



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-307355-20

Strategic Housing Development

Demolition of existing structures, construction of 488 no. apartments, crèche and associated site works.

Location

Lands at St. Joseph's House for the Adult and Deaf Building (a protected structure) and adjoining lands including Marian Villa, Brewery Road (N31), Stillorgan, Dublin 18.

Planning Authority

Dun Laoghaire Rathdown County Council

Prospective Applicant

Homeland Silverpines Ltd.

Date of Consultation Meeting

29th of September 2020

Date of Site Inspection

03rd of September 2020.

Inspector

Karen Hamilton

Contents

1.0 Introduction	4
2.0 Site Location and Description	4
3.0 Proposed Strategic Housing Development	4
4.0 Planning History.....	6
5.0 Relevant Planning Policy	7
6.0 Section 247 Consultation(s) with Planning Authority	8
7.0 Prospective Applicant’s Case	9
8.0 Planning Authority Submission	11
9.0 Irish Water	13
10.0 The Consultation Meeting	14
11.0 Assessment.....	16
12.0 Recommended Opinion	17

1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The site (2.5ha) is located in Stillorgan, Dun Laoghaire Rathdown (DLRD). The subject site contains St Joseph's House "for the Adult Deaf and Deaf blind" a protected structure. St Joseph's is currently accessed through a residential estate adjoining the site, Silver Pines. Permission was granted for 131 no. residential units on the St Joseph's site (2018), including the conversion of the protected structure and demolition of a single storey dwelling.
- 2.2. The site contains 10 no. residential properties which face onto and are directly accessed from the Leopardstown Road. These consist mostly of two storey detached dwellings set within large gardens. Only one of these dwellings, a single storey dwelling, was included in the previous grant of permission in 2018.
- 2.3. Pedestrian access is currently available from the site to the north east onto a public greenway. A number of mature trees are located adjoining this pedestrian access and within the subject site. The development plan requires the retention of these trees.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development would comprise of the demolition of 10 no individual dwellings and the construction of 488 no apartments located within 6 no residential block A-F. The proposal includes the retention and conversion of St Joseph's protected structure.

- 3.2. The demolition of 10 no dwellings will be in two phases with “Annaghkeen”, “Dalwhinnie” and “Marian Villa” in phase 1 and “Woodleigh”. “Cloonagh”. “Soul El raab”, “Welbrook”, “Calador”. “Alhambra” and “The Crossing” in phase 2.
- 3.3. Access into the site is proposed via both Brewery Road (Sliver Pines Estate), the existing entrance to St Joseph’s and along Lepaordstown Road (via previously permitted left-in, left-out turn entrance). Pedestrian connections are proposed north of the site onto a public greenway and onto the Leopardstown Road. Basement car parking is proposed under Block A & B.

Key Figures

Site Area	c. 2.58ha
No. of units	488 no apartments
Height	2- 10 storeys
Density	188 units per ha
Car parking	251 spaces (0.42 units per ha)
Cycle Space	698 spaces
Tenant Amenity Space	Block D – 672m ²
Crèche	Block E- 282 m ² (St Joseph’s)
Public Open Space	10,397m ² (c. 40% of site area)
Part V	50 units Block C

Apartment Blocks

Blocks	Height	Units
A	4 plus penthouse	53
B	7	85
C	7	127
D	10	166
E	St Joseph’s PS	9
F	8	59

Unit Mix proposed.

	Units	Percentage
Studio	55	11.3%
1 bed	167	34.2%
2 bed	256	52.5%
3 bed	10	2%
Total	488	100%

4.0 Planning History

PL06D.249248 (Reg Ref D17A/0337)

Permission granted for 131 no. residential units as summarised below:

- Block A (49units)
- Block B (58 units)
- Block C (11 units)
- Block D (5 no townhouses)
- St Joseph's (8 units, crèche and residential amenity)

Grant of permission in 2018 and the permission expires in 2025 (7year permission).

Conditions of note are summarised below:

- C3- The vehicular access into the scheme shall be provided via both the Brewery Road and Leopardstown Road with double ramped basement parking and only left in/left out shall be permitted onto Leopardstown Road.
- C4- The works to St Joseph's shall be completed prior to occupation of Blocks A-C.
- C5- The developer shall relocate the direct pedestrian accesses to the existing open space along the northern boundary so that they are located away from the existing trees.

- C18- Bat activity surveys and derogation licence.

5.0 Relevant Planning Policy

5.1. National Policy

- National Planning Framework (NPF): Ireland 2040,
- Climate Action Plan 2019. To Tackle Climate Breakdown (Government of Ireland, 2019),
- Eastern & Midland Regional Assembly (EMRA). Regional Spatial & Economic Strategy (RSES) 2019-2031 (2019),
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated 'Urban Design Manual')
- Design Standards for New Apartments – Guidelines for Planning Authorities (2018)
- Design Manual for Urban Roads and Streets (DMURS)
- Urban Development and Building Heights – Guidelines for Planning Authorities
- Architectural Heritage Guidelines for Planning Authorities, 2004.

5.2. Eastern & Midlands Regional Assembly, Regional Spatial & Economic Strategy (EMRA-RSES).

- Dun Laoghaire Rathdown is located within the Dublin Metropolitan Area (DMA)
- Table 6.1- Retail Hierarchy for the Region- Stillorgan is a Level 3 key service centre.

5.3. Dun Laoghaire Rathdown County Development Plan 2016-2022

The site is located within zoning Objective "A", where it is an objective to *"To protect and/or improve residential amenity"*

Biodiversity

- A specific objective is listed for the mature trees along the *"To protect and preserve trees and woodlands."*

Built Heritage

Policy AR1- Protected of buildings on the Record of Protected Structures (RPS).

- St. Joseph's House is designated a protected structure (RPS ref. no. 1548)

Policy AR12- Protection of the character of those areas designated as an ACA.

- Arkle Square to the south west is an Architectural Conservation Area.

Transport

- R113 is identified as a proposed bus priority route.
- Leopardstown Road to the south west of the site is the subject of a road widening objective, which has been fulfilled.

Height

Appendix 9- Building Height guidelines

- Upward and downward modifiers to assess the impact of building height on the surrounding areas.
- Downward modifier at locations 500m from the edge of the coastal fringe.

Appendix 12- Dun Laoghaire Urban Framework Plan

- Creation of attractive frontages.
- Section 3- In relation to building heights- Protect the unique views and the skyline from the east to west piers.
- Max of 7 storeys.
- Only the towers should rise above the skyline.

6.0 Section 247 Consultation(s) with Planning Authority

6.1. The applicants documentation notes two S. 247 meetings undertaken on the 27th of February 2020 and the 05th of November 2020 and the issues raised have been summarised below:

- Changes proposed to the previously permitted residential development on the site.

- Similar conditions from the previous permission may be required to be included in any future grant of permission.
- The requirement for 50% dual aspect.
- The potential for impact on the occupants of the adjoining dwellings.
- The permitted crèche can accommodate the increase in population.
- Landscaping to be retained including those trees protected on the site.
- Play space provided for a range of areas.
- Importance of good connection to the surrounding area was highlighted.
- Potential access into the site and transport assessments were discussed.
- 0.7 parking spaces per unit are proposed and the acceptability of this proposal was discussed.
- Surface water proposals included soakaway and green roofs with further testing required to ensure the drainage solution was acceptable.
- Irish Water will undertake consultations.
- The views of Arkle Square Architectural Conservation Area should not be adversely impacted.
- Consultations with the Conservation Section and Parks & Landscape services are advised.
- A statement of material contravention of the development plan is required for the proposed height.

7.0 Prospective Applicant's Case

7.1. Statement of Consistency

The application is accompanied by a statement of consistency indicating compliance ministerial planning guidelines, other relevant strategic planning policy and local development plans and local area plans.

7.2. Material Contravention Statement

A statement was submitted in relation to the proposed height which the applicant considers in contravention of Policy UD6 of the Dun Laoghaire Rathdown County Development Plan which states:

“It is the Council Policy to adhere to the recommendations and guidance set out in the Building Height Strategy for the County”

Appendix 9 of the Dun Laoghaire Rathdown County Development Plan 2016-2022 recommends a height of 3-4 storeys in Residual Urban Areas not included within Cumulative Areas of Control.

A general approach for infill sites includes the tapering of buildings to form a high point at the centre down to the boundaries. An argument is submitted for the height to meet the “Exceptional Circumstances” for an upward modifier where the site is large enough to support higher buildings in areas well served by public transport which will create a new high quality urban realm along Leopardstown Road.

7.3. The application was accompanied by additional documentation such as:

- Full Set of Architectural Proposals,
- Part V Proposals,
- Full Suite of Planning Reports and Associated Material,
- Full Set of Engineering/Service Proposals including Drainage,
- Flood Risk Assessment,
- Landscape Proposals,
- Arboricultural Proposals,
- Traffic and Transportation Assessment,
- Building Lifecycle Report and Estate Management Strategy,
- Detail on Daylight and Sunlight and Visual Impact Assessment,
- LVIA, photomontages and CGI,
- Operational Waste Management Proposals and Construction and Environmental,

- Management Plan and Construction and demolition Waste Management Plan,
- Details on matters of Ecology,
- Details on the Microclimate associated with the development.

8.0 Planning Authority Submission

8.1. A submission from Dun Laoghaire Rathdown County Council was received on the 14th of August 2020 as summarised below:

8.2. Planning Assessment

Building Height

- The Building Height Strategy (BHS) is appended to the development plan Appendix 9.
- Apartment developments in residential areas are restricted to 3-4 storeys.
- The proposal is not consistent with BHS.
- The material contravention statement references the urban height guidance.
- The building heights relative to the existing houses is of concern.
- The urban edge along Leopardstown Road is welcome.
- Height of Blocks D (8 storeys) & F (7-8 storeys) would be incongruous to the streetscape and provide an unsatisfactory transition in scale from Sir Ivor Mall.
- The application site is outside the core and outlying areas of Sandyford District and should therefore be modest in scale.
- There should be a reduction in the height of Blocks D & F so as to allow for a transition with the existing residential areas.
- Block F is visually intrusive when viewed from Ballymoss Parade (V13).
- The level of visual screening with Sir Ivor Mall is unclear.
- Blocks D & F give rise to overshadowing of open space which would not receive the minimum 2 hrs as recommended under the BRE guidelines.

- A gradation of Block A & C is required to reduce overshadowing impacts on the courtyard space.

Standard of Accommodation

- High number of single aspect units.
- The double loaded corridor typology in combination with the length of the blocks is considered a problem.
- SPPR 4 allows 33% dual in central locations where it is necessary to provide high quality street frontage and 50% for large apartment developments on greenfield sites. 50% is required in this instance. The proposal still falls below 33%. c. 36 no units in Block A-D are not considered dual aspect which would leave c. 31% which is considered deficient.
- The separation distance between B & C is as little as c. 13 m and less than c. 9m between balconies.
- The separation distance between Block F and the first floor windows is not sufficient.
- The double loaded corridor of Block D is unduly long with little or no sunlight.
- Noise impacts indicate a high-risk to traffic noise with no mitigation measures.
- Ground floor units could have some mitigation measures.

Public/Communal Open Space

- The level of sunlight reaching the open spaces at equinox is of concern.
- There should be greater levels of sunlight for the public open space to the west/ north of Block D and the courtyard space between A & B.
- When reviewing overshadowing impacts on proposed open spaces the quantitative calculations should be included.

Access, Car and Bicycle Parking

- The proposed access is problematic due to its proximity of any signalised junction to the existing signalised junction to South County Business Park.

- The previously permitted access would still be workable with additional loading although there are concerns the left-in/left out could be overridden by motorists.
- The issues raised during the S247 meetings relating to the public-right of way and access onto the Leopardstown Road has not been addressed.
- It is unclear how the basement parking will be managed.
- The parking (0.4 per apart) is less than the development plan standards (1 per apart).
- It is noted that 10 car club spaces are provided although details are not included in the Estate and Common Area Management Strategy document.
- There is no direct access to the basement car parking for Block C.
- Drwg No 10 of the Sandyford Urban Framework Plan makes provision for a green route (pedestrian/ cycle) along the sites frontage.

Surface Water Drainage and Flood Risk

- The surface water system should ensure no potential for blockage and flood risk.
- Surface water drainage proposals should be altered to reflect infiltration on the site, landscaping and the different catchments.

Impacts on Residential and Visual Amenity

- The layout and separation distance to the adjoining properties is generally acceptable.
- There are serious concerns regarding the height of Block F and the impact on the adjoining townhouses at Sir Ivor Mall and Minstrel Court.
- The elements of Block F that exceed 3 storeys in height would be visually overbearing.

9.0 Irish Water

- 9.1. Irish water observations received on the 19th of July 2020 stated that there has been Confirmation of Feasibility issued to the applicant in February 2020 which advised

that a new connection to the existing network was feasible without upgrade subject to a valid connection being put in place.

- 9.2. In regard to waste water the connection point was determined when the West pier DAP model is completed (Q4 2021). Local modelling identified a potentially viable connection to a 225mm sewer in Leopardstown Park that would be considered acceptable. This connection is across third party lands and it is the responsibility for the applicant to obtain consents. The crossing of a strategically important trunk main will require appropriate access and agreement in place.

10.0 The Consultation Meeting

- 10.1. A Section 5 Consultation meeting took place at the via Microsoft teams on the 29th of September 2020, commencing at 14.30 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.

1. Height Strategy
2. Development Strategy, inter alia, design of Blocks D & F, open space provision, dual aspect.
3. Residential Amenity, inter alia, impact on the adjoining residential properties and the impact on the future occupants.
4. Residential Standards, inter alia, compliance of guidelines.
5. Traffic & Transport, inter alia, access & car parking quantum.
6. Irish Water & Surface Water
7. Any Other Business

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

- 10.3. In relation to the **Height Strategy and the Development Strategy**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following;

- The design and layout of the proposal, in particular Blocks D & F, the location fronting onto Leopardstown Road, the requirement for an appropriate transition of heights adjoining the existing 2 storey dwellings and the necessity

to comply with Appendix 9 of the development plan and the Urban Development and Building Heights: Guidelines for Planning Authorities (2018).

- The layout and design of the open space, the differentiation between the public and communal areas, the functionality and usability and the inclusion of play areas necessary to comply with Section 4.13 of the Sustainable Urban Housing: Design Standards for New Apartments. Guidelines for Planning Authorities (2018).
- The pedestrian and cyclist connectivity through the site, onto the public greenway along the north of the site and with Leopardstown Road.

10.4. In relation to **Residential Amenity**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following;

- The daylight and sunlight analysis submitted, compliance with the BRE Guidelines, and the potential loss of sunlight/daylight on the neighbouring dwellings.
- The potential for Block D & F to have a negative impact on the residential amenity of the neighbouring dwellings to the north east and east of the site.
- The potential for noise disturbance on the future occupants of the ground floor apartments along Leopardstown Road.
- The quantum and location of the residential amenity areas directly adjoining the proposed residential units and the potential for noise disturbance.

10.5. In relation to **Residential Standards**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following;

- The design and layout of the buildings and compliance with SPPR 4 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018) and the provision of 50% dual aspect units.
- The design and layout of the public open space and the allocation of communal open spaces and the provision of useable open space.

10.6. In relation to **Traffic & Transport**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following;

- The access proposed access into the site from Leopardstown Road and the retention of vehicular access to the Anne O Sullivan Foundation.
- The rationale for the car parking provision including the justification for a rate of 0.4 spaces per apartment, compliance with the development plan and the national guidance, the provision of public transport and the requirement for a car parking management proposal.
- The quantum of cycle parking and provision of increase cycle facilities through the site.

10.7. In relation to **Irish Water & Surface Water**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following;

- The proposed foul connection to the Silver Pines in the previous grant of permission, and the current proposed connection Leopardstown Road (Kilmacud Crokes grounds), third party consents required and the capacity of the WWTP.
- Surface Water drainage details including, inter alia, infiltration rates, soil type and storage requirements.

11.0 **Assessment**

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 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.

Conclusion

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.

The Inspector is referred to 'Section 3: Forming of an Opinion and Issuing Notification of the Opinion' of the 'Pre-Application Consultation Request Processes Advice Note for SHD Unit' (ABP June 2017).

12.0 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.

1. Development Strategy

Further consideration and/or justification of the documents as they relate to the overall design and layout of Blocks D & F, the proposed interface with Leopardstown Road, the transition with existing dwellings and the justification for any material contravention of the height strategy in the development plan and compliance with Section 3.2 of the Urban Development and Building Heights: Guidelines for Planning Authorities (2018).

2. Residential Amenity

Further consideration and/or justification of the documents as they relate to impact of Block D & F on the residential amenity of both the occupants of the existing neighbouring dwellings and future occupants of the proposed development, having regard, inter alia to the following:

- The location and design of Blocks D & F to the rear of the neighbouring dwellings and the potential for a negative impact on the visual and residential amenity,
- The location of the proposed residential amenity areas on the upper floors, the levels of overshadowing on the proposed public open space areas and the potential for a negative impact on the residential amenity of the future occupants.

3. Foul Water

Further consideration and/or justification of the documents relating to the foul water connection proposed having regard to the concerns raised by the Planning Authority during the Tripartite meeting relating to the capacity of the Waste Water Treatment System on the opposite side of Leopardstown Road (Kilmacud Crokes grounds) and the report of Irish Water advising that the waste water connection point was to be determined when the West Pier DAP model is completed (expected Q4 2021).

Pursuant to article 285(5)(b)(i) and (ii) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that the following specific information should be submitted with any application for permission:

1. A Traffic and Transport Assessment including, inter alia, a rationale for the proposed car parking provision should be prepared, to include details of car parking management, car share schemes and a mobility management plan.
2. Drawings that detail dual aspect ratios should be clearly laid out and be accompanied by a detailed design rationale report.
3. Updated landscape plans delineating the public open space and communal open space and including useable space for play provision necessary to

comply with Section 4.13 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities.

4. Noise Impact Assessment including the impact of the traffic noise and any mitigation measures necessary to reduce a negative impact on the amenity of future occupants.
5. An Updated Sunlight/Daylight analysis showing an acceptable level of residential amenity for future occupiers and neighbours of the proposed development, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development and in adjacent properties.
6. Wind micro-climate study, including analysis of balconies and upper level roof gardens.
7. A detailed schedule of accommodation which shall indicate compliance with relevant standards in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' 2018, including its specific planning policy requirements.
8. Response to issues raised in Appendix C of Planning Authority Report, received 14th of August 2020, which includes the internal reports of the Transportation Planning Dept. relating to the design of the vehicular access from the Leopardstown Road, the report of the Drainage Dept. relating, inter alia, surface water design and the Park Department relating, inter alia, landscaping and protection of trees.
9. A detailed phasing plan, including timing of delivery of the works to St Josephs protected structure.
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
4. Minister for Culture, Heritage and the Gaeltacht (built heritage)
5. Heritage Council (built heritage)
6. An Taisce — the National Trust for Ireland (built heritage)
7. The relevant Childcare Committee
8. The Department of Education and Skills

PLEASE NOTE:

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

Karen Hamilton
Senior Planning Inspector

12th of October 2010