



An  
Bord  
Pleanála

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

### **Inspector's Report on Recommended Opinion ABP-306688-20**

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**Strategic Housing Development**

Demolition of an existing house and construction of 102 no. Build To Rent apartments with all associated works.

**Location**

Lands at St Michaels Hospital Car Park, Crofton Road, Dun Laoghaire, Co. Dublin.

**Planning Authority**

Dun Laoghaire County Council

**Prospective Applicant**

Fitzwilliam DL Ltd.

**Date of Consultation Meeting**

13<sup>th</sup> of May 2020

**Date of Site Inspection**

30<sup>th</sup> of April 2020.

**Inspector**

Karen Hamilton

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## 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 is a large carpark previously associated with St Michael's Hospital, accessed from Crofton Road, along the seafront of Dun Laoghaire, Co. Dublin. St Michaels Hospital, a 4 storey building, is located to the rear, south of the site and vehicular access is through the site. There is an existing small derelict two storey dwellings located on the north eastern corner of the site.
- 2.2. Charlemont Terrace, a row of protected structures, adjoins the site to the west and Harbour View, an apartment building 8 stories in height, is located to the east of the site, separated by a private laneway. A large block wall bounds the site along the east, beside the Harbour View apartments vehicular entrance.

## 3.0 Proposed Strategic Housing Development

The proposed development includes the demolition of a two storey dwelling and the construction of 102 no. Built to Rent Units, within two buildings, as summarised below.

Table 1: Key Figures

<b>Site Area</b>	0.328ha
<b>No. of units</b>	102 units
<b>Building 1</b>	North 5-12 storeys (5,009m <sup>2</sup> )
<b>Building 2</b>	South 4-7 storeys (3,722m <sup>2</sup> )

<b>Density</b>	328 units per hectare
<b>Car parking</b>	n/a
<b>Cycle Space</b>	176 no. spaces
<b>Commercial</b>	Café (198m <sup>2</sup> )
<b>Residential Amenity</b>	325 m <sup>2</sup> (Gym/Lounge/work/study)
<b>Communal Open Space</b>	542m <sup>2</sup>
<b>Public realm along the street</b>	665m <sup>2</sup>

Fig 2: Unit Mix

<b>Unit Type</b>	Building 1	Building 2	Total	%
<b>One bed</b>	45	41	86	84
<b>Two bed</b>	10	6	16	16
<b>Total</b>	55	<b>47</b>	<b>102</b>	<b>100</b>

## 4.0 Planning Policy

### 4.1. National Policy

- National Planning Framework (NPF): Ireland 2040,
- Climate Action Plan 2019. To Tackle Climate Breakdown (Government of Ireland, 2019),
- Eastern & Midland Regional Assembly (EMRA). Regional Spatial & Economic Strategy (RSES) 2019-2031 (2019),
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated 'Urban Design Manual')
- Design Standards for New Apartments – Guidelines for Planning Authorities (2018)
- Design Manual for Urban Roads and Streets (DMURS)
- Urban Development and Building Heights – Guidelines for Planning Authorities

- Architectural Heritage Guidelines for Planning Authorities, 2004.

#### 4.2. **Dun Laoghaire- Rathdown County Council 2016-2022**

The site is located on lands zoned as, Town Centre, where it is an objective “*To protect, provide for and-or-improve major town centre facilities*”.

- Permitted in principle- Residential & Residential Institutions

##### Specific Local Objectives

#### **SLO 73**

To retain the existing hospital uses at St. Michaels and to develop and upgrade the Hospital and Boylan Centre sites in accordance with the objectives of the Dun Laoghaire Urban Framework Plan and the pending Dun Laoghaire and Environs Local Area Plan.

##### Appendix 9- Building Height guidelines

- Upward and downward modifiers to assess the impact of building height on the surrounding areas.
- Downward modifier at locations 500m from the edge of the coastal fringe.

##### Appendix 12- Dun Laoghaire Urban Framework Plan

- Creation of attractive frontages.
- Section 3- In relation to building heights- Protect the unique views and the skyline from the east to west piers.
- Max of 7 storeys.
- Only the towers should rise above the skyline.

#### **Section 2.6 - The Hospital and Boylan Centre**

- Any development on the Hospital lands and Boylan Centre should create a network of new streets and public spaces to foster an attractive living and working environment.

- These streets and spaces should form a series of secondary routes between Georges Street, Crofton Road and Marine Road and provide a framework for the subdivision of the block.
- Where considered appropriate, the re-use of existing buildings will be encouraged.
- Development fronting along new routes in this area should have a tight urban grain, variety in its architectural language and design and unit sizes that will encourage and promote a variety of uses and functions.
- The potential for linking new development in the Hospital lands directly across the DART Line to the Waterfront and Marina would require further investigation and particularly in relation to the feasibility and optimum location of any potential linkage.
- Any development of the Hospital Lands/Boylan Centre must carefully address the scale and setting of Charlemont Terrace and the unique long distance views and skyline of the Town Centre.

## 5.0 Planning History

### **PL06D.226077 (D07A/1067)**

Permission refused for 6-8 storey building over basement for a mixed use development for:

- The scale, bulk and mass forward of the building line of Charlemont Terrace which would be overly oppressive on the streetscape,
- Loss of car parking and under provision of parking in the area would cause traffic congestion,
- Overlooking and loss of privacy on the adjoining residential amenity.

### St Michael's Hospital

The hospital site includes a wide range of planning application of which the most relevant include:

### **D18A/1196**

Permission granted for a single storey extension for ambulance treatment bays.

### **D15A/0536**

Permission granted for change of use of convent building to hospital use.

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

One S. 247 consultation meeting was held between the applicant and the PA on the 16<sup>th</sup> of August 2018 (PAC/SHD/328/18) and the issues discussed are summarised below:

- Active frontage includes coffee shop and potential retail.
- Quantum and Quality of open space is important.
- Concerns raised in relation to overshadowing in March.
- The pedestrian route was queried.
- The green wall such as the South Business County Park may be appropriate here.
- The absence of car parking was raised and the 15 year covenant for BTR.
- Right lane turning and obstruction may cause an issue.
- Query over loading bays/ movement of people etc.
- Surface water issues.
- Urban Framework plan links scale to Charlemont Terrace and High edge of Harbour Square.
- Development is positive although need to deal with issues such as massing and bulk.
- Building height of 10 storeys was queried.

## **7.0 Prospective Applicant's Case**

The application was accompanied by the following:



- Draft Part V Costings & Letter;
- EIA Screening Report,
- Architectural Drawings and Schedule,
- Architectural Design Statement & Verified Views,
- Accommodation Quality Assessment;
- Daylight, Sunlight & Shadow Analysis,
- Landscape & Visual Impact Assessment,
- Landscape Rationale Report,
- Conservation Assessment Report,
- Archaeological Assessment,
- Pre-Planning Engineering Report & Drawings,
- Outline Construction Management Plan,
- Construction and Demolition Waste Management Plan,
- Operational Waste Management Plan,
- Outline Travel Plan,
- Building Services Report,
- Sustainability Report,
- Appropriate Assessment Screening Report,

## **8.0 Planning Authority Submission**

8.1. In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development, 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 the 03<sup>rd</sup> of March 2020, and are summarised below

## Planning Assessment

- Issues relating to the height of the development relative to the site and wider context.
- The density is too great and may present over development of the site.
- No covenant or details for compliance with SPPR7 have been submitted.
- A rationale or evidence based approach to the provision of residential facilities is provided, in line with SPPR 7 (b).
- There are problems with the scale and internal configuration of the residential serves and amenities for a Build to Rent Scheme.
- There is no amenities shown on the ground floor of Building 2 and those plant and storage facilities would be better within a basement.
- The existing car park ramp should be utilised in the design as per Section 2.6 of the Urban Framework Plan.

## Drainage

- Inadequate attenuation storage and discharge rate should be limited to 2l/s/ha.
- Drainage simulation results do not indicate the surface water can be accommodated on the site.
- Detailed drawings of the proposed surface water proposals.
- Site investigation works if infiltration is proposed.
- Submission of calculations, standards and compliance drawings.
- Safe overland flow rates.

## Transportation

- There is a significant issue with the removal of the car parking to the front of the site.
- The applicant should provide a vehicular access to the site from a single shared access off Crofton Road for both the hospital and Harbour View/Harbour Square.

- The proposed vehicular access is directly adjacent to the 2.2m high site boundary wall with Charlemont Terrace which provides insufficient visibility.
- The removal of all parking is not acceptable.
- Need provision for disabled, go-car, motorcycle parking etc.
- Long stay and visitor cycle parking to be provided.
- Traffic management plan required as Crofton Road is a National Road (N31).

### Housing

- The transfer of 10 no units is noted.
- The proposed costs of transfer is excessive for Council acquisition.
- The alternative options in the national guidance for rental will have to be explored as the costs remain high.

### Environment

- The site is in close proximity to a hospital and does not include any consideration of environmental management for the site.
- Details on noise and vibration are required.
- Environmental impacts of the construction phase should be examined.

### Architects Department

- There is no particular reason to mark this point with a tower.
- The tower is an awkward blocky shape with poor southern elevation.
- The tower will change the skyline and should be reduced by 4 stories in line with other buildings along Crofton Road.
- The pedestrian access along Harbour View is welcomed.
- The right of way is required to provide access to the hospital.
- Material samples should be submitted.

## 9.0 The Consultation Meeting

9.1. A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 13<sup>th</sup> of May 2020, commencing at 14.30 pm, via Microsoft Teams.

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 as detailed below:

1. Conservation Impact Assessment
2. Justification for an increased height at this location.
3. Development Strategy for the site to include inter alia:
  - Density
  - Urban Design
  - Connectivity and permeability.
  - Open space provision
4. Impact on the existing Residential Amenity.
5. Impact on the Residential Amenity of future occupant's including compliance with SPPR 7 & 8 of the Apartment Guidelines.
6. Traffic and Transport
7. Drainage
8. Any other matters.

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

- The impact of the proposed development on the row of protected structures to the west of the site, Charlemont Terrace, in particular the design of the undercroft access for the vehicular access.
- Justification of the overall impact of the design of building no. 1 on the streetscape and adjoining protected structures along Charlemont terrace, including reference to the information in the submitted Architectural Heritage Appraisal.

9.3. In relation to the **justification for an increased height** , An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The use of photomontage drawings and contextual elevations as justification for an increased height from all approaches around the site having regard to other tall buildings in the vicinity of the site and the wider area of Dun Laoghaire.
- The justification for an increase height at this location, having regard to the criteria in the Building Heights Guidelines and Appendix 9 of the building heights strategy in the Dun Laoghaire development plan.
- The Visual Impact Assessment of the proposed development on the surrounding area and the proposal to accommodate higher than the prevailing height having regard to the criteria for taller buildings.

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

- The proposed density on the site having regard to the increase height and the impact on the residential amenity.
- The Urban Design response to the site frontage, having regard to the proposed scale and height of building 1 and location of the site adjoining the protected structures of Charlemont Terrace.
- The location of the pedestrian access separate to the proposed vehicular access and connectivity and permeability through the site and integration of the vehicular access along the side of Charlemont Terrace.
- The open space configuration within the site and the urban design treatment along Crofton Road.

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

- The amount of sunlight and daylight for the existing and proposed residential units, communal open space and compliance with the BRE guidelines.

- The impact of the proposed development on the residential amenity of those residents within Harbour View apartments and Charlemont Terrace having regard to the overshadowing.

9.6. In relation to the **Residential Amenity of future occupant's** , An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- Compliance with the relevant SPPR objectives in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (2018) in particular compliance with SPPR 5 for the ground to floor height.
- The quantum and quality of residential amenity within the overall scheme, including the provision of residential support services and amenities in both Building no. 1 & Building no. 2, to ensure compliance with any offset for private amenity space, including balconies, and storage in line with SPPR 7 & 8 of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (2018).
- The amount of dual aspect apartments proposed, the quantum of 60% and the design of the projecting windows as a means of compliance with SPPR 4 with particular reference to the inclusion of any projecting window features within the proposed calculation.

9.7. In relation to the **Traffic and Transport**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following;

- The requirements of the Dun Laoghaire Urban Framework Plan in relation to the preferred location of the vehicular access into the site along the east of the site beside Harbour View apartments and the proposed access into the site adjoining Charlemont Terrace.
- Assessment of the parking provision, including the absence of any disabled spaces, electric charging and Go car provision.

9.8. In relation to the **Drainage**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following

- Issues raised by the Planning Authority in relation to the appropriate Qbar and surface water treatment.

9.9. In relation to the **Other Matters**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following

- Issues raised by the planning authority, specifically the inclusion of public lighting proposals and appropriate treatment of environmental issues on the site having regard to the treatment of waste, noise and vibration etc.

## 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 **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.

## 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 requires **further consideration and amendment to constitute a reasonable basis for an** application for strategic housing development to An Bord Pleanála.

1. Further consideration and/or justification of the documents as they relate to the impact of the proposed development on the character and setting of the features of conservation interest in the vicinity, in particular the treatment of building no. 1 adjoining the row of protected structures along Charlemont Terrace, having regard to the requirements of 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 the built heritage.
2. Further consideration and/or justification of the documents as they relate to the treatment of the design and height of building no. 1, including justification for a higher building at this location relative to the surrounding area and compliance with the criteria based assessment in the Urban Development and Building Heights- Guidelines for Planning Authorities (2018) and the building height guidelines in the Dun Laoghaire- Rathdown County Council 2016-2022.

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. A Housing Quality Assessment which provides the details regarding the proposed apartments set out in the schedule of accommodation, as well as the calculations and tables required to demonstrate the compliance of those details with the various requirements of the 2018 Guidelines on Design Standards for New Apartments including its specific planning policy requirements. The report shall detail the use of the residential support



facilities and amenity areas used to offset the standards and/or compensatory measures proposed within the proposal.

2. Proposals for the management and operation of the proposed development as a 'Build-to-Rent' scheme in accordance with Specific Planning Policy Requirement No. 7 of the 2018 Guidelines on Design Standards for New Apartments, including detailed proposals for the provision and management of support facilities, services and amenities for residents. A Building Lifecycle Report in accordance with section 6.13 of the guidelines should also be submitted. The plan shall also address the management and maintenance of public spaces and access to the development.
3. Details of Part V provision clearly indicating the proposed Part V units.
4. A daylight and sunlight analysis addressing existing residential units in proximity to the site and proposed units and open spaces within the development. A comprehensive justification is required for any proposed north facing single aspect units and a detailed analysis of the impact on specific apartment unit to the east of the site.
5. A report that specifically addresses the urban design rationale including the proposed materials and finishes of the frontages along the north of the site, adjoining Crofton Road. Particular regard should be had to the requirement to provide high quality design and sustainable finishes and include details which seek to create a distinctive character for the overall development. The documents should also have regard to the long term management and maintenance of the proposed development.

6. A report and associated drawings detailing the design of the proposed surface water management system including attenuation features and Q Bar calculations.
7. A proposed car parking strategy for the proposed development, having particular regard to the quantum of residential parking proposed, how it is intended that it is assigned and managed and measures proposed to address shared car parking and/or disabled parking.

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
8. 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.

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Karen Hamilton  
Senior Planning Inspector

02<sup>nd</sup> of June 2020