



An  
Bord  
Pleanála

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

### **Inspector's Report on Recommended Opinion ABP-307311-20**

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<b>Strategic Housing Development</b>	202 no. student accommodation bedspaces and associated site works.
<b>Location</b>	Baker's Corner, Rochestown Avenue and Kill Avenue, Dun Laoghaire, Co. Dublin.
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Prospective Applicant</b>	Baker Forge Properties Ltd.
<b>Date of Consultation Meeting</b>	19 <sup>th</sup> October 2020.
<b>Date of Site Inspection</b>	28 <sup>th</sup> September 2020.
<b>Inspector</b>	Daire McDevitt

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## 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, an existing surface carpark, is located at Baker's Corner Neighbourhood Centre in Dun Laoghaire, bounded by Rochestown Avenue (R828) and Kill Avenue (R830). The development site excludes the 3 existing buildings located here: Bakers Corner Public House & Off Licence, The Forge building (mixed use with residential) and the Holy Family Community Centre. The Community Centre is outside the prospective applicant's landholding. To the east is the Holy Family Church and its carpark. An area of open space adjoins the Holy Family Church along the southeastern boundary of the site. To the south is the former Garda Station off which is accessed off Rochestown Avenue. IADT (Institute of Art, Design & Technology) is located to the southeast, c. 5minute walk via Kill Avenue.

There is a right of way and wayleave (c.6/6.5m in width) running west to east along the southern boundary linking Rochestown Avenue to the Holy Family Church.

## 3.0 Proposed Strategic Housing Development

**Site Area:** 0.3737 hectares

**Proposed Development:** 202 no. student bedspaces (31 no. clusters of 5, 6 & 7 bed) and a commercial unit (c.143.8sq.m) fronting onto Rochestown Avenue.

**Height:** 4 to 6 storeys.

**Ancillary Communal Facilities:** Ground Floor and 5<sup>th</sup> Floor (c.629.9sq.m (10.16%))

**Open Space:** 2 no. Landscaped Roof Terraces of 152.7sq.m and 238.5 sq.m respectively (total of c.391.2sq.m).

**Parking:**

- Car: Current Use: Surface carpark with 89 spaces. Proposed: Reconfiguration and provision of 54 spaces.
- Bicycle: 150 spaces (tiered racking)
- Motorcycle: 2 spaces.

**Access:**

- Vehicular access off Rochestown Avenue.
- Pedestrian & Cycle access off Kill Avenue.
- Improve public realm (cycle and pedestrian access) along Right of Way along the southern boundary of the site.

## 4.0 Planning History

**Landholding:**

**PA Reg. Ref. D19A/0582** refers to a grant of permission for a material change of use comprising c.93.6sq.m from office accommodation to dental surgery and all associated works at unit 5, The Forge, Baker's Corner.

**PA Reg. Ref. D04A/0672** refers to a grant of permission for alterations to previously approved two storey mixed retail commercial and residential development,

D03A/1185, to provide for change of use of previously approved attic space to 1 no. office unit

**PA Reg. Ref. D03A/1185** refers to a grant of permission for alterations to previously approved two storey, mixed retail, commercial and residential development (D98A/0910) to provide for: a) reconfiguration of previously approved ground floor retail units 1&2, b) to provide a bookmakers shop, c) provision of ATM at ground floor level, d) change of use of previously approved attic space to provide 1 no. office unit, e) provision of 3 no. satellite dishes and 2 no. condenser units at roof level and f) associated elevational alterations. The proposed change of use to office was omitted by condition. A ridge height not to exceed 9.175m as approved under (D98A/0910) was also conditioned.

**PA Reg. Ref. D02A/1604** refers to a grant of permission for alterations to previously approved 2 storey mixed retail, commercial and residential development (D98A/0910) to provide for: a) reconfiguration of previously approved ground floor retail units to provide 1 no. betting office, b) provision of ATM to front of retail unit no. 4, c) reconfiguration of 4 no. previously approved first floor apartments, including relocation of access stairs and d) associated elevation alterations.

**PA Reg. Ref D98A/0910** refers to a grant of permission for the demolition of houses, including former 'Smithie' and construction of a two storey mixed development containing 2 No. offices and 4 no. maisonettes (4 no. 2 bed apartments) at first floor level and 4 no. retail units at ground floor level and ancillary works.

## **5.0 Policy Context**

### **5.1. National**

**Project Ireland 2040 - National Planning Framework (2018)**

The NPF sets out the Governments' high level strategic vision for shaping the future growth and development of the country.

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.

The NPF states that the demand for student accommodation exacerbates the demand pressures on the available supply of rental accommodation in urban areas. In the years ahead, student accommodation pressures are anticipated to increase. The location of purpose built student accommodation needs to be proximate to the centres of education, as well as being connected to accessible infrastructure such as walking, cycling and public transport. The National Student Accommodation Strategy supports these objectives.

### **Section 28 Ministerial Guidelines**

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

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) and the accompanying Urban Design Manual: A Best Practice Guide (2009)
- 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)
- Rebuilding Ireland- National Student Accommodation Strategy
- Dept. of Education and Science Guidelines on Residential Developments for 3<sup>rd</sup> Level Students Section 50 Finance Act (1999) and the subsequent supplementary document (2005)

## **5.2 Regional**

### **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**

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

The site is zoned Objective 'NC' which seeks 'to protect, provide for and/or improve mixed use neighbourhood centre facilities.

A section of the northern and eastern portion of the site is zoned Objective 'A' which seeks 'to protect and or improve residential amenity'.

Policy RES 3 Residential Density:

*It is Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development. In promoting more compact, good quality, higher density forms of residential development ...*

*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 500 metres of a Bus Priority Route, and/or 1 kilometre of a Town or District Centre, higher densities at a minimum of 50 units per hectare will be encouraged.*

Policy RES12 Provision of Student Accommodation:

*It is Council policy to facilitate student accommodation on student campuses or in locations which have convenient access to Third Level colleges (particularly by foot, bicycle and high quality and convenient public transport) in a manner compatible with surrounding residential amenities. In considering planning applications for student accommodation the Council will have regard to the 'Guidelines on Residential Developments for Third Level Students' and its July 2005 Review (particularly in relation to location and design).*

Section 8.2.3.4 (vii) refers to student accommodation. The following points are noted:

- All proposals for student accommodation should comply with the Department of Education and Science Guidelines on Residential Development for Third Level Students (1999), the subsequent supplementary document (2005) and the 'Student Accommodation Scheme', Office of Revenue Commissioner (2007) - dealing with matters arising from the Guidelines and providing clarity in relation to definitions of 'students' and 'educational institutions' and recommendations in relation to minimum bed-space and other similar requirements.
- When dealing with planning applications for student accommodation off-campus developments a number of criteria will be taken into account including:
  - The location of student accommodation within the following hierarchy of priority:
    - On Campus
    - Within 1km distance from the boundary of a Third Level Institute



- Within close proximity to high quality public transport corridors (DART, N11 and Luas), cycle and pedestrian routes and green routes

In all cases such facilities will be resisted in remote locations at a remove from urban areas.

- The potential impact on residential amenities. Full cognisance will be taken of the need to protect existing residential amenities particularly in applications for larger scale student accommodation, and such accommodation will not be permitted where it would have a detrimental effect.
- The level and quality of on-site facilities, including storage facilities, waste management, covered cycle parking and associated showers and locker, leisure facilities, car parking and amenity.
- The architectural quality of the design and also the external layout, with respect to materials, scale, height and relationship to adjacent structures. Internal layouts should take cognisance of the need for flexibility for future possible changes of use.
- The number of existing similar facilities in the area. In assessing a proposal for student accommodation the planning authority will take cognisance of the amount of student accommodation which exists in the locality and will resist the over-concentration of such schemes in any one area in the interests of sustainable development and residential amenity.

**Deansgrange Local Area Plan** expired in June 2020.

**Transportation Improvements** identified are:

County Development Plan:

- Rochestown Avenue Road Improvement Scheme (6 year objective in table 2.2.5).
- Rochestown Avenue is part of the Cherrywood to Blackrock Bus Priority Scheme (table 2.2.3).

## Bus Connects

- Kill Avenue to identified as a Bus Connects Spine Route (E2).
- Rochestown Avenue is identified as a Bus Connects Spine Route(b4) and Peak Time Route.

## National Cycle Network:

- NTA proposed National Cycle Network includes Rochestown Avenue as a secondary cycle route 13D and Kill Avenue as a secondary cycle route S06.

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

It is stated by the prospective applicant that a pre-application consultation meeting took place with the planning authority on 9<sup>th</sup> December 2020, full details of which are included in the submitted Planning Statement and Planning Authority Opinion.

## **7.0 Forming of the Opinion**

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

### **7.2. Documentation Submitted**

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

Completed Application Form; Letter of Support from Dun Laoghaire Institute of Art, Design & Technology (IADT), Planning Report, Statement of Consistency; Environmental Impact Assessment Report (EIAR) Screening Statement; Student Demand and Concentration Assessment; Pre-Planning Engineering Report; Outline

Operations Waste Management Plan; Outline Construction Management Plan; Outline Construction and Demolition Waste Management Plan; Full set of Engineering Drawings & Schedule; Townscape & Visual Impact Assessment; Full set of Architectural Drawings & Schedule; Housing Quality Assessment; Architectural Design Statement; Landscape Proposal drawing; Landscape Design and Assessment Statement; Baker's Corner Photomontages & CGIs.

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

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

### **7.3. Planning Authority Submission**

7.3.1 In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Dun Laoghaire Rathdown County Council, submitted a copy of their section 247 consultations with the prospective applicant and also their opinion in relation to the proposal. These were received by An Bord Pleanála on 10<sup>th</sup> August 2020.

7.3.2 Dun Laoghaire Rathdown County 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:

#### Principle of Development:

Principle of student accommodation at this location is acceptable subject to compliance with a range of criteria.

#### Density

The context of the site is noted, however based on the documentation submitted the proposed density (539 bed spaces per hectare) would appear excessive.

#### Design & Layout:

- Concerns raised in relation to the limited separation distances between the existing developments within the vicinity of the site and the proposed development, due to the scale, bulk and mass of the proposed development. It is considered that the proposed development will impact on the existing surrounding developments, including the Community Hall, Public House and commercial building (The Forge) by reason of overshadowing and overlooking.
- The proposed footprint of the development, results in limited open space, car and cycle parking and waste management facilities for the proposed and existing developments, which gives rise to concerns in relation to the standard of amenities proposed to serve the future occupants of the development. Further concerns in relation to traffic management and the impact of overspill parking generated by the proposed development in the general area.
- Concerns that the proposed development represents overdevelopment of the site.
- In terms of permeability and legibility, the proposed covered walkway from the site onto Kill Avenue to the north is noted and considered a positive enhancement in terms of accessibility and urban design, It is considered to 'open' the site and create a sense of place. The proposed upgrades to the right of way along the south of the site are noted and considered a positive enhancement to the streetscape in terms of accessibility. Further details need regarding materials and finishes.
- Further details required in relation to boundary treatment

Building Height:

- The site was identified in the Deansgange LAP (now expired) as an area which could accommodate taller buildings.
- Appendix 9 Building Height Strategy the area is identified as predominantly 2 storey with 3 to 4 storeys in certain circumstances. The PA concluded that a building height of 3-4 storeys may be acceptable on the site subject to upward/downward modifiers set out in section 4.8 of Appendix 9. In this instance the PA concluded that downward modifier (1) residential living

conditions through overlooking, overshadowing or excessive bulk and scale applies in this instance.

- It is considered that the proposed height and layout of the development to represents an abrupt transition in scale between the existing and the proposed developments, which represents an overdevelopment of the subject site. And the proposed development would impact on the visual amenity of the area by reason of excessive bulk and scale. Furthermore, it is considered that the degree of overlooking and overshadowing of neighbouring properties arise as a result of the proposed scale, bulk and mass of the proposed 4-6 storeys building. Therefore a 6 storey building at this location is contrary to Appendix 9 of the DLR County Development Plan.
- Reference to Section 3.2 and SPPR3 of the Building Height Guidelines are noted. Notwithstanding the Planning Authority concluded that the development as currently proposed represents excessive height at this location.

#### Standard of Accommodation

- 31 no. clusters which range from 5 to 7 bedrooms with shared common entrances, kitchen, living and dining areas are acceptable.
- The floor areas satisfy the requirements set out in the Guidelines for Residential Development for 3<sup>rd</sup> Level Students.
- Communal Facilities are all located at ground floor with the exception of a 'study area' on the fifth floor.
- No daylight analysis has been submitted. This would be required. The PA has concerns regarding the potential overshadowing generated by the proposed development.
- A commercial unit is proposed at ground floor, this is acceptable.
- Concerns regarding the use of render the principle elevation onto Rochestown Avenue.

#### Open Space and Landscaping:

- The provision of 1.9sq.m of communal open space per student is considered unacceptably low and an unsatisfactory level of amenity for future occupants.
- Concerns raised regarding the location of the communal open space an lack of surveillance.
- Lack of detail relating to boundary proposals.
- The need to address and engage with the open space located to the south of the site.
- Refer to the Parks & Landscape Services Report for more detail.

#### Transportation:

- Issues to be addressed include inter alia access, parking provision, Car Parking Strategy, conflict between vehicles/pedestrian and Cyclist when access the site and within the site, pedestrian linkages to IADT Campus via Grangewood, permeability through the site, upgrade pedestrian access from Rochestown Avenue through the site to the Holy Family Church, Rochestown Road Reservation, Bus Connects, NTA Cycle Network.
- Refer to the Transportation Planning Division Report for more detail.

#### Drainage:

- Refer to the Drainage Division Report which highlights the lack of technical information submitted and the requirement for consultation prior to an application being lodged.

#### EIA and AA Screening:

An EIA Screening report is submitted. This concluded no EIAR is required.

The Competent Authority responsible for EIA and AA for the purposes of the SHD process is An Bord Pleanála.

### **7.3.3 Summary of Inter departmental Reports contained in Appendix B of the Planning Authority's Opinion received on the 10<sup>th</sup> August 2020:**

#### ***Drainage Planning.*** (18<sup>th</sup> June 2020)

Noted that the absence of a detailed technical submission on water services makes it difficult to form an opinion, positive or negative, on what was presented. The

submission is therefore deficient in content of what needs to be submitted if constructive, specific feedback is to be provided. In the absence of detailed drainage proposals it is not possible to assess the submission or be prescriptive in determining what items need to be included, clarified or altered. The applicant is strongly advised to consult with and reach agreement with the Drainage Planning Section of Municipal Services on surface water drainage proposals in advance of the lodgement of a planning application.

***Transportation Planning.*** (1 July 2020)

It is noted that the site is located along the Rochestown Road Reservation, the applicant is requested to ensure that the Rochestown Avenue road frontage of the proposed development is reserved free of development to facilitate pedestrian and cycle improvements as part of the Rochestown Avenue Road Improvement Scheme.

Safe pedestrian access into and within the site is required. In this regard the applicant should demonstrate adequate provision of space for vehicles to minimise conflict with pedestrian routes for all access arrangements and vehicle manoeuvres required for car parking, refuse collection, emergency vehicles, servicing and deliveries within, to and from the proposed development.

Concerns have been raised with the reduced level of car parking provision at Bakers Corner NC combined with the proposed Student Accommodation development. Inadequate provision of car parking/set down may cause overspill or inappropriate /illegal parking on the adjoining roads and residential estates.

In addition, the following are required Travel Plan, Mobility Management Plan, Construction Management Plan

***Parks and Landscape Services.*** (19<sup>th</sup> June 2020)

The proposal does not provide any external amenity spaces on the ground plane. Although two roof terraces go some way in terms of the provision of external amenity space, it is deemed insufficient for a development of the size and scale proposed.

The surrounding space to the built form has been dictated by the provision of car parking and loading bays and fails to consider the recreational and amenity value, the approach to the building from Rochestown Avenue and the interface between the building and the site. The car park arrangement does not comply with DMURS.

The development is a missed opportunity to allow the building to converse with the only green space in the vicinity, located to the south. The southern elevation should engage with this open space and a special contribution sought for the upgrade of this space.

Lack of details provided in terms of boundary treatments, sections, external lighting, detail of entrance, way finding, etc.

Information recommended for further consideration included inter alia:

- Detailed Landscape Design and Maintenance Proposal.
- Tree Survey and Arboricultural Impact Assessment, Tree Constraints Plan, Tree Protection Plan and Arboricultural Method Statement required.
- Tree Bond.

**Public Lighting.** (17<sup>th</sup> June 2020)

No lighting design submitted.

**Housing.** (24<sup>th</sup> June 2020)

Student Accommodation on Campus is exempt from Part V. This does not apply as the proposal is off campus and, therefore, the matter need to be addressed.

In this instance the Council have indicated that they will seek off site provision of social housing as a preferred compliance option.

**Environmental Section.** (29<sup>th</sup> June 2020)

Operational Waste Management Plan, General Waste Management, Common Waste Storage Areas, Outline Construction & Demolition Waste Management Plan and Outline Construction Management Plan will be required.



### **7.3.4 Planning Authority Opinion Conclusion**

The Planning Authority considered the principle of student accommodation with a ground floor commercial unit at this site to be generally acceptable in terms of the 'NC' land use objective. However, the Planning Authority considers that the development is excessive in terms of building height in particular.

And the following matters (summarised below and set out in detail in the Planning Authority's Opinion) require further consideration:

- Building Height (has not been justified in light of Appendix 9 DPR County Development Plan 2016-2022 or the Building Height Guidelines).
- The proposal represents overdevelopment of the site.
- Visually overbearing to its general context due to scale.
- Overlooking and visual overbearance.
- Overshadowing of adjoining properties.
- Issues raised in the Parks and Landscape Service report.
- Issues raised in the Housing report.
- Issues raised in the Drainage Planning report.
- Issues raised in the Transportation Planning report. The applicant is also requested to explore options for permeability from the subject site via Grangewood to IADT, subject to the consent of An Bord Pleanála following this stage of the process.
- Issues raised in the Environment Enforcement/Waste Management Section report.
- Issues raised in the Public Lighting Section report.

## **8.0 Submissions**

**Irish Water** (9<sup>th</sup> July 2020):

Irish Water have issued a Confirmation of Feasibility for the development of 251 residential units for connection to the public water and wastewater infrastructure.

Irish Water record indicate existing infrastructure running through the site. The applicant has been advised that a diversion of the infrastructure will be required to accommodate this development. The applicant is required to have in place a diversion agreement with Irish Water prior to progressing to SHD application stage.

## **9.0 The Consultation Meeting**

**9.1.** A Section 5 Consultation meeting took place online via Microsoft teams on the 19<sup>th</sup> October 2020, commencing at 14:35. 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. Design Strategy.
2. Residential Amenities.
3. Traffic & Transportation (Parking & Bus Connects).
4. Car Parking Strategy.
5. Drainage
6. Any Other Business.

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

- Height, design, massing and bulk of the proposed development.
- Relationship with adjoining uses at Baker's Corner (Public House, Community Hall and 'The Forge' mixed use building).

- Interface with Holy Family Church
- Interface with the Open Space to the south.
- Layout and surface car parking
- Connectivity through the site, with adjoining lands and the wider area.

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

- Overshadowing, overlooking (within the scheme, adjoining lands/properties)
- Access to daylight from within rooms.
- Residential amenities for students.
- Communal Facilities.
- Roof Terraces and Communal Amenity spaces.

In relation to **Traffic & Transportation (Parking & Bus Connects)** ABP representatives sought further elaboration/discussion/consideration in relation to:

- Issues raised by the Transportation Planning Division.
- NTA cycle route.
- Bus Connects.
- Rochestown Road Reservation.
- Pedestrian/cycle/vehicular conflicts and routes through the site.

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

- Clarify the users of the existing surface car parking.
- What permission is it linked to and implications its reconfiguration may have on existing uses.
- Clarify car parking designated for the proposed development.
- Rationale for the proposed parking provision and Car Parking Strategy.

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

- Issues raised in the Irish Water submission.
- Issues raised in the Drainage Planning Division report.
- Surface water.

In relation to **Any Other Business**, ABP representatives sought further elaboration/discussion/consideration in relation to:

- The prospective applicant sought clarity on the status of the Deansgrange LAP. The Planning Authority confirmed that it recently expired.
- Prospective applicant was advised if a Material Contravention arises this needs to be addressed in the documentation submitted with the application.
- Ensure all documentation correlates at application stage.

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 307311' 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**

**10.1.** 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.

**10.2.** I have examined all of the information and submissions before me including the documentation submitted by the prospective applicant, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the section 28 Ministerial Guidelines, and local policy, via the statutory development plan for the area.

- 10.3.** Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **requires further consideration and amendment** in order to constitute a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 10.4.** 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.

## **11.0 Recommended Opinion**

An Bord Pleanála refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála is of the opinion that the documentation submitted **requires further consideration and amendment** to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.

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

## 1. 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.

- a) This should include a contextual layout plan which indicates the layout of adjoining developments, photomontages and cross sections at appropriate levels, including details of how the proposed development interfaces with contiguous uses/lands (within and outside the applicant's landholding) and adjoining roads.
- b) 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 inter alia 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.
- c) The interface with existing uses at Baker's Corner, the interface with the Public Realm at Rochestown Avenue and Kill Avenue, the interface with the Holy Family Church, interface with the Open Space to the south, 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 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.
- d) Extent of surface parking on the eastern portion of the site.
- e) Furthermore, the layout should address the creation of vibrant, amenable and high-quality communal open spaces within the development.

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

## **2. Potential Impacts on Residential Amenities & adjoining lands**

Further consideration/justification of the documents as they relate to potential impacts on residential amenities of adjoining residential properties and impacts on adjoining lands to include:

- a) Daylight/Sunlight analysis, showing an acceptable level of residential amenity for future occupiers of the proposed development, which includes details on the standards achieved within individual rooms within the development, in communal open spaces and in public areas within the development. The impact on adjoining lands and residential properties and uses should also form part of the assessment.
- b) Visual Impact Assessment to include verified photomontages of the development from Kill Avenue, from the Holy Family Church and from the south east IADT Campus. The VIA should include views of the development with both winter and summer vegetation and to include any plant or other structures on the roof of the proposed development, in order to give as accurate a representation as possible.
- c) The development should be designed so as not to have a negative impact on any potential redevelopment of adjoining lands.
- d) The proposed development should to be designed to avoid direct overlooking of adjacent residential properties.

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

## **3. Transportation & Car Parking**

Further consideration and/or justification of the documents as they relate to:

- a) the provision of safe vehicular, pedestrian and cycle access to the development with regard to DMURS and to the safe provision of accessible car

parking and cycle parking, to include consideration of a proposed set down area.

- b) Provision of a positive contribution to the public realm at Rochestown Avenue to have regard to the Rochestown Road Reservation and improvements.
- c) Appropriate upgrading and treatment of the pedestrian/cycle route linking Rochestown Avenue to The Holy Family Church along the existing right of way to the south of the site.
- d) Response to issues raised in the Response to Transportation Planning Report dated 1<sup>st</sup> July 2020 included in Appendix B of the Planning Authority Opinion received by An Bord Pleanála on 10<sup>th</sup> August 2020.
- e) Justification/rationale for the proposed car parking strategy for the proposed development, having particular regard to the quantum of parking proposed and its context, how it is intended to be assigned and managed and measures proposed to address shared carparking with the adjoining uses.

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

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. Full and comprehensive details of permissions granted and under construction (if any) and clarity of integration of the proposed SHD application relative to existing permissions (where dependency and integration exists).
2. Housing Quality Assessment, to consider the Department. of Education and Science Guidelines on Residential Developments for 3<sup>rd</sup> Level Students Section 50 Finance Act 1999, Policy RES12 and section 8.2.3.4 of the Dun Laoghaire



Rathdown County Development Plan 2016-2022 and other relevant guidance on student accommodation.

3. Wind micro-climate study, including analysis of pedestrian areas and amenity areas.
4. A Student Accommodation Management Plan.
5. A draft Mobility Management Plan.
6. A draft Construction Management Plan, draft Construction and Demolition Waste Management Plan and a draft Waste Management Plan.
7. Response to issues raised in the Drainage Planning Report dated 18<sup>th</sup> June 2020 included in Appendix B of the Planning Authority Opinion received by An Bord Pleanála on 10<sup>th</sup> August 2020
8. Response to issues raised in the Housing Section Report dated 24<sup>th</sup> June 2020 included in the Planning Authority Opinion received by An Bord Pleanála on 10<sup>th</sup> August 2020.
9. Response to Irish Water submission dated 9<sup>th</sup> July 2020.
10. 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.

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

**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

29<sup>th</sup> October 2020