



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-306091-19

Strategic Housing Development	Demolition of existing dwellings, construction of 148 no. apartments and associated site works.
Location	No's. 1, 3, 5, 7, 9 and 11 Eglinton Road, Donnybrook, Dublin 4.
Planning Authority	Dublin City Council South
Prospective Applicant	The Donnybrook Partnership
Date of Consultation Meeting	24 th January 2020
Date of Site Inspection	19 th January 2020
Inspector	Una O'Neill

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.

1.0 Site Location and Description

- 1.1. The application site, which has a stated area of 0.38 hectares, is located at the junction of Donnybrook Road and Eglinton Road and to the south east of Donnybrook Village. The appeal site is defined by Donnybrook Road along its eastern boundary, Eglinton Road along its southern boundary and Brookvale Road along its western boundary. The appeal site is occupied by 6 no. two-storey semi-detached dwellings (no.s 1, 3, 5, 7, 9 and 11), with individual vehicular accesses from Eglinton Road. These houses are currently unoccupied. Adjacent the northern boundary of the site is a commercial operation (tyre garage), which fronts onto Donnybrook Road, adjoining which is a petrol station. Immediately opposite the appeal site on the other side of Eglinton Road is a five-storey office block (junction of Eglinton Road and Donnybrook Road) which neighbours two-storey semi-detached dwellings. On the opposite side of Brookvale Road is Eglinton Square, a residential development with three-storey townhouses. Donnybrook Lawn Tennis Club is located to the north west of the site and has a vehicular entrance off Brookvale Road, opposite the appeal site.
- 1.2. South of the application site and to the rear of the opposing five storey office block is the River Dodder (60m south of the site), beyond which is a large Dublin bus depot and on the opposite side of the junction is Donnybrook Church. On the other side of Donnybrook Road, opposite the site, is Energia Park sports stadium. A range of convenience and comparison retail facilities, cafés, restaurants and public houses can be found within a short walking distance of the site in Donnybrook Village.

1.3. Donnybrook Road to the east connects south into the R168/Stillorgan Road and is served by an existing QBC running along Donnybrook Road. This route is also part of the Bus Connects proposals. The site is approx. 3.5km from Dublin City Centre. The DART station at Sydney DART is located approximately 1.4km east, accessed by Ailesbury Road, with the Cowper Luas stop on the green line approximately 1.3km west. The neighbourhood centre of Ballsbridge is located 1km north, accessed by Anglesea Road.

2.0 Proposed Strategic Housing Development

- 2.1. The proposed development comprises the demolition of six dwellings and ancillary structures, and the construction of 148 apartments, with ancillary communal facilities.
- 2.2. The proposed development is to comprise 10% social housing, with Part V arrangements to be provided for on site.
- 2.3. The following details as submitted by the applicant are noted:

Parameter	Site Proposal
Application Site	0.38 ha
No. of Units	148 apartments
Density	389 units per hectare
Other Uses	Ground floor – resident’s lounge; co-working space, gym, management area, laundry, bicycle store of 28 spaces. Seventh floor: cinema room/party room, reading room and two rooftop terraces.
Communal Open Space	1425 sqm located within central courtyard and roof gardens at 5 th and 7 th floor levels.
Height	3-12 storeys (max height 43.3m)
Parking	75 car spaces and 172 bicycle spaces
Vehicular Access	From Brookvale Road into semi-basement level

2.4. The breakdown of unit types as submitted by the applicant is as follows:

Unit Type	Studio	1 bed	2 bed	Total
Apartments	71	67	10	148
% Total	48%	45%	7%	100%

3.0 Planning History

ABP-303708-19 (planning ref 3047/18) – Permission GRANTED for 94 units and a café, up to 7 storeys in height.

The following concurrent application is on the site of the five storey office block on Eglinton Road, opposite the application site:

ABP-305777-19 (planning ref 3717/19) – Decision pending on application for demolition of five storey office block and construction of 62 apartments on 11 floors.

This application was refused by DCC for the following reason:

The proposed development would constitute overdevelopment of the site by virtue of its height, scale and massing and would result in an unacceptable negative visual impact on this prominent site within a designated Conservation Area. The proposal would be seriously injurious to the residential amenity of adjoining properties in terms of its the overbearing impact and the potential for overlooking from the terraces on the upper levels and, as such would depreciate the value of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

4.0 Policy Context

4.1.1. Project Ireland 2040 - National Planning Framework

- National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

- National Planning Objective 13: In urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
- National Policy Objective 27: 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.
- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

4.1.2. **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 following policy documents and Section 28 Ministerial Guidelines are relevant:

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) and the accompanying Urban Design Manual: A Best Practice Guide (2009)
- Sustainable Urban Housing: Design Standards for New Apartments (2018)
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018)
- Design Manual for Urban Roads and Streets (2013)
- The Planning System and Flood Risk Management (including the associated 'Technical Appendices') (2009)

- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme.

4.2. **Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031**

The Metropolitan Area Strategic Plan sets out a number of Guiding Principles for the sustainable development of the Dublin Metropolitan Area, including:

- Compact sustainable growth and accelerated housing delivery – To promote sustainable consolidated growth of the Metropolitan Area, including brownfield and infill development, to achieve a target to 50% of all new homes within or contiguous to the built-up area of Dublin City and suburbs, and at least 30% in other settlements. To support a steady supply of sites and to accelerate housing supply, in order to achieve higher densities in urban built up areas, supported by improved services and public transport.
- Integrated Transport and Land use – To focus growth along existing and proposed high quality public transport corridors and nodes on the expanding public transport network and to support the delivery and integration of ‘BusConnects’, DART expansion and LUAS extension programmes, and Metro Link, while maintaining the capacity and safety of strategic transport networks.

4.3. **Local Planning Policy**

4.3.1. **Dublin City Development Plan 2016-2022**

- Zoning Objective Z1: To protect, provide and improve residential amenities.
- The site is within a Zone of Archaeological Interest.
- To the east of the site is a Conservation Area, related to the alignment of the Dodder River.

The following policies and objectives are of relevance:

- QH1: To have regard to the DEHLG Guidelines on ‘Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities’ (2007), ‘Delivering Homes Sustaining Communities – Statement on Housing Policy’

(2007), 'Sustainable Urban Housing: Design Standards for New Apartments' (2015) and 'Sustainable Residential Development in Urban Areas' and the accompanying 'Urban Design Manual: A Best Practice Guide' (2009).

- QH6: To encourage and foster the creation of attractive mixed-use sustainable neighbourhoods which contain a variety of housing types and tenures with supporting community facilities, public realm and residential amenities, and which are socially mixed in order to achieve a socially inclusive city.
- QH7: To promote residential development at sustainable urban densities throughout the city in accordance with the core strategy, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.
- QH18: To promote the provision of high quality apartments within sustainable neighbourhoods by achieving suitable levels of amenity within individual apartments, and within each apartment development, and ensuring that suitable social infrastructure and other support facilities are available in the neighbourhood, in accordance with the standards for residential accommodation.
- QH23: To discourage the demolition of habitable housing unless streetscape, environmental and amenity considerations are satisfied, and a net increase in the number of dwelling units is provided in order to promote sustainable development by making efficient use of scarce urban land.
- CHC4: To protect the special interest and character of all Dublin's Conservation Areas. Development within or affecting a conservation area must contribute positively to its character and distinctiveness, and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.

Enhancement opportunities may include:

1. Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting
2. Re-instatement of missing architectural detail or other important features
3. Improvement of open spaces and the wider public realm, and re-instatement of historic routes and characteristic plot patterns

4. Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area

5. The repair and retention of shop- and pub-fronts of architectural interest.

5.0 Forming of the Opinion

5.1. 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.

5.2. Prospective Applicant's Case

Documentation Submitted

5.2.1. 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.

5.2.2. This information included, inter alia, a Completed SHD Application Form, Planning Report and Statement of Consistency, Material Contravention Statement, Architectural Design Statement, Verified Views and CGIs, Housing Quality Assessment and Schedule of Areas, Architectural Drawings, Engineering Drawings, Daylight Sunlight Report, Wind Microclimate Report, Landscape Drawings, Landscape Design Rationale, Landscape and Visual Impacts Assessment, Engineering Services Report, Conservation and Archaeological Report, Traffic Assessment and Parking Strategy, DMURS Statement of Consistency, and AA Screening Report.

5.2.3. I have reviewed and considered all of the documents and drawings submitted.

5.3. Planning Authority Submission

5.3.1. In compliance with section 6(4)(b) of the Act of 2016 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 and also

submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on 13th January 2020.

5.3.2. Dublin City Council's opinion included a description of the site and proposed development, details of pre planning meetings, planning policy context, and an assessment of the proposed development. The content of the report is summarised as follows:

- Proposal to demolish dwellings to increase density on the site complies with policy.
- Height, density and bulk is considered acceptable. The height does however exceed the City Development Plan limitations.
- Quality of apartments in terms of residential amenity is acceptable. Sunlight daylight analysis is acceptable and communal open space requirements are met.
- Clarity required in relation to public open space provisions.
- Further information in relation to drainage requested, including SUDS proposals and basement impact assessment.
- Further detail in relation to green roofs.
- Wind microclimate modelling and noise and vibration assessment have been taken into account in the design of the scheme.
- Further information in relation to transportation issues are required, including basement impact assessment, pedestrian crossing of the vehicular entrance and overhang of the building over the public footpath, servicing of the site, car and bicycle parking arrangements, taken in charge areas, Dodder greenway proposals, mobility management plan, construction management plan, parking management, and car club spaces.

5.4. **Response from Prescribed Bodies**

- DAU, Department of Culture, Heritage and the Gaeltacht – An Archaeological impact assessment should be prepared for the site and included with the planning application to ABP.

- Irish Water – Irish Water has issued a confirmation of feasibility and confirms that subject to a compliant water and wastewater layout and a valid connection agreement being put in place between Irish Water and the developer, the proposed connection(s) to the Irish Water network(s) can be facilitated.

5.5. Consultation Meeting

5.5.1. A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 24th January 2020, 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.

5.5.2. 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. Height Strategy
2. Interaction of ground level with the streetscape
3. Car Parking and use of half basement
4. Flood Risk Assessment
5. Any Other Matters

1. In relation to height, ABP representatives sought further elaboration/discussion/consideration of the rationale for height strategy adopted.
2. In relation to the streetscape, ABP representatives sought further elaboration/discussion/consideration of the interaction at ground level of the building with the streetscape; issues of privacy and animation of the street; positioning of the building at junction of Brookvale Road and Eglinton Road including potential issues of visual dominance and overbearance; additional photomontages required to illustrate streetscapes/buildings when trees are not in leaf; red line boundary of the site; letter of consent from DCC in relation to public realm works, including any proposals in relation to existing mature street trees; extent of public realm works; site layout plan and clearly indicate

the street edge/boundary of the building; Dodder Greenway and impact on public realm plan.

3. In relation to car parking, ABP representatives sought further elaboration/discussion/consideration of rationale for level of parking proposed; consideration of option of zero car parking; comments from DCC Transportation Department.
 4. In relation to Flood Risk Assessment ABP representatives sought further elaboration/discussion/consideration on the submitted flood risk assessment and issue of SUDS.
 5. In relation to Any Other Matters, ABP representatives sought further elaboration/discussion/consideration of consistency of documentation submitted; schedule of accommodation and floor plans; additional CGIs, showing the trees not in leaf/proposed planting omitted; proposals to deal with the blank gable facing Donnybrook Road; site layout plan to indicate clearly the boundary edge and treatment; where the footpath/public realm area begins and ends.
- 5.5.3. 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 306091' which is on file.
- 5.5.4. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

6.0 Conclusion and Recommendation

- 6.1. 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.
- 6.2. 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.

- 6.3. 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: **constitutes a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.**
- 6.4. 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.

7.0 Recommended Opinion

- 7.1. 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.
- 7.2. 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 would constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.
- 7.3. 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. Additional photomontages/CGI's to include additional views from Donnybrook Road, Eglinton Road and Brookvale which clearly show the interface of the building with the streetscape. It is recommended that CGIs are submitted showing trees when they are not in leaf.
2. Public Realm Plan detailing proposed works to Brookvale Road, Eglinton Road and Donnybrook Road, including details in relation to any proposed works to/impact on the trees on Eglinton Road.
3. Detailed landscape plan including SUDS proposals and details in relation to roof gardens.
4. The prospective applicant should satisfy themselves that the extent of car parking proposed is appropriate having regard to the strategic location of the site in close proximity to public transport connections including a QBC and a proposed Bus Connects Route.
5. A building life cycle report shall be submitted in accordance with section 6.3 of the Sustainable Urban housing: Design Standards for New Apartments (2018). The report should have regard to the long term management and maintenance of the proposed development.
6. Mobility Management Plan.
7. Construction and Demolition Waste Management Plan.
8. A detailed schedule of accommodation which shall indicate compliance with relevant standards in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' 2018.
9. Additional details in relation to surface water management and SUDS features, as raised in the report issued by the Engineering Department Drainage Division dated 7th January 2020 and detailed in Addendum B of the Planning Authority's Opinion.
10. Additional details in relation to issues raised in the report issued by the Transportation Planning Division Report dated 7th January 2020 and detailed in Addendum B of the Planning Authority's Opinion.

11. Ascertain requirements of the Parks Division of DCC.
12. Archaeological Impact Assessment as required by the DAU of the Department of Culture, Heritage and the Gaeltacht, dated 30th January 2020.

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. Transport Infrastructure Ireland
3. National Transport Authority
4. Minister for Culture, Heritage and the Gaeltacht
5. Relevant Childcare Committee
6. The Heritage Council
7. An Taisce

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.

Una O'Neill
Senior Planning Inspector

7th February 2020