitchen/living/dining area between 24 sq. m and 42.6 sq. m); additional resident amenities including gym, games room, TV room, 3 No. meeting rooms, laundry, ancillary café (942 sq. m); concierge/management space, plant, waste management areas, office and circulation space)); communal open space (375 sq. m); 140 No. cycle parking spaces (134 No. resident spaces and 6 No. visitor spaces)., all on a site of c. 1.27 ha on lands within the grounds of Castle Park School, Castle Park Road, Dalkey, Co. Dublin.

3.1.2. The following details are noted: Table 1

Parameter	Site Proposal
Application Site	0.22 ha
No. of Units	204 no. beds of shared living accommodation
Other Uses	Gym, games room, TV room, 3 No. meeting rooms, laundry, ancillary café (942 sq. m); concierge/management space, plant, waste management areas, office and circulation space
Residential Density	c. 177 units / ha*
Site Coverage	67%
Plot Ratio	3.55:1

Building Height	4 / 5 Storey over basement – 16m tall above ground at its highest point
Communal Open Space	375 sq. m
Public Open Space requirement of 10%	0 – contribution in lieu
Car Parking	0
Bicycle Parking	140 spaces
Access	Pedestrians access from Harold's Cross Road
Part V	N/A

Table 2: The breakdown of proposed of 204 No. single-occupancy bed spaces accommodated in 39 No. shared living cluster units is as follows:

No. of bedrooms per cluster	3 bed clusters	4 bed clusters	5 bed clusters	6 bed clusters	
Cluster	3	9	3	24	204
Kitchen/living/dining GFA (m²) Required as per Guidelines	24	28	32	36	
Proposed GFA (m²)	24 – 26.1	28.5 - 35.9	37.4 – 38	35.8 – 42.6	

3.1.3. The following details are noted: Table 3

Bedroom Types	Area	Number
Type A	25	3
Type B	24	3
Type C	26	1
Type D	24.7	1
Type E	16.4	4
Type F	12.5	142
Type G	12.4	27
Type H	13.9	8
Type I	12.5	4
Type J	12.5	3
Type K	12.6	3
Type L	12.9	1
Type M	12.6	3
Type N	16.7	1
Total		204

4.0 **National and Local Planning Policy**

4.1.1. **National**

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’) including Section 5.8 (minimum net densities of 50 dwellings per hectare, subject to appropriate design and amenity standards should be

applied within public transport corridors, with the highest densities being located at rail stations/bus stops and decreasing with distance away from such nodes).

- ‘Sustainable Urban Housing: Design Standards for New Apartments’ (2018)
 - Chapter 4 sets out guidance in relation to Communal Facilities in Apartments
 - Chapter 5 sets out guidance in relation to Build-to-rent and Shared Accommodation Sectors

- ‘Architectural Heritage Protection- Guidelines for Planning Authorities
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018)
- Rebuilding Ireland Action Plan for Housing and Homelessness, (Government of Ireland, 2016),
- Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March, 2013

4.1.2. **Local**

The site is located within the administrative area of Dublin City Council and is therefore subject to the land use policies and objectives of the City Development Plan 2016-2022 (hereinafter Development Plan).

The site is zoned ‘Z1’ (Sustainable Residential Neighbourhoods) designed ‘To protect, provide and improve residential amenities.’ Residential is a permissible use under this zoning objective.

For the purpose of SHD, shared living accommodation is defined as ‘residential’ development under the Planning and Development (Housing) and Residential Tenancies Act, 2016, as amended. On this basis, it is considered that the shared living accommodation is permissible on Objective Z1 land.

The land opposite the site on Harold's Cross road are also zoned Z1 while part of the lands to the north west along Clareville Road and Kenilworth Park are zoned Z2 Residential Conservation Area.

Building Height

As identified within Map K of the Development Plan, the subject site is considered to be 'outer city'. A maximum height of 16m is available for residential developments within the 'outer city' zone.

Density

The relevant Development Plan density policies are set out below:

“SC13: To promote sustainable densities, particularly in public transport corridors, which will enhance the urban form and spatial structure of the city; which are appropriate to their context, and which are supported by a full range of community infrastructure such as schools, shops and recreational areas, having regard to the safeguarding criteria set out in Chapter 16 (development standards), including the criteria and standards for good neighbourhoods, quality urban design and excellence in architecture. These sustainable densities will include due consideration for the protection of surrounding residents, households and communities.

SC14: To promote a variety of housing and apartment types which will create both a distinctive sense of place in particular areas and neighbourhoods, including coherent streets and open spaces.

SC15: To recognise and promote green infrastructure and landscape as an integral part of the form and structure of the city, including streets and public spaces.”

Section 16.4 of the Development Plan relates to residential density standards. The Plan notes that DCC will promote sustainable residential densities in accordance with the standards and guidance set out in the national Guidelines on Sustainable Residential Development in Urban Areas (2009) and having regard to the policies and targets in the Regional Planning Guidelines 2010 – 2022 or any Regional Spatial and Economic Strategy that replaces the Regional Planning Guidelines (see above).

The Plan further notes that sustainable densities promoting the highest quality urban design and open space will be sought and that the proposed density of a development will respect existing character, context and urban form to protect existing and future residential amenity. Public transport capacity will also be used to determine the appropriate density allowable. A varied typology of residential units will be promoted within neighbourhoods in order to encourage a diverse choice of housing options in terms of tenure, unit size, building design and to ensure demographic balance in residential communities.

The Development Plan requires that all proposals for higher densities must demonstrate how the proposal contributes to place-making and the identity of an area, as well as the provision of community facilities and/or social infrastructure to facilitate the creation of sustainable neighbourhoods.

5.0 Planning History

- 5.1.1. There is no recent planning history associated with the site itself. A number of residential developments have been proposed or permitted in the vicinity of the subject site in recent years with a mix of housing tenure types including Build to Rent and build to Sell schemes incl. St. Pancras to the south of the site, St. Clares Convent and the Classic Cinema to the north of the site.

6.0 Section 247 Consultation(s) with Planning Authority

- 6.1.1. It is stated by the prospective applicant that one pre-application consultation took place with the planning authority on 9th April 2019, 30th May 2019 and 8th August 2019.

7.0 Submissions Received

7.1.1. Irish Water

Irish Water advises that subject to a valid connection agreement being put in place, the proposed connection to the Irish Water network for this development for 250 apartments can be facilitated.

The IW submission states that ‘the proposed development, as assessed for the confirmation of feasibility, is a standard connection, requiring no network or treatment plant upgrades for water or wastewater by either the customer of Irish Water. No third-party consents are required for this connection to take place’.

8.0 Forming of Opinion

Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the planning authority submissions and the discussions which took place during the tripartite consultation meeting. I shall provide brief detail on each of these elements hereunder.

9.0 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, completed application form, Statement of consistency, architectural report, architectural report appendices, Photomontages, Environmental Impact Assessment Screening Report, Appropriate Assessment Screening Report, Ecological Impact Assessment, Engineering Services Report, Flood Risk Assessment, Pre-Connection Enquiry Form, A Confirmation of Feasibility from IW, Mobility Management Plan, Energy Statement, Sunlight / Shadow Analysis Report, Daylight Reception Habitable Rooms within the development, Daylight Reception – existing residential units, Refurbishment Demolition Asbestos Survey, Co-living Estate Management Plan and Justification Report: employment, transport and social infrastructure audit.

I have considered all of the documentation submitted by the prospective applicant, relating to this case.

10.0 Planning Authority Submission

In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Dublin City Council, submitted a note

of their section 247 consultations with the prospective applicant, a list of relevant planning applications in the area and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on 25th November 2019.

The planning authority's 'opinion' included the following matters: copies of record of section 247 consultation, planning history; site location, Development Plan policy and zoning, assessment of design/scale/layout/visual impact, daylight, sunlight and overshadowing, residential amenity, plot ration and site coverage, statement of consistency and transportation assessment, together with appendices containing reports of internal departments.

The report addresses the following:

- The planning authority has serious reservations regarding the appropriateness of this site for a shared accommodation development given the lack of any major employer within the area, limited public transport provisions and its location away from the city centre.
- The planning authority is of the view that a more conventional apartment scheme is the appropriate use on the site. In this regard it is recommended that any application for a shared accommodation development on this site be refused.
- The P.A. consider should the applicant wish to proceed with the proposal that the following matters require further consideration:
 - The applicant is advised that the preferred residential use on this site is for a more conventional apartment development.
 - Chapter 5 of the Design Standards for New Apartments - Guidelines for planning authorities (March 2016) refers to Build-to-Rent and Shared Accommodation Sectors. Section 5.18 of the Apartment Guidelines states that shared accommodation is only appropriate where responding to an identified urban housing need at particular locations. Further justification for this type of accommodation at this location is required in the event that the applicant wishes to proceed with the proposal.

- The planning authority has concerns regarding the scale and bulk of the proposal, in particular, the scale and length (79m) of the 5 storey northern elevation adjacent to Laundry Lane.
- There are concerns regarding the impact of the development on the adjacent residential development to the north along Laundry Lane, in terms of overbearing, overshadowing and loss of light as outlined in the Daylight and Sunlight Assessment. In addition, it is considered that the impact of the proposal on future development of sites adjacent to Laundry Lane has not been fully addressed. Further details in this regard are required to be submitted.
- Having regard to the scale of the development and its proximity to Laundry Lane and to the neighbouring sites fronting this laneway, the applicant is required to provide a set back of the development along the laneway and provide a 2m wide footpath for the full length of the site.
- The applicant is required to submit views of the site during the winter months including additional views along Harold's Cross Road, just south of the junction with Rathgar Avenue, at the existing Spar shop.

I have reviewed and considered all of the documentation submitted by the planning authority relating to this case.

11.0 Consultation Meeting

11.1.1. A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 12th December 2019, commencing at 11.30 am. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

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

1. Principle of Development (Shared Accommodation): Location, distance from city centre, residential zoning objective (Z1) 'To protect, provide and improve residential amenities'.

2. Development Strategy for the site, including urban design considerations such as the scale, height, bulk and mass of the block; interface with the public street, in particular, Laundry Lane and adjoining properties to the north and south and architectural treatment.
3. Residential Amenity: Size of bedrooms proposed.
4. Transportation Strategy (to include inter alia car parking strategy/ service access/ cycle parking).
5. Site Services
6. Any other matters

11.1.2. In relation to principle of the development (Shared Accommodation) at this location An Bord Pleanála representatives sought further elaboration / discussion / consideration on the following:

- Rationale / justification for the principle of the development (Shared Accommodation) on the subject site
- Location of the proposed development / distance from the city centre
- Available transport links

11.1.3. In relation to development strategy for the site, including urban design considerations such as the scale, height, bulk and mass of the block; interface with the public street, Laundry Lane and adjoining properties to the north and south and architectural treatment, An Bord Pleanála representatives sought further elaboration / discussion / consideration on the following:

- Scale and mass of the proposed building
- Interface with Laundry lane to the north and with adjoining properties to the south.
- Potential impacts of proposal on existing residential properties in the vicinity.
- Proximity of the building to boundaries
- Boundary wall treatment / replacement
- Design and elevational treatments; requirement for a high-quality architectural design and finish; details and finishes;

11.1.4. In relation to Residential Amenity and the size of bedrooms proposed, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Size of proposed bedrooms in relation to the apartment guidelines
- Orientation and lighting of the bedrooms
- The need to safeguard higher standards. In the interests of sustainable and good quality urban development the guidelines should be applied in a way that ensures delivery of not build down to a minimum standard.
- The Guidelines recommend that the majority of all apartments in any conventional apartment scheme of 10 or more apartments shall exceed the minimum floor area standard by a minimum of 10%
- It was highlighted that approx. 10% or only 21 of the 204 bedspaces exceed the minimum standard by 10%

11.1.5. In relation to the transportation strategy An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Cycle parking provision
- Car parking strategy
- How one car club space will facilitate travel demands.
- Problems with over spill car parking within surrounding streets

11.1.6. In regards to site services, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Surface water management

11.1.7. In regards to other Matters An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Revised photomontages should be submitted with views from Harold's Cross road, in particular, during winter months.
- There is a need to submit an updated daylight and sunlight, shadow analysis.

12.0 Conclusion and Recommendation

- 12.1.1. 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, as amended.
- 12.1.2. I have examined all of the information and submissions before me including the documentation submitted by the prospective applicants, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the section 28 Ministerial Guidelines and local policy via the statutory plans for the area.
- 12.1.3. Having regard to all of the above and to the preliminary nature of the submitted documentation, I recommend that further consideration and/or possible amendment of the documents submitted are required at application stage in respect of the following elements: principle of the development at this location, development strategy, residential amenity and transportation strategy (car parking and cycle parking), as sets out in the Recommended Opinion below.
- 12.1.4. 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.
- 12.1.5. 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.

13.0 Recommended Opinion

- 13.1.1. 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.
- 13.1.2. 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.
- 13.1.3. 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:
- 13.1.4. The clear identification on submitted floor plans at application stage of those apartments considered by the applicant to constitute dual aspect having regard to the provisions of ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’ (2018).

1. Principle of the Development

The documentation at application stage requires further justification with regards to the proposed shared living accommodation at this location. The documentation should address, inter alia, the location with respect to: distance to city centre; distance to areas of employment; available accommodation in the area, and public transport options. The documentation should respond to the concerns raised by the planning authority in their opinion dated 22nd November 2019. The justification should also have regard to, inter alia, locational requirements as referred to in

paragraphs 5.18 and 5.19 of the 'Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities' (March 2018).

2. Development Strategy

- (i) Further consideration and or justification at application stage for urban design rationale such as the scale, height, bulk and mass of the block, in particular the scale and length (79m) along Laundry Lane and its architectural treatment.
- (ii) Justification for treatment of Laundry Lane having regard to the planning authority's comments in their opinion dated 22nd November 2019, with specific reference to the provision of a 2m wide footpath and a setback along the laneway.
- (iii) Further consideration and or justification of proximity to, and interface with, the public street and third-party property to the south.

3. Residential Amenity

- (i) Further consideration and / or justification of the documents as they relate to future residential amenity, having particular regard to the bedroom sizes proposed.
- (ii) Further consideration and / or justification of the documents as they relate to the proportion of single aspect and north facing clusters and daylight and sunlight access.

4. Transportation Strategy

- (i) Further consideration and / or justification of the documents as they relate to a car parking strategy. Justification that the one car club space proposed will facilitate travel demands of future occupants / residents.
- (ii) Further consideration and / or justification of the documents as they relate to the cycle parking, in terms of quantum, location, security and accessibility.
- (iii) Assessment of the potential impact of the proposed development on the existing QBC along Harold's Cross road and any other proposed future upgrade to this corridor.

5. Surface Water Management

- (i) Clarification at application stage regarding drainage infrastructure having regard to issues raised in the planning authority submission dated 22nd November 2019.

Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission arising from this notification:

1. A report that specifically addresses the proposed materials and finishes of the proposed structure including specific detailing of finishes and boundary treatments. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the development. Particular regard should also be had to details showing proposals for the treatment of the interface between the proposed buildings, adjoining property and public realm. The documents should also have regard to the long-term management and maintenance of the proposed development.
2. A report that addresses issues of residential amenity (both existing residents of adjoining development and future occupants). Full and complete drawings including levels and cross sections showing the relationship between the development and adjacent buildings should be submitted.
3. A Shadow Impact Assessment of the proposed development on the wider area.
4. Views / photomontages of the proposed development from along Harold's Cross Road, particularly during winter months.
5. A report on surface water drainage and surface water management strategy.

13.1.5. 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

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.

Fiona Fair
Planning Inspector

09.01.2020