



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-305864-19

Strategic Housing Development

Demolition of structures associated with 'White Lodge and 'Dalguise House', construction of 300 no. dwelling units (24 no. houses, 276 no. apartments), creche, conversion of 'Dalguise House' and associated site works.

Location

Dalguise House (a protected structure), Monkstown Road, Monkstown, Co. Dublin.

Planning Authority

Dun Laoghaire Rathdown County Council

Prospective Applicant

Lulani Dalguise Ltd.

Date of Consultation Meeting

12th of December 2019

Date of Site Inspection

29th of November 2019

Inspector

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

- 2.1. The subject site encompasses the grounds and building of Dalguise House, Monkstown, Co. Dublin, a Protected Structure. In addition to Dalguise House, there is a number of buildings within the curtilage of the site. The site is accessed from Monkstown Road, through the existing entrance to Dalguise House. Access to the proposed development is via the existing internal access road of Dalguise House with exit from the road along the recently constructed Purbeck Lodge housing scheme to the west of the site c. 400m from Monkstown Village.
- 2.2. The site consists of a steeply sloping field leading from the north edge of an internal access road into the greater Dalguise House to the south. The site flattens out to the stream on the northern side, which forms the northern boundary. A number of mature trees are evident on site. The site does not have any public road frontage and is located approximately 100 metres from, and is at a lower level to, Monkstown Road.

3.0 Proposed Strategic Housing Development

The following details are noted:

Parameter	Site Proposal
Application Site	0.86 ha
No. of Units	300 residential units

	(24 no. houses, 276 no. apartments)
Density	81 units/ha
Height	6-9 storeys
Crèche	195m ² - Basement of Dalguise House
Parking	Cycle parking- 654 Car parking-314 (244 basement/ 70 no surface)
Vehicular Access	From Monkstown Road - Purbeck - Drayton Close
Part V	10 %- dwellings for Older Persons.
Open Space	32 %

3.1. The 276 no. apartments are proposed to be provided as follows:

- 104 no. 1-bed apartments (38%);
- 149 no. 2-bed apartments (54%);
- 23 no. 3-bed apartments (8%).

4.0 Planning History

304426-19 SHD Pre-app

Development of 100 no. residential units: Further Consideration/justification as they relate to the principle of development in the context of the overall re-development of Dalguise House and associated lands and the design strategy shall provide for the most optimal use of lands, not in a piecemeal manner.

Lands to the north

D16A/0724

Permission granted for 7 no residential units at the rear of Purbeck Lodge, currently under construction.

D16A/0126

Permission refused by DLRCC for 7 no. residential units consisting at the rear of Purbeck Lodge

Lands to the east

ABP 301533-18 (Reg Ref D17A/0590)

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

Other Relevant Permission

302921-18 SHD application

Permission granted to a protected structure, Chesterfield House, for a similar development.

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.
- The Architectural Heritage Protection Guidelines for Planning Authorities (2011).

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*".

There is an Objective to 'preserve trees and woodlands'.

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

Sustainable Communities

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

- **Policy RES3:** Residential Density - promote higher residential densities.
- **Policy RES7:** Overall Housing Mix.
- **Policy RES14:** Planning for Communities
- **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

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

Flooding

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

5.3. Nature Heritage Designations

The site is located c. 200m south from the South Dublin Bay and River Tolka Estuary SPA (site code: 4024) and the South Dublin Bay SAC (site code: 0210).

6.0 Section 247 Consultation(s) with Planning Authority

SHD/PAC/268/19- 14th of August 2019.

DLRCC

- Details of permeability
- Flexibility on the site
- Part V 10% of the floorspace
- Construction access though the site
- Height is still a concern
- Density argument is required
- Views into and out of Dalguise House
- St Theresa SHD changes should be noted.
- Previous Drainage comments on SHD are still relevant.
- Previous Transport comments on SHD are still relevant

Applicant

- Split Blocks A, B, C and relocate A with full access to the rest of the site
- New montage from existing gestate has not been submitted with the documents
- Possibly more trees to be retained.
- Have looked at pedestrian links into the sites
- Reduction in rear dwellings.
- Footprints of Blocks A, B,C contracted not moved closer to the river

- Increase in DMURS
- More trees retained
- Restoration of existing buildings
- Will do more for the views etc.
- St Theresa's SHD includes changes to height.

7.0 Prospective Applicant's Case

7.1. The application was accompanied by the following:

- Plans and Particulars,
- Letter of Consent (Topazland Ltd);
- Irish Water Confirmation of Feasibility Letter;
- Draft Part V Costings and validation letter from Dun Laoghaire Rathdown County Council Housing Section;
- EIA Screening Report;
- Architectural Drawings and CGIs;
- Architectural Design Statement;
- Accommodation Quality Assessment and Schedule of Areas;
- Overall Site Masterplan;
- Daylight & Sunlight Analysis;
- Photomontages and Visual Impact Assessment;
- Heritage Impact Assessment Report;
- Landscape Rationale Report and Drawings;
- Tree Survey Report & Drawings;
- Transport Impact Assessment;
- Engineering Services Report & Drawings;
- Site Specific Flood Risk Assessment;

- Outline Construction Management Plan;
- Construction and Operational Waste Management Plan;
- Sustainability & Energy Report;
- Building Life Cycle Report;
- Appropriate Assessment Screening Report;
- Natura Impact Statement;
- Ecological Impact Statement;
- Bat Survey Report.

7.2. Statement of Consistency

The statement contains an analysis of the site and the wider area, a list of the planning history on the existing and adjacent lands, a background of the proposed development and further details of the proposed scheme as summarised below:

- The works proposed to the protected structure and other structures within the site.
- Part of the site falls within the Coastal Fringe Zone and the Monkstown Architectural Conservation Area.
- The sunlight / daylight analysis assessed the level of light access within rear gardens and windows of neighbouring residential properties, primarily to the north of the site at Heathfield.
- The development at this location complies with the policies of the NPF, RSES, and other Section 28 guidance included the sustainable residential, design guidance for apartments, urban height guidance.
- Flood Risk Assessment and compliance with the justification test (Box 5.1).
- Compliance with local policy in the Dun Laoghaire Rathdown County Development Plan 2016 – 2022 including the design guidance, the upward modifiers for height, the open space and car parking requirements and those conservation objectives.

7.3. Statement of Material Contravention

- Possible material contravention of the CDP based on the height of the proposed apartments above the specified standards.
- Justification for the proposed height having regard to the Upward Modifiers in the development plan, the information in the NPF, RSES and Urban Height guidance.

8.0 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, Dun Laoghaire Rathdown County Council, submitted a note of their section 247 consultations with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on 05th of December 2019 and are summarised below:

Drainage

- The permeable and impermeable calculations are inconsistent throughout the report.
- Conflicting soakaway test results.
- Request a Remediation Plan.
- Surface water information for the Western Access Road.
- Flood levels to be provided across the full section for clarity.
- Drawings for all catchments.
- Details for the sump area.
- Fully dimensioned plans and sections of both storage systems.
- Required level of interception storage.
- Manufacture of the storage system.
- All drawings consistent.
- Other general compliance requirements.

Flooding

- The principles of the modelling approach are generally acceptable.
- There is a significant reduction in the flood plan extent shown in the flood drawings to and the proposed site and a level of level compensation analysis is required.
- Location of the manhole outside the river channel.
- Impact of the engineer's works on the Stradbroke Stream.
- The increase in extents, even if marginal, should be demonstrated on a plan to comply with Box 5.1.
- Flood extents mapping and the depth presentation format in the CFRAMS.
- Compliance with box 5.1 and planning guidelines should be included in the JSA statement of consistency.
- No reference is provided to the raised timber deck.
- Reference that the boundary wall is required for retention of flood waters.
- Ensure the pedestrian connection point do not lead to an out-of bank fluvial flooding

Transport

- A detailed Quality Audit should demonstrate the development in accordance with the DMURS.
- Full dimensioned details of the location and area of all cycle parking areas demonstrating required cycle provision correctly designed in accordance with DLRCC standards.
- Detailed dimensioned drawings of the proposed internal access road way, pedestrian and cycle routes.
- Detailed plan layout drawing the access arrangements and vehicle manoeuvres
- Construction Management Plan
- Works designed and constructed to meet 'Taking-in-Charge' requirements

Housing

- Discussions have taken place and the department has issues a “validation” letter based on a mix of 23 x 1 bedroom units and 7 x 2 bedroom units.

Parks

- Concerns relating to the retention of certain trees and the removal of Category A & B trees.
- Detail relating to the bin-storage and recycling facilities.
- The inclusion of a 1.5m buffer to the front of the apartment buildings.
- Change of a 2m high paladin fence (boundary treatment) to a 2 m high railing.
- The use of non-slip products for the decking.
- The tree selection to the walled garden should reflect the existing.
- Treatment of the ESB sub-station serving Blocks A, B & C, vertical access to the basement carpark, underground car park ventilation.
- Location of the toddler area and the relationship with the historic setting of Dalguise House.

Conservation

- In general the department is supportive.
- The proposed heights are overpowering on the protected structure.
- The tallest Block E, in front of Dalguise House, should be significantly reduced.
- Concern is raised over the view along Purbeck Lodge (View C photomontage) and heights should be reduced with regard the impact on the Monkstown ACA.
- Block F should be pulled back, in line with Block G, to share the same building line and provide welcome views of the PS on approach along the tree lined avenue.
- The elevation treatment of Block A, looking North West along Clifton Lane, could be improved.

- Conservation Report is satisfied with the rear treatment including Block H and the houses.
- It is unclear if a bin store beside the existing stone wall is proposed or existing.
- The design and finishes to the adjacent, lift entrance and ESB substation are unclear.
- The retention and renovation of the existing Dalguise House, bell-mouth entrance features onto Monkstown Road should be made clear.
- The retention and renovation of the coach house/ courtyard/ walled garden/ brick gate lodge and entrance gate lodge are all welcomed.

Design and Layout

- The density is in compliance with national guidance.
- The mix of units on the site is in accordance with the apartment guidelines.
- The apartments standards are acceptable although all layout maps should include internal dimensions.
- The bulk of development is similar to the Chesterfield Homes Site.
- The associated works with the three dwellings to replace the Whitelodge are not clear from the site layout drawing and any replacement should be of a high quality.
- The overall design is acceptable and there could be some potential for massing and separation distances.
- The inclusion of views given from the site and into the site may be beneficial.

Residential Amenity

- Large number of proposed blocks in proximity to other blocks which cause for concern the future amenities of residents.

Permeability/ Pedestrian flow

- There is no annotation or illustration of potential linkages to other sites including Cheshire Homes.

- There are opportunities to confirm or improve permeability through the site.

Open Space/ Public Realm

- Trees – (see parks), concern is raised over the loss of some trees and the viability of retained other trees.
- Concern in relation to the visual impact of the carpark/ ramp/ basement vent and ESB substation.
- Other concerns children’s play space/ buffer areas between apartments/ communal spaces and fencing and decking areas.

Overshadowing

- Internal amenity space is overshadowed in the mornings.

9.0 The Consultation Meeting

8.1.1 A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 12th day of December 2019, commencing at 14.30 pm. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

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

1. **Architectural Impact Assessment.**
2. **Development Strategy for the site to include inter alia:**
 - **Height, bulk and massing;**
 - **Quality and design of public/ semi- public open space provision;**
 - **Connectivity and permeability into adjoining sites.**
3. **Residential Amenity.**
4. **Biodiversity.**
5. **Drainage Matters.**
6. **Any other matters.**

9.1. In relation to **Architectural Impact Assessment**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- Elaboration of the submitted Draft Architectural Heritage Impact Assessment to include further consideration of the impact of the proposal on the character and setting of the protected structure.
- The information contained in all the supporting documentation, e.g. the proposed development, construction management plans, landscaping etc. which will adequately reflect all proposals which may impact on the built heritage of the site.
- The proposed height of the apartment development in particular Block E, to the front of Dalguise House, with particular reference to previous Board permissions e.g. Chesterfield and the precedence for heights at similar locations.
- The location of Block B relative to Monkstown ACA and Block F relative to G in front of Dalguise House.

9.2. In relation to **Development Strategy**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- Design, layout and landscaping in particular the integration of appropriate provision of play facilities throughout the site in line with the apartment guidelines.
- The proposed pedestrian and cycle connections from the site into adjoining residential estates, the appropriate finishes and treatment of the connection points and the possible incorporation of vehicular access.

9.3. In relation to **Residential Amenity**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following

- The impact of the proposed development of any existing residential amenity in particular overshadowing along the north to Purbeck Lodge, the removal of trees and compliance with BRE guidance.
- The provision of appropriate separation distances between Block D and E and the removal of any potential overlooking.
- The inclusion of residential amenity facilities and the use of the gate house as a reception and service area for the residential scheme.

- 9.4. In relation to **Biodiversity**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following
- The information contained in the Arboriculture Report, the retention of Category A & B trees, the landscaping design reflecting the architectural heritage and the provision of play facilities within the scheme.
 - The impact of the proposed development on the views both into and outwards from Dalguise House and the reflection of potential impact into any architectural heritage assessment.
- 9.5. In relation to **Drainage Matters**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following
- The information raised by the Planning in relation to flood risk assessment, drainage proposal and impact on the Stradbrook Stream along the north of the site.
- 9.6. In relation to **Any Other Matters**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following
- A Natura Impact Statement will be submitted with the application, having regard to mitigation measures required.
 - Submission of a screening determination comply with the Schedule 7A.

10.0 **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: **constitutes a reasonable basis for an application** under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

11.0 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 **would constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**

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 arising from this notification:

1. Submission of an Architectural Impact Assessment having regard to the both the impact on Dalguise House, other existing structures within the curtilage and the character and setting of the Dalguise House and the Monstown Architectural Conservation Area (ACA). It is required that any documentation complies with the criteria as set out in Section 6.4.15 and Appendix B of the Architectural Heritage Protection Guidelines for Planning Authorities (2011)

and any other relevant policies and objectives for the site relating to built heritage.

2. A detailed landscaping plan integrating any relevant recommendations from Arborist Report and the Parks Section of DLRCC, in particular the treatment of Category A trees and having regard to the objective in the Dun Laoghaire-Rathdown County Development Plan 2016-2022 to preserve trees and woodlands on the site.
3. A report that addresses issues of residential amenity (both existing residents of adjoining development and future occupants), specifically with regards to compliance with any relevant guidelines. The report shall include full and complete drawings illustrating daylight and sunlight analysis for existing residents and proposed apartments and all open space areas.
4. The information referred to in article 299B (1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 should be submitted as a standalone document.
5. A Site Specific Management Plan which includes details on management of the communal areas, public space, residential amenity and apartments.

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. Minister for Culture, Heritage and the Gaeltacht (Built Heritage and Nature Conservation)
2. The Heritage Council,
3. An Taisce-the National Trust for Ireland,
4. An Comhairle Ealaíon,
5. Fáilte Ireland

6. Irish Water

7. Dun Laoghaire Rathdown County Childcare Committee

PLEASE NOTE:

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

Karen Hamilton
Planning Inspector

19th of December 2019