



An  
Bord  
Pleanála

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

### **Inspector's Report on Recommended Opinion ABP-307978-20**

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<b>Strategic Housing Development</b>	438 no. Build to Rent apartments, childcare facility and associated site works.
<b>Location</b>	Former Avid Technology, Carmanhall Road, Sandyford Industrial Estate, Dublin 18.
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Prospective Applicant</b>	Atlas GP Ltd.
<b>Date of Consultation Meeting</b>	22 <sup>nd</sup> of November 2020.
<b>Date of Site Inspection</b>	12 <sup>th</sup> of November 2020.

**Inspector**

Karen Hamilton

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## 1.0 Introduction

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

## 2.0 Site Location and Description

- 2.1. The subject site is located within the Sandyford Business District, Dublin 18. The site has frontage onto both the Blackthorn Road to the east and Carmanhall Road to the north. The surrounding area consists of low rise industrial, employment and office use. SHD applications (ABP 305940-19 & ABP 301428-18) have been granted for high density development on the outskirts of the business park, along Blackthorn Avenue.
- 2.2. Permission for student accommodation was granted in 2019 for Student Accommodation (ABP- 303467-19). Previous to this permission was granted for a mixed-use development comprising of 147 no. apartments and crèche, gym etc on the ground floor.

## 3.0 Proposed Strategic Housing Development

- 3.1. The proposed development consists of the construction of 438 Build to Rent (BTR) apartments and associated communal facilities. Public realm in the form of hard landscaping and planting is provided along the frontage of the building adjoining Blackthorn Road and Carmanhall Road.
- 3.2. Vehicular access into the site is via Carmanhall Road, along the north of the site. The car parking is provided in an under-croft car park. Communal open space is provided on a podium type internal courtyard, two roof terraces (6<sup>th</sup> & 8<sup>th</sup> floor) and a pocket park at the entrance to the internal courtyard.

### 3.3. Key development details

<b>Detail</b>	<b>Proposal</b>
<b>No. of Units</b>	438 BTR apartments
<b>Site Area</b>	c. 0.73ha
<b>Density</b>	c. 600 units per ha
<b>Height</b>	6-15 storeys
<b>Dual Aspect</b>	38.8%
<b>Public Open Space</b>	Public realm along Carmanhall Road
<b>Communal Amenity Space</b>	<b>2,623m<sup>2</sup></b> (c. 36%) Courtyard 1,036.6m <sup>2</sup> 6 <sup>th</sup> floor roof terrace 580.76m <sup>2</sup> 8 <sup>th</sup> floor roof terrace 695m <sup>2</sup> Pocket Park 310.75m <sup>2</sup>
<b>Car parking</b>	147 no. (6 mobility & 44 no. electric charging)
<b>Cycle Parking</b>	772 no. spaces
<b>Communal Amenity Space</b>	918 m <sup>2</sup> (Gym, cinema, lounge)
<b>Part V</b>	44 no. units
<b>Commercial</b>	Café 270m <sup>2</sup>

### 3.4. Unit Mix

<b>Unit type</b>	<b>No of Units</b>	<b>% of total</b>
<b>Studio</b>	35	8%
<b>One bed</b>	304	69%
<b>Two bed</b>	99	23%
<b>Total</b>	438	100%

## 4.0 Planning History

### **SHD application ABP 303467**

Planning permission granted for a student accommodation development comprising 817 no. bed spaces and ancillary support facilities, 2 no. commercial units fronting Blackthorn Road (café/lounge and launderette), 57 no. car parking spaces and 586 no. bicycle parking spaces, service and emergency vehicular access from Blackthorn Road, and all ancillary works.

The permitted development comprises blocks ranging from 7 to 9 no. storeys and having a stated floor area of 25,459sq.m.

### **D16A/0158**

Planning permission granted for a mixed-use development comprising 147 no. apartments, crèche facility, gymnasium, media suite and café fronting onto Blackthorn Road, undercroft carpark for 151 no. carparking spaces, 158 no. bicycle parking spaces, services and plant, new vehicular entrance and fire tender/cycle access from Blackthorn Road, landscaped courtyard, and all associated works.

The permitted development comprises blocks ranging from 5 to 8 storeys having a stated floor area of 16,167sq.m.

### **D07A/0453**

Planning permission refused by the planning authority and An Bord Pleanála on appeal for modifications to reg. ref. D05A/0239 comprising provision of 40 no. additional apartments and associated increase in floor area and building heights, increase in size of creche floor area, and increase in size of basement car park to provide for 43 no. additional car parking spaces.

ABP's two reasons for refusal related to inadequate transport infrastructure (road access and public transport), water and drainage services, social infrastructure (including educational facilities) and recreation/amenity facilities to serve the proposed development and the precedent it would establish for development in the absence of same.

### **D05A/0239**

Planning permission granted for mixed-use development comprising 2,175sq.m gross retail/commercial floor space at ground floor level, 265 no. apartments, 337 no. car parking spaces and 348 no. bicycle parking spaces, and retail service yards, ancillary plant areas and vehicular accesses off Carmanhall Road and Blackthorn Road.

The permitted development comprised blocks ranging from 5 to 8 storeys and having a stated floor area of 36,856sq.m.

Adjoining Site to the north- "Track Packaging"

### **D05A/0566**

Planning permission granted for the demolition of existing warehouse buildings and construction of a mixed-use development comprising 182 no. apartments, 3 no. ground floor retail/commercial units (609sq.m), gym/private health club (210sq.m), 214 no. carparking spaces and 182 no. bicycle parking spaces, and ancillary site development works.

- The permitted development comprised blocks ranging from 9 to 12 storeys and having a stated floor area of 16,766sq.m.
- This permission, which was not implemented and has now expired.

SHD 305940 to the north of the site along Blackthorn Avenue.

Permission granted for the Demolition of existing structures on site and construction of 564 no. build to rent apartments, crèche and associated site works.

- Material Contravention of the plan for a height of 5 to 17 storeys,
- Density was 366 units per ha and a previous extant permission had 298units per ha.
- The dual aspect was 57%,
- The site was located in Zone 1: Mixed Core Area Inner Core
- The application was accompanied by and EIAR.

## 5.0 Relevant Planning Policy

### 5.1. Section 28 Guidelines

- 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 – Guidelines for Planning Authorities, as updated March 2018
- Design Manual for Urban Roads and Streets (DMURS)
- Urban Development and Building Heights – Guidelines for Planning Authorities

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

- Dun Laoghaire Rathdown is located within the Dublin Metropolitan Area (DMA).
- Section 4.4- There is potential for the re-intensification of employment lands at Sandyford Business Park.
- Section 5.4- Upgrades to the green LUAS line will support development in Sandyford.
- Table 5.1- Strategic Development Areas and Corridors, Capacity Infrastructure and Phasing. New emerging mixed-use centres at Sandyford.

### 5.3. Dun Laoghaire Rathdown County Development Plan 2016-2022

- Sandyford is a “secondary centre” in the development plan Core Strategy.
- Sandyford Business District is identified as a primary growth node from which a significant portion of the supply of residential units will derive up to 2022 and beyond.

#### **Map 1: Site Specific Objective Strategic Local Objective (SLO) 113**

- To facilitate the provision of community infrastructure at ground floor along the eastern outer edge of the Carmanhall residential neighbourhood along Blackthorn Road, to create active street frontage and to ensure the



appropriate provision of social and community infrastructure to serve the needs of the residents and employee population

### **Appendix 15: Sandyford Urban Framework Plan**

- The site is in Zone 5 “Camanhall Road Neighbourhood” where residential development is the primary land use.
- Indoor community facilities should be on the site at the corner of Carmanhall Road and Blackthorn Road.
- The building line along Carmanhall Road should be set back to protect the existing sylvan character and provide a buffer from the employment.

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

6.1. One online S.247 meeting took place between the applicant, representative and planning authority and the issues raised are summarised below:

- The design along Blackthorn Road and Carmanhall Road should ensure no conflict with pedestrian and cyclist.
- The parking rate of 0.3 per unit is not acceptable and closer to 1 per unit is required.
- BTR nature of development and management of parking spaces is welcomed.
- Cycle parking is below the DLR requirements.
- Ramp proposal into the building to be assessed.
- Electric vehicular, travel plan, TIA etc. to be assessed.
- Site Specific Local Objective 113 and the requirement for the provision of community infrastructure within the proposal is vague.
- Public facilities along the ground floor should promote active street frontage.
- Impact on the adjoining office block is queried “Ravenscourt” and further studies on overlooking.
- Light access benefit to the open-ended courtyard.
- Promotion of family size apartments.

- Height is excessive.
- Standards are to be met including daylight and sunlight, quality of open space etc.
- A kink in the elevation will not be permitted as dual aspect.
- All apartments will be assessed for light assessments.
- Access is required though the site for the public.
- Need to provide public open space and communal open space.
- Open space design queries.
- Cycle parking should include Sheffield Stands and not double stacking.
- Refusal for parking below 0.6 units per ha.

## **7.0 Prospective Applicant's Case**

7.1. The following reports and documentation have been submitted:

- SHD Section 5 Pre-Application Consultation Request Form
- Pre-Planning Statement of Consistency & Planning Report
- Architectural Drawing Pack
- Architectural Design Statement
- Schedule of Accommodation
- Landscape Drawing Pack
- Landscape Design Statement
- Photomontages
- Townscape and Visual Impact Assessment
- Traffic and Transport Assessment
- Infrastructure Report
- Flood Risk Report
- Wind Desktop Study

- Site Lighting Layout drawing and Report
- Energy Analysis Report
- Estate and Common Area Management Strategy
- Operational Waste Management Plan
- Building Lifecycle Report
- Archaeological Impact Assessment
- EIA Scoping Report

## 7.2. **Statement of Consistency**

A Pre -Planning Statement of Consistency & Planning Report has been submitted. The statement contains an analysis of the site and the wider area. Reference is provided to national, regional and local planning and transportation guidance.

Compliance with the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments 2018, SPPR 1, SPPR 3 & SPPR 4 have been complied with.

## 7.3. **Material Contravention**

The applicant submits in the pre-planning statement that the proposal is a material contravention of both the Sandyford Urban Framework Plan (SUFP) 2016-2022 and the Dún Laoghaire-Rathdown County Development Plan 2016-2022 for reasons of height and density.

The SUFP restricts the density to c. 175units per ha on the site & heights to 8 storeys.

The national planning guidance for apartment development and building heights supports increased densities and heights at this location.

## 8.0 **Planning Authority Submission**

- 8.1. 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 submitted a note of the S.247 meeting, the planning authority opinion, along with interdepartmental reports and the relevant planning applications in the area. These

were received by An Bord Pleanála on the 15<sup>th</sup> of September 2020. The issues raised are summarised below:

## 8.2. Site Layout

- Frontage and building lines along Carman Hall and Blackthorn Road are acceptable.
- The separation distance between the proposed southwest elevation and the adjoining office block at 'Raven's Court', is considered inadequate and would give rise to mutual overlooking impacts between the upper levels of these buildings
- Impact on Tack Packaging' site is of concern, separation distance (as little as 6.4m), overlooking at different levels.
- Section 2.1.6 of the guidance for Carmanhall Road neighbourhood recommends the provision of own door residential units.

## 8.3. Density

- Map 2 of the SUIP provides for a residential density of 175 dwellings per ha on the site.
- There are serious concerns in relation to the 600 units per ha given the existing and planned infrastructure in the Sandyford district community.
- There are no meaningful public open spaces in the area and the Board have previously removed a condition on PL06D.248782 (D16A.0855) for public open space at Stillorgan Reservoir.
- The proposal would represent a material departure from the SUIP residential density limits.

## 8.4. Building Heights

- Policy UD6 refers to the Building Height Strategy (BHS) for the County.
- The height parameters are indicated on Building Height Map 3 of SUIP with a limit of 8 storeys and should be the maximum on the site.
- The proposal would materially contravene the development plan.
- SPPR 3 of the Building Height Guidance is noted.

- The proposed development does not respond to the adjoining building heights (up to 8 storeys).
- Serious concerns as to the low level of sunlight to the open space courtyard.

#### 8.5. Standard of accommodation

- The standard of accommodation and communal amenity areas are acceptable.
- A concierge facility should be included.
- Concern raised in relation to the high number of single aspect units and guidelines require 50% on large standalone brownfield regeneration areas.
- The double fronted corridor typology mitigated against higher dual aspect units.
- Those units with rebates of 2m are not considered dual aspect.
- The value of dual aspect of those units on inverted corners is questionable.

#### 8.6. Open Space

- 15 units have no private amenity space which is considered high for an unrestrained site.
- The quantity of open space is acceptable.
- The quality of the open space in the podium courtyard (1,036.9m<sup>2</sup>) and the pocket park (310.75m<sup>2</sup>) is of concern (51%).
- Only one third of the podium courtyard would receive direct sunlight during the equinoxes.
- No sunlight analysis of the pocket park has been undertaken.

#### 8.7. SLO 113

- The applicant has no put forward any proposals detailing compliance with SLO 113, to facilitate the provision of community infrastructure on the ground floor.

- Community use that would benefit the wider resident and employee population of the Sandyford Business District has not been put forward, as required by Specific Local Objective 113 of the County Development Plan.

#### 8.8. Public Realm

- The public realm works along the Carmanhall Road and Blackthorn Road, which are currently unacceptable in respect of design and proposed planting, with the Council's Parks and Landscape Services
- The proposed footpath on Blackthorn Road at grade with the ground floor of the development should be either omitted or subsumed within the landholding so that an outer verge and off-road cycle lane can be accommodated along this frontage

#### 8.9. Car parking

- The parking ratio of 1:1.1 is required and should be achieved by reducing the number of dwellings proposed rather than increasing the parking spaces.

#### 8.10. Cycle parking & Cycle Lane

- The stackable bike spaces are not acceptable.
- The proposed cycle lane along Blackthorn Road does not align with the cycle lanes in the vicinity.

### 9.0 Consultation

9.1. Irish Water submission has issued a confirmation of feasibility for 438 no. Build to Rent apartments and associated works subject to the following:

In respect of Water:

- The applicant has been advised that Irish Water records indicate existing Irish Water infrastructure within and in proximity of the site boundaries.
- The applicant is required to survey the site to determine the exact location(s) of this infrastructure and must engage with Irish Waters diversion section in regard to a diversion's feasibility assessment.

- The outcome of this feasibility assessment must be agreed with IW ahead of progressing to SHD application to ensure adequate protection of existing assets and to ensure appropriate separation distances can be achieved as per IW standards codes and practices.
- Any trial investigations should be carried out with the agreement and presence of a Local Authority/Irish Water Inspector.

## 10.0 The Consultation Meeting

10.1. A Section 5 Consultation meeting took place at the offices of An Bord Pleanála at 14.00pm 22<sup>nd</sup> of November 2020, via Microsoft Teams. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting. The main topics raised for discussion at the tripartite meeting were as follows:

1. Development Strategy, inter alia, height, design and layout and open space provision.
2. Impact on Residential Amenity
3. Site Specific Objective SLO 113
4. Traffic and Transport
5. Drainage Matters
6. Any Other Business.

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

- The density proposed, the planning requirements in the Sandyford Urban Framework Plan (SUIFP) and the absence of any significant community or social infrastructure in the surrounding environs.
- The overall design and layout of the building and the impact of the bulk, scale and massing on the adjoining sites and surrounding area.

- The proposed height and the requirements of Appendix 15 and Appendix 9 of the development plan and compliance with the Urban Development and Building Heights: Guidelines for Planning Authorities (2018).
- The integration of the ground floor with the public realm along Blackthorn Avenue and Carmanhall Road and compliance with the public open space requirements.
- The quantum and quality of the communal open space provision, the sunlight and daylight into the courtyard and roof terraces and the usability of the pocket park which includes a significant amount of circulation space.
- The quantum and design of dual aspect windows, the inclusion of projecting windows and compliance with SPPR 4 of the Sustainable Urban Housing Design Standards for New Apartments, 2018.

10.3. In relation to **Impact on residential Amenity** An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- Impact of sunlight and daylight on the adjoining sites.
- The separation distance from the adjoining sites and those permitted development on the adjoining sites.
- The quantum of communal amenities facilities provided to offset any reduction in the storage and/or private amenity areas.

10.4. In relation to **Site Specific SLO 113**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The requirement in SLO 113 and the necessity to integrate a community use within the ground floor.
- The proposal to include a publicly accessible café on the corner of Blackthorn Avenue and Carmanhall Road.

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

- The quantum of car parking provided, the requirements of the development plan and the ratio of car parking proposed in other SHD permissions.



10.6. In relation to **Drainage Matters**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The Irish Water requirements to divert water infrastructure through the site and any consents required.
- The surface water issues raised by the Drainage Department of the Council.

10.7. In relation to **Any other Business**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The requirement to gain consent from the Council for works within the red line necessary for the public realm and the integration of cycleways.
- The procedures involved if the applicant requires an Environmental Scoping from An Bord Pleanála.

## 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 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.

## 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 height strategy and design approach of the proposed development and the potential for any negative impact to the adjoining sites and surrounding environs. The further consideration/ justification should address the proposed design and massing, inter alia the visual impact along the Carmanhall Road and Blackthorn Road and relate specifically to 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). The further consideration of these issues may require an amendment of the documents and/or design proposal submitted.

### 2. Residential Amenity

Further consideration and/or justification of the documents as they relate to impact of on the residential amenity of the future occupants of the proposed development, having regard, inter alia to the following:

- The quantum and quality of communal open space including the availability of sunlight and daylight to the courtyard and gardens terraces and the functionality of the pocket park.
- The provision of and/or access to public open space.
- The design, layout and quantum of the dual aspect units and compliance with SPPR 4 of the Sustainable Urban Housing Design Standards for New Apartments, 2018.
- The potential for overlooking into the apartments from the existing building to the west and the permitted scheme north of the site.

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

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 quantitative and qualitative assessment which provides a breakdown of the number of proposed bed spaces and the details for the provision of residential support facilities and amenity areas used to offset the standards and/or compensatory measures proposed. The submitted information should demonstrate compliance of those details with the various requirements of the 2018 Guidelines on Design Standards for New Apartments including its specific planning policy requirements, in particular SPPR 9.
2. Detailed consideration of proposals for upgrade of public realm for the around the ground floor onto Carmanhall Road and Blackthorn Avenue and integration of these requirements of the Council into any proposed development.
3. A specific impact assessment of the micro-climatic effects such as down-draft which shall include measures to avoid/ mitigate such micro-climatic effects.

4. 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.
5. An updated sunlight and daylight analysis to include an assessment of the available sunlight and daylight to the communal areas, bedrooms and open spaces with reference to the BRE Guidance on the subject site, as well as the impact of the proposed development on the adjoining sites.
6. A Social and Community Audit.
7. A report detailing any compliance proposed for Site Specific Local Objective 113.
8. A detailed Phasing Plan.
9. 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. National Transport Authority.
3. Transport Infrastructure Ireland.

4. The relevant Childcare Committee.
5. 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.

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Karen Hamilton  
Senior Planning Inspector

07<sup>th</sup> of December 2020