



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-306159-19

Strategic Housing Development	119 no. apartments
Location	Frankfort Castle, Old Frankfort, Dundrum, Dublin 14
Planning Authority	Dun Laoghaire-Rathdown County Council
Prospective Applicant	Pembroke Partnership Ltd.
Date of Consultation Meeting	06 th February 2020
Date of Site Inspection	05 th February 2020
Inspector	Ronan O'Connor

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 is located to the west of Dundrum Road, approximately 750m north-west of Dundrum Luas station, and 750m to the south of Windy Arbour Luas station.

The lands are bounded to the west by the Luas Line, to the north by residential development at Highfield Park and to the south by residential properties at Frankfort Court. Site is currently accessed from three points, two access points on Frankfort and one from Frankfort Court. There are 3 no. residential units on site, 2 no. within a structure known as Frankfort Castle, and 1 no. at 97a Highfield Park. There is also a ruinous structure on site (Frankfort Lodge).

The Slang River runs approximately 25m to the east of the site.

3.0 Proposed Strategic Housing Development

I note the pre-application documentation refers to 119 residential units. However the proposed development is for the following:

A total of 114 no residential units in 4 no. four storey blocks (Blocks A, B, and C) as well as a shared accommodation block with 10 bedspaces and communal facilities (Block D). The residential mix is as follows:

- 1 no. studio unit (1%)
- 43 no. 1 bed units (38%)
- 70 no. 2 bed units (61%)

- 10 no. shared accommodation bedspaces (5 x double rooms)

A total of 103 no. car parking spaces are proposed (84 at basement level, 19 at surface level) including 2 no. Go Car spaces.

120 no. bicycle spaces and 20 visitor spaces are provided.

A total of 994 sqm of public/communal open space is proposed.

The stated residential density is 132 units per ha.

A total of 11 no. Part V residential units are proposed within the scheme (5 no. 1 bed units and 6 no. 2 bed units).

The following details are noted:

Parameters	Site Proposal
Height	3 – 5 Storeys
SHD Site	0.9Ha
No. of Residential Units	114 (Blocks A, B and C)
No. of shared accommodation bedspaces	10 (5 x double rooms – Block D)
Open Space	994 sq. m (11.5%)
Car Parking	103 spaces (0.9 per unit)
Bike Parking	150 spaces (1.3 spaces per unit)
Density (Net)	132 units/ha

4.0 Planning History

Site

ABP-303493-19 - Appeal against entry on Vacant Site Register

Decision: Notice Confirmed

PA Reference D11A/0166 - Grant - Demolish existing house with arched entrance to side and front buildings to rear and construct a new two storey detached house over part basement

APB Ref PL06D.237049 (PA Ref D10A/0183) – Refuse - Demolish existing house and construct new house and site works.

5.0 National and Local Policy

5.1. National Planning Framework

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

- Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- Objective 35 seeks to increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

5.2. Section 28 Ministerial Guidelines

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') (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 (2019).
- Childcare Facilities – Guidelines for Planning Authorities (2001).
- Architectural Heritage Protection – Guidelines for Planning Authorities (2011)

5.3. **Dun Laoghaire Rathdown County Development Plan 2016-2022**

Zoning

The site is zoned Objective A 'To protect and/or improve residential amenity'.

General

Dun Laoghaire Rathdown County Development Plan 2016-2022

Chapter 2 outlines that the Council is required to deliver c.30,800 units over the period 2014 – 2022. It is stated that the Council in seeking to secure this objective will focus on three strands, namely: increasing the supply of housing; ensuring an appropriate mix, type and range of housing; and, promoting the development of balanced sustainable communities.

Housing policies set out in section 2.1.3 include policy RES3: Residential Density, which promotes higher residential densities in the interests of promoting more sustainable development whilst ensuring a balance between this and ensuring the reasonable protection of residential amenities and established character of areas; RES4: Existing Housing Stock and Densification, which encourages the densification of existing housing stock to retain population levels, and RES7: Overall Housing Mix, which encourages the provision of a wide variety of housing and apartment types.

Other policies which relate to sustainable land use and travel include ST2: Integration of Land Use and Transportation Policies, ST19: Travel Demand Management, ST23: Car Clubs and ST27: Traffic & Transport Assessment and Road Safety Audits.

Section 4.2 considers Open Space and Recreation including Policy OSR5: Public Open Space Standards.

Section 7.1.3 refers to Community Facilities including Policy SIC11: Childcare Facilities.

Chapter 8 refers to Principles of Development and contains the urban design policies and principles for development including public realm design, building heights strategy, and car and cycle parking. Policy UD2 requires Design Statements for all medium to large developments, and UD6 refers to Building Height Strategy.

Appendix 9 details the Building Height Strategy. Section 4.8 states that a maximum of 3-4 storeys may be permitted in appropriate locations - for example on prominent corner sites, on large redevelopment sites or adjacent to key public transport nodes - providing they have no detrimental effect on existing character and residential amenity. Furthermore, it states that there will be situations where a minor modification up or down in height by up to two floors could be considered and these factors are known as 'Upward or Downward Modifiers'.

Upward Modifiers are detailed in section 4.8.1. It is stated that Upward Modifiers may apply where: the development would create urban design benefits; would provide major planning gain; would have a civic, social or cultural importance; the built environment or topography would permit higher development without damaging appearance or character of an area; would contribute to the promotion of higher densities in areas with exceptional public transport accessibility; and, the size of the site of e.g. 0.5 ha could set its own context. To demonstrate that additional height is justified, it will be necessary for a development to meet more than one 'Upward Modifier' criteria.

5.4. Nature Heritage Designations

5.4.1. None.

6.0 Section 247 Consultation(s) with Planning Authority

There was one formal S 247 meeting held between the applicant and the planning authority on 15/05/2019 and the issues raised are summarised below:

Pre-247 Meeting

Proposal

- 122 units

Issues Raised

- Loss of trees
- Pedestrian and Cycle access including that proposed from north-west corner/Legal consent not resolved yet
- Height/PA had some concern in relation to the 5 storey element
- Impact on amenity/overlooking/daylight sunlight
- Shared living accommodation in existing building
- Open space provision
- Possible provision of a play area in the north-west corner
- Surface water proposals/SUDs/Attenuation proposals
- Conservation
- Road constraints/pinch point at the bridge.
- Car parking provision is below the DLR recommendation.

7.0 Prospective Applicant's Case

7.1. The application was accompanied by the following:

- Cover Letter and SHD Application Form for Section 5 Consultation
- Conservation Report and Heritage Impact Assessment
- Landscape Report
- Childcare Capacity Audit
- Statement of Consistency
- Energy Statement
- Screening Report for Appropriate Assessment
- EIA Screening Report
- Ecological Impact Statement
- Bat Assessment

- Archaeological Assessment
- Daylight, Sunlight and Overshadowing Assessment
- Arboriculture Assessment
- DMURS Statement of Consistency
- Part V Documentation
- ABP Pre-Application Design Document
- Stage 1 Construction Management Plan
- Outline Method Statement for Demolition of Existing Buildings
- Flood Risk Assessment
- Engineering Services Report
- Traffic and Transport Assessment
- Key Plans and Drawings and Maps
- Photomontages

Statement of Consistency

The Statement of Consistency can be summarised as follows:

National Planning Framework

Development is a well-designed sustainable form of residential development on an underutilised site located in close proximity to a range of social and commercial facilities and public transport services.

Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy 2019-2031

Proposal realises the potential of brownfield/infill lands.

Sustainable Residential Development in Urban Areas (2009)/Urban Design Manual – A Best Practice Guide (2009)

Proposed scheme strikes an appropriate balance between the protection of amenities and privacy of adjoining dwellings/protection of character/need to provide adequate density.

Complies with the 12 criteria as outlined in the Urban Design Manual/Best Practice Guide (2009)

Design Standards for New Apartments (2018)

Due to the site's location in proximity to Dundrum and employment locations, the proposed density of 132 No. units/ha is considered acceptable at this location.

Development complies with the standards/details set out in the Housing Quality Assessment

Quality Housing for Sustainable Communities (2007)

Proposal is compliant with the above guidelines.

Guidelines for Planning Authorities on Childcare Facilities (2001)

A Childcare Capacity Audit has been submitted with the pre-application.

This concludes there is sufficient capacity in the area to accommodate the potential demand generated by the subject development.

Part V Guidelines

11 no. units proposed/PA has issued a letter stating the provision is acceptable in principle.

Design Manual for Urban Roads and Streets

Proposal is consistent with the principles and guidance of DMURS.

The Planning System and Flood Risk Management (2009)

Proposal is in Flood Zone C – A detailed Stage 2 and 3 FRA and Justification Test are not required/Pluvial flood risk is addressed using existing surface water sewers surrounding the site.

Urban Development and Building Height Guidelines (2018)

Proposed development, including 3 no. three/four/five storey apartment blocks complies with the Guidelines/provides an appropriate density/protects residential amenity of existing and future residents.

Appropriate Assessment of Plans and Projects in Ireland

Screening report concluded that the proposed development does not require an Appropriate Assessment.

Dun Laoghaire Rathdown County Development Plan 2016-2022

Complies with the Core Strategy.

States a childcare facility is provided (Inspector's note - this appears to be an error as no childcare facility is detailed on the drawings or in any of the submitted documentation)

Residential element complies with zoning objective/protects amenities/provides sufficient open space.

Complies with housing policies including those related to density, mix, Part V.

Complies with development management standards including those related to open space provision – 11.5% of the site area is provided as Public/Communal Open Space.

Complies with design standards including public realm design, height strategy, car parking standards, cycle parking, private open space, refuse storage.

8.0 Planning Authority Submission

A response was received from the planning authority which is summarised as follows:

Proposal is considered in accordance with the zoning objective for the site.

Welcome the reuse of Frankfort Castle/demolition of Frankfort Lodge raises no major heritage concerns.

Recommend an accredited Conservation Architect oversee works to Frankfort House to ensure that the fabric of the building, the features of interest and the architectural integrity is protected.

Density

While the density proposed is significantly greater than that of immediate surrounding area, the area is undergoing a major change in its profile of development/from a low density, two-storey suburban area to a more urban area with a mix of different dwelling types/apartments and significantly increased densities.

Regard should also be had to the recently granted SHDs in the vicinity.

Site is located within c10 minutes walking distance of two LUAS stops/close to three major employment bases Dundrum Town Centre/Beacon Quarter and Sandyford Business Park.

Increased density is required on serviced lands.

Proposed density is considered acceptable.

Height

Upward Modifiers (as per the Height Strategy) are suitable for this site given the site is large enough and is close to public transport.

Section 28 guidance supports increased heights and densities.

Proposed height and scale is considered acceptable.

Residential Amenities

22m separation distance has not been met in all instances (for example between Blocks B and D, and between Blocks B and C) – applicants have an opportunity to increase separation distances and/or employ mitigation measures, to avoid overlooking.

Noted that while not all of the units/gardens meet the BRE Guidelines for Daylight, Sunlight and Overshadowing, failures are only marginal.

Open spaces will further enhance local amenity.

Is adequately setback from boundaries/will not result in any undue overlooking or overbearing impacts.

Proposal would protect residential amenity.

Design/Form/Layout

Layout respectfully follow the original court and front lawn layout/majority of apartments will overlook front lawn/courtyard area/shared spaces will be overlooked.

Volume of cars traversing the site will be minimal/majority of parking at basement level.

Proposed materials are considered to be sympathetic to the original house.

Number of inconsistencies in the documentation:

Only 118 units listed in the Housing Quality Assessment

Studio appears to be missing from the drawings (Block D)

Unit sizes in block D are substandard (for a Studio)/could be merged together/serious concern in relation to the quality of these units.

Overall, and subject to the clarification on the matters above, the proposed design, form and layout is considered generally acceptable.

Proposed mix is considered to be acceptable, having regard to the Design Standards for New Apartments (2018).

Open Spaces/Trees and Recreational Amenity

Layout provides for an appropriate mix of open spaces/is of high quality and design.

Significant number of trees to be removed/discrepancy in the number of trees to be removed/concerns are raised in relation to the number of good quality, mature trees to be lost.

Community Facilities

PA consider that a crèche is necessary as a lack of capacity was identified by the PA.

The report refers to the contents of inter-departmental reports which are summarised below:

Transportation

Recommend 1 car parking space per apartment unit.

1 no. space to serve the 6 no. shared living 'studio apartments' is also deemed acceptable.

All submitted drawings should clearly mark the number and location of car parking spaces assigned to visitors, car sharing schemes, deliveries etc.

Car parking spaces not to be sold/let separately.

Minimum of 4% of car parking spaces shall be suitable for use by disabled persons.

EV charging points to be detailed on the plans.

Conflicts shown the swept path analysis should be addressed.

Clarify location of motorcycle parking.

Require an increased cycle parking provision of 249 no. spaces (60 no. short stay and 189 no. long stay).

Preferred type of cycle parking is the Sheffield Stand.

Detailed mobility management plan to be submitted.

Operational Waste Management Plan should be included.

Detailed quality audit shall be submitted.

Extent of the footpath along Frankfort Court should be extended to the 'raised table treatment' at the eastern boundary.

Pedestrian priority crossing shall be provided at the proposed vehicular entrance to the development and on Frankford, adjacent to the existing bridge to provide access to the proposed widened footpath.

Shared path within the development should be widened to 3m.

Transportation Planning are in favour of the omission of the access to Highfield Park.

Conservation

Welcome retention and reuse of Frankfort Castle.

Proposed demolition of Frankfort Lodge raises no major heritage concerns.

Recommend that an accredited Conservation Architect oversee works to Frankfort House to ensure that the fabric of the building, the features of interest and the architectural integrity of the building is properly protected/treated.

Parks and Landscape

The loss of 59 of the 69 trees surveyed will have a knock-on effect in terms of potential wildlife habitat, amenity value and carbon sequestration/replacement planting cannot replace the removal of established mature trees.

Proposed apartment blocks and the basement car park have the potential to compromise the remaining plants/detailed method statement for the protection of the retained trees

Proposed open space provision is of good standard.

Large portion of open space given over to the provision of surface car parking/seems like an additional compromise to the potential for useable open space.

Exact quantum of open space seems to be below the accepted threshold in the national guidelines/clarification regarding quantum is required.

Loss of such a large volume of trees implies that the development is not considered to be in accordance with the relevant policies of the Development Plan.

Housing

Applicant is required to enter into an agreement in accordance with Part V

Drainage

Surface Water - Additional detail/clarification required in relation to surface water/SUDs measures/Tree planting over attenuation areas.

Stormwater Audit required.

Flood Risk – additional details required and should be referenced in the SFRA.

Waste Management

Additional detail required at application stage including a Construction and Demolition Waste Management Plan, an Environmental Management Construction Plan and a Waste Management Operational Plan.

9.0 The Consultation Meeting

A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 6th Day of February, commencing at 14:00pm. 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. Residential Standards (floor areas/dual aspect/internal daylighting etc)
2. Neighbouring residential amenity
3. Transport including parking provision/infrastructure improvements
4. Trees/Ecology
5. Childcare Facilities
6. Site services
7. AOB

In relation to *Residential Standards*, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- An Bord Pleanála (ABP) sought clarity as to the nature of the application – References to a total of 6 no. studio units appeared to be incorrect/Block D is shared accommodation with 10 no. bedspaces/Floor areas of studios/shared bedspaces and communal areas need to comply with standards.
- ABP queried the overall management of the proposed development/Questioned if the apartment units will be build-to-sell or build-to-rent.
- ABP sought information on the proportion of dual aspect units/Daylight/sunlight analysis of the proposed units/clarity required in relation to the worst-case units selected/Separation distances between Block B and D.
- The Planning Authority (PA) stated that they were broadly open to development at this location/required more explanation of the nature of the development.
- In relation to dual aspect PA stated that the corner units are a concern
- PA satisfied with revised daylight and sunlight analysis
- PA noted that the separation distance of 10 meters is close i.e. between Blocks B and D.
- The Prospective Applicant stated that Block D will be shared accommodation and stated that all of the accommodation will be managed by one management company.
- The Prospective Applicant stated that there is a precedence of shared accommodation not being a build to rent.
- The Prospective Applicant stated that dual aspect provision is 51%.
- The Prospective Applicant stated that the provision of high level windows to some of the units can be looked at/noted that daylight/sunlight to internal rooms meet standards/treatment of windows to Block D can be reviewed in order to mitigate against overlooking.

- ABP stated that covenant may be required in relation to the shared accommodation element/shared accommodation implies build to rent/Follow the guidelines in relation to bed spaces and communal standards

In relation to *Neighbouring residential amenity*, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- ABP sought clarity in relation to the potential impacts on surrounding residential dwellings, having particular regard to overlooking/impact on daylight/sunlight levels and overshadowing of rear gardens.
- The PA noted that the submitted reports outlined impacts on surrounding residential amenities.
- The Prospective Applicant noted, in relation to overshadowing, that there are marginal breaches for two neighbouring rear gardens/Sunlight impacts are minimal/In relation to impacts the assessment does not take account of the existing trees – these will impact on gardens already.
- ABP noted the need to minimise any breaches /Address overlooking to/from end gable windows.

In relation to *Transport*, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- ABP sought justification for the proposed car parking provision.
- ABP sought information on the existing and proposed footpath infrastructure/proposed connectivity through the site/routes to the north-west of the site.
- The PA stated that they required a car parking ratio of 1:1/The Board should have regard to the County Development Plan.
- PA stated that 0.9 is below the rate of car ownership/There should not be a lower rate than 0.9 or 0.85 per unit/Ensure cycle parking is in accordance with design standards/ adequate cycle parking will need to be provided.
- PA stated that the proposed footpath should be continued to the raised table on site/Noted that the proposed footpath is cutting across the site

- PA queried the legal rights to the proposed access to the north-west of the site/PA stated there is an existing pedestrian access to the north-east therefore the link to the north-west is not too much of a concern.
- Provision of a footpath to the south along Frankfort is desirable.
- The Prospective Applicant stated that the car parking provision will be reviewed/footpath is being provided - going through the site to avoid impact on trees/cannot provide a footpath to the raised table as an area of land to the east of the site is not within the applicants control and provision of a footpath to the south will require removal of hedgerow/trees.
- Prospective Applicant stated that they may not have sufficient access rights to facilitate the proposed pathway to the north-west.
- ABP stated the need to minimise car parking where possible in line with Section 28 guidance/possible removal of surface level car parking to provide increased amenity for residents.
- ABP stated that if north-west pedestrian route is not possible, this area could provide additional amenity for residents.
- ABP stated that replacement planting could be used to lessen the impact of a proposed footpath on trees/hedgerow, subject to site services allowing for this.

In relation to *Trees/Ecology*, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- Tree loss/Ecology and habitats – particularly in relation to bats.
- PA noted that tree removal is 78%/there is a unique collection of trees/Concerned regarding the long-term potential of retained trees/Trees at the perimeter should be retained.
- The Prospective Applicant noted that the best trees are being retained/trees at the boundary site and southern site are being retained/the retained trees are young and have high quality/NPWS have accepted mitigation measures in relation to bats.
- ABP requested that the applicants provide further detail tree removal/trees to be retained/tree protection measures.

- ABP requested that the applicants outline mitigation measures in relation to ecology and bats.

In relation to *Childcare Facilities*, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- Capacity of existing childcare facilities.
- The PA stated that childcare facilities in the local area are at full capacity/There should be provision on site.
- The Prospective Applicant stated that a small creche would not be viable on site/A capacity assessment has been submitted which demonstrates capacity in the area.
- ABP requested that the Prospective Applicant consult with the Dun Laoghaire Childcare Committee/Discuss issue further with the Planning Authority.
- ABP noted that there can be no further information sought at application stage.

In relation to *Site services*, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- Surface water, foul sewer proposals.
- The PA requested the Prospective Applicant examine if there will be trees planted over attenuation tanks/the final manhole should be within the site boundary.
- The Prospective Applicant stated that outstanding issues will be resolved

In relation to *AOB*, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- In relation to AA screening, ABP noted that this development site is relatively close to the Slang River.
- ABP sought comment from applicant's conservation advisor.
- The Prospective Applicant noted comments in relation to AA screening.
- The Prospective Applicant stated that the existing structure is not protected/not on the NIAH.

10.0 Consultation

Irish Water

Confirmation of Feasibility issued for this site for 122 residential units. The proposed development, as assessed for the Confirmation of Feasibility, is a standard connection, requiring treatment plant upgrades for water or wastewater by either the customer or Irish Water. Upgrades to the foul sewer will have to be carried out to supply this development, however no third party or statutory consents are required for this work other than a road open licence from the local authority. Therefore, based upon the CoF, Irish Water 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 connections to the Irish Water networks can be facilitated.

11.0 Conclusion and Recommendation

Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended.

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.

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 element - Nature of Proposal/Shared Accommodation - as set out in the Recommended Opinion below.

Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the

Act **requires further consideration and amendment in order to constitute a reasonable basis for an application** under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision-making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

12.0 Recommended Opinion

- 12.1. 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.
- 12.2. 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.

In the opinion of An Bord Pleanála, the following issue will 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.

Nature of the Application

1. Clarification as to the nature and type of residential accommodation proposed in Block D. While it appears from the documentation submitted that the development is not a 'build to rent' proposal, the 'Sustainable Urban Housing: Design Standards for New Apartments- Guidelines for Planning Authorities' (March 2018) clearly indicates that 'shared accommodation' is primarily for rental

accommodation. If the proposal is intended as a 'shared accommodation' model, then the provisions of sections 5.13 to 5.24 of the above mentioned guidelines apply. If the proposal is not intended as rental accommodation, then the provisions of, *inter alia*, Appendix 1 of the above mentioned guidelines apply (e.g. studio/bedrooms should have a minimum floor area of 37 sq.m.). Further consideration of this issue may require an amendment to the documents and/or design proposals submitted.

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. Planning rationale/justification as it relates to the level of car parking provision proposed, specifically noting the site's location close to public transport and that it is national policy to minimise reliance on the private car.
2. Notwithstanding the need to justify the levels of car parking proposed on the site, as noted above, additional details in relation to Transport, having regard to the report of the Transportation Planning Department (dated 14th January 2020), and having regards to discussions at the tripartite meeting, in particular (i) the provision of a pedestrian footpath to the south of the site, along Frankfort, to the eastern extent of the site. If this is not being provided, detailed justification will be required; (ii) details of pedestrian priority crossings, as detailed in the report (iii) details of electric vehicle infrastructure (iv) additional cycle parking provision (v) details of the proposed pedestrian access to the north-west, if this is being provided; (vi) Mobility Management Plan; and (vii) Quality Audit.
3. A report (or reports) that addresses issues of residential amenity (both existing residents of nearby development and future occupants), specifically with regards to daylight/sunlight analysis, overshadowing and potential overlooking. The report shall include full and complete drawings including levels and cross-sections showing the relationship between the proposed development and nearby residential development.
4. Rationale/ justification as to the provision of Childcare Facilities, or otherwise. Justification is required for the non-provision of childcare facilities, having regard

to the criteria as set out in Childcare Facilities – Guidelines for Planning Authorities (2001).

5. Rationale/ justification for the removal of 78% of the existing trees on the site, having regard in particular to the report of the Parks and Landscape Section of the Planning Authority (dated 17th January), and having regards to discussions at the tripartite meeting. The impacts of the proposed development on the trees proposed to be retained and the proposed replacement planting, should be further explored, and detailed drawings provided in relation to same.
6. A plan of the proposed open space clearly delineating public, semi-private and private spaces should also be provided, as well as a detailed breakdown of the total area of same. These plans should clearly highlight how the proposals provide for an appropriate variety and suitable location(s) of children's play spaces.
7. A report that specifically addresses the proposed materials and finishes of buildings, landscaped areas and any screening/boundary treatment. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinct character for the development.
8. Addition detail in relation to surface water proposals, having regard to the report of the Drainage Division of the Planning Authority (dated 16th January 2020), and having regards to discussions at the tripartite meeting, namely the need to provide more detail in relation to the surface water infrastructure to be provided on site, the feasibility or otherwise of the proposed planting over the attenuation tanks as well as details of green roofs. In addition, a Stormwater Audit will be required at application stage.
9. Additional detail in relation to Flood Risk, having regard to the report of the Drainage Division of the Planning Authority (dated 16th January 2020), namely the need to provide a surcharge analysis of the surface water drainage system and details of safe overland flow routes.
10. Additional details in relation to waste management, having regard to the report of the Waste Management Division of the Planning Authority (dated 15th January 2020) namely a Construction and Demolition Waste Management Plan, an Environmental Management Construction Plan and a Waste Management Operational Plan.

11. A detailed Housing Quality Assessment.

12. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority.

13. Appropriate Assessment Screening Report.

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. Inland Fisheries Ireland
2. Irish Water
3. National Transport Authority
4. Transport Infrastructure Ireland
5. Dun Laoghaire Rathdown County Council 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.

Rónán O'Connor
Planning Inspector

13th February 2020