



An  
Bord  
Pleanála

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

### **Inspector's Report on Recommended Opinion ABP-307176-20**

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<b>Strategic Housing Development</b>	222 no. apartments and associated site works.
<b>Location</b>	Former Swiftcall Site, Merrion Road, Booterstown, Co. Dublin.
<b>Planning Authority</b>	Dublin City Council South
<b>Prospective Applicant</b>	Lamtos Unlimited Company.
<b>Date of Consultation Meeting</b>	4 <sup>th</sup> September 2020.
<b>Date of Site Inspection</b>	1 <sup>st</sup> September 2020.
<b>Inspector</b>	Daire McDevitt

## Contents

1.0 Introduction .....	3
2.0 Site Location and Description .....	3
3.0 Proposed Strategic Housing Development .....	4
4.0 Planning History.....	7
5.0 Policy Context.....	9
6.0 Section 247 Consultation(s) with the Planning Authority.....	12
7.0 Submissions received.....	13
_Toc2560000148.0 Forming of the Opinion.....	13
9.0 The Consultation Meeting.....	20
11.0 Conclusion and Recommendation.....	24
10.0 Recommended Opinion .....	25

## **1.0 Introduction**

Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

## **2.0 Site Location and Description**

The site is located on the Merrion Road opposite Elm Park, close to the administrative boundary with Dun Laoghaire Rathdown County Council. The Dublin to Wexford train line runs to the east of the site. At present the former Swiftcall centre occupies the site with a large office building (Merrion House) located to the north of the site and a surface car to the south on lands in the applicant's ownership. It is c. 5km south from Dublin city centre, Booterstown DART station is c. 500m to the south, Sydney Parade DART station c. 1km to the north.

The site (No. 294 Merrion Road) comprises a single and part two storey office building (Swiftcall), no longer in use and boarded up. The building is in poor repair and exhibits a large quantity of graffiti. The building has a degree of car parking associated with it, however, there is a large quantity of car parking within the wider site area. The site can be accessed directly from the Merrion Road by both vehicles and pedestrians. The site boundaries to the wider car parking areas are as follows: the eastern boundary comprises a low concrete wall, the southern boundary comprises a hedge and tree line. The boundary to the Merrion Road comprises a low boundary wall with integrated seating and hedging. There are three existing vehicular entrance to the applicant's larger landholding.

The site adjoins Dublin Bay (SAC and SPA) and is to the north of Booterstown pNHA.

### **3.0 Proposed Strategic Housing Development**

3.1 The proposed development comprises the following elements:

- The demolition of the former Swiftcall building.
- The construction of 222 apartments in four blocks (6 to 10 storeys)
- 155 car parking spaces (151 at basement level and 4 at surface level).
- 468 bicycle spaces (354 at basement level and 112 at surface level)

3.2 The following details as submitted by the prospective applicant are noted:

<b>Parameter</b>	<b>Proposal</b>
<b>Site Area</b>	0.86 hectares
<b>No. of Units</b>	222 Apartments
<b>Demolition</b>	Swiftcall office building
<b>Density</b>	258uph
<b>Height</b>	Block A 8 storeys Block B 10 storeys Block C 6 storeys Block D 10 storeys
<b>Communal Amenities</b>	c.367 sq.m (conciierge, gym. Coworking area, meeting/dinning room, parcel room)
<b>Part V</b>	22 units

<p><b>Open Space</b></p>	<p><b>Communal Open Space</b> (c. 2484sq.m, c.29%):</p> <ul style="list-style-type: none"> <li>• North communal landscaped areas (c.717sq.m).</li> <li>• Central courtyard (c.1767sq.m). Podium courtyards with sunken rain gardens adjacent to the Nutley stream.</li> </ul> <p><b>Public Open Space</b> (c.3276sq.m, c.38%):</p> <p>Civic Plaza adjacent to Merrion Road (c.1002sq.m)</p> <p>South facing landscaped corridor (c.2274 sq.m), includes Z9 lands.</p>
<p><b>Car Parking</b></p>	<p><b>Proposed:</b></p> <p>155 spaces (4 surface and 151 basement)</p> <p>[during construction phase 105 spaces associated with Jacobs lease (to 2027) of Merrion House will be located on the southern portion of the site, when the basement construction is completed these will be moved to the basement]</p> <p><b>Interim (to 2027):</b></p> <p>51 (residents), 37 (Jacobs Office) and 68 dual use.</p> <p><b>Post 2027:</b></p> <p>111 (residents), 37 (office) and 8 visitor/car club.</p>

Bicycle Parking	468 (112 surface and 354 at basement level)
Access	Replace 3 vehicular access off Merrion Road to the overall landholding with 1.

3.3 The breakdown of unit types as submitted by the prospective applicant is as follows:

Unit type	studio	1 bed	2 bed (3P)	2 bed (4P)	Total
<b>Apartments</b>	1	110	16	95	222
<b>% of total</b>	0.45	49.55	7.21	42.79	100

#### 4.0 Planning History

The site is forms part of a wider landholding that comprises Merrion House, the former Swiftcall building and surrounding authorised 201 car parking spaces.

##### **Prospective Applicant's Landholding (Merrion House & former Swiftcall building)**

**PA Ref. VS/0772. ABP 302128-18** refers to a section 11(3) appeal against a notice under section 11(1). It was determined that the site is no longer a vacant site and Entry onto the Register cancelled.

**PA Reg. Ref 1514/01.** Permission for extension to Merrion House (not implemented).

**PA Reg. Ref 2552/99.** Permission for advertising signs.

**PA Reg. Ref 1940/99.** Permission for signage.

**PA reference 1860/99.** Permission for new traffic control barriers at both entrances.

**In the vicinity:**

**Site to the South:**

**PA Reg. 4514/19** refers to a current application for a new recreational building/interpretive centre and associated biodiversity measures. Further Information request issued on a number of issues including inter alia details of operators of the proposed centre, extensive environmental and ecological investigations, compliance with Habitats Directive, feasibility of construction methods proposed, , implication for BusConnects Corridor, Drainage, details pertaining to how an integrated constructed wetland can be incorporated into flood protection measures, etc

**Elm Park:**

**PA Reg. Ref 3743/19 (ABP Ref. 307424-20)** refers to a current appeal for a part 3, part 4, part 5, part 7 and part 9 storey residential building (73 apartments) to the south of 'The Links' building at Elmpark Green. Decision due 27<sup>th</sup> October 2020.

**PA Reg. Ref. 2773/14 (ABP Ref. 243763)** refers to retention of revisions to Reg. Ref. 1539/02 relating to change of use from hotel and private hospital to office use.

**The Tara Towers Hotel, Merrion Road:**

**PA Reg. Ref. 3608/17** refers to a 2017 grant of permission for the demolition of all existing buildings and structures and construction of a new mixed use building ( 1 to 9 storeys over basement) comprising replacement hotel (140 bedrooms) and 57



residential units fronting onto Merrion Road, 5 no. 3 storey townhouses and 4 storey apartment block (8 units) fronting onto Bellevue Avenue.

**Gowran Motors:**

**Compound site (No. 169-177 Merrion Road, D4):**

**PA Reg. Ref. 4477/19** refers to a June 2020 of permission for demolition of existing buildings and construction of 2 apartment blocks (2 to 5 storeys) comprised of 43 apartments and ancillary.

**Gowran Motors site (143 Merrion Road, D4):**

**PA Ref. No 4240/19 (ABP Ref 306756-20)** refers to a July 2020 grant of permission for demolition of car showroom buildings and construction of 1 apartment block (up to 6 storeys over basement) comprised of 63 units.

## **5.0 Policy Context**

### **5.1 National**

#### **Project Ireland 2040 - National Planning Framework**

National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

National Planning Objective 13: In urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

National Policy Objective 27: 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.

National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

### **Section 28 Ministerial Guidelines**

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

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) and the accompanying Urban Design Manual: A Best Practice Guide (2009)
- Sustainable Urban Housing: Design Standards for New Apartments (2018)
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018)
- Design Manual for Urban Roads and Streets (2013). Interim Advice Note- Covid 19 (May 2020).
- The Planning System and Flood Risk Management (including the associated 'Technical Appendices') (2009)
- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme

## **5.2 Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031**

Under the RSES a Dublin Metropolitan Area Strategic Plan (MASP) has been prepared to manage the sustainable and compact growth of Dublin. The aim of the Dublin Metropolitan Area Strategic Plan is to deliver strategic development areas identified in the Dublin Metropolitan Area Strategic Plan (MASP) to ensure a steady supply of serviced development lands to support Dublin's sustainable growth.

### 5.3 Local Planning Policy

#### Dublin City Development Plan 2016-2022

The site bulk of the site is on lands zoned under Z10 land Use objective with a portion of the southern section the subject of Z9 land use zoning objective.

**Zoning Objective Z10** with the objective *to consolidate and facilitate the development of inner city and inner suburban sites for mixed uses with residential the predominant use in suburban locations and offices/retail/residential the predominant uses in inner city areas.*

**Zoning Objective Z9** with the objective *preserve, provide and improve recreational amenity and open space and green networks.*

The site is located on lands identified as **Flood Zone A**

Chapter 16: Development Standards: Design, Layout, Mix of Uses and Sustainable Design.

Section 16.10: Standards for Residential Accommodation.

Policy SC25 – To promote high standards of design

Policy QH18 – To promote the provision of high-quality apartments

Section 16.7.2 of the Development Plan includes height limits for development, including a 16m restriction for development in the Outer City and a 24m restriction for development within 500m of rail hubs.

Section 16.10.1 Residential Quality Standards – Apartments – sets out standards to be achieved in new build apartments.

Policy QH8 seeks *“To promote the sustainable development of vacant or under-utilised infill sites and to favourably consider higher density proposals which respect the design of the surrounding development and the character of the area”*.

Flood Risk Management policies and objectives

**Variation 7** Dublin City Development Plan (adopted March 2020):

The purpose of this Variation is to incorporate the National Planning Framework (NPF) and the Regional Spatial Economic Strategy (RSES) into the City Development Plan 2016 – 2022, in accordance with Section 11 (1) (b) (iii) of the Planning and Development Act, 2000, as amended. This is in order to align national, regional and local policy objectives.

- Dublin city in its entirety lies within the Dublin Metropolitan Area Strategic Plan (MASP) area and the RSES's give direction to Dublin city as the 'global gateway' for high-intensity clusters, brownfield development, urban renewal and regeneration. The RSES settlement strategy for the metropolitan area includes a strong policy emphasis on the need to gain maximum benefit from existing assets, such as public transport and social infrastructure, through the continuation of consolidation and increasing densities within the existing built footprint of the city.
- Assuming an average occupancy rate of two persons per residential unit, the housing requirement for the 2016 – 2022 period is between c.21,000 – 26,500 units over a 6 year period. The Development Plan provides capacity to exceed this figure in the Housing Strategy for the Development Plan period 2016–2022, in order to accommodate longer-term sustainable growth. From the above analysis, and particularly because there is capacity in excess of the required population and housing figures (see housing strategy below), it is concluded that the policies and objectives of this Dublin City Development Plan remains consistent the high-level national and regional policies.

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

- 6.1. It is stated by the prospective applicant that a number of pre-application consultation meetings took place with the planning authority, including on 23<sup>rd</sup> February 2020 and 11<sup>th</sup> March 2020, full details of which are included in the submitted Planning Statement and Planning Authority Opinion.

## **7.0 Submissions Received**

### **Irish Water (15<sup>th</sup> June 2020):**

Confirmation of Feasibility for 250 units issued subject to the proposed development as assessed for the Confirmation of Feasibility is a standard connection, requiring no network or treatment plant upgrades for water or wastewater connections to service the development.

All surface water from the development has to be separated and discharged to the nearby storm system,

All development to be carried out in compliance with Irish Waters Standards Codes and Practices and any proposals by the applicant to build over or divert existing water or wastewater services shall be submitted to Irish Water for written approval prior to work commencing.

## **8.0 Forming an Opinion**

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

### **8.2 Prospective Applicant's Case**

#### 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 included inter alia Planning Report and Statement of Consistency (including Description of Possible Effects on the Environment and EIAR Screening), Architectural Drawings, Architectural Design Statement, Part V

proposals, Schedule of Accommodation, Housing Quality Assessment, CGI and Photomontages (part of Design Statement), Engineering Drawings and Preliminary Engineering Report, DMURS and Transport Statements, Flood Risk Statement of Consistency, Landscape Drawings, Ecological Technical Note, Irish Water Confirmation of Feasibility, copy of DCC correspondence, etc.

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. This statement has been submitted, as required.

I have reviewed and considered all of the documents and drawings submitted.

### **8.3 Planning Authority Submission**

8.3.1 In compliance with section 6(4)(b) of the Act of 2016 the planning authority for the area in which the proposed development is located, Dublin City 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 15<sup>th</sup> June 2020 (with an addendum report submitted from Drainage Division on 17<sup>th</sup> June 2020).

8.3.2 Dublin City Council's written opinion includes a description of the site and proposed development, planning history, record of pre planning meeting, policy considerations, departmental reports, and an assessment of the proposed development. The content of the report is summarised as follows:

Design:

- Visual Impact due to the site's location and unobstructed views across Dublin Bay.
- The Planning Authority is satisfied with the overall design of the blocks and the materials proposed.

Childcare:

Need to justify/demonstrate why no childcare proposed. A Childcare Assessment is required.

#### Community Facilities:

- A Community Facility Audit is required.

#### Height:

- Up to 10 storeys (c.36.98m).
- The PA note reference to SPPR3 and location of the site in an area well served by public transport.
- A Landscape and Visual Impact Assessment will be submitted with the application.

#### Density:

- Site is located within walking distance of existing and planned key transport options and supports sustainable integrated land use and transport planning.
- Strategic employment and education centres are within reasonable commuting distance.

#### Quality of Apartments:

- All apartments exceed minimum size requirements.
- Adequate storage and private amenity space is provided.
- Non provision of 3 bed does not comply with CDP requirements but complies with national guidance.
- Concerns raised in relation to some units and proximity to bicycle parking area.
- Connecting element should be reconsidered to allow for more dual aspect units.
- Daylight/Sunlight assessment required.
- Residential amenity of a number of units in Block A raised (north facing) and the units which straddle the two blocks (A&B)

#### Residential Facilities:

- Proposals noted.

#### Communal Open Space:

- No details submitted for children's play areas.

#### Public Open Space:

- The CDP requires that 10% of the site is given over to public space, the applicant submitted that they are providing in excess of 10%.
- There is an existing tidal ditch running in an east west direction towards the middle of the subject site which would be removed to facilitate development of the site. This water feature is proposed to be relocated to the southern edge of the site to facilitate redevelopment of the site, retain the tidal attenuation capacity of this feature to be supplemented with dry ditches adjoining further west. This natural feature would have bio-diversity as well as surface, tide and floodwater capacity and serve as an attractive boundary condition between this site and the adjoining third party site to the south. A Landscaping Plan is submitted with this submission.

#### Visual Implications:

- The applicant has submitted a large number of photomontages, which shows the proposed development in context. The Planning Authority consider that these accurately reflect the development and that they have identified particular important locations. The most prominent location is from Sandymount Strand, but this is in the context of being directly opposite the Elm Park. The trees in Booterstown Marsh help to screen the buildings when going north. It should be noted that the current application adjoins the site for Ref. 4519/19 where planning permission has been applied for a five storey recreational and interpretive centre. Extensive further information has been requested, on this application and the response is yet to be received.

#### Flood Risk Assessment:

- The site is situated within a flood defended area. The prospective applicant states that they have consulted with the Drainage Division of the Planning Authority and it was agreed that a Stage 3 Detailed Site Specific Flood Risk Assessment shall be carried out and submitted with any application. A hydraulic model developed as part of this assessment will predict the flooding extents during relevant flood events arising from both fluvial and coastal flooding, inclusive of climate change.



#### Environmental Impact Assessment Report:

- The Planning Authority note that the proposed development does not fall into any of the categories that would result in it requiring an EIAR and refer to the Planning Report submitted.

#### Appropriate Assessment

- The Planning Report submitted notes that an AA screening report for the proposed development will assist the competent authority with discharging its statutory obligations with regards to AA. The AA screening report will identify whether the proposed development is expected to result in any likely significant effects on European sites in the vicinity. It further notes that at this stage it is unclear whether the proposed development will screen in for full Appropriate Assessment. The site is located adjacent to South Dublin Bay SAC and North Bull and Sandymount/Tolka Estuary SPA.

#### **8.3.4 Summary of Interdepartmental Reports (Addendum B) received with the PA Opinion on the 15<sup>th</sup> June 2020 and Addendum with Drainage Division Report received 17<sup>th</sup> June 2020.**

##### **Drainage Division (17<sup>th</sup> June 2020)**

A site specific flood risk assessment would be required addressing the following:

- Clarification if the proposed development is feasible as the site has been identified as been within Zone A
- Identification of the site specific flood risks
- Detail of the proposed mitigation measures
- Clarification on the amendments required to the proposed development submitted at pre consultation stage

Detail of the proposed Storm Water Impact Assessment referred to in the submission shall be provided.

### **Transport Planning Division (10<sup>th</sup> June 2020)**

A number of issues highlighted ranging from access arrangements, services and emergency access and implications for Merrion House, BusConnects and Works to Merrion Road, parking proposals.

### **Parks and Landscape Services Division (12<sup>th</sup> June 2020)**

- The site opens up the possibility of extending a strategic amenity connection from the open space lands stretching to Blackrock in the south towards the Merrion Gate area. In this regard, a north south reserve would be required through the application site and potential options are indicated in the report.
- Details of play areas required.

The Parks & Landscape Services Division have no objection to the development subject to appropriate discussion with the applicant on issues highlighted which may involve layout changes.

### **Parks and Landscape Services Division (Biodiversity Officer) (25<sup>th</sup> May 2020)**

This site is located directly adjacent to a Natura 2000 site, River Tolka Estuary and South Dublin Bay Special Protection Area for Birds, designated under the European Union Birds Directive. Due to the sensitivity of its location, the site should be screened in for Environmental Impact Assessment.

A review of the Ecological Technical Note indicates that the site of the proposed development has direct connectivity with the Natura 2000 site. The site's Zone of Influence includes the Natura 2000 site adjacent. In addition, due to the connectivity of this Natura 2000 site with other Natura 2000 sites in Dublin Bay, more widespread impacts cannot be ruled out at this stage and must be assessed. The report states that wintering birds surveys only took place in the second half of the winter migratory

season. There is only one migratory cycle surveyed. This is not best practice. Surveys are required to be comprehensive of the wintering bird season (September-March) and should be of two consecutive years to ascertain trends of site usage. Weekly bird surveys confined to February and March 2020 are inadequate to form a baseline for assessment. Desktop reviews should include reference to the Dublin City Council Biodiversity Action Plan and Invasive Alien Species Action Plan. Consultation should include discussions regarding biodiversity issues with: Parks, Biodiversity and Landscape Services in Dublin City Council; Parks Services, Dun Laoghaire-Rathdown County Council; National Parks and Wildlife Service; An Taisce, as lessees of Booterstown Marsh <https://www.antaisce.org/properties/booterstown-marsh>. The report refers to impacts on a “greenfield site”. It will be essential to ascertain the past land use history, soils, hydrology and geology of the site and to establish what portion(s) of the site are greenfield or are brownfield. This is particularly important with regard to assessment of impacts to the adjacent Natura 2000 site and hydrological connectivity with same.

### **Housing & Community Services (18<sup>th</sup> May 2020)**

Noted that there has been engagement with the housing department in relation to the proposal and that the developer is aware of the Part V obligations to this site if permission is granted.

## **9.0 The Consultation Meeting**

- 9.1. A Section 5 Consultation meeting took place online via Microsoft teams on the 4<sup>th</sup> September July 2020, commencing at 09.30 am. 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.
- 9.2. 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. Compliance with Z10 and Z9 land use objectives.
2. Residential Amenities.
3. Scale, massing, height, finishes and visual impact assessment
4. Car Parking Strategy
5. Transportation/BusConnects
6. Flooding.
7. Issues raised by the Parks and Landscape Services (report dated 12<sup>th</sup> June 2020) & the Senior Executive Parks and Landscape Officer (report dated 25<sup>th</sup> May 2020).
8. Childcare.
9. Any Other Business.

In relation to **compliance with Z10 and Z9 land use objectives**, ABP representatives sought further elaboration/discussion/consideration in relation to:

- It is stated that the proposal for 100% residential. Clarification on compliance with Land Use zoning objective Z10 which seeks mixed use with the predominant use residential in inner suburban areas.
- Compliance with Land Use Zoning Objective Z9 (Open Space)

In relation to residential amenities, ABP representatives sought further elaboration/discussion/consideration in relation to:

- Dual aspect.
- Access to daylight.
- Communal areas.
- CGIs, cross sections, detailed VIA

- Issues raised by DCC.

In relation to **scale, massing, height, finishes and visual impact assessment**, ABP representatives sought further elaboration/discussion/consideration in relation to:

- Justification/rationale for the design approach
- Capacity of the site to absorb the proposed scale, height and massing.
- Interface with public realm.
- Finishes and materials
- Visual Impact as very prominent site.

In relation to **Car Parking Strategy**, ABP representatives sought further elaboration/discussion/consideration in relation to:

- Proposed parking
- Interim and post 2027 parking arrangements
- Is Merrion House to be included within the site boundaries and implications for SHD
- Office car parking for Merrion House and SHD application

In relation to **Transportation**, ABP representatives sought further elaboration/discussion/consideration in relation to:

- Implications for Bus Connects and East Coast Trail Corridor

In relation to **Flooding**, ABP representatives sought further elaboration/discussion/consideration in relation to:

- Flood Zone A
- Reclaimed lands
- Existing tidal ditch.
- Proximity to Booterstown Marsh
- Basement Impact Assessment
- Impact on adjoining rail line, adjoining lands, roads, sensitive receptors/sites, etc
- Address Drainage Division Report (17<sup>th</sup> June 2020)
- Need to assess fluvial, pluvial, tidal

In relation to **Issues raised by the Parks and Landscape Services (report dated 12<sup>th</sup> June 2020) & the Senior Executive Parks and Landscape Officer (report dated 25<sup>th</sup> May 2020)**, ABP representatives sought further elaboration/discussion/consideration in relation to:

- Bird surveys
- Issues raised in reports
- Ecological Impacts.
- Implications on adjoining designated sites.

In relation to **Childcare**, ABP representatives sought further elaboration/discussion/consideration in relation to:

- Justification/rationale for not providing a childcare facility.
- Childcare audit required.

In relation to **any other business**, ABP representatives sought further elaboration/discussion/consideration in relation to:

- Liaise with DCC and NTA regarding Bus Connects.

- Liaise with DCC Drainage & Biodiversity Officer.
- Material Contravention Statement and Public Notices.
- Technical issues highlighted need to be fully addressed at application stage as there is no provision for further information under SHD,
- Ensure all documentation is submitted and correlates as no provision for further information under SHD.

The prospective applicant and the planning authority were given the 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 307176' 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.

## 10.0 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 applicants, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the section 28 Ministerial Guidelines and local policy via the statutory plans for the area.

Having regard to all of the above, 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.

## **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.**

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. Land Use Zoning**

Further consideration or justification of the documents as they relate to the quantum of residential development proposed at this specific location having regard the requirements of objective Z10 zoning relating to mix of land uses.

### **2. Design and Layout**

Further consideration and/or justification of the documents as they relate to the development strategy for the site in respect of the proposed height, scale and



massing of the proposal, having regard to its locational context. This should include a contextual layout plan which indicates the layout of adjoining developments (existing and proposed), photomontages and cross sections at appropriate levels, including details of how the proposed development interfaces with contiguous lands (within and outside the applicants landholding), adjoining roads and rail line.

In addition to the consideration of other national policy and guidelines, particular regard should be had to demonstrating that the proposal satisfies the criteria set out in section 3.2 and SPPR3 of the Urban Development and Building Heights, Guidelines for Planning Authorities (December 2018). The applicant should satisfy themselves that the design strategy for the site, as outlined in red, provides the optimal outcome for the subject lands.

In addition, further consideration and/or justification of the documents as they relate to the design and layout of the proposed development and the desire to ensure that the proposal provides a high quality, positive intervention at this prominent sensitive location. Particular regard should also be had to creating suitable visual relief in the treatment of elevations and interface with adjacent lands. An architectural report, urban design statement and additional CGIs/visualisations should be submitted with the application, together with a report that specifically addresses proposed materials and finishes to the scheme. The documents should also have regard to the long term management and maintenance of the proposed development and should include for a Building Lifecycle Report, as per section 6.13 of Sustainable Urban Housing: Design Standards for New Apartments- Guidelines for Planning Authorities (2018)

Furthermore, the layout should address the creation of vibrant, amenable and high-quality open spaces within the development.

The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage

### **3. Flooding**

Further consideration and/or justification of the documents as they relate to the matters raised by the planning authority in Drainage Division Report dated 17<sup>th</sup> June 2020 (Addendum B of their Opinion to An Bord Pleanála, received on the 15<sup>th</sup> and 17<sup>th</sup> June 2020). In this regard, further consideration and/or justification of the documentation as it relates to flood risk assessment and which includes a detailed analysis of fluvial, pluvial, tidal and groundwater and to ensure no adverse impacts on adjoining lands or designated sites.

The submitted flood risk assessment should demonstrate that the development proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk. The Flood Risk Assessment should be prepared in accordance with 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices'). Any assessment should include a detailed hydrological and hydrogeological assessment,

The applicant is advised to liaise with the planning authority in this regard, prior to the submission of any application.

In addition, further consideration and/or justification of the documents as they relate to the proposed basement. Further design details should be submitted which demonstrate that the proposed basement will be protected from flood inundation and that there are adequate pedestrian escape routes.

Furthermore, Ground Investigations should be carried out and report be submitted, this should include: i) depth of made ground throughout the site ii) map location of trial pits and iii) ground conditions in relation to proposed piling locations

Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

### **4. Ecology**

Further consideration/clarification of the documents as they relate to the potential effects on nearby designated sites (Natura 2000 and pNHA) with regard to their conservation objectives.

Address issues raised by the Parks and Landscape Services (report dated 12<sup>th</sup> June 2020) & the Senior Executive Parks and Landscape Officer (report dated 25<sup>th</sup> May 2020).

The further consideration of this issue may require an amendment to the documents and/or design proposals submitted relating to the proposed development.

## **5. Car parking**

Further consideration and/or justification of the documents as they relate to the proposed car parking strategy for the proposed development, having particular regard to the quantum of residential parking proposed, how it is intended to be assigned and managed and measures proposed to address shared carparking with the adjoining office development and visitor parking.

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 housing quality assessment which provides the specific information regarding the proposed apartments required by the 2018 Guidelines on Design Standards for New Apartments. The assessment should also demonstrate how the proposed apartments comply with the various requirements of those guidelines, including its specific planning policy requirements.

2. A detailed Sunlight, Daylight and Shadow Analysis.
3. Wind micro-climate study, including analysis of balconies, pedestrian areas and amenity areas.
4. A Landscape and Visual Impact Assessment, to include inter alia long views of the site from Bull Island. This should also include a map clearly showing the location and details of existing and permitted buildings in the general area over 6 storeys in height.
5. A report identifying the demand for school and crèche places likely to be generated by the proposal and the capacity of existing schools and crèches in the vicinity to cater for such demand.
6. Response to issues raised in Addendum B of Planning Authority Report, received 15<sup>th</sup> June 2020 and 17<sup>th</sup> June 2020, which includes the internal reports of the Parks & Landscape Services Division, Biodiversity Officer, Transportation Planning Division and Drainage Division.
7. A Draft Construction and Demolition Waste Management Plan.
8. Where the applicant considers that the proposed strategic housing development would materially contravene the relevant development plan or local area plan, other than in relation to the zoning of the land, a statement indicating the plan objective (s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format.
9. Information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 (if an Environmental Impact Assessment Report is not being submitted)

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. Transport Infrastructure Ireland
3. National Transport Authority
4. Department of Culture, Heritage and the Gaeltacht
5. Heritage Council
6. An Taisce
7. Coras Iompair Eireann
8. Commission for Railway Regulation
9. The relevant Childcare Committee
10. Dun Laoghaire Rathdown County Council.

**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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Dáire McDevitt  
Planning Inspector

18<sup>th</sup> September 2020