



An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion
306773-20**

Strategic Housing Development	Demolition of existing buildings and construction of 127 apartments
Location	Lands formerly known as Richmond Cheshire Home, Richmond Park, Monkstown, Blackrock, Co. Dublin
Planning Authority	Dun Laoghaire- Rathdown County Council
Prospective Applicant	Randalswood Construction Ltd
Date of Consultation Meeting	15 th May 2020
Date of Site Inspection	13 th May 2020
Inspector	L. Dockery

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 and the documentation received from the prospective applicant, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

2.0 Site Location and Description

The subject site, which has a stated area of 0.95 hectares, is located off Carrickbrennan Road, Monkstown, Co. Dublin. It comprises the grounds of a former nursing home premises and associated studio apartments. It is accessed via a cul-de-sac which has a number of mature trees located thereon and serves the site, two detached houses at Kenilworth Way, five terraced two-storey houses at New Alma Place and a small housing estate, Richmond Green. There is a footpath and mature trees along parts of the access road.

The site is roughly L-shaped. The northern site boundary is defined by an existing stream with mature planting along both banks. There are detached houses immediately to the north of the stream. Levels vary across the site and there is a steep bank up to Richmond Park two-storey dwellings.

3.0 Proposed Strategic Housing Development

- 3.1 The proposed development comprises the demolition of existing buildings and construction of 127 residential apartments, together with associated site development works.

The following details are noted:

Parameter	Site Proposal
Application Site	0.95 ha
No. of Units	127 apartments in two blocks
Density	134 units/ha
Height	4-7 storeys over basement
Other Uses	None
Parking	127 car parking spaces (all at basement level) 156 bicycle parking spaces
Vehicular Access	From Carrickbrennan Road
Part V	13 units (6 x one-bed and 7 x two-bed)

The breakdown of unit types is as follows:

Unit Type	Studio	1 bed	2 bed	3 bed	Total
Apartments	1	62	64	-	127
% Total	1%	49%	50%	-	100%

4.0 National and Local Planning Policy

4.1 National

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

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated 'Urban Design Manual')
- 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)

Other documents of note are:

National Planning Framework, 2018

Regional Spatial and Economic Strategy for the Eastern and Midland Region, 2019

4.2 Local

The Dun Laoghaire Rathdown County Development Plan 2016-2022 is the operative County Development Plan.

Zoning

'Objective A' which seeks to 'protect and/or improve residential amenity'.

A small portion of the site, towards its northern end is zoned 'Objective F' which seeks to 'preserve and provide for open space with ancillary active recreational amenities'.

There is an Objective to 'preserve trees and woodlands' on lands to the north and east of the subject site.

The site entrance, bounding Carrickbrennan Road, is the Monkstown Architectural Conservation Area.

There are a number of policies within the Development Plan relating to residential development.

Appendix 3 Building Height Strategy

The Flood Zone Maps, Appendix 13 show a Flood Hotspot Symbol on the subject site.

5.0 **Planning History**

The most relevant history pertaining to the subject site is as follows:

D19A/0378 (ABP-305843-19)

Permission GRANTED for revisions to previously permitted development D17A/0590 (ABP-301553-18). Decision PENDING.

D17A/0590 (ABP-301533-18)

Permission GRANTED on appeal for demolition of existing buildings on site and constriction of 56 residential units in 2 blocks

D16A/0678 (PL06D.247679)

Permission REFUSED on appeal for demolition for existing buildings and construction of 70 residential units in 3 no. apartment blocks.

The reason for refusal related to density, scale and layout; loss of substantial screening and separation distances would seriously injure the residential amenities of adjoining properties and would depreciate the value of these properties. Furthermore, it is considered that the layout of the proposed development and the provision of substandard qualitative functional open space would provide a substandard form of accommodation for future occupiers in terms of residential amenity.

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

6.1 It is stated by the planning authority that a pre-application consultation took place with the planning authority on 18th December 2019.

7.0 Submissions Received

Irish Water

Confirmation of Feasibility issued for this site for 105 no. residential units. Notes an increase of 22 units, over and above CoF figure.

This is a standard connection, requiring no network or treatment plant upgrades for water or wastewater by wither the customer or Irish Water.

Water:

Connection to watermain will be facilitated on Carrickbrennan Road

Wastewater:

The development should be connected to the 450mm combined sewer north of the site.

Would like to draw ABP attention to the presence of existing infrastructure in close proximity to site boundaries. Applicant is required to survey the site to determine the exact locations of this infrastructure and engage directly with Irish Water diversion section to ensure appropriate access is maintained during and post construction. Any trial investigations should be carried out with the agreement and presence of a Local Authority Inspector.

8.0 Forming of Opinion

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

8.1 Documentation Submitted

- 8.1.1. 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. This information included, inter alia, completed application form, a completed pre-connection enquiry feedback form from Irish Water, Statement of Consistency, Childcare Provision Assessment, Community and Social Infrastructure Audit, Daylight and Sunlight Analysis Report, Ecological Impact Statement, Part V details, architectural drawings, Urban Design Statement, Traffic and Transportation Statement; Flood Risk Assessment, engineering drawings, Structural Feasibility Report, AA Screening Report.

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

8.2 Planning Authority Submission

8.2.1 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 27th March 2020.

The planning authority's 'opinion' included the following matters: section 247 consultations, internal reports, development proposal, planning history, site and surrounding area, policy context, principle of proposal, details of prospective development, height, density, residential accommodation and mix, apartment standards, elevations/external finishes and design, protection fo residential amenities, separation distances; private/public open space; landscape design and boundary treatment; permeability/pedestrian flow; open space/public realm; crèche; taking in charge; drainage planning; EIAR and AA Screening; conservation.

The report concludes as follows:

- In general, no objections to principle to the redevelopment of the site
- Concerns raised in relation to significant height of blocks, the layout close to significant barriers/boundaries and existing properties and concerns communal open space provision, adverse impacts on Carrickbrennan stream and connected sensitivities and lack of crèche facility

The following concerns have been raised in a detailed submission:

- Limited mix of units proposed, restricted to 1 and 2 bed units, of relatively modest size
- Limited number of dual aspect units (stated as being 54%) in this suburban setting and also large number of north only facing units
- Poor aspect, potential overshadowing of units to the rear of blocks, relating to the proposed rear retaining wall of varying heights but rising to notable height and in close proximity to blocks, particularly the GF units in terms of negative impacts on amenities of future residents
- Potential overlooking of properties to the rear (S and SE) from the proposal's upper floor balconies and windows
- Limited link/permeability to adjacent site to west (Dalguise) that maybe impacted upon due to position close to stream/bank
- Proposed open space provision will be of poor quality, and with respect to accessibility and usability for residents given the site constraints, the close proximity of the blocks to boundaries and roadways and including the large proposed retaining wall. Removal of previous development proposals including a nature trail to the rear
- Significant changes to character of site including extensive excavation/bank removal to rear and removal of existing vegetation and trees
- Loss of amenity areas
- Further details required in terms of mix/variation of finishes, design and colours, detailing proposed
- Lack of proposal to include crèche in proposal
- Impacts on stream riparian corridor and wildlife and practicality concerns regarding future residents interacting with stream
- Transportation, parks and drainage matters raised

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

8.3 Consultation Meeting

8.3.1 A Section 5 Consultation meeting took place via Microsoft Team due to Covid-19 restrictions in place on the 15th day of May 2020, commencing at 09.30 am. Representatives of the prospective applicant, the planning authority and An Bord

Pleanála participated. An agenda was issued by An Bord Pleanála prior to the meeting.

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

- Development Strategy to include layout; height; mix; aspect; open space provision; permeability; childcare provision
- Residential Amenity
- Biodiversity
- Transport and Parking
- Drainage Matters
- Any other matters

8.3.3 In relation to development strategy, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- Extant permission on site and current application on appeal to ABP- decision pending (ABP-305843-19)
- Height/scale of proposed apartment blocks in the context of the existing pattern of development in the area and in the context of existing Development Plan policy; proposed heights relative to those permitted under extant permission
- Level differences with adjoining lands; relationship between proposed development and any possible future development on wider Dalguise lands;
- Height, bulk and massing of proposal
- Mix of units proposed
- Aspect- clarification required regarding calculation of number of dual aspect units
- Materials/finishes

- Quantum of public open space provision and the desire to ensure that it is functional and usable; daylight/sunlight; interface between open space areas; landscaping/boundary treatments
- Permeability/accessibility- both within the site and to wider area; suitability of location of pedestrian connectivity through to Dalguise house lands
- Discussions regarding the provision of a childcare facility

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

- Potential impacts on nearby residential properties development in terms of overlooking, overshadowing, overbearing and noise
- Compliance with Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018); daylight/sunlight; size of units; number of dual aspect units
- Internal daylight/sunlight analysis to ensure adequate amenity of future residents including sunlight analysis to include areas of open space, in particular with regards to single aspect north facing units and ground floor units with units onto retaining wall

8.3.5 In relation to biodiversity, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Report of Parks and Landscaping Services Department of planning authority, as contained in section 1.3(iv) of Chief Executive Opinion
- Tree removal; root protection for trees proposed for retention

8.3.6 In relation to traffic and transportation, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Report of Transportation Division of planning authority, as contained in section 1.3(i) of Chief Executive Opinion
- Details relating to excavation/haulage routes/ construction traffic management

8.3.7 In relation to drainage matters, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Report of Drainage Planning Division of planning authority as contained in section 1.3(ii) of Chief Executive Opinion
- Report of Irish Water to An Bord Pleanála dated 30th March 2020

8.3.8 In relation to other matters, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Submission of schedule of floor areas; Building Lifecycle Report Plan; landscaping/boundary treatments; submission of CGIS/visualisations/cross sections including views from outside immediate area

8.4 **Conclusion and Recommendation**

8.5 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.

8.6 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.

8.7 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.**

8.8 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.

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

1. A report, including CGIs, visualisations and cross sections, as necessary, which clearly show the relationship between the proposed development and existing development in the immediate and wider area and which illustrates the topography of the area. Details should include the relationship between the proposed blocks and any future development on adjacent lands. The applicant should include details which include rationale/justification for the heights/setbacks proposed. Details should also include interactions with the Protected Structure, Dalguise House, and associated lands; boundary treatments and public realm.
2. A Daylight/Sunlight analysis, showing an acceptable level of residential amenity for future occupiers and neighbours of the proposed development, which includes details on the standards achieved within the proposed residential units, in private

and shared open space, and in public areas within the development and in adjacent properties. A month-by-month assessment of average daylight hours within the public open space should be provided within the Daylight and Sunlight Analysis document to allow for a full understanding of the year round level of overshadowing of the primary outdoor recreation area for the development should be submitted.

3. A housing quality assessment which provides specific information regarding the proposed apartments and which demonstrates compliance with the various requirements of the 2018 Guidelines on Design Standards for New Apartments, including its specific planning policy requirements. This should also include a schedule of floor areas for all proposed units, clearly setting out the aspect (single, dual, triple) of each unit
4. A detailed landscaping plan for the site which clearly differentiates between areas of public, communal and private open space and which details exact figures for same. Details should also include proposals for hard and soft landscaping including street furniture, where proposed, which ensures that areas of open space are accessible, usable and available for all. Pedestrian permeability through the site should be outlined. Details of the interface between private and communal areas should also be detailed. Additional cross sections, CGIs and visualisations should be included in this regard.
5. Justification for lack of childcare facility which includes childcare demand analysis and likely demand for childcare places resulting from the proposed development
6. Additional details in relation to surface water management for the site, having regard to the requirements of the Drainage Division as indicated in section 1.3(ii) of the Planning Authority's Opinion. Any surface water management proposals should be considered in tandem with a Flood Risk Assessment specifically relating to appropriate flood risk assessment that demonstrates the development proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk.
7. Additional details and justification for the proposed development in relation to roads, access and circulation, having regard to the report of the Transportation Division of the planning authority as detailed in section 1.3(i) of their Opinion.

8. Ecological Impact Assessment, which includes for, inter alia, an ecological survey which indicates the full extent of tree retention and removal, together with details of proposed tree protection measures during construction and which addresses matters raising within section 1.3(iv) of Chief Executive Opinion.
9. Waste management details
10. A life cycle report shall be submitted in accordance with section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2018). This report should specifically address proposed materials, finishes and detailing which seek to create a distinctive character for the development, avoiding blank facades, dead frontage and render finishes. The documents should also have regard to the long term management and maintenance of the proposed development.

11. Site Specific Construction and Demolition Management Plan

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. Department of Culture, Heritage and the Gaeltacht
3. Transport Infrastructure Ireland
4. National Transport Authority
5. An Taisce-the National Trust for Ireland
6. Heritage Council
7. Failte Ireland
8. An Comhairle Ealaíonn
9. 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.

Lorraine Dockery
Senior Planning Inspector

25th May 2020