



An  
Bord  
Pleanála

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

### **Inspector's Report on Recommended Opinion ABP-307557-20**

---

<b>Strategic Housing Development</b>	Demolition of existing buildings on site excluding Small Hall, construction of 240 no. apartments, childcare facility and associated site works.
<b>Location</b>	Mount St. Mary's, Dundrum Road, Milltown, Dublin 14.
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Prospective Applicant</b>	Winterbrook Homes (MSM) Limited
<b>Date of Consultation Meeting</b>	7 <sup>th</sup> December 2020
<b>Date of Site Inspection</b>	26 <sup>th</sup> November 2020.
<b>Inspector</b>	Daire McDevitt

**Contents**

1.0 Introduction .....3

2.0 Site Location and Description .....3

3.0 Proposed Strategic Housing Development .....3

4.0 Planning History .....5

5.0 Section 247 Consultation(s) with Planning Authority .....5

6.0 Prospective Applicant’s Case .....5

7.0 Planning Authority Submission .....12

8.0 The Consultation Meeting .....19

9.0 Assessment .....21

10.0 Recommended Opinion .....22

## **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, with a stated area of 1.6088 hectares, is the former Marist Fathers Mount St. Mary Seminary Complex located on the eastern side of Dundrum Road in Milltown. It is within 1km of two LUAS stops (Milltown and Windy Arbour) and c. 1.6km from Dundrum. The site excludes Emmet House (Protected Structure RPS No. 18) Emmet House and its immediate curtilage will remain in the ownership of and in use by the Joint Managerial Body Secretariat of Secondary Schools.

A stone wall forms the boundary along Dundrum Road, a steel fence forms the western boundary with Churchfields. The site is bounded to the north and east by established residential areas which are characteristic of Dublin suburbia. To the south the site is bounded by rugby pitches, cricket field and sports pavilion associated with the Catholic University School and are zoned under land use objective F.

Access is proposed off Dundrum Road via the existing entrance to Emmet House.

## **3.0 Proposed Strategic Housing Development**

The proposed development is for 240 apartments, creche, café, gym and associated works. The developemtn parameters are as follows

The development parameters are:

<b>Site Area</b>	<b>1.6088ha</b>
Proposal	240 apartments in 5 no. blocks.
Demolition	Existing vacant buildings on site (c.2913.8sq.m) consisting of Gate Lodge bungalow, Middle House, Former Chapel including a Oratory and side Chapels (now deconsecrated), Residence Wing, Small Hall, stables and lockups, workshops).
Density	149 uph
Height	Range from 4 to 10 storeys as follows: <b>Villa A:</b> 4 storeys (located to the east of Emmett House RPS) <b>Villa B:</b> 4 to 5 (located along the eastern boundary) <b>Villa C:</b> 4 to 7 (located along the eastern boundary) <b>Villa D:</b> 4 to 10 (located in the centre of the site) <b>Villa E:</b> 4 to 6 (fronts onto Dundrum Road) A basement level is provided under Villa A & B for waste, plant and parking.
Dual Aspect	59% (141 units)
Communal Facilities & Amenities (internal)	<ul style="list-style-type: none"> <li>• Tea Room/Café (83sq.m) at ground floor of Villa E.</li> <li>• Residents Support &amp; Concierge (96sq.m) at ground floor of Villa A.</li> <li>• Gym (87sq.m) at ground floor of Villa D.</li> <li>• Roof Garden (159sq.m) &amp; Co-Working Space (78sq.m) at 4<sup>th</sup> floor of Villa D.</li> </ul>
Private/Communal/Public Open Space	Public Park, formal gardens, play areas and pedestrian & Cyclist links (total of c. 5800sq.m). Semi-private open space (2859sq.m) and roof terrace noted above.
Parking	Car: 123 (97 at basement level and 26 at surface of which 20 are for Emmet House) Bicycle: 484 (360 at basement level and 124 at surface) Motorcycle: 4 (basement level)
Access	Vehicular access off existing entrance off Dundrum Road. Pedestrian links via Dundrum Road & Churchfields.
Part V	24 units
Childcare	161sq.m in the existing 'small hall' which will be reconstructed to accommodate a creche.

The applicant site Unit Mix:

Unit type	No. of units	% of total
1 bed	120	50
2 bed	120	50
Total	240	100

## 4.0 Planning History

**PA Ref. No. D16A/0113** refers to a grant of permission for works to stone boundary wall along the Dundrum Road, consisting of 1) repair and re-pointing, 2) dismantling and reconstruction to original alignment and 3) landscaping remediation.

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

The prospective applicant's representatives met the PA for a consultation under Section 247 of the Planning and Development Act 2000 (as amended) on 15<sup>th</sup> April 2020. Details of the meeting are included with the submitted documentation.

## 6.0 Policy Context

### 6.1 National

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

The National Planning Framework is a high-level strategic plan shaping the future growth and development of Ireland to 2040.

The NPF includes 75 no. National Policy Objectives. These include inter alia **Objective 2a** is a target that half of future population growth will be in the cities or their suburbs. **Objective 13** is that, in urban areas, planning and related standards including in particular building 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. **Objective 27** which seeks to ensure the integration of safe and convenient alternatives to the car in the design of communities, **Objective 33** to prioritise the of new homes at locations that can support sustainable development and at appropriate scale of provision relative to location, **Objective 35** is to increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building height.

## 6.2 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 S.28 Ministerial Guidelines are:

- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual') (2009).
- 'Urban Development and Building Height, Guidelines for Planning Authorities'. 2018
- 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (2018).
- "Design Manual for Urban Roads and Streets' (DMURS) (2013). Interim Advice Note- Covid 19 (May 2020).
- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices').
- 'Childcare Facilities – Guidelines for Planning Authorities'.
- Architectural Heritage Protection Guidelines for Planning Authorities' (2011).

## 6.3 Regional

### **Eastern and Midland Regional Assembly - Regional Spatial and Economic Strategy 2019-2031 (EMRA-RSES)**

The RSES provides a development framework for the region through the provision of a Spatial Strategy, Economic Strategy, Metropolitan Area Strategic Plan (MASP), Investment Framework and Climate Action Strategy.

The Dublin MASP is an integrated land use and transportation strategy for the Dublin Metropolitan Area, which seeks to manage the sustainable and compact growth of the Dublin Metropolitan Area.

The strategy for the sequential development of the metropolitan area is focussed on the achievement of ambitious compact development targets of at least 50% of all new homes within or contiguous to the existing built up area in Dublin and 30% in other settlements, the MASP identifies strategic residential, employment and regeneration development opportunities on the corridors along with the requisite infrastructure investment needed to ensure a steady supply of sites in tandem with the delivery of key public transport projects as set out in the NDP.

Strategic development corridors are identified including the City Centre within the M50; North-South Corridor (DART expansion); North-West Corridor (Maynooth/Dunboyne line and DART expansion); Southwest Corridor (Kildare Line, DART expansion and Luas red line); and Metrolink – LUAS Corridor (Metrolink, LUAS greenline upgrades).

**RPO 5.3:** Future development in the Dublin Metropolitan Area shall be planned and designed in a manner that facilitates sustainable travel patterns, with a particular focus on increasing the share of active modes (walking and cycling) and public transport use and creating a safe attractive street environment for pedestrians and cyclists.

**RPO 5.4:** Future development of strategic residential development areas within the Dublin Metropolitan Area shall provide for higher densities and qualitative standards as set out in the ‘Sustainable Residential Development in Urban Areas’, ‘Sustainable Urban Housing: Design Standards for New Apartments’ Guidelines and ‘Urban Development and Building Heights Guidelines for Planning Authorities.

**RPO 5.5:** Future residential development supporting the right housing and tenure mix within the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, and the development of Key Metropolitan Towns, as set out in the Metropolitan Area Strategic Plan (MASP) and in line with the overall Settlement Strategy for the RSES. Identification of suitable residential development sites shall be supported by a quality site selection process that addresses environmental concerns.

## 6.4 Local

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

The Dun Laoghaire Rathdown Development Plan 2016 – 2022 is the operative development plan.

- The site is zoned ‘A’ with an objective ‘to protect and / or improve residential amenity’.
- The lands associated with Mount St. Mary are subject to RES5 ‘Institutional Lands’ designation with ‘an objective “to protect and / or provide for institutional use in open lands”’.

**Chapter 2** Sustainable Communities Strategy, includes inter alia policies which seek to increase housing supply and density (RES3), ensure an appropriate mix, type and range of housing (RES7) and promote the development of balanced sustainable communities.

These include **Policy RES5 Institutional Lands:**

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

**Section 2.1.3.5** states that protecting and facilitating the open and landscaped ‘parkland’ settings and the activities of these institutions is encouraged. Where a well-established institution plans to close, rationalise or relocate, the Council will endeavour to reserve the use of the lands for other institutional uses, especially if the site has an open and landscaped setting and recreational amenities are provided. Where no demand for an alternative institutional use is evident or foreseen, the Council may permit alternative uses subject to the zoning objectives of the area and the open character of the lands being retained. A minimum open space provision of 25% of the total site area (or a population based provision in accordance with Section 8.2.8.2 whichever is the greater) will be required on Institutional Lands. This provision must be sufficient to maintain the open character of the site with development proposals structured around existing features and layout, particularly by



reference to retention of trees, boundary walls and other features as considered necessary by the Council (Refer also to Section 8.2.3.4(xi) and 8.2.8). In the development of such lands, average net densities should be in the region of 35 - 50 units p/ha. In certain instances, higher densities will be allowed where it is demonstrated that they can contribute towards the objective of retaining the open character and/or recreational amenities of the lands. In cases of rationalisation of an existing institutional use, as opposed to the complete cessation of that use, the possible need for the future provision of additional facilities related to the residual retained institutional use retained on site may require to be taken into account. (This particularly applies to schools where a portion of the site has been disposed of, but a school use remains on the residual part of the site).

**Section 8.2.3.4 (xi)** sets out principles / standards for the development of Institutional Lands.

The Plan states that where no demand for an alternative institutional use is evident or foreseen, the Council may permit alternative uses subject to the area's zoning objectives and the open character of the lands being retained. The principal aims of any redevelopment will be to achieve a sustainable amount of development while ensuring the essential setting of the lands and the integrity of the main buildings are retained. A comprehensive masterplan should accompany a planning application for institutional sites. The masterplan must take account of the built heritage and natural assets of a site and established recreational use patterns. Public access to all or some of the lands may be required. Should any proposed development deviate from the agreed masterplan then a revised masterplan shall be agreed with the Planning Authority. A minimum open space provision of 25% of the total site area (or a population based provision in accordance with Section 8.2.8.2 whichever is the greater) will be required on Institutional Lands. This provision must be sufficient to maintain the open character of the site - with development proposals built around existing features and layout, particularly by reference to retention of trees, boundary walls and other features as considered necessary by the Council. In addition to the provision of adequate open space, on Institutional Lands where existing school uses will be retained, any proposed residential development shall have regard to the future

needs of the school and allow sufficient space to be retained adjacent to the school for possible future school expansion/ redevelopment.

**Chapter 8 Policy UD6 Building Height:** “It is council policy to adhere to the recommendations and guidance set out within the Building Height Strategy for the County”. The **Building Height Strategy** is contained in Appendix 9. The site is located within a ‘residual urban area’ where a maximum of 3-4 storeys may be permitted. In certain circumstances upward modifiers can be applied to allow for an additional 1-2 storeys, including in situations where the site is larger enough (i.e. >0.5ha) to set its own context.

Other relevant sections include inter alia:

**Chapter 22 - Sustainable Travel and Transportation.**

**Policy UD1:** Urban Design Principles - all development is of high quality design that assists in promoting a ‘sense of place’.

**Policy UD3** Public Realm Design

**Chapter 6 Built Heritage**

**Policy AR1** Record of Protected Structures

**Development Management standards of note (but not limited to):**

**Section 8.2.3.5** Residential Development- General Requirements.

**Section 8.2.3.1** Quality Residential Design

**Section 8.2.3.2** Quantitative Standards.

**Section 8.2.3.3-** Apartment Development

**Section 8.2.4 –** Sustainable Travel and Transport

**Section 8.2.4.5-** Parking provision in excess of the maximum standards set out for non-residential land uses in Table 8.2.4 shall only be permitted in exceptional circumstances as described below.

Reduced parking or car –free parking will be allowed in areas with high public transport accessibility.

**Table 8.2.3:** Residential Land Use - Car Parking Standards

**Section 8.2.8 –** Open Space and Recreation

**Section 8.2.11** Archaeological and Architectural Heritage (including ACAs)

**Section 8.2.11.2** Architectural Heritage – Protected Structures.

## 7.0 Prospective Applicant's Case

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 (the titles of documents are as per those submitted with the request), inter alia, Completed Pre Application Consultation Form, Letter of consent from the Marist Trustees, Planning Report, Statement of Consistency, Environmental Impact Assessment (EIAR) Screening Statement, Material Contravention Statement, Part V Validation Letter, Part V Letter and Costings, Ecological Technical Notes, Technical Note (operational Waste Management Plan), Landscape Design Book (Tree Survey Report by Arborcare appended), Landscape Drawings & Drawing Schedule (Tree Constraints Plan included), Engineering Drawings and Drawing Schedule, Traffic & Transport Assessment, Residential Travel Plan, DMURS Compliance Statement, Infrastructure Report (Confirmation of Feasibility from Irish Water appended), Outline Construction Management Plan, Flood Risk Assessment Report, Daylight & Sunlight Assessment of a Residential Development at Mount St. Mary's, Dundrum Road, Dublin D14, Wind Desktop Study, Architectural Drawings and Drawing Schedule (Proposed (PART V) site plan included), Design Statement, Housing Quality Assessment, Townscape and Visual Impact Assessment, CGI Views and Photomontages.

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.

The pre-application submission includes a Material Contravention Statement that addresses building height (Appendix 9), mix of units (section 8.2.3.3 (iii)), residential density and RES5 (Institutional lands) contained in the Dun Laoghaire Rathdown Development Plan 2016-2022.

## 8.0 Planning Authority Submission

A submission was received by An Bord Pleanála from Dun Laoghaire Rathdown County Council on 21<sup>st</sup> August 2020. The 'opinion' of the planning authority included, inter alia, the following:

### Principle of Development:

Residential development is permitted in principle under land use zoning objective A.

### Institutional Lands:

Section 8.2.3.4 (xi) sets out the requirements for developments on lands containing an Institutional Objective. The Planning Authority notes:

- The proposal meets the requirement to provide 25% public open space.
- The proposed density (149uph) is significantly greater than the 35-50 dph set out in County Development Plan.

### Density:

- Density complies with RES3 (within 750m walk of two luas stops and c.1.6km from Dundrum). However, it does not comply with the densities set out under RES5 for Institutional lands and therefore contravenes policy RES5.

### Height:

- The Planning Authority notes that the case made for the increased height proposed and considers that in this case the upward modifiers have been met.

- The need to move towards higher densities is also acknowledged and this can often be achieved by providing taller buildings, however the heights propose materially contravene the Dun Laoghaire Rathdown County Development Plan and the Planning Authority has serious concerns regarding the visual and residential amenities impact of the development on the surrounding area.
- In addition, the Planning Authority is concerned that the site is directly adjacent to lands zoned 'F' in the County Development Plan and therefore consideration of the transition between the two zones is required and the development as proposed provides an abrupt transition. Furthermore, this element of the proposed development will materially and negatively impact on any future development potential of this site should its zoning objective change in the future.

#### Design and Appearance:

- Design Concept places an emphasis on creating a new 'public park' to the front of Emmet House and opening up views into the site by lowering and removing part of the boundary wall along Dundrum Road. The concerns raised by the Conservation Officer area noted, however the merits the design approach are recognised.
- It is considered that the overall all external design quality and architectural approach is of high quality and has given some consideration to the special character of Emmet House and to the residential amenities of the existing residential properties at Churchfields. However, a complete demonstration on how existing residential amenities are protected would be required at application stage.

- The Conservation Officer is broadly supportive of the open space and setting afforded to Emmet House within the scheme and the set back of the proposed blocks. The building heights increasing with distance from Emmet House is satisfactory and will contribute towards reducing the visual impact on Emmet House. The Conservation Officer raised concerns regarding the proposed works to the boundary wall along Dundrum Road and recommended that the works to this wall should be in line with those permitted under PA Reg. Ref. D14A/0257 and D16A/0113.

### Residential Amenities:

Within the development:

- The separation distance between Block A and B of c.8.6m is not acceptable and would give rise to significant overlooking.
- The distances between Block B and C vary between 15.2 and 15.6m and the distances between Block D and E is c. 15m are not acceptable. Distances of 22m are set out in the Development Plan, this may vary in scheme where there are taller blocks (i.e. increase) or reduce (depending on layout).
- Overall the distances between blocks for a scheme of this scale are not acceptable and need to be addressed at application stage.

Impact on neighbouring properties:

- More detail required regarding separation distances from existing houses to the north and potential overlooking.
- Concerns regarding overlooking of properties to the east due to the set back of Block B from the boundaries

Daylight/Sunlight:

The Planning Authority is satisfied that there appears to be no significant issue regarding sunlight/daylight.

#### Quality of Residential Units:

Overall the development complies with the Apartment Guidelines. However, the following is noted:

- Proposal complies with the SSPR 1 of Apartment Guidelines; however it does not comply with RES7 (unit mix) of the County Development Plan.
- Dual aspect has been achieved, however concerns raised regarding the use of double loaded corridor arrangements.
- Details of how communal spaces will be managed should be submitted at application stage.

#### Open Space/trees:

- In the absence of a report from the Parks and Landscape Services, the Planning Authority considers the provision of public open space to be acceptable.
- Open space provision is adequate and complies with the Apartment Guidelines.
- The retention of matures trees on site is welcomed along with additional planting proposed.

#### Traffic & Transportation:

- Refer to Transportation Section report.

- Serious concerns have been raised regarding use of the existing entrance off Dundrum Road to serve the proposed development due to intensification of traffic movements. The applicant is advised to submit proposals for an alternative access from Churchfields.
- The Planning Authority is not in favour of the proposed parking ratio of 0.4 spaces per unit (i.e. 123 spaces for 240 apartments, of which 20 are for Emmet House (which in itself is outside the redline boundary and its use should be clarified). A ratio of 1 space per unit should be provided for the apartments (i.e. 240 spaces).
- 480 bicycle spaces is largely in accordance with the Apartment Guidelines. Details of cycle provision for the childcare and café are recommended.

#### Childcare:

The provision of a childcare facility on site is welcomed.

#### Other:

- More details required regarding refuse collection.
- Refer to Drainage Section report for comments regarding flooding/drainage.
- Part V proposals meet the requirements.
- ABP is the Competent Authority in terms of AA and EIA.

Full details of the Council's Technical Reports are included in Appendix A of the Planning Authority's Opinion.



## **Planning Authority Conclusion:**

The development potential of the site is noted, including its location within close proximity to two LUAS stops at Milltown and Windy Arbour and the site's proximity to Dundrum Town Centre.

The Planning Authority notes that there are a number of constraints associated with the site, including the presence of Emmet House (Protected Structure), the sites location directly adjacent to lands zoned objective 'F' and the issues surrounding access to the site from Dundrum Road.

While the principle of higher density development is generally supported, the applicant is advised that the following items require further consideration:

### Height:

- Materially contravenes County Development Plan.
- Abrupt transition Blocks 5, 4 and 3 which adjoin lands zoned under land use objective 'F' needs to be addressed.

### Density:

- Density contravenes policy RES5 (Institutional lands) of the Dun Laoghaire Rathdown County Development Plan 2016-2022.

### Residential Amenity:

#### (Internal)

- Instance of overlooking within the scheme.
- A greater housing mix is required to comply with Policy RES7 of the Dun Laoghaire Rathdown County Development Plan 2016-2022.

- Use of double loaded corridors reduces the opportunity to provide for high quality dual aspect apartments.
- Revised layout and increase in the variety of apartment types would facilitate the deliverability of a higher quality of development.

(External)

- Consideration to be given to the protection of residential amenities of adjoining residential properties.

Transportation:

- Serious concerns raised regarding the intensification of the existing vehicular entrance onto Dundrum Road and the applicant is advised to submit an alternative access from Churchfields.
- A car parking ratio of 1 space per unit is recommended (240 car spaces).
- Letter of consent to achieve cycle and pedestrian links through to Churchfields and Hawthorn estate should be obtained in advance of the submission of the Planning Application.

Other:

- Refuse collection.
- Requirement for a Building Life Cycle and Energy Statement.

## **9.0 Other Submissions**

### **Irish Water (11<sup>th</sup> August 2020)**

Irish Water issued a Confirmation of Feasibility for 250 units. And that new connections in respect of water and wastewater are feasible without upgrades.

## 10.0 The Consultation Meeting

A Section 5 Consultation meeting took place Remotely Via Microsoft Teams on the 7<sup>th</sup> December 2020, commencing at 2:30PM. Representatives of the prospective applicant, the Planning Authority and An Bord Pleanála participated in the meeting. An agenda was issued by An Bord Pleanála prior to the meeting.

The main topics raised for discussion at the tripartite meeting were based on the agenda that issued in advance and contained the following issues:

1. Compliance with local planning policy- RES5 'Institutional Lands' designation.
2. Development Strategy, including inter alia density, building height, unit mix, open space, connectivity and permeability and architectural response to the site context.
3. Architectural Conservation.
4. Services, facilities and amenity areas for future occupants.
5. Residential Amenities (impact on adjoining properties and within the scheme)
6. Car Parking Strategy
7. Any Other Business.

In relation to **compliance with local planning policy**, An Bord Pleanála sought further elaboration / discussion in relation to the 'Institutional lands' designation and RES5. Clarity was also sought in relation to the ownership of Emmet House and its use.

In relation to **development strategy**, An Bord Pleanála sought further elaboration / discussion / consideration in relation to inter alia density, building height, unit mix, open space, connectivity and permeability within the site and with wider area, architectural response to the site context and impact on development potential of adjoining lands.

In relation to **Architectural Conservation**, An Bord Pleanála sought further elaboration / discussion in relation to the issues raised by the Conservation Officers, treatment of boundary wall along Dundrum Road and the status and rationale/justification for the demolition of structures onsite.

In relation to **services, facilities and amenity areas for future occupants**, An Bord Pleanála sought further elaboration / discussion in relation to the level of provision for future occupants having regard to the site's locational context, clarity on the gym and café and if for residents use only, accessibility of public and communal open spaces.

In relation to **residential amenities**, An Bord Pleanála sought further elaboration / discussion in relation overlooking within the scheme (Blocks A and B in particular), impact of adjoining residential properties.

In relation to **Carparking Strategy and Access** An Bord Pleanála sought further elaboration / discussion in relation car parking and spaces assigned to other uses not include in the redline boundary (Emmet House), parking for childcare, café and gym (if these are commercial and open to the public), clarification on the Planning Authority's rationale behind the recommendation that a ratio of 1 space per unit be provided (0.4 proposed) and alternative access proposal through Churchfield (residential estate) as the proposed use of the an existing entrance off Dundrum Road is not considered acceptable on the grounds of intensification of use.

Under **Any Other Business**, DLR Drainage Section raised concerns regarding drainage arrangements the south eastern corner of the site and queried the condition of the IW network. ABP Representatives noted that further discussions should be sought between the prospective applicant and Irish Water (IW) ensuring they are satisfied with the development proposals and upgrade works if required. And that the prospective applicant should ensure that all technical matters are addressed as no recourse for further information under SHD, ensure all documentation correlates and dovetails and if Material Contravention arises this should be addressed in the documentation submitted and advertised accordingly.

Both the prospective applicant and the planning authority were given an opportunity to comment and respond to the issues raised by the representatives of ABP. Those

comments and responses are recorded in the 'Record of Meeting 307557' 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.

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

Having regard to all of the above, I recommend that further consideration and/or possible amendment of the documents submitted is required at application stage in respect of the following elements: compliance with local planning policy and development strategy, as sets out in the Recommended Opinion below.

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.

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

## 12.0 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. Institutional Lands Objective

Further consideration and / or justification of the documents as they relate to compliance with local planning policy. The further consideration and / or justification should address the objectives “to protect and / or provide for institutional use in open lands” that pertain to the site having regard to the provisions of the Dun Laoghaire Rathdown Development Plan 2016-2022.

### 2. Design Strategy

Further consideration and/or justification of the documents as they relate to the design strategy for the site in respect of:

- a) The interface with Emmet House, the Public Realm at Dundrum Road and the interface with Churchfields to the east, 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 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.
- b) 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 and adjoining roads (within Churchfield and Dundrum Road))
- c) In addition to the consideration of local statutory policy and 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.
- d) The quantum and quality of public and communal open space provision. The response should include a detailed landscaping plan for the site which includes a schedule of open space and address the design and function of open spaces within the development. This should also clearly sets out proposals for hard and soft landscaping including street furniture, where proposed, which ensures that areas of open space are accessible, usable and available for all. Additional cross sections, CGIs and visualisations should be included in this regard.
- e) The layout of the development, hierarchy of open space, compliance with DMURS and provision of connections with adjoining lands and surrounding area.

The response should also include a report that specifically addresses the proposed materials and finishes and the requirement to provide high quality and sustainable finishes and details Particular attention is required in the context of the

visibility of the site and to the long-term management and maintenance of the proposed development. A Building Life Cycle report shall also be submitted in accordance with section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2018).

The further consideration / justification should have regard to, inter alia, the guidance contained in the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2018, the Urban Development and Building Height Guidelines for Planning Authorities 2018; the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) and the accompanying Urban Design Manual; the Design Manual for Urban Roads and Streets 2013; and the Dun Laoghaire Rathdown Development Plan 2016-2022.

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

### **3. Traffic and Transportation**

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

- (a) The use of the existing vehicular access to Emmet House off Dundrum Road.
- (b) The Car Parking Strategy for the proposed development, having particular regard to the quantum of residential parking proposed, how it is intended to be assigned and managed and measures proposed to address shared carparking with the Emmet House, visitor parking and other uses proposed.
- (c) A response to the issues raised in the Report of the Transportation Division of Dun Laoghaire Rathdown County Council, as contained in the Planning Authority's Opinion dated 21<sup>st</sup> August 2020.

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



#### **4. Residential Amenities**

Further consideration and / or justification of the documents as they relate to residential amenity, having particular regard to the potential for overlooking, overshadowing and overbearing impacts on existing adjoining residential properties and proposed residential units within the scheme. The response should include a Sunlight, Daylight and Shadow Analysis of inter alia units proposed, communal open spaces, public open spaces and adjoining lands and properties.

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:

1. A housing quality assessment which provides the specific information regarding the proposed apartments required by the 2018 Guidelines on Design Standards for New Apartments. The assessment should also demonstrate how the proposed apartments comply with the various requirements of those guidelines, including its specific planning policy requirements.
2. A Report that addresses the quantum and quality of services, facilities and amenities proposed having regard to the future needs of the occupants of the proposed development. Where there is a reliance on off-site services, facilities and amenities the report should include details of the location and the nature and extent of offsite provision (including details of walking and cycling routes).
3. a) An Architectural Impact Assessment having regard to the impact on Emmet House, its character and setting. This should also include a detailed survey, assessment and justification for all structures which are proposed to be demolished or rebuilt.

b) A response to the issues raised in the Report of the Conservation Division of Dun Laoghaire Rathdown County Council, as contained in the Planning Authority's Opinion dated 21<sup>st</sup> August 2020.

4. Wind micro-climate study, including analysis of roof terraces, balconies, pedestrian areas and amenity areas.
5. A Site Specific Management Plan which includes details on management of the communal areas, public space, residential amenity and apartments.
6. A response to the issues raised in the Report of the Drainage Division of Dun Laoghaire Rathdown County Council, as contained in the Planning Authority's Opinion dated 21<sup>st</sup> August 2020.
7. A draft Construction Waste Management Plan, draft Construction and Environmental Management Plan and a draft Operational Waste Management Plan.
8. Where the applicant considers that the proposed strategic housing development would materially contravene the relevant Development Plan or Local Area Plan, other than in relation to the zoning of the land, a statement indicating the plan objective(s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format.

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. Heritage Council
4. An Taisce
5. Failte Ireland.
6. DLR Childcare Committee

**PLEASE NOTE:**

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

---

Dáire McDevitt  
Planning Inspector

17<sup>th</sup> December 2020