



An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion
307087-20**

Strategic Housing Development	Construction of 259 no. units, creche and associated site works.
Location	Kylemore House, Rockwinds, Smallacre and Woodlawn, Church Road; No. 43 Watson Road and No. 66 Watson Drive, Killiney, Co. Dublin.
Planning Authority	Dun Laoghaire-Rathdown County Council
Prospective Applicant	Crekav Trading GP Limited
Date of Consultation Meeting	14 th October 2020
Date of Site Inspection	25 th September 2020
Inspector	F. Fair

1.0 Introduction

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

2.0 Site Location and Description

- 2.1.1. The 2.4 ha application site is located to the south east of the Dublin Metropolitan Area, in the mature residential area of Killiney – approx. 17Km from Dublin City Centre. The site is located c. 3.5km to the south of Dun Laoghaire's town centre and c. 2.5km to the north of Cherrywood. The Killiney Shopping Centre and Sallynoggin village are located in excess of some 700m to the north of the site. Killiney village is located c. 1km to the northeast and Ballybrack village is located c. 800m to the southeast. A pedestrian link through the Watson Estate connects the subject site to Ballybrack Shopping Centre, which is located c. 500m to the southwest on Churchview Road.
- 2.1.2. The Cherrywood and Brides Glen Luas Stops are located c. 2km to the south of the subject site. Killiney DART station is located c. 1.2km to the east and a number of bus services operate in the area including the 7, 7a, 7b (Dublin Bus), 45a and 111.
- 2.1.3. Church Road (R118) runs along the eastern boundary of the subject site. This road links Dun Laoghaire to Wyattville Road which in turn links to the N11, Cherrywood and the M50. There are segregated cycleways and footpaths on Church Road and in the vicinity of the subject site. Church Road is identified as a 'Proposed Bus Priority Route' from Cherrywood to Dun Laoghaire and Blackrock.
- 2.1.4. The irregular shaped site is bounded by a number of residential properties on all sides, with 4 no. access points via Church Road, 1 no. access via Watson Road

(currently providing access to No. 43 only) and 1 no. access via Watson Drive (currently providing access to No. 66 only).

- 2.1.5. The site incorporates the former Kylemore Clinic and an amalgamation of several large plots with single dwellings including properties known as Rockwinds, Woodlawn, No. 43 Watson Road and No. 66 Watson Drive. The site also includes a property known as Smallacre which has recently been demolished in accordance with a Derelict Site Notice.
- 2.1.6. The overall site contains a number of mature trees and vegetation which will, wherever possible, be retained and incorporated into the proposed landscape scheme. The northern portion of the subject site is comprised of three adjacent properties – Rockwinds, Smallacre and Woodlawn. These properties include recessed entrances via Church Road. Also included in this northern portion of the subject site is No. 43 Watson Road, a detached bungalow with access via Watson Road.
- 2.1.7. The southern portion includes Kylemore House – the former Kylemore Clinic (nursing home) – and associated outbuildings with access via Church Road. St. Matthias Wood residential estate is located to the south of this site. Kylemore House is a large two storey over basement Victorian building with an associated gate lodge located at the site entrance at Church Road. Several extensions have been constructed on the northern side of the building. The Kylemore Clinic operated at this location between 1947 and 2009, when the charity sold the premises and relocated to a purpose-built facility in Rathfarnham. Kylemore House was formerly a listed building. This listing was removed due to the degree of interventions undertaken to facilitate the care home. The building is no longer a Protected Structure.
- 2.1.8. Also located in the southern portion of the site is No. 66 Watson Drive. This two storey, semi-detached residential property is accessed via Watson Drive and has a rear garden that adjoins lands associated with Kylemore House.
- 2.1.9. Generally, the eastern portion of the site is characterised by detached dwellings on large plots set back from Church Road behind high stone walls. The western portion is characterised by detached and semi-detached one and two storey dwellings along Watson Road and Watson Drive.

3.0 Proposed Strategic Housing Development

3.1.1. The proposed development will generally consist of the demolition of 4 no dwellings, No. 43 Watson Road, No. 66 Watson Drive, Rockwinds, Woodlawn and outbuildings/extensions to Kylemore House, Church Road to provide a residential development consisting of 259 no. units (comprising a mix of apartments and houses) together with:

- car and bicycle parking at basement and surface levels;
- a childcare facility;
- public open spaces; play areas;
- new/revised pedestrian and cyclist access onto Church Road, Watson Road and Watson Drive with vehicular access via new entrances on Watson Road;
- substations and all associated site works.

The proposed residential development will include:

- 8 no. apartment blocks,
- 9 no. houses,
- the renovation of Kylemore House and
- works to the associated gate lodge to provide a total of 259 no. units.

Northern Portion

The northern portion of the site has been designed around a new public plaza that connects Church Road to Watson Road. This new east west link will permit pedestrian and cyclist permeability through the site while restricting vehicular access to the proposed new entrance from Watson Road via No. 43. Four no. blocks (Blocks A1, B1, C1 and D1) will provide the main structure to this portion of the site and will frame communal courtyards that will intersect the proposed public plaza.

Landscaped public open space will be provided to the north and will include play facilities to serve future residents. A shared basement car park will be accessed via a ramp along the southern boundary of the northern portion of the subject site with pedestrian access via stair/lift cores, and cyclist access via a dedicated bicycle ramp.

The northern portion of the site will also include 5 no. 2 storey houses along the western boundary. An additional 2 no. 2 storey houses are proposed at No. 43 Watson Road. A childcare facility and associated outdoor play area will also be provided in the northern portion of the subject site.

Southern Portion

A public open space is proposed to the front of Kylemore House will be provided to protect the character and setting of this building in accordance with the Institutional objective that pertains to this portion of the subject site (see Section 8.14.2). A new public plaza will extend across the front of Kylemore House and intersect with a proposed new internal access road from a proposed vehicular entrance at the end of the Watson Road cul-de-sac.

A new pedestrian and bicycle link will be made through the site of No. 66 Watson Drive to maximise permeability and improve access to the west (including links to Ballybrack Shopping Centre). This link will carry through the site and will be overlooked by the proposed new house at No. 66 Watson Road and Blocks C2, C3 and C4.

The existing entrance to Kylemore House from Church Road will serve the gate lodge and existing dwellings at St. Matthias' Wood only. This entrance may also be used by emergency services.

Pedestrian access to the proposed shared basement carpark serving the southern portion of the subject site will be via lift/stair cores serving the proposed apartment blocks. A dedicated bicycle ramp will be provided for the convenience and safety of cyclists.

- 3.1.2. A Material Contravention statement has been submitted with regards to building height. The Material Contravention statement submitted with the pre application states:

- 3.1.3. Given the height and density of the proposed development it may be considered that the proposed development represents a material contravention to the Development Plan.
- 3.1.4. With respect to increased height and density, it is noted that the site is little over a kilometre from a DART station and the Development Plan's Zoning Map identifies Church Road as a proposed Quality Bus Corridor / Bus Priority Route, with a long term road upgrade proposal from Cherrywood to Dun Laoghaire which will provide enhanced connections with Luas. It is highlighted to the Board that the proposed development has been set back to provide a corridor to facilitate the future provision of these planned road upgrades by DLRCC. In this regard Policy Res 5 states that: "Where a site is located within circa 1 kilometre pedestrian catchment of a rail station, Luas Line, BRT, Priority 1 Quality Bus Corridor and / or 1 kilometre of a Town or District Centre, higher densities at a minimum of 50 units per hectare will be encouraged". It is submitted that increased densities on the site area is therefore appropriate and in line with Policy Res 5, which conflicts with Policy Res 3.
- 3.1.5. With specific regard to building height, the Building Height Strategy contained in Appendix 9 to the Development Plan states that the "maximum height (3-4 storeys) for certain developments clearly cannot apply in every circumstance. There will be situations where a minor modification up or down height could be considered. This includes the size of a site, e.g. 0.5ha or more, could set its own context for development and may have potential for greater building height away from boundaries with existing residential development." The proposed development will include apartment blocks up to 6 storeys. This is considered to be appropriate having regard for the size of the subject site at 2.41ha which allows for taller buildings to be provided away from existing neighbouring residential properties.
- 3.1.6. It is considered that the proposed development of this 2.41ha site, which incorporates a higher density than that indicated in the Development Plan at 107 units per hectare and a collection of buildings which range from 2 storeys to 6 storeys in height, is appropriate given its location within the Dublin Metropolitan Area, its proximity to services, the range of existing and planned public transport options (including a QBC along Church Road), planning precedent along Church Road and the overall design solution for the site.

- 3.1.7. As indicated, there are objectives within the Development Plan which seek to restrict building height and limit density. However, it is highlighted that generally these objectives allow some scope for these limits to be surpassed. It is unclear however the degree to which these levels may be exceeded, and whether or not these levels are acceptable, before representing a material contravention of objectives contained within the Development Plan.
- 3.1.8. Permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government.
- 3.1.9. The proposal represents an improvement on the permitted SHD at Kylemore House (ABP-301334-18) which provided up to 4-5 storey buildings at 42.6 units per hectare. In this regard, the proposed development reflects more sustainable heights and density achieved elsewhere in the area – most notably Churchview Road SHD (ABP-304823-19) where building heights up to 7 storeys with a density of 141 units per hectare were permitted.
- 3.1.10. It is submitted that the proposed development is in line with National policy, section 28 guidelines and evolving trends for sustainable residential developments in urban areas. It is therefore considered that sufficient justification exists for the Board to grant permission for the proposed development notwithstanding a material contravention of the Development Plan having consideration to section 37(2)(b) of the 2000 Act.

The following details are noted: **Table 1**

Parameter	Site Proposal
Application Site	4.41 ha
No. of Units	259 Units <ul style="list-style-type: none"> • 250 apartments • 9 Houses
Other Uses	A creche (c.248 sq. m), Community Floor Space (area not stated)
Residential Density	107 units / ha
Building Height	4 - 6 Storeys
Public Open Space provision:	7440 sq. m (25%) <ul style="list-style-type: none"> • Northern civic space: 1198sqm • Southern civic space: 1085sqm • Parkland space to front of Kylemore House: 1631sqm • Pedestrian links and public realm: 842sqm • Other gardens: 2684sqm
Car Parking	209 spaces (0.8 spaces per unit)
Bicycle Parking	446 spaces
Part V	26 Units
Dual Aspect	51%
Vehicular Access	Via Watson Road

Table 2: The breakdown of proposed residential unit types is as follows:

Type	No.	Percentage
Studio	1	1
1 bed	103	41
2 bed	135	54
3 bed	11	4
Total	730	100%

Note: 250 apartments and 9 dwelling units are proposed. Includes 7 new dwellings, one replacement dwelling and the renovated existing gate lodge building of Kylemore house. The above table includes:

- 5 three-bedroom terraced houses
- 2 three-bedroom detached houses
- 1 one-bedroom semidetached dwelling

4.0 **National and Local Planning Policy**

4.1.1. National

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

- National Planning Framework (NPF) is the Government’s high-level strategic plan for shaping the future growth and development of Ireland to the year 2040.
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual)
- Urban Development and Building Heights Guidelines for Planning Authorities (2018).
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (2018)
- Design Manual for Urban Roads and Streets (2013)
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009)
- Childcare Facilities – Guidelines for Planning Authorities (2001)

4.1.2. Local

4.1.3. The statutory Development Plan for the area is the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022.

4.1.4. The subject lands are zoned ‘Objective A’ which seeks *“to protect and/or improve residential amenity”*. Under this zoning objective, residential uses are ‘Permitted in Principle’. In this regard, it is submitted that the proposed residential development will be compliant with the zoning objective for the subject site.

4.1.5. The southern portion of the subject lands include an ‘Institutional’ objective associated with the former Kylemore Clinic. In relation to this objective, Section 8.2.3.4 (ix) of the Development Plan states that:

“Where no demand for an alternative institutional use is evident or foreseen, the Council may permit alternative uses subject to the area’s zoning objectives and the open character of the lands being retained”.

4.1.6. The Core Strategy of the Development Plan focuses on the “continued promotion of sustainable development through positively encouraging consolidation and

densification of the existing urban/suburban built form – and thereby maximising efficiencies from already established physical and social infrastructure”.

- 4.1.7. With regard for residential development, the Development Plan states that “*the majority of future population growth within the County needs to be accommodated in the Metropolitan urban area*”. To achieve this, the Development Plan promotes infill residential development within established residential areas and promotes higher density development at appropriate strategic nodes along existing or planned public transport corridors.
- 4.1.8. It is noted that the institutional objective relating to Kylemore House requires a minimum open space provision of 25% of the total site area to maintain the open character of the site. In this regard, it is submitted that a total of 25% of open space is provided across the subject site, with a 1,900sqm area located to the front of Kylemore House to protect and enhance the character of the historic setting.
- 4.1.9. The Development Plan’s Zoning Map also shows that a portion of the site is located within the area of influence of a Recorded Monument (ref. no. 026-009). This Recorded Monument is identified as an ‘earthwork site’. In 2018, three test trenches were mechanically opened across the subject site, one of which extended through the constraint circle associated with the monument (across the rear gardens of Rockwinds, Smallacre, and Woodlawn. Apart from a succession of French drains associated with Kylemore House, no archaeological deposits were recorded.

Policy RES5:

“Where distinct parcels of land are in institutional use (such as education, residential or other such uses) and are proposed for redevelopment, it is Council policy to retain the open character and/or recreational amenity of these lands wherever possible, subject to the context of the quantity of provision of existing open space in the general environs”

“Where a well-established institution plans to close, rationalise or relocate, the Council will endeavour to reserve the use of the lands for other institutional uses, especially if the site has an open and landscaped setting and recreational amenities are provided. Where no demand for an alternative institutional use is evident or foreseen, the Council may permit alternative uses subject to the zoning objectives of the area and the open character of the lands being retained.”

“A minimum open space provision of 25% of the total site area (or a population based provision in accordance with Section 8.2.8.2 whichever is the greater) will be required on Institutional Lands. This provision must be sufficient to maintain the open character of the site with development proposals structured around existing features and layout, particularly by reference to retention of trees, boundary walls and other features as considered necessary by the Council.”

“In the development of such lands, average net densities should be in the region of 35 - 50 units p/ha. In certain instances higher densities will be allowed where it is demonstrated that they can contribute towards the objective of retaining the open character and/or recreational amenities of the lands.”

5.0 Planning History

The following is a summary of the planning history on the subject site.

ABP-301334-18 On 25th June 2018, the Board granted permission for a SHD (ABP-301334-18) on the subject lands for a development comprising:

- Demolition of 4 no. dwellings (Rockwinds, Smallacre, Woodlawn and No. 66 Watson Drive) and outbuildings and extensions to Kylemore House; and
- Construction of a residential development with access onto Watson Road consisting of 102 no. units comprising 68 no. apartments, 13 no. courtyard units and 21 no. houses.

The permitted apartments are set out in 6 no. 4-5 storey blocks, with 6 no. additional apartment units contained in the renovated and extended Kylemore House. To the north and west of Kylemore House, single storey mews style dwellings and houses are provided in a courtyard layout.

The permitted development also includes:

- Replacement of 3 no. vehicular accesses onto Church Road with 2 no. pedestrian and cycle accesses;

- 63 no. car parking spaces consisting of 79 no. basement spaces and 84 no. surface spaces with new vehicular access via Watson Road;
- The demolition of No. 66 Watson Road to provide a new pedestrian and cyclist connection to the west and enable drainage infrastructure into the public services in Watson Estate; and
- The provision of ancillary and associated site development works including the provision of bicycle stores, bin stores, an ESB substation, landscaping, public lighting, boundary treatment works, services provisions, and associated plant.

The permitted scheme was designed to specifically address reasons for refusal in relation to the 2015 planning application for the subject lands under Reg. Ref. D15A/0778, PL06D.246228. It should be noted that the permitted scheme did not include No. 43 Watson Road as per the current application that is the subject of this Report.

Reg. Ref. D15A/0778 & PL06D.246228 On 8th August 2016, the Board upheld DLRCC's decision to refuse permission for a development on the subject lands comprising:

- Demolition of 3 no. dwellings (Smallacre, Rockwinds, and Woodlawn) and outbuildings and extensions to former Kylemore Clinic building;
- Replacement of 3 no. vehicular accesses onto Church Road with 1 no. pedestrian and cycle access;
- Construction of a residential development with access onto Watson Road containing 67 no. units including:
 - 20 semi-detached houses and 11 detached houses, all with off street car parking;
 - The redevelopment of Kylemore Clinic to accommodate 5 no. 2 bed apartments and 1 no. 3 bed apartments;
 - Construction of a 4 storey apartment block providing 28 no. units;
 - Redesign of No. 43 Watson Road to include an extension to the rear, resulting in a 3 bed house; and

– Redesign of the gate lodge associated with Kylemore House to include an extension to the rear, resulting in a 3 bed house.

- Provision of 130 car parking spaces at basement and surface level; and
- Associated, landscaping, boundary treatments, services provisions, plant and ancillary works.

It should be noted that the application did not include No. 66 Watson Drive as per the current application that is the subject of this Report.

The Board's reasons for refusal can be summarised as follows:

- 1) The proposed 4 storey apartment block and lack of quality open space would be contrary to the development plan's policies relating to the redevelopment of institutional lands and would have a negative impact on the setting of Kylemore House;
- 2) The proposed southern apartment block would be both visually and physically intrusive; and
- 3) The development could not be adequately accommodated into the existing public foul and surface water systems. In particular the Board was not satisfied that the foul drainage system in the wider area had sufficient capacity to accommodate additional flows from the proposed development.

Kylemore House

Reg. Ref. D05A/0008 Planning permission was granted by DLRCC on 1st March 2005 for the retention of railings, pedestrian and vehicular gates and low level walls to the former gate lodge at the main entrance to Kylemore Clinic.

Reg. Ref. D04A/1290 Planning permission was granted by DLRCC on 6th April 2005 for the consolidation and expansion of Kylemore Clinic to accommodate 6 no. staff bedrooms, 57 no. residential care bed spaces and ancillary medical services and uses.

Reg. Ref. D04A/1418 Planning permission was granted by DLRCC on 6th April 2005 for alterations to approved plans (under Reg. Ref. D02A/1218, PL06D.203680) to amend the number of permitted staff apartments to allow for 15 car parking spaces including 2 no. disabled spaces.

Reg. Ref. D02A/1218, APB Ref. PL06D.203680 Planning permission was granted by the Board on 26th June 2003 for the development of sheltered housing comprising 1 no. single storey block of 6 no. units and 1 no. 2 storey block of 4 no. units with 1 no. apartment unit for residential staff with landscaping, car parking and ancillary site development works.

Reg Ref. D02A/1314, APB Ref. PL06D.202189 Planning permission was granted by DLRCC for the demolition of the Kylemore Clinic building including nurse's accommodation and ancillary buildings to accommodate the development of a single storey 64 bed care centre. The Council's decision was appealed and subsequently refused by the Board on 11th July 2003.

Reg. Ref. D00A/1168, ABP Ref. PL06D.129011 Planning permission was granted by the Board on 16th August 2001 for the change of house type permitted under Reg. Ref. D99A/0333 from 5 no. 5-bed two storey house to 2 no. 6-bed two storey house with developed attic space and 2 no. 5-bed storey house with developed attic space.

Reg Ref. D99/0333 Planning permission was granted in 2002 for the development of 7 no. 2 storey detached houses at the Kylemore Clinic site.

SMALLACRE, WOODLAWN AND NO. 43 WATSON ROAD

Reg. Ref. D14A/0107, ABP Ref. PL06D.244194

Planning permission was granted by the Board on 6th November 2014 for a development consisting of: the demolition of Smallacre and Woodlawn; the replacement of 2 no. existing accesses from Church Road, and construction of a new residential development comprising 8 no. 3 storey houses, 4 no. 4-bed houses and 4 no. 5-bed houses. The development would also include the redesign of No. 43

Watson Road to provide a new rear extension and alterations to the internal layout to provide a 3-bed house.

Reg. Ref. D10A/0254 Planning permission was refused by DLRCC for a development at Smallacre and Woodlawn comprising of: the demolition of Smallacre and Woodlawn and the provision of 20 no. dwellings with 2 no. car parking spaces per unit. The proposals also included the part demolition of, and new extension to, No. 43 Watson Road and all associated site works, boundary treatments and landscaping, including the partial demolition of the existing Church Road boundary wall.

Reg. Ref. D07A/1322, ABP Ref. PL06D.226711 The Board refused planning permission on 12th November 2007 for a development comprised of 2 no. 4 storey apartment blocks providing 44 no. apartments and 7 no. houses, associated basement carparking comprised of 66 no. carparking spaces and 44 no. bicycle spaces, and 14 no. car spaces at surface level. The proposals also included the partial demolition of, and new rear extension to, No. 43 Watson Road and the demolition of Smallacre and Woodlawn.

Reg. Ref. D04A/1114, ABP Ref. PL06D.213079 The Board refused planning permission on 14th December 2005 for the demolition of Smallacre and the construction of 8 no. houses with low pitched roofs comprising 6 no. 2 storey houses and 2 no. single storey houses with a mezzanine level.

6.0 Section 247 Consultation(s) with Planning Authority

- 6.1.1. A formal pre-application meeting under Section 247 of the Act was undertaken with Dun Laoghaire-Rathdown County Council (the Planning Authority) on the 21st January 2020.

7.0 Submissions Received

7.1.1. Irish Water

Irish Water has issued a conformation of feasibility for this development for 270 residential units.

Water: 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 by either the customer or Irish Water.

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

8.0 Forming of Opinion

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

9.0 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:

- Section 5 Pre-Application Consultation Request Application Form
- Records of Pre-Application Consultation Meeting with Dun Laoghaire-Rathdown County Council.
- Part V Validation Notification from Dun Laoghaire-Rathdown County Council Housing Department
- Irish Water Confirmation of Feasibility
- Planning Report & Statement of Consistency (RPS Group Ltd.)

- EIA Screening Report (RPS Group Ltd.)
- Childcare Demand Analysis (RPS Group Ltd.)
- Preliminary Design Statement (McCauley Daye O'Connell Architects)
- Residential Quality Audit (McCauley Daye O'Connell Architects)
- Architectural Drawings
- Part V information
- Exterior Lighting report
- Site Services Layout – Public Lighting drawing
- Daylight, Sunlight and Overshadowing Assessment (Metec Consulting Engineers)
- Sustainability Report / Energy Statement (Metec Consulting Engineers)
- Engineering (services) Drawings (Barrett Mahony Consulting Engineers)
- Civil Engineering Infrastructure Report for Planning (Barrett Mahony Consulting Engineers)
- Parking Report & Residential Travel Plan (Barrett Mahony Consulting Engineers)
- Traffic & Transport Assessment (Barrett Mahony Consulting Engineers)
- Outline Construction & Demolition Waste Management Plan (Barrett Mahony Consulting Engineers)
- Outline Construction & Environmental Management Plan (Barrett Mahony Consulting Engineers)
- DMURS (Statement of Consistency) (Barrett Mahony Consulting Engineers)
- Operational Waste Management Plan (AWN Consulting)
- Estate & Common Area Strategy Report (Aramark)
- Building Life Cycle Report (Aramark)
- Letter dated 20th March 2020 relating to Ecological Impact Assessment and Appropriate Assessment Screening prepared by Altemar Ltd.
- Arboricultural Report and associated drawings prepared by The Tree File Ltd.
- Built Heritage Assessment prepared by Historic Building Consultants
- Landscape Report prepared by Austen Associates, including drawings.
- Landscape and Visual Impact Assessment (Pleydell Smithyman)
- Visual Impact Photomontages (Digital Dimensions)

- Computer Generated Images (Renderare)
- 3D ‘Fly Through’ and ‘Walk Through’ presentations (McCauley Daye O’Connell Architects) (digital copy)

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

10.0 Planning Authority Submission

10.1.1. 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 their opinion in relation to the proposal. This was received by An Bord Pleanála on 24th June 2020.

10.1.2. The planning authority’s ‘opinion’ included the following matters: copies of record of section 247 consultation, zoning and site designations, site description, planning history; opinions from other departments and an assessment of the proposal.

The report concludes the following:

- The principle of a residential infill development at this site is acceptable.
- Having regard to the context of the subject site, location relative to existing and proposed public transport provision, the proposed development is generally compliant with the provisions of the County Development Plan 2016 – 2022 and national policy with regard to density.
- Having regard to the context, located and size of the subject site, increased heights may be considered at the subject site subject to compliance with relevant policies of the County Development Plan 2016 – 2022 and national guidance regarding same.
- Mix of units is considered appropriate.
- The proportion of dual aspect units (51%) accords with the requirement of SPPR4 of the Sustainable Urban Housing: Design Standards for New apartments Guidelines (2018)
- Internal floor areas accord with SPPR6 of the Guidelines.

- The massing of the proposed units is considered generally acceptable with regard to established pattern of development in the area.
- Concern with respect to the depth of rear gardens proposed to houses and impact upon amenity provided to future occupants.
- the principle of the proposed access routes and public realm spaces across the site are considered generally acceptable subject to orderly management of same.
- It is considered that the proposed development would generally accord with the County Development Plan 2016 – 2022 regarding use and masterplan requirements for development on Institutional Lands.
- It is considered that the proposed development would generally accord with the County Development Plan 2016 – 2022 regarding built heritage.
- The visual impact of the proposed development as it is viewed from existing adjacent properties, specifically the south and southwest of the subject site by reason of proximity to subject site boundaries, and notably the potential of proposed block A2 to be visually overbearing when viewed from Saint Matthias Wood by reason of its height, monolithic form and massing.
- Separation distances provided between proposed apartment blocks within the scheme.
- Requirement for more detailed and supplementary contextual elevations and photomontage images of the proposed development with regard to visual impact of same.
- The intended character , or sense of place, to be created by the proposed development would require clarification, with particular reference to the ‘urban’ character of the apartment blocks fronting Church Road, but which lack animation to the adjoining public realm.
- Potential overshadowing of the existing adjacent residential properties by the proposed development, particularly to the north and northwest of the subject site.
- A break down of the hierarchy of the public open spaces specified in the submission and the basis for the calculation of the 26.5% public open space requirement would be beneficial.

- Amenity value of private amenity spaces to serve the proposed dwelling house units within the scheme.
- Provision of minimum 2.7m internal floor to ceiling heights at all floor levels of apartment blocks within the scheme to optimise daylight, sunlight and ventilation to the internal spaces of the proposed apartment units, with any consequent implications of same on the design and overall height of proposed apartment blocks.
- Issues raised in Drainage report, Transportation Planning report and Public Lighting Report to be addressed.
- The potential provision of a local bring centre element as part of the development proposal in line with S 8.2.9.7 of the County Development Plan.
- Discrepancies regarding stated figures pertaining to the density of the proposed development and Part V provision in plans and particulars submitted.
- Details pertaining to areas to be managed by a management company and details of any areas to be taken in charge.
- Clarification whether the proposal is BTR.
- A Building Maintenance report required.

11.0 Consultation Meeting

11.1.1. A Section 5 Consultation meeting took place by way of conference call on the 14th October 2020, commencing at 2.00 pm. 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.

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

1. Development Strategy having regard to, inter alia, the local objective for the lands, set out in the Dun Laoghaire Rathdown County Council Development Plan 2016 – 2022.
2. Residential Amenity in the context of the ‘Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities’, March 2018.

(Internal and external) open space provision, aspect of units and access to daylight and sunlight.

3. Urban design considerations such as building, height and the bulk, scale, density and mass of blocks; architectural treatment; pedestrian connections and interface with existing development.
4. Visual Impact Analysis.
5. Site Services.
6. Response to the Issues Raised in the Planning Authority Opinion, submitted to An Bord Pleanála on the 24th June 2020.
7. Any Other Matters.

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

- The site is zoned A 'Residential': 'to protect and / or improve residential amenity'. Justification of urban design considerations such as the density, bulk, scale and mass of blocks in light of the zoning.
- The southern portion of the subject lands include an 'Institutional' objective associated with the former Kylemore Clinic. There is a need to justify how the proposal complies with the Local Objective: 'To protect and / or improve institutional use in open lands' and Policy RES5 and how it maintains the open character of the institutional lands.
- Clarification of whether the local objective is allied with lands surrounding Kylemore House, only, or the overall lands.
- Further justification of hierarchy and quantum of open space provision, both communal and public open space (POS). Clarity with regard to compliance with Development Plan standard of 25 % requirement of POS for lands with Institutional Objective attached.
- Future proposals for taking in charge of open space areas

11.1.3. In relation to Residential Amenity, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- There is a need to confirm and demonstrate clearly on any future application the % of dual aspect units proposed and where minimum floor area is exceeded by 10%. The onus is on the application to demonstrate compliance with the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities', March 2018.
- There is a need for a Daylight / Sunlight Report. Detailed analysis of Shadow Impact Assessment of the proposed development internally within the scheme. Concerns of overshadowing of communal open spaces, private open space and public open spaces needs to be addressed.
- There is a need to confirm the provision, size and depth of private amenity space to all units. Depth of rear gardens to houses facing onto the access road and depth of rear gardens to terraced units to the north of the site needs to be addressed.
- Privacy between opposing windows, private amenity areas and adjoining / neighbouring property needs to be addressed. In particular Block C2 and the orientation of balconies. Possibility of overlooking or perceived overlooking.
- Detailed analysis of impact of the development on surrounding residential amenity, perceived overshadowing, overlooking, overbearing impacts. The proposal is essentially 2.5 times greater than the number of units / density within the same footprint of the permitted scheme. Justification of how this is being achieved in light of the Guidelines.

11.1.4. In relation to Urban design considerations, An Bord Pleanála representatives sought further elaboration / discussion / consideration on the following:

- Justification of the height, architectural design / treatment and interface with the wider area, Kylemore house and Church Road.
- The relationship of buildings fronting Church Road requires further analysis.
- Justification of urban design considerations such as the height, bulk, scale and massing of the blocks and the intended character and sense of place.

- Detailed analysis of pedestrian connections and wayfinding through the site and connectivity with the wider area.

11.1.5. In relation to Visual Impact, An Bord Pleanála representatives sought further elaboration / discussion / consideration on the following:

- Justification of the height, architectural design / treatment and interface with Church Road and the wider area.
- Greater visual analysis of the development by way of clear CGI's, long-range views and photomontages from the wider area.
- Justification for height, massing and bulk of the blocks given the modest scale and character of existing development.

11.1.6. An Bord Pleanála sought further elaboration/discussion/consideration of Site Services:

- There is a need to clarify any issues pertaining to drainage connections, flood risk and agreements with IW and the Drainage Department of Dun Laoghaire-Rathdown County Council.

11.1.7. In relation to Any Other Matters, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- There is a need for a detailed Traffic and Transportation Report and a Mobility Strategy.
- Matters raised within the PA Opinion and Appended Dun Laoghaire Rathdown County Council Department reports submitted to ABP on the 24.06.2020

11.1.8. 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-307203-20' 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.

12.0 **Submission from Irish Water**

- 12.1.1. Irish Water has issued a conformation of feasibility for this development for 270 residential units.
- 12.1.2. Water: 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 by either the customer or Irish Water.
- 12.1.3. All development is to be carried out in compliance with IW Standards Codes and Practices and any proposals by the applicant to build over or divert existing water or wastewater services shall be submitted to IW for written approval prior to works commencing.

13.0 **Conclusion and Recommendation**

- 13.1.1. 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.
- 13.1.2. 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.
- 13.1.3. 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 for strategic housing development** under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

13.1.4. 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.

14.0 **Recommended Opinion**

14.1.1. An Bord Pleanála has considered the issues raised in the pre-application consultation process and, having regard to the consultation meeting and the submission of the planning authority, is of the opinion that the documents submitted with the request to enter into consultations constitute a reasonable basis for an application for strategic housing development.

14.1.2. Furthermore, 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. A detailed statement of consistency and planning rationale, clearly outlining how in the prospective applicant's opinion, the proposal is consistent with local planning policies having specific regard to the zoning objective of the site and local objective for Institutional' use associated with the former Kylemore Clinic. There is a need to justify how the proposal complies with the Local Objective: 'To protect and / or improve institutional use in open lands' and Policy RES5 and how it maintains the open character of the institutional lands.
2. Justification of hierarchy and quantum of open space provision, both communal and public open space (POS). Clarity with regard to compliance with Development Plan standard of 25 % requirement of POS for lands with Institutional Objective attached. Justification of rear garden depth and future residential amenity afforded to residents of proposed houses.

3. The clear identification on submitted floor plans at application stage of those apartments considered by the applicant to constitute dual aspect and exceeding minimum floor areas by 10% having regard to the provisions of 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (2018).
4. An updated Architectural Design Statement. The statement should include a justification for the proposed development, having regard to, inter alia, urban design considerations, visual impacts, site context, the locational attributes of the area, linkages through the site, pedestrian connections and national and local planning policy. The statement should specifically address height, the separation distance between proposed blocks, finishes of the blocks, the design relationship between the individual blocks within the site, the relationship with adjoining development and the interface along the site boundaries, in particular with Church Road and to the south and south west with Saint Mathias Wood development. The statement should be supported by contextual plans and contiguous elevations and sections.
5. A report that addresses issues of residential amenity (both existing residents of adjoining development and future occupants), specifically with regards to potential overlooking, overshadowing and overbearing. The report shall include full and complete drawings including levels and cross-sections showing the relationship between the proposed development and adjacent residential development. It should address impact of the development upon development potential of adjoining lands.
6. A Daylight and Shadow Impact Assessment of the proposed development, specifically with regard to impact upon adequate daylight and sunlight for individual units, public open space, courtyards, communal areas, private amenity spaces and balconies.
7. A detailed Quality Audit (which shall include a Road Safety Audit, Access Audit, Cycle Audit and a Walking Audit) prepared by a suitably qualified and competent person demonstrating specific compliance with the requirements

set out in the Design Manual for Urban Roads and Streets and the National Cycle Manual, indicating pedestrian, cycle and vehicular links through the site and connectivity with the wider area.

8. A full response to matters raised within the PA Opinion and Appended Dun Laoghaire-Rathdown County Council Department comments submitted to ABP on the 24.06.2020

14.1.3. 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. National Transport Authority (NTA)
3. Transport Infrastructure Ireland (TII)
4. Department of Culture Heritage and the Gaeltacht
5. An Taisce
6. Heritage Council
7. An Chomhairle Ealaíonn
8. Health Service Executive
9. Dun Laoghaire-Rathdown County Childcare Committee.

PLEASE NOTE:

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

Fiona Fair

Senior Planning Inspector

22.10. 2020