



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-307040-20

Strategic Housing Development	148 no. Build to Rent apartments and associated works.
Location	Lands adjacent to Tully Vale Road, Townlands of Laughanstown, Cherrywood, Dublin 18.
Planning Authority	Dun Laoghaire Rathdown County Council
Prospective Applicant	William Neville & Sons.
Date of Consultation Meeting	27 th August 2020.
Date of Site Inspection	17 th August 2020.
Inspector	Karen Kenny

Contents

1.0 Introduction	3
2.0 Site Location and Description.....	3
3.0 Proposed Strategic Housing Development.....	3
4.0 Planning History.....	4
5.0 Section 247 Consultation(s) with Planning Authority.....	5
6.0 National and Local Planning Policy.....	6
6.1. Project Ireland 2040 – National Planning Framework	6
6.2. Section 28 Ministerial Guidelines	6
6.3. Local Planning Policy.....	7
7.0 Forming of the Opinion	8
7.1. Other Submissions.....	8
7.2. Documentation Submitted	8
7.3. Statement of Consistency.....	9
7.4. Material Contravention Statement.....	10
7.5. Planning Authority Submission.....	11
7.6. Consultation Meeting	13
8.0 Conclusion and Recommendation	14
9.0 Recommended Opinion.....	15

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 site (0.5685 ha) is located adjacent to Tully Vale Road, in the townland of Laughanstown, Cherrywood, Dublin 18.
- 2.2. The site is in the Cherrywood Strategic Development Zone. The Tully Vale Road bounds the site to the north east and the Tully Vale housing estate is on the opposite side of this road. Grand Parade road and the Luas Green Line bound the site to the south west of the site. The site consists of disturbed ground and slopes down from the surrounding road network.
- 2.3. The development sites in the surrounding area have not been development to date. The designated Cherrywood Town Centre (under development) is located to the south east of the site and the Cherrywood Luas Stop and transport interchange is c. 150 metres to the south west of the site. Permission has been granted for residential development on the lands to the south and east of the site.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development consists of 148 no. BTR apartments contained in 3 no. blocks of 5-8 storeys summarised as follows:
 - Block A: Seven to eight storey block that contains 84 no. apartment units, a gym and concierge.
 - Block B: Five storey block that contains 30 no. apartments.

- Block C: 5 storey block that contains 34 no. apartments.

3.2. Key Details:

Detail	Proposal
No. of Units	148 no. apartments (BTR) in 3 no. blocks of 5-8 storeys.
Site Area	0.5685 ha
Density	260 no. units per ha (net)
Plot Ratio	1.99
Site Coverage	39.24%
Dual Aspect	50%
Parking	89 no. no. car parking spaces; cycle provision not clear.
Open Space	2055 sq.m (36%)
Internal Amenity	Gym (50.5sqm), Concierge (50.5sq.m)
Other Uses	None

3.21. Housing Mix

	No.	%
1-Bed	90	61%
2-Bed	58	39%
Total	148	100%

4.0 Planning History

4.1. Cherrywood SDZ Planning Scheme

ABP-302223-18: Amendments of the Cherrywood SDZ Planning Scheme relating to Sequencing and Phasing of Development (Chapter 7 of the Approved Planning Scheme 2014, as amended).

PL06D.ZE0002: Amendments to the Cherrywood SDZ Planning Scheme 2014 relating to dwelling numbers in the Town and Village Centres and the sequencing of retail development in the Town Centre. Approved with conditions.

4.2. **Planning applications in the vicinity of the site:**

ABP Ref. ABP-303429-19: ABP granted permission for 184 no. units on lands to the south east of the site (opposite side of Grand Parade).

DZ19A/0148: Permission granted for amendments to the Town Centre development granted under DZ17A/0862, including 47 no. additional units.

DZ18A/0499: Permission GRANTED for 146 apartments in four blocks on lands to the south of the site.

DZ18A/0458: Permission GRANTED for primary school.

DZ17A/0862: Permission GRANTED for Town Centre quadrants – TC1, TC2 and TC4. 1,269 dwellings, 39,000 m² office, 20,000 m² retail, 30,000 m² non-retail space library, health centre, 2 crèche and 2 hotels.

DZ17A/0714: Permission GRANTED for 241 dwellings and a crèche.

DZ15A/0813: Permission GRANTED for Tully Park, a 10 Hectare public park.

DZ15A/0758: Permission granted for roads and infrastructure in the vicinity of the site – Phase 1.

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

- 5.1. A consultation meeting under Section 247 of the Planning and Development Act 2000 (as amended) took place on 3rd September 2019.

6.0 National and Local Planning Policy

6.1. Project Ireland 2040 – National Planning Framework

The National Planning Framework includes a specific Chapter, No. 6, entitled 'People Homes and Communities'. It includes 12 objectives, including the following:

- Objective 27 which 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 which 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 which 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.

6.2. Section 28 Ministerial Guidelines

The following Section 28 Ministerial Guidelines are considered to be of particular relevance:

- 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 Guidelines for Planning Authorities (2018).
- Urban Development and Building Heights – Guidelines for Planning Authorities, (2018).
- Design Manual for Urban Roads and Streets.
- Childcare Facilities – Guidelines for Planning Authorities.
- Architectural Heritage Protection Guidelines for Planning Authorities.

6.3. Local Planning Policy

6.4. The Dun Laoghaire Rathdown County Development Plan 2016-2022 is the operative county development plan for the area. The site is part of an area identified as the Cherrywood SDZ.

6.5. The Cherrywood SDZ Planning Scheme 2014 (as amended), sets out a detailed framework for the future development of the area.

The site is part of a larger residential plot (1.5 ha) called RES4 that is located in Development Area 2. The Planning Scheme contains objectives, many of which apply to the site. The following objectives are considered to be of relevance:

Chapter 2:

- The primary land-use for the site is 'Residential' (Map 2.1 refers).
- RES4 Density: Min 85 dwellings per hectare and max 125 dwellings per hectare (Table 2.9).
- RES4 Building Height: 3 – 5 storeys and maximum height of 17 metres (Table 2.11 and PD21 refer). The scheme states that heights have been informed by the characteristics of each site and are the maximum permissible on each development plot.
- PD4 provides that in RES3 and RES4 the unit mix shall be as follows: not more than 20% of units shall be 1 bed units; a range of min. 40% - max. 60% shall be 2-bed units; and a range of min. 20% - max. 40% shall be of a size to comprise of 3 or more bed units.
- Open space for apartments shall comply with the standards set out in the Sustainable Urban Housing Design Standards for New Apartment Development Guidelines and the Sustainable Residential Development in Urban Areas Guidelines (Section 2.7.3).
- The site includes principle frontages to Tully Vale Road and to link road to the south (Map 2.4).
- Objectives PD 7-15 relate to Urban Form. The scheme promotes distinct and legible neighbourhoods; principle frontages to define streetscapes, turn corners and enclose spaces and routes; legible and direct pedestrian and

cycle routes; building typologies that address car parking, private open space, residential amenity; sustainable buildings; frontage widths and massing that allow for successful integration into the streetscape, distinct and high quality finishes; careful consideration in relation to design / location of services.

7.0 Forming of the 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 submission and the discussions which took place during the tripartite consultation meeting. I shall provide a brief detail on each of these elements hereunder.

7.1. Other Submissions

Irish Water has issued confirmation of feasibility for 170 no. units. Prior to agreeing the proposed connection all relevant core water and wastewater infrastructure within the SDZ will have to be completed, connected to the IW networks and in operation.

7.2. Documentation Submitted

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, a Completed Application Form, Cover Letter, Planning Report / Statement of Consistency, Material Contravention Statement, EIA Screening Report, Engineering Report, Architectural Drawings and Design Statement, Engineering Drawings and Engineering Report, Landscape Masterplan, Part V Details and Plan, Outline Construction Management Plan, Outline Construction and Demolition Waste Management Plan and Operational Waste Management Plan.

7.3. Statement of Consistency

Section 5(5)(b) of the Act of 2016 requires the submission of a statement that, in the prospective applicant's opinion, the proposal is consistent with both the relevant objectives of the development plan or local area plan concerned, and the relevant guidelines issued by the Minister under section 28 of the Act of 2000. These statements have been submitted, as required. The applicant's case in relation to the proposed development is summarised as follows:

- Consistent with NPF and RSES – compact urban development and higher densities; coordinated delivery of infrastructure in strategic development areas; and integration of land-use and transportation.
- BTR is consistent with pillars of Rebuilding Ireland Action Plan for Housing in relation to the delivery of housing and mixed tenures.
- Consistent with Building Height Guidelines 2018 – development management criteria in Chapter 3 are addressed.
- Consistent with criteria in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas including provisions in relation to sequential and plan led development, efficient use of land, sustainable travel and design.
- Consistent with Sustainable Urban Housing: Design Standards for New Apartments, 2018 – including SPPR 7 and 8 relating to Build to Rent units. The guidelines allow for reduced car parking provision.
- The development is consistent with DMURS.

DLR County Development Plan 2016-2022

- Cherrywood is a Large Growth Town. Proposal for 260 units per hectare on serviced SDZ lands and within 150m of a Luas station considered to be consistent with Core Strategy.
- Proposed development is consistent with development plan policies in relation to higher density (RES3), provision of social housing (RES8), provision of neighbourhood and community facilities in conjunction with new

development (RES14 / SIC7), integration of land use and transportation (ST2). In relation to overall housing mix (RES7) and childcare provision (SIC11) provisions of the Apartment Guidelines are considered to take precedence over the development plan.

- Proposed development consistent with development plan policies in relation to urban design (UD1, UD2, UD3) and provisions in relation to quality residential design set out in Section 5.5.2.
- The CDP indicates that the qualitative standards set out in the Apartment Guidelines will take precedence over the standards in the Development Plan.
- Sustainable travel and transport requirements in Chapter 8 of the development plan are addressed in the submitted engineering report.

Cherrywood SDZ Planning Scheme 2014 (as amended)

- Consistent with primary land use designation for the site under the SDZ Planning Scheme.
- Consistent with parameters of the planning scheme in relation to floor areas, private open space, building setbacks, skyline, linkages, views and prospects.
- Proposal not consistent with density, unit mix, building height and car parking standards detailed in the planning scheme. These issues are addressed in the submitted Material Contravention Statement.
- Requirements in relation to drainage, construction management, waste management to be addressed in submitted documents.
- A noise impact assessment and ecological impact assessment will be submitted with the application.
- Consistent with phasing requirements of the planning scheme relating to sequence of development and infrastructure delivery.

7.4. Material Contravention Statement

- Material contravention statement addressing density, building height, dwelling mix and car parking.

- Policy context has changed since the adoption of the SDZ Planning Scheme with publication of NPF, RSES and S28 guidelines, notably the Urban Development and Building Height Guidelines 2018.
- NPF recognises role of SDZ's including Cherrywood.
- RSES promotes the growth of Dublin City and suburbs and the integration of transport and land uses – including higher densities.
- Urban Development and Building Height Guidelines 2018 promote increased building height in SDZ's and close to high capacity public transport.
- Sustainable Urban Housing Design Standards for New Apartments Guidelines include provisions for BRT. Under SPPR8 (BTR) no restrictions on dwelling mix and default of minimal / significantly reduced car parking.
- Development meets criteria for material contravention as it is of strategic or national importance and consistent with Government policy on building height.

7.5. Planning Authority Submission

A submission was received by An Bord Pleanála from Dun Laoghaire Rathdown County Council on 26th May 2020. The 'opinion' of the planning authority included, inter alia, the following:

- Development acceptable in principle.
- Exceeds maximum density of 125 units per ha for 'RES4' under SDZ Planning Scheme. Approach is not consistent with the carrying capacity of the planning scheme.
- Contrary to unit mix parameters of the planning scheme. Apartment Guidelines place no restrictions on unit mix for BTR schemes.
- Exceeds max building height of 5 storeys or 17 metres for RES4 under SDZ Planning Scheme. Under SPPR3 of the Building Height Guidelines modifications within an SDZ need to be informed by a review of the scheme. DLR have initiated a review.
- Height, scale and massing not consistent with the approved planning scheme and would set an undesirable precedent.

- out of character with permitted developments on adjacent sites.
- height and massing relative to permitted height in the Town Centre would reduce legibility and take from the character of the town centre.
- negative visual impacts when viewed from protected views such as Tully Church and its environs and from other areas within and outside of Cherrywood.
- Layout would not positively contribute to the character and identity of the area, nor does it respond to the existing and planned context.
 - need for building edge and improved streetscape along Grand Parade and for enclosure for the development.
 - need for clarity in relation to boundary treatments, access to ground floor units along the street frontage (steps / plinths / ramps), levels and boundary treatments.
- Question amenity of northern apartments in Block A in terms of privacy and noise.
- Design style and finishes need to promote a distinct and legible neighbourhood (PD7 and PD14). Design Statement should address these matters.
- Greater range of resident support facilities and amenities needed for BTR. There is also a requirement to provide a proposed covenant or legal agreement.
- Need to address transport and transportation issues. Car parking provision inconsistent with standards in planning scheme. Application should address accessible car parking; electric vehicle charging facilities; cycle parking; motorcycle parking; and design details for basement access ramp including sightlines drawings.
- Need to provide additional detail in relation to surface and foul water drainage.
- Need to provide further detail in relation to landscaping and function of open spaces including details of boundary treatments, landscaping and biodiversity.

- Need for a Childcare Demand and Needs Assessment; Daylight & Sunlight Analysis; Shadow Analysis, Microclimate Analysis, Energy Statement, Construction and Demolition Waste Management Plan, Operational Waste Management Plan and taking in charge and public lighting details.

7.6. Consultation Meeting

A Section 5 Consultation meeting took place Remotely Via Microsoft Teams on the 27th August 2020, commencing at 10.00. Representatives of the prospective applicant, the planning authority and An Bord Pleanála participated in the meeting. An agenda was issued by An Bord Pleanála prior to the meeting.

The main topics raised for discussion at the tripartite meeting were based on the agenda that issued in advance and contained the following issues:

- Cherrywood SDZ Planning Scheme - quantum, density, building height, unit mix and phasing.
- Development Strategy – scale and mass, architectural detailing, frontage and enclosure, open space and landscaping.
- Resident Support Facilities, Services and Amenities.
- Residential Amenity.
- Water & Drainage – items raised in PA opinion and IW submission.
- Transportation - items raised in PA opinion.
- Any Other Business.
- In relation to the Cherrywood SDZ Planning Scheme, An Bord Pleanála sought further elaboration / discussion / consideration in relation to consistency with key parameters of the Cherrywood SDZ Planning Scheme 2014 (as amended).
- In relation to Development Strategy, An Bord Pleanála sought further elaboration / discussion / consideration in relation to the overall development strategy for the site including the scale, mass and height of the blocks, architectural detailing and finishes, layout /block form and open space.

- In relation to Resident Support Facilities, Services and Amenities, An Bord Pleanála sought further elaboration / discussion in relation to the provision of resident support facilities, services, and amenities.
- An Bord Pleanála sought further elaboration / discussion / consideration in relation to daylight and sunlight performance; potential for microclimate impacts; and inward noise impacts.
- In relation to Irish Water and Surface Water drainage, An Bord Pleanála sought further elaboration / discussion / consideration in relation to the issues raised in the submission received from Irish Water and in the PA's submission.
- In relation to Transportation, An Bord Pleanála sought further elaboration / discussion / consideration in relation to access arrangements, car parking provision and cycle parking.

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 307040' which is on file.

I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

8.0 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.

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 plans for the area.

Having regard to all of the above, I recommend that further consideration and/or possible amendment of the documents submitted is required at application stage in respect of the following elements: consistency with local planning policy; development strategy; resident support facilities and amenities; and residential amenity, as sets 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.

9.0 Recommended Opinion

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.

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 issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development:

1. Further consideration and / or justification of the documents as they relate to consistency with parameters of the Cherrywood SDZ Planning Scheme, 2014 (as amended). The further consideration and / or justification should address deviations from density, building height, unit mix and car parking standards.
2. Further consideration and / or justification of the documents as they relate to the development strategy for the site. The consideration / justification should address: block structure, street frontage and the enclosure within the site; the height, scale and massing of the blocks and how they respond to the receiving environment (existing and permitted developments); and the architectural detailing of the blocks. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted.
3. Further consideration and / or justification of the documents as they relate to the provision of communal support facilities, services and amenities to serve future occupants of the proposed development. The documents should include details in relation to the overall quantum and function of communal areas and in relation to the management and servicing of the spaces.
4. Further consideration and / or justification of the documents as they relate to residential amenity, having particular regard to daylight and sunlight standards; micro-climate and wind impacts; and inward noise impacts.

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:

1. The prospective applicant is advised to address the following in the documents submitted:
 - (a) Matters raised by Irish Water in relation to infrastructure delivery within the SDZ, as set out in the submission received from Irish Water, dated 27th May 2020.
 - (b) The matters raised in the Report of the Cherrywood Development Agency Project Team, in relation to surface water drainage, as contained in the PA's submission dated 20th May 2020.
2. A Visual Impact Assessment that includes photomontages, cross sections, and CGIs from key vantage points.
3. A Materials Strategy that details all materials proposed for buildings, open spaces, paved areas and boundaries.
4. A landscaping plan that addresses the design and function of open spaces within the development. The plan should address issues raised in the PA's submission dated 20th May 2020, relating to the function of spaces, boundary treatments, landscaping, SUDs and biodiversity.
5. A Housing Quality Assessment that sets out as a schedule of accommodation, with the calculations and tables required to demonstrate compliance of the various requirements of the 2018 Guidelines on Design Standards for New Apartments.
6. Drawings and sections that detail the interface with streets and open spaces including details of the proposed finished ground and floor levels.
7. Details of cycle parking provision to include design details for secure cycle storage areas and visitor cycle parking spaces.
8. Sunlight and Daylight Analysis; Wind / Microclimate Analysis; and an Inward Noise Assessment.
9. A Building Life Cycle Report that includes an assessment of the long term running and maintenance costs associated with the development in accordance with Section 6.13 of the 2018 Guidelines on Design Standards for New Apartments.
10. Phasing plan.
11. Taking in charge layout.

12. Details of public lighting.

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. Transport Infrastructure Ireland
2. National Transport Authority
3. Commission for Railway Regulation
4. Irish Water
5. Dun Laoghaire Rathdown Childcare Committee

PLEASE NOTE:

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

Karen Kenny

Senior Planning Inspector

21st September 2020