



An  
Bord  
Pleanála

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

**Inspector's Report on  
Recommended Opinion  
ABP-307097-20**

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<b>Strategic Housing Development</b>	194 no. Build to Rent apartments and associated site works.
<b>Location</b>	Site to south of "Abingdon", Shanganagh Road, Shankill, Dublin 18.
<b>Planning Authority</b>	Dun Laoghaire-Rathdown County Council
<b>Prospective Applicant</b>	ES Shan Limited
<b>Date of Consultation Meeting</b>	9 <sup>th</sup> July 2020
<b>Date of Site Inspection</b>	15 <sup>th</sup> June 2020
<b>Inspector</b>	Rachel Gleave O'Connor

## 1.0 Introduction

- 1.1. 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 is located to the south and rear of Abingdon House, a Protected Structure built in 1758 formed of a detached five-bay two-storey house. The site itself historically formed grazing lands for Abingdon House, but now forms a distinct landholding area. As a result, the site is greenfield in character, undeveloped and with a large number of mature trees to all boundaries. Centrally, the site is formed of a grass field. There is a gentle change in level experienced from the east to the west of the site. There is no public access to the site.
- 2.2. The site is bound by a public footpath and green links for the Rathsallagh Grove residential estate to the south, a two storey residential dwelling and Shanganagh Road to the west, a residential dwelling and Abingdon House with associated lands to the north and Clifton Park residential estate to the east.

## 3.0 Proposed Strategic Housing Development

- 3.1. The proposed development involves 194 no. apartments as follows:

Unit Type	Number	Total
Studios	24	12.4%
1 bedroom	94	48.5%
2 bedroom	4 (3 persons)	39%

	72 (4 persons)	
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The development has a stated net residential density of c. 138 units/ha based on a development area of c. 1.46 ha. The development scheme comprises the construction of Build to Rent (BTR) units and can be described as follows:

- 194 no. apartments within 4 no. blocks ranging in height from 5 to 8 storeys;
- A pavilion building within the public open space along with residential amenities including gym, playgrounds, meeting rooms and work spaces and barbeque areas;
- Provision of a total of 124 no. car parking spaces (38 no. are surface parking and 86 are podium parking);
- 344 no. residential bicycle parking spaces along with a further 39 no. visitor bicycle parking spaces, and 6 no. motorcycle spaces;
- Vehicular connection via Clifton Park. Along with two additional pedestrian/cyclist accesses to Rathsallagh Grove to the south;
- All associated site development works and services provisions including bin storage areas, substations/switch rooms, plant rooms, boundary treatments and landscaping.

## 4.0 Planning History

- 4.1. The subject site has not been the subject of any planning applications and there are no recent relevant applications in the immediate area.

## 5.0 National and Local Planning Policy

### 5.1. Section 28 Ministerial Guidelines

- 5.1.1. Having considered the nature of the proposal, the receiving environment and 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) 2009
- Design Standards for New Apartments Guidelines for Planning Authorities 2018
- Design Manual for Urban Roads and Streets (DMURS) 2019
- The Planning System and Flood Risk Management (including the associated Technical Appendices) 2009
- Childcare Facilities Guidelines for Planning Authorities 2001
- Urban Development and Building Heights Guidelines for Planning Authorities 2018
- The Architectural Heritage Protection Guidelines for Planning Authorities

## 5.2. **National Planning Framework**

5.3. The NPF seeks to achieve compact urban growth by targeting a greater proportion (40%) of future housing development to be within and close to the existing 'footprint' of built-up areas and plans for growth of 490,000 to 500,000 people in the Eastern and Midlands Region.

5.4. The 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.

5.5. 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.

5.6. 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.

## 5.7. **Dun Laoghaire Rathdown County Development Plan 2016-2022**

- 5.7.1. Zoning: The site is zoned 'Objective A' – To protect and/or improve residential amenity. The site is also zoned 'To protect and preserve Trees and Woodlands' towards the middle of the northern boundary. To the south of the site and outside of the red line development area, lands are zoned 'Objective F' – To preserve and provide for open space with ancillary active recreational facilities. The sites eastern boundary is also on the verge of the Coastal Zone Fringe under the Dun Laoghaire Rathdown Building Heights Strategy.
- 5.7.2. General: The Dun Laoghaire Rathdown County Development Plan 2016-2022 contains the planning policies applicable to the site. Section 1 outlines that the Council is required to deliver c.30,800 units over the period 2014 – 2022. It is stated that the Council is seeking to secure this objective with 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.
- 5.7.3. 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.
- 5.7.4. 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.
- 5.7.5. Section 3.3.8 describes the need for investment and renewal in the centre of Blackrock, to be coordinated through the Local Area Plan.
- 5.7.6. Section 4.2 considers Open Space and Recreation including Policy OSR5: Public Open Space Standards.
- 5.7.7. Section 7.1.3 refers to Community Facilities including Policy SIC11: Childcare Facilities.

5.7.8. Section 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. Section 8.2.11.2 relates to Architectural Heritage – Protected Structures, and part (iii) Development in Proximity to a Protected Structure. Policy UD2 requires Design Statements for all medium to large developments, and UD6 refers to Building Height Strategy.

## 6.0 Forming of the Opinion

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

### 6.2. Documentation Submitted

6.2.1. The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. This information included, inter alia, the following:

- Application Form for a Section 5 Pre-Application Consultation Request in respect of a Strategic Housing Development and attachment letter from Irish Water;
- Cover letter;
- Statement of Consistency / Planning Report;
- Statement of Material Contravention in respect to proposed building heights;
- EIA Report;
- Architectural Drawings and Schedule, Housing Quality Assessment and Architectural Design Statement;
- Part V plans, cover letter and estimate of costs;
- Landscape Drawings and Landscape Report;

- Minutes of the s247 meeting and response;
- Cover letter to DLR CoCo;
- Engineering, public lighting, utility drawings;
- Site Specific Flood Risk Assessment;
- Engineering Planning Report;
- Mobility Management Plan;
- Outline C&D Waste Management Plan;
- Outline Construction Management Plan;
- Operational Waste Management Plan;
- Traffic and Transport Assessment;
- Utility Report;
- Sustainability and Energy Report;
- Public Lighting Report;
- Sunlight and Daylight Access Analysis;
- Ecological Technical Note;
- Archaeological and Architectural Heritage Assessment.

6.2.2. 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.

6.2.3. I have reviewed and considered all of the above-mentioned documents and drawings.

### 6.3. **Planning Authority Submission**

6.3.1. 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 copy of their section 247 consultations with the prospective

applicant and also their opinion in relation to the proposal. The planning authority's 'opinion' included the following matters:

- The site has a central location and benefits from access to a wide variety of public transport. The principle of a 'Build to Rent' residential infill development at this site is acceptable, with concerns noted in relation to the height of some elements of the proposal relative to neighbouring property, in particular to the east, north and west.
- As detailed in SPPR7 (a) of the 2018 Apartment Guidelines the applicant must be accompanied by a proposed covenant or legal agreement which stipulates that the development remains owned and operated by an institutional entity and that this status will continue to apply for a minimum period of not less than 15 years and that similarly no individual residential units are sold or rented separately for that period. It is noted that the Applicant has not submitted any information regarding the proposed covenant or legal agreement.
- A rationale or evidence based justification that the proposed resident support facilities and resident services and amenities are appropriate for the intended rental market at this location and accord with SPPR 7 (b) of the 2018 Apartment Guidelines. As well as clear specification of the facilities as either support facilities or support services and amenities. In this regard, there is an obligation on the proposer of the Build to Rent scheme to demonstrate this to the planning authority and this should form part of any future planning application.
- From the plans and particulars submitted, it is unclear where the laundry facilities referred to are located. Furthermore, it is not clear from the plans where the concierge and management facilities or maintenance / repair services space are located.
- Concerns with regard to the internal configuration and layout of the supporting communal and recreational amenities. Other than bicycle storage and waste management facilities, there are no residential facilities shown within Block A, Block C or Block D.
- The scheme does not meet the requirement under SPPR 4 to provide a minimum 50% dual aspect apartments.



- Encourage the provision of internal floor to ceiling heights of a minimum 2.7m at upper levels throughout the scheme.
- A letter of consent is required from Dun Laoghaire Rathdown County Council as land owner of lands to be used as part of access arrangements.
- There are no photomontages or contextual drawings showing the proposed development in the context of the Protected Structure.
- The provision of, or indication of, a potential future connection to lands to the norther should be investigated to facilitate future permeability in the area.
- Concern regarding the abrupt transition in height between the existing dwellings along Clifton Park, Abingdon House to the north which is a Protected Structure and the dwellings to the west.
- Concern that the new development may result in serious visual and overbearing impact on these adjoining residential properties.
- The proposed development, by reason of its scale, bulk and massing would appear overbearing relative to its general context and to the existing residential dwellings. Therefore the Planning Authority is not satisfied that the proposal will not unreasonably compromise existing residential amenity of the existing adjoining properties.
- A review of the need for a childcare facility on the site is required.
- Details of areas to be taken in charge and management company details should be submitted.
- Concern regarding the impact upon trees adjacent to the main access road.
- Need to adhere to Part V requirements, respond to Drainage Planning comments, address Transportation Planning comments, adhere to Environmental Enforcement requirements and respond to issues raised by Public Lighting Section.

#### 6.4. **Irish Water**

- 6.4.1. The submission from Irish Water (dated 21<sup>st</sup> May 2020) states that it has issued a Confirmation of Feasibility for a proposed 1200 no. residential units at this site subject to the following:

- In order to accommodate the proposed water connection at the premises, upgrade works are required to extend the length of the Irish Water network for approx. 13m.
- In order to accommodate the proposed wastewater connection at the premises, upgrade works are required to extend the length of the Irish Water network for approx. 70m.

Should the developer wish to progress with the upgrade works they are required to contribute to the costs for the required upgrades which would be carried out by Irish Water.

## 6.5. Consultation Meeting

- 6.5.1. A section 5 Consultation meeting took place via a video conference on the 9<sup>th</sup> June 2020. 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.
- 6.5.2. The main topics raised for discussion at the tripartite meeting were based on the Agenda that issued in advance and contained the following issues:
1. Height / design and associated potential impact upon the area;
  2. Visual relationship with Abingdon House;
  3. Residential amenity within the proposed development (particularly in relation to podium access, residential amenities, facilities, services);
  4. Landscaping and permeability / access routes;
  5. Car Parking;
  6. Drainage;
  7. Creche demand and supply; and
  8. AOB.
- 6.5.3. In relation to the height / design and associated potential impact upon the area, ABP representatives sought further elaboration / discussion on:
- The height strategy for the proposed development on the site.
  - The protection of adjoining residents' amenity, specifically in relation to the separation distances to boundaries and neighbouring dwellings.

- The detail of tree protection where blocks are situated close to trees identified for retention.

Further ABP comments:

- The gradual change in levels across the site is slight and will not impact how visible the development is.
- Clarify the exclusion and set back of the development from tree canopies.
- Detail the tree protection zone and how development close to these zones will ensure preservation of trees.
- Explain how the trees will co-exist with residents where windows / balconies are located close to tree canopies.
- Consider a reduction of the footprint of the building, to situate it further away from the north west boundary, protecting trees and the future development potential of sites to the north.
- Have regard to the Coastal Zone Fringe and provisions of the DLRCC Building Height Strategy in the Design Statement Document.

6.5.4. In relation to visual relationship with Abingdon House, ABP representatives sought further elaboration / discussion on:

- Potential impact on the Protected Structures, Abingdon House to the north of the site and Shanganagh Park House further to the south.

Further ABP comments:

- A Heritage Report is required to describe potential impacts upon the Protected Structures.
- Outline how the proposed development sits in conjunction with these Protected Structures with verified views, CGIs and wire lines.

6.5.5. In relation to residential amenity within the proposed development, ABP representatives sought further elaboration / discussion on:

- How will access to the podium levels via external stairs be controlled.
- Confirmation of the percentage of dual aspect units being provided.

- What determined the selection of units to test sunlight/daylight analysis.
- Confirmation of the location of residential facilities.
- How will the pavilion amenity space be managed and who will access it.

Further ABP comments:

- Examine the justification for a 33% minimum for dual aspect units, the apartment guidelines indicate this is appropriate where a site is located close to public transport AND employment areas.
- The figure of 50% for dual aspect units relates to all other sites.
- Any areas that are publicly accessible cannot be described as being a residential amenity space.
- If podium gardens are to be publicly accessible an explanation is required of how this will be managed.
- Detail the daylight and sunlight analysis on each floor until it can be shown that all units meet BRE target values, at which point floors above may not require testing.

6.5.6. In relation to landscaping and permeability / access routes, ABP representatives sought further elaboration / discussion on:

- Description of what spaces are public and what spaces are private in the development.
- The proposed landscaping treatment of the podium edge.
- Tree protection approach.
- Potential for access to the north in future.

Further ABP comments:

- A plan is required with associated commentary to explain the distinction between public and private.
- Outline where and how access is controlled in the landscape.
- Detail the treatment of the podium edge and how this will appear after completion, 1 year, 2 year etc.

- Cross reference the tree protection plan with the construction management plan.
- Show access to the north.

6.5.7. In relation to car parking, ABP representatives sought further elaboration / discussion on:

- Levels of proposed car parking.
- Visual appearance and quantum of surface parking.

Further ABP comments:

- Justify the proposed car parking rate with reference to the characteristics of intended occupiers.
- Detail the travel distance to surrounding employment areas.
- A rationale is required for the quantum and visual impact of the proposed surface car parking spaces.
- The EV rate of 10% is low.

6.5.8. In relation to drainage, ABP representatives sought further elaboration / discussion on:

- Outstanding issues regarding drainage.

Further ABP comments:

- Drainage details should be submitted at application stage.

6.5.9. In relation to creche demand and supply, ABP representatives sought further elaboration / discussion on:

- Rationale for no proposed creche.

Further ABP comments:

- Submit a creche assessment and justification.

6.5.10. In relation to any other matters ABP representatives sought further elaboration / discussion on:

- Investigate potential for incorporating a number of Sheffield stands alongside stacked storage.

- Accommodate different bicycle sizes.

6.5.11. 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 ABP-307097-20' 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.

## 7.0 Conclusion and Recommendation

- 7.1. Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 7.2. I have examined all of the information and submissions before me including the documentation submitted by the prospective applicant, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the section 28 Ministerial Guidelines, and local policy, via the statutory development plan for the area.
- 7.3. Having regard to all of 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.
- 7.4. I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

## 8.0 Recommended Opinion

- 8.1. An Bord Pleanála refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.
- 8.2. Following consideration of the issues raised during the consultation process and having regard to the opinion of the planning authority, and submissions received from statutory consultees referred to under Section 6(10) of the Act, 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.
- 8.3. Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission:
1. Rationale for the proposed height of the development which should include consideration of the DLRCC Building Height Strategy and the Costal Fringe Zone.
  2. Submission of an Architectural Impact Assessment having regard to potential impact upon the Protected Structures at Abingdon House and Shanganagh Park House. It is required that any documentation complies with 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 built heritage.
  3. A tree survey to be provided, to include trees outside of the boundary but proximate to the proposed construction works. Clarification of how the siting of

buildings will ensure the preservation of trees, particularly in relation to the block closest to the north west boundary. Tree protection measures should be explained in detail.

4. A plan showing separation distances between the development and to existing dwellings should also be included, annotating key distances to boundaries, buildings and windows. Careful consideration is required of an appropriate set back to the north west boundary.
5. Overshadowing and daylight/sunlight analysis of potential impact on adjoining residential dwellings and areas. Daylight/Sunlight analysis, should also be submitted showing an acceptable level of residential amenity for future occupiers of the proposed development; within the proposed residential units, in private and shared open space, and in public areas within the development. The methodology should include analysis of all units on each floor in accordance with BRE Guidelines.
6. A Housing Quality Assessment with regard to relevant national and local planning policy on residential development. In relation to dual aspect, an explanation should be provided around the proportion to be achieved as a minimum, which should comply with the parameters set out in the 'Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities' (2018). Only those units with a 'true' dual aspect should be considered to contribute to achieving the minimum quantum required. (A 'true' dual aspect is a unit with at least two separate windows on different walls, without an immediate obstruction).
7. Comprehensive landscaping proposals to be submitted. Detail of the landscaping of podium areas to include planting depths, irrigation method and maintenance regime. Usability of podium gardens for residents to be considered with definition of spaces for different types of use i.e. BBQ, exercise, play and quiet areas. The visual appearance of surface car parking should also be clarified, alongside any associated screening.



8. A plan of the proposed open and communal spaces clearly delineating public, semi-private and private spaces should be provided, as well as a detailed breakdown of the total area of same. Security and management arrangements for access to semi-private and private spaces should be clarified. Resident amenities should not be publicly accessible.
9. A schedule and associated plan, describing the internal and external resident amenities and facilities to be incorporated into the development, in accordance with the definitions under SPPR 7 of the 'Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities' (2018).
10. Landscape and Visual Impact Assessment with photomontages, to include, consideration of visual impacts on the surrounding residential areas.
11. A building life cycle report shall be submitted in accordance with section 6.3 of the 'Sustainable Urban housing: Design Standards for New Apartments (2018)'. The report should have regard to the long term management and maintenance of the proposed development.
12. Traffic and Transport Impact Analysis, to be prepared in consultation with Dun Laoghaire Rathdown County Council.
13. Road Safety Audit and Quality Audit.
14. Rationale for proposed childcare provision (or omission of same) with regard to, inter alia, the 'Childcare Facilities Guidelines for Planning Authorities', circular letter PL 3/2016, and the 'Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities' (2018), to provide details of existing childcare facilities in the area and demand for childcare provision within the proposed scheme. The applicant is advised to consult with the relevant Childcare Committee in relation to this matter prior to the submission of any application.
15. AA Screening Report.
16. Water infrastructure proposals to meet the requirements outlined in the submission on file of Irish Water dated 21<sup>st</sup> May 2020.

8.4. 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. Irish Water
5. Transport Infrastructure Ireland
6. National Transport Authority
7. 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.

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Rachel Gleave O'Connor

Planning Inspector

17 July 2020