



An  
Bord  
Pleanála

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

**Inspector's Report on  
Recommended Opinion  
ABP-307439-20**

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**Strategic Housing Development**

<b>Location</b>	Former Blakes and Esmonde Motors Site, Lower Kilmacud Road, Stillorgan Road (N11) and The Hill, Stillorgan, Co. Dublin
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Prospective Applicant</b>	Cairn Homes Properties Ltd
<b>Date of Consultation Meeting</b>	28 <sup>th</sup> September 2020
<b>Date of Site Inspection</b>	7 <sup>th</sup> October 2020
<b>Inspector</b>	L. Dockery

## 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 The subject site, which has a stated area of approximately 1.34 hectares is located at the junction of the N11 and the Lower Kilmacud Road, Co. Dublin. The site is bound by the Lower Kilmacud Road to the north, The Hill to the south and west and the N11 to the east. The site is adjacent to Stillorgan Village Shopping Centre and the Stillorgan Leisureplex site, both to the north on the opposite side of Lower Kilmacud Road. There are single and two storey residential properties to the immediate south east along The Hill as it rises to meet the N11. There are one and two storey terraced cottages along The Hill, which are all in commercial use. There are single and two storey houses along Glanalbyn Road and Linden Lea Park to the south of the site.
- 2.2 Site levels fall 4m across the site from the junction of The Hill with Lower Kilmacud Road to the N11. The site has been cleared and hoarding is evident along its boundaries. The Stillorgan QBC runs along the N11 in to the north of the site.

### 3.0 Proposed Strategic Housing Development

3.1 The proposed development comprises the construction provision of a mixed use development, comprising of 464 no. residential units, 4 no. Cafe/ retail/ restaurant units, crèche, community hall, resident amenity facilities and associated site works.

3.2 The following details are noted:

Parameter	Site Proposal
Application Site	1.34 ha
No. of Units	464 apartments in 6 blocks
Density	345 units/ha
Height	Building 1: 6/7 storeys Building 2: 8/9 storeys Building 3: 11/15 storeys Building 4: 9/10 storeys Building 5: 7/8 storeys Building 6: 5/6 storeys
Other Uses	Crèche- 319m <sup>2</sup> Café/Retail/Restaurant -685 m <sup>2</sup> (4 no. units) Community Hall- 658 m <sup>2</sup> Residential Amenity Facilities-1129 m <sup>2</sup>
Dual Aspect	53% stated
Parking	139 car parking spaces (135 spaces at BL and 4 on The Hill) (0.3 spaces/unit) 218 bicycle parking spaces (50 at surface & 168 at basement level)
Plot Ratio	1:3
Part V	46 units

3.3 The breakdown of the 464 residential units are as follows:

	Studio	1 bed	2 bed	3 bed	Total
Apartments	40	185	226	14	464
Total	40	185	226	14	464

3.4 A Material Contravention Statement in relation to height was submitted with the application. Within this document, a justification has been set out for the level of car parking provided, although it is stated that the applicant considers that the proposed development is not in material contravention of the Development Plan in this respect.

3.5 An Environmental Report has been submitted which concludes that sub-threshold EIAR is not required for the proposed development for the reasons set out in the screening exercise.

#### 4.0 National and Local Planning Policy

##### 4.1 Section 28 Ministerial Guidelines

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

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated 'Urban Design Manual')
- Sustainable Urban Housing: Design Standards for New Apartments (2018)
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018)
- Design Manual for Urban Roads and Streets (2013)
- The Planning System and Flood Risk Management (including the associated 'Technical Appendices') (2009)
- Childcare Facilities – Guidelines for Planning Authorities

- Appropriate Assessment of Plans and Projects in Ireland- Guidance for Planning Authorities
- Architectural Heritage Protection
- Climate Action Plan

Other documents of note are:

- National Planning Framework, 2018
- Regional Spatial and Economic Strategy for the Eastern and Midland Region, 2019

## 4.2 Local Planning Policy

The Dun Laoghaire Rathdown County Development Plan 2016 is the operative County Development Plan for the area.

### Zoning:

'Objective DC', with the objective 'to protect, provide for and or improve mixed use district centre facilities'.

Stillorgan is designated a District Centre in the Dun Laoghaire Rathdown Retail Hierarchy, the overall strategy is to encourage potential redevelopment as higher density, urban mixed-use centre in accordance with general provisions of the adopted Local Area Plan. Limited expansion of convenience and comparison retail floorspace. Specific Objectives in relation to Stillorgan as a District Centre include:

- To promote the future redevelopment of Stillorgan as a multi-faceted, mixed-use sustainable District Centre having regard to the broad objectives of the adopted Stillorgan Local Area Plan.
- The regeneration and redevelopment of Stillorgan District Centre should create an urban context in respect of scale, design and layout.
- Good quality residential development shall be encouraged to ensure vitality and animation both day and night.
- The creation of quality spaces and enhanced public realm will be a prerequisite.

- Priority movement for pedestrians, cyclists and public transport should be ensured. The influence and impact of the private car on the environs of the District Centre to be moderated.
- The residential amenity of established residential areas on the fringes of the District Centre to be protected and, where possible, enhanced.
- Net retail sales area<sup>1</sup> in Stillorgan District Centre zoned lands to be capped at 25,000 sq.m.

A Proposed Quality Bus-Bus Priority Route objective passes along Kilmacud Road Lower to the north of the site.

Specific Local Objective 12 - To implement and develop the lands at Stillorgan in accordance with the Stillorgan LAP.

Specific Local Objective 151 - To support and facilitate the provision of a swimming pool and leisure facility within the Stillorgan area.

Specific Local Objective 12 seeks 'to implement and develop the lands at Stillorgan in accordance with the Stillorgan LAP'.

Section 2.1.3.3 Policy RES3: Residential Density

Chapter 8- Principle of Development

Appendix 9: Building Height Strategy

Appendix 13: Flood Risk Assessment

Appendix 9 Building Height Strategy section 3.3 states that the N11, owing to its width, strategic importance and public transport facilities, has the potential to become an attractive urban corridor enclosed by taller buildings of high quality at locations which are also proximate to social and community infrastructure. Such developments have tended to range in height from 3 to 7 storeys. The width of the corridor at > 40m provides an opportunity for taller buildings to enclose this space.

Stillorgan Local Area Plan 2018-2024 applies

A landmark building is located at the junction of Lower Kilmacud Road and the N11.

Table 4.5.3.2 sets out a Site Development Framework with key design parameters:

### Zoning

Zoning Objective 'DC' 'To protect, provide for and/or improve mixed-use district centre facilities'.

### Development Objectives

- Redevelopment should include a mix of uses – commercial, retail and community at the 'Retail core' and predominantly residential on the balance of the site.
- Create a building line that enhances a vital street frontage onto The Hill/Lower Kilmacud Road.
- Facilitate pedestrian permeability through the site.
- Any application for redevelopment to submit a Flood Risk Management Plan
- Provide a publicly accessible community room

### Design Guidance

- Create a building line that enhances a vital street frontage onto The Hill/Lower Kilmacud Road.
- Provide for pedestrian/cycle permeability through the site.
- High quality design/placemaking.
- Protect residential amenity of adjacent residents at The Hill.
- Use of high quality, robust materials, which is particularly important of the more prominent taller buildings where maintenance and weathering must be considered.

### Building Height/Plot Ratio

- Benchmark height of five storeys across the site, with a landmark building of up to nine storeys at the corner of the N11/Lower Kilmacud Road junction.
- The transition between the landmark height (9 storeys ) and the benchmark height (5 storeys) must be designed to ensure that excessive massing or bulk in the overall design does not detract from the 'landmark' nature of the nine storey element.
- Indicative Plot Ratio of 1:2.5

### Public Realm

- Provides a high quality public plaza/civic space at the corner of The Hill/Lower Kilmacud Road.
- High quality design/placemaking
- Tree planting at Lower Kilmacud Road.
- Consideration should be given to how any new development supports the achievement of an 'Age Friendly' environment providing safe, accessible and walkable spaces

### Movement

- Remove the left-hand slip from Lower Kilmacud Road to The Hill.
- Rationalisation of road cross-sections at both Lower Kilmacud Road and the Hill adjacent to the site.
- Provision of cycle tracks on Lower Kilmacud Road adjacent to site.

### Constraints

- Flood Zones 'A' and 'B' are indicated on the lands.
- Wayleaves relating to underground services exist at the north-eastern corner of the site.

### Stillorgan Village Area Movement Framework Plan (SVAMFP) April 2017

The SVAMFP is contained within the Stillorgan Local Area Plan 2018 as Appendix 1. It outlines proposals to enhance the public realm of the Stillorgan LAP area, including roads layouts for The Hill and Lower Kilmacud Road and improved pedestrian and cycle facilities. The redesign of the Lower Kilmacud Road / The Hill / Old Dublin Road is a critical element of the scheme.

## 5.0 **Planning History**

### Subject Site

#### Reg. Ref. D20A/0402

Permission GRANTED for the retention of one 3.17 metre wide, 4.55 metre high, V-Shape frame and panelled, free standing advertising sign, fronting onto the junction of Lower Kilmacud Road and The Hill, for a period of one year.



An Bord Pleanála Ref. PL 06D.300520

Planning permission GRANTED under SHD process for a mixed-use development comprising of 179 no. student accommodation units (576 no. bed spaces), 103 no. residential apartment units, retail unit, community sports hall and all associated site works.

The permitted scheme allows for heights ranging from 3-9 stories.

Blake's Site Area (northern portion of site):

Reg. Ref. D11A/0175

Permission GRANTED for the change of use and amendments/extensions to existing nightclub and restaurant to convenience foodstore with off-licence at ground floor and modifications to restaurant at first floor, reconfiguration of car park etc.

Reg. Ref. D04A/0674/E

The application applied for the Extension of Duration of D04A/0674. The application REFUSED as development would not comply with the Sustainable Urban Housing Design Standards for New Apartments' 2007.

Reg. Ref. D04A/0674 / PL06D.210848

Permission GRANTED for the demolition of existing structures on site and construction of a mixed-use development ranging from six to twelve storeys in height comprising 215 no. apartments, 2 no. restaurants, 2 no retail units, a public house, a crèche, a gymnasium, basement car parking and the construction of a pedestrian bridge over the N11/Stillorgan Bypass. Height up to 12 stories.

Reg. Ref. D02A/1069/ PL 06D 201758

SPLIT DECISION on appeal for the demolition of existing structures on site and construction of a mixed-use development of four blocks varying in height from four to twelve storeys to accommodate 67 no. student accommodation units and associated

facilities, 7,130sqm office space, 2 no. restaurants, public house/nightclub, basement car parking and construction of a pedestrian bridge over the N11/Stillorgan Bypass. Permission GRANTED apart from the office block and associated basement car parking. This element was refused because (i) the development would be excessive in intensity of office use and would fail to fully integrate into the District Centre, (ii) the proposed office building would be of excessive scale and would be visually obtrusive at this prominent corner location and (iii) the pedestrian link bridge, an integrated element of the office building, would interfere with the visual amenities of the area by reason of poor design quality and relationship with the surrounding area.

Esmonde Motors Site Area (southern portion of site):

Reg. Ref. D06A/1859/ PL06D.222395

Permission REFUSED on appeal for the demolition of existing structures on site and construction of a mixed-use development ranging from three to eleven storeys in height comprising 141 no. apartments, 38 no. one bed Aparthotel, restaurant, public house, 3 no. retail units, crèche and car parking. The reasons for refusal related to (i) development of the kind proposed would be prejudicial to the completion of future road improvements and premature pending the adoption of a traffic management study as required by the Local Area Plan, (ii) the proposed development would comprise overdevelopment of the site, would be visually obtrusive, (iii) having regard to the high percentage of one bedroom units, small two bed units and single aspect apartments, excessive overshadowing of the public courtyard, the number of apartments not having direct basement access and the inappropriate location of the crèche would be contrary to proper planning and sustainable development.

Applications of note in vicinity:

ABP-305176-19

Permission GRANTED for demolition of existing structures, construction of mixed use development to include 232 no. Build to Rent apartments and associated site works. Height 2-8 stories

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

6.1 It is stated by the planning authority that a section 247 pre-application consultation took place with them on 15/04/2020.

## 7.0 Submissions Received

### Irish Water

A confirmation of Feasibility has been issued to the applicant subject to the following; In order to accommodate a connection for water services the following is required:

- Connection main – Approximately 150 m of new 200 mm ID pipe main to be laid to connect the site development to the existing 250mm main.
- Bulk meter to be installed on the connection main
- On site storage is required for a capacity of the non-domestic average flow on a peak week for 24 hour period. This storage must also have the ability to refill completely in a 12 hour period.

Irish Water does not currently have any plans to carry out the works required to provide the necessary upgrade and capacity. Should the applicant wish to have such upgrade works progressed they will be to fund required the upgrades which will be delivered by Irish Water in the public realm.

In order to accommodate a connection for wastewater services the following is required:

- New connection to the existing network is feasible without upgrade.
- The applicant has been advised that there is existing IW infrastructure onsite a 225 mm wastewater sewer and 300 mm combined sewer. The Developer will be required to survey the site to determine the exact location of the pipes. Any trial investigations should be carried out with the agreement and in the presence of the Local Authority Inspector.
- It will not be permitted to build over any Irish Water infrastructure. Before completing the design of water/wastewater services infrastructure at the Premises, the applicant is required to contact Irish Water Diversions section in

respect of a feasibility assessment and have evidence of feasibility of diversion ahead of submitting any SHD Application to the board.

## **8.0 Forming of Opinion**

8.0.1 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 brief detail on each of these elements below.

### **8.1 Documentation Submitted**

8.1.1. 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, scaled drawings (plans, sections and elevations) including completed application form, completed pre-connection enquiry feedback form from Irish Water, letter of consent from Dun Laoghaire Rathdown County Council; letter of consent from the Emerald Fund ICAV; architectural drawings and design statement; housing Quality Assessment and Schedule of Areas; Landscape Report; Environmental Report; Statement of Consistency; Material Contravention Statement; Community Audit; Infrastructure Design Report; Traffic and Transport Assessment; Site Specific Flood Risk Assessment; Outline Construction Management Plan; Construction Waste Management Plan; Operational Waste Management Plan; Daylight and Sunlight Analysis; Archaeological Desktop Assessment; AA Screening; CGIs; Noise Report; Hydrological Assessment and Ecological Report

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

### **8.2 Planning Authority Submission**

8.2.1 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 note of their section 247 consultations with the prospective

applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on August 10<sup>th</sup> 2020.

8.2.2 The planning authority's 'opinion' included, inter alia, the following matters: internal reports; planning history; site and surrounding area; development proposals; pre-planning consultations, policy context; principle of proposed development- zoning; density and plot ratio; height; urban design, public realm and permeability; retail; quality of residential units; open space; supporting residential facilities; sunlight/daylight; wind; noise; impact on adjoining amenities; privacy; drainage planning; transportation planning; taking in charge; public lighting; social housing; appropriate assessment/EcIA and development contributions. Internal reports from the Transportation; Housing, Parks and Landscape Services, and Drainage Planning Departments have been appended to the report.

8.2.3 A detailed and comprehensive report was submitted and it concludes with the following concerns:

Density and Plot Ratio:

- Stillorgan LAP 2018 outlines that the indicative plot ratio is 1:2.5. The development proposed has a plot ratio of 1:3. This exceeds the indicative plot ratio in the Stillorgan LAP and therefore materially contravenes the provisions of the Dun Laoghaire Rathdown County Development Plan. In conjunction with other issues this plot ratio signifies the overdevelopment of the subject site.

Building Height:

- The proposed development materially contravenes the height guidance of the Stillorgan Local Area Plan 2018. The 8-storey element on building 5 and the height proposed on building 1 up to 6 and 7 storeys, is considered to be of a height and mass that would appear overbearing when viewed from the adjacent commercial bungalows on the Hill. The transition in height proposed together with the massing of the buildings, results in a development, which appears bulky and detracts from the creation of a landmark building.

Urban Design:

- Concerned regarding massing and the height on buildings 5 and 1 and the overbearing impact it may cause to the units on the Hill. This is demonstrated in the western side elevations which clearly identify the massing and bulkiness of building 5.
- Lacking detail on the proposed materials. A detailed schedule of materials and key samples should be included at planning application stage.
- A significantly enhanced public realm, including the issue of footpath width, is required to facilitate a development of the height and density proposed.

#### Quality of the Residential Units:

- Full details of the operational management of the development should be submitted
- Noted that the unit types shown on the drawings are not accurately reflected in the Housing Quality Assessment. The unit numbers which are identified in the HQA are also not shown on the floor plans. It is recommended that this is rectified in the final application.
- Confirmation if residential services and amenities will be restricted to the use of residents only.
- 184 no. units do not provide for balconies. Given the site location, design and layout, the Planning Authority has serious concerns about the quality of future residential amenity.
- A large number of single aspect units are located in building 2 with an easterly aspect overlooking the N11. The Planning Authority has serious concerns regarding the quality of these units.
- Need to incorporate the mitigation measures outlined in the Wind report and to clearly set out where these measures have been incorporated into the design of the buildings and landscaping.
- Serious concerns about the positioning of windows and balconies in proximity to adjacent blocks. The applicant is advised to examine the positioning of windows and adjacent balconies and examine screening measures to ensure that future residents will enjoy a notable amount of privacy.

### Sunlight, Daylight & Shadow Assessment:

- Concern regarding potential impact of overshadowing on the permitted development on the Leisureplex site (ABP. Ref. PL06D.305176).  
Recommended that the applicant examine the impact of the proposed development on the permitted Leisureplex site with regards to overshadowing, daylight and sunlight.
- 29 no. units have been tested. No north easterly facing units were tested for any of the blocks proposed along the northern boundary of the site. The Planning Authority has serious concerns about a number of single aspect bedrooms in blocks 3, 4, 5 and 5 which are located 3.3m from the opposing building wall. It is recommended that the entire scheme be tested at final application stage in order to provide full details on potential impacts.
- Clarity is also required on the units which fail to meet the 27% Vertical Sky Component.

### Impact on adjoining Residential Amenities:

- Recommended that the applicant submit an additional site layout plan taking into account the permitted development under ABP. Ref. PL06D.305176. The drawing should include separation distances and the supporting documentation should examine the potential of overshadowing, impacts on sunlight and daylight and the potential to create an overbearing appearance.
- Submit a Landscape Visual Impact Assessment to examine of the proposed development on the receiving environment.

### Childcare Facility:

In order to fully assess whether the proposed childcare facility is of an adequate size, the applicant should submit details of the no. of available spaces per facility and also detail how the proposed crèche size meets the requirement guidelines considering 464 no. Units are proposed. Examine the location of the crèche and consider revising the location to the Hill as set out in the Transportation Planning Report.

### Retail:

Noting the District Centre zoning of the site and the limited quantum of commercial floor area permitted on the Leisureplex site, the Planning Authority is concerned about the limited quantum of commercial floor area proposed in the subject

application which is predominantly a residential scheme. It is advised that this be reviewed in the final application.

Open Space:

- Noting the quantum of residential units proposed and the limited availability of open space in the surrounding area, the Planning Authority is concerned with the limited size of the public open space / plaza proposed at the corner of the Hill/ Lower Kilmacud Road. It is noted that the 1,300sqm of civic space proposed includes public realm works including the works to footpaths. The final application should clearly differentiate the area of public realm works from public civic space.
- Concerns in relation to the controlled access of the public open space in the evenings. Controlled access would prohibit permeability through the site from the N11 to the Hill and would therefore not accord with Section 4.5.3.2 of the Stillorgan LAP.
- Protection of privacy of ground floor units

The following information should also be submitted in any application on the site: Boundary Treatment Plan; clarity on Taking in Charge proposals; a lighting layout; drainage issues are set out in the report to Appendix B; Transportation issues are set out in the report to Appendix B; Park and Landscape issues are set out in the report to Appendix B and Housing issues which are set out in the report in Appendix B.

8.2.4 I have reviewed and considered all of the documentation submitted by the planning authority relating to this case.

### **8.3 Consultation Meeting**

8.3.1 A Section 5 Consultation meeting took place via Microsoft Team due to Covid-19 restrictions on the 28<sup>th</sup> day of September 2020, commencing at 2.00pm.

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.

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



- Development strategy for the site to include height, density, massing and plot ratio in context of PA concerns; proposed uses in context of zoning objective; open space/permeability; childcare facility; materials/finishes
- Residential amenity
- Transportation matters
- Drainage matters
- Any other matters

8.3.3 In relation to development strategy, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- Height/massing//density/plot ratio of proposed development in the context of PA concerns; in the context of existing local and national policy; the existing/permitted pattern of development in the area and locational context
- Site Development Framework (Table 4.5.3.2) as contained in Stillorgan LAP
- Transition between the landmark element and the lower elements of the proposal; designed to ensure that excessive massing or bulk in the overall design does not detract from the proposed landmark element
- Proposed uses in context of 'District Centre' zoning and consistency with same
- Urban design/public realm/landscaping/boundary treatment; open space provision; Stillorgan Village Area Movement Framework Plan (SVAMFP) (2017)
- Connectivity/permeability to nearby lands; accessibility; level differences
- Discussions regarding size/location of childcare facility
- Materials/finishes; elevational treatment

8.3.4 In relation to residential amenity, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- Residential amenity in the context of possible/perceived impacts on existing/permitted residential properties
- Quality of proposed residential development; Compliance with Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018); private open space provision; daylight/sunlight analysis; aspect of proposed units; microclimate

8.3.5 In relation to transportation matters, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following

- Transport and parking as per report of Transportation Planning Division, Planning Authority, as contained in Appendix B of PA Opinion, dated 04/08/2020

8.3.6 In relation to drainage matters, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following

- Surface water drainage and flood risk- as per report of Drainage Division, Planning Authority, as contained in Appendix B of PA Opinion, dated 07/07/2020
- Report of IW in relation to water and wastewater connections

8.3.7 In relation to other matters, An Bord Pleanála representatives sought further elaboration/discussion/consideration of the following

- Building Lifecycle report; taking in charge details

## 8.4 Conclusion

8.4.1 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.

8.4.2 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.

- 8.4.3 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 **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.
- 8.4.4 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.

## 9 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 the subject site 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:

### Height and Design Strategy

1. Further consideration and/or justification of the documents as they relate to the height and design strategy for the site, having regard to the policies and objectives of the recently adopted Stillorgan LAP 2018; the permitted heights on this site and other sites in the general vicinity; together with the capacity of the site to accommodate a development of the height, scale and massing proposed. The applicant is referred to the recently adopted Stillorgan LAP 2018, (adopted subsequent to the granting of permission for ABP-300520-17, which permitted a maximum height of 9 storeys), in particular the 'Site Development Framework' prepared for the site (Table 4.5.3.2), contained therein. This Site Development Framework sets a benchmark height of five storeys across the site, with a landmark building of up to nine storeys at the corner of the N11/Lower Kilmacud Road junction. This landmark height reflects the height of the previously permitted development on the site (ABP-300520-17). In this regard, the prospective applicant should satisfy themselves that the design strategy for the site as it relates to height provides the optimal architectural solution for this site, in line with both local and national policy, and should submit a rationale/justification for the heights/setbacks proposed. CGIs, visualisations and cross sections, as necessary, should be submitted which clearly show the relationship between the proposed development and existing/permitted development in the immediate and wider area and which illustrates the topography of the area. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage.

Furthermore, the applicant is advised that an appropriate statement in relation to section 8(1)(iv) of the Planning and Development (Housing) and Residential Tenancies Act 2016, that outlines consistency with the relevant development plan and that specifically addresses any matter that maybe considered to materially contravene the said plan, if applicable, should be submitted.

2. If the applicant continues with the height and design strategy as proposed in the documentation submitted, further consideration and/or justification of the documents as they relate to the proposed strategy for the development of the site in respect of the design and layout of the proposal, particularly with regards to the location of the landmark element of the proposal on the site is required. The applicant should also ensure that the transition between the landmark element and the lower elements of the proposal are designed to ensure that excessive massing or bulk in the overall design does not detract from the proposed landmark element. Particular regard should also be had to creating suitable visual relief in the treatment of elevations. An architectural report and urban design statement should be submitted with the application. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage

#### Proposed Uses

3. Further consideration and/or justification of the documents as they relate to the quantum of mixed use district centre facilities being proposed, having regard to the 'District Centre' zoning of the lands, as set out in the Dun Laoghaire Rathdown County Development Plan 2016, the objective of which is 'to protect, provide for and or improve mixed use district centre facilities'. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage

Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission arising from this notification:

1. A report that specifically addresses the proposed materials and finishes of the proposed structures including specific detailing of finishes, openings, the treatment of balconies, landscaped areas and boundary treatments. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the

development. Particular regard should also be had to details showing proposals for the treatment of the interface between the proposed buildings, private/communal open spaces and public realm. Pedestrian permeability through the site should be outlined. The applicant should note the provisions of the Stillorgan Village Area Movement Framework Plan (SVAMFP) (2017) in this regard. The documents should also have regard to the long term management and maintenance of the proposed development. Additional cross sections, CGIs and visualisations should be included in this regard.

2. Additional transportation details for the site having regard to the requirements of the Transportation Planning Division as indicated in their report, dated 04<sup>th</sup> August 2020, contained in Appendix B of the Planning Authority's Opinion
3. Additional drainage details for the site having regard to the requirements of the Drainage Division as indicated in their report contained in Appendix B of the Planning Authority's Opinion, dated 07<sup>th</sup> July 2020. Any surface water management proposals should be considered in tandem with any Flood Risk Assessment, which should in turn accord with the requirements of 'The Planning System and Flood Risk Management' (including associated 'Technical Appendices').
4. A site layout plan showing which, if any, areas are to be taken in charge by the planning authority
5. A report that addresses issues of residential amenity (for existing residents of adjoining development, future occupants of proposed scheme and future residents of permitted but not yet constructed development in vicinity), specifically with regards to overlooking, overshadowing, overbearing and noise. The report shall include full and complete drawings including levels and cross-sections showing the relationship between the proposed development and adjoining residential development. Furthermore, landscape and architectural drawings that clearly detail the relationship between wind impact mitigation measures and the design of the proposed development shall be included.
6. A housing quality assessment which provides specific information regarding the proposed apartments and which demonstrates compliance with the various requirements of the 2018 Guidelines on Design Standards for New Apartments,

including its specific planning policy requirements. This should also include a schedule of floor areas for all proposed units, clearly setting out the aspect (single, dual, triple) of each unit

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. Department of Culture, Heritage and the Gaeltacht
3. Transport Infrastructure Ireland
4. 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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Lorraine Dockery  
Senior Planning Inspector  
16<sup>th</sup> October 2020