



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-308395-20

Strategic Housing Development

Alterations to previously permitted development, DZ17A/0862, as amended by DZ19A/0148, DZ19A/0458, DZ19A/1024 and DZ20A/0002, to provide for 98 no. additional apartments and modifications to 13 no. permitted apartments and all associated works.

Location

Block A1, TC1, Blocks C1, C2, TC2 and Blocks F1, F2, F3, TC4, Cherrywood Town Centre, Cherrywood, Co. Dublin.

Planning Authority

Dún Laoghaire Rathdown County Council

Prospective Applicant

CWTC Multi Family ICAV

Date of Consultation Meeting

14th December 2020

Date of Site Inspection

27th November 2020

Inspector

Rachel Gleave O'Connor

1.0 Introduction

- 1.1. 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 formed of 3 development parcels (TC1, TC2 and TC4) within the Cherrywood Strategic Development Zone (SDZ). Two red line boundaries are included within the proposals, one to the north of Wyattville Link Road closest to Cherrywood Luas Station and encompassing TC1 and TC2, and one to the south of Wyattville Link Road closest to Brides Glen Luas Station, encompassing TC4.
- 2.2. Construction works are advanced on both the development parcels and adjacent plots and the area forms the newly emerging Cherrywood Town Centre area. Further to the east of the site are more suburban 2 storey residential housing estates, while to the west is the M50 and green field area.
- 2.3. Development parcel TC1 is formed of Blocks A1, A2 and A3; development parcel TC2 is formed of blocks C1 and C2; and development parcel T4 is formed of blocks F1, F2 and F3.
- 2.4. The subject site has a stated area of 5.42 hectares.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development involves alterations to previously permitted development, DZ17A/0862, as amended by DZ19A/0148, DZ19A/0458, DZ19A/1024, and DZ20A/0002, to provide for 98 additional apartments by way of an additional / part

setback storey on blocks in the town centre, and modifications to 13 no. permitted apartments and associated consequential changes. The development is currently under construction. A breakdown of the proposed development is provided below:

Unit Type	Number
Studio	2
1 bedroom	64
2 bedroom	36
3 bedroom	9
Total units	111

The development has a stated net residential density of c. 252 units/ha based on a development area of c. 5.42 ha, or 83 units/ha on the basis of the 'parent site area' (DZ17A/0862 as amended). The development scheme comprises the following:

- An additional storey of 12 units on Block A1, Plot TC1, increasing height from 8 storey to 9 storey, and associated elevational changes with a unit mix of 6 no. one bed, 5 no. two bed, and 1 no. three bed units, and roof terraces, and modifications to 13 no. permitted units on level 7 due to changes in the roof profile to result in a unit mix of 6 no. 1 bed, 5no. 2 bed, and 2 no. 3 bed units on this level;
- An additional part setback storey on Block C1, Plot TC2, increasing the height from 5 storey to 6 storey at Grand Parade and in part from 6 storey to 7 storey at Bishop Street and the internal street with TC2, consisting of 9 no. units with a unit mix of 6 no. one bed, 2 no. two bed, and 1 no. three bed units, and roof terraces;
- An additional part set back storey on Block C2, Plot TC2 increasing the height from 5 storey to 6 storey at Grand Parade and in part from 6 storey to 7 storey on the internal street with TC1 and the internal street with Block D, consisting of an additional 14 no. units with a unit mix of 7 no. one bed, 5 no. two bed, and 2 no. three bed units, and roof terraces;

- An additional 40 no. units at six different levels in setback floors and roof terraces on Block F1, Plot TC4, increasing height from 2 storey to 3 storey, 3 storey to 4 storey, 4 storey to 5 storey, 5 storey to 6 storey, 6 storey to 7 storey, and 7 storey to 8 storey, consisting of a unit mix of 2 no. studios, 27 no. one bed, 10 no. two bed, and 1 no. three bed units;
- An additional set back storey on Block F2 in TC4 increasing the height from 4 storey to 5 storey, consisting of an additional 11 no. units with a unit mix of 6 no. one bed and 5 no. two bed units, and roof terrace with covered area over the permitted amenity space;
- An additional set back storey on Block F3 in TC4 increasing the height from 5 storey to 6 storey consisting of an additional 12 no. units, with a unit mix of 6 no. one bed, 4 no. two bed, and 2 no. three bed units, and roof terraces.
- Additional 14 no. bicycle spaces provided for Block A1 and an additional 23 no. bicycle spaces for Blocks C1 and C2 in the TC1 – TC2 Basement;
- An additional 51 no. bicycle spaces for Blocks F1 and F3 and an additional 12 no. bicycle spaces for Block F2 shall be provided in the TC4 basement.
- No additional car parking to be provided. Additional waste facilities accommodated at basement, with no increase in size of the basement.
- All units to have balconies, which overlook either roadspace or internal courtyards.
- The proposed alterations increase the number of permitted units in these blocks from 1,268 units to 1,366 units. Overall, the number of residential units in plots TC1, TC2, and TC4 increases from 1,316 units to 1,414 units. The gross floor space (excluding basement) increases the permitted town centre development by 7,865 sqm, from 215,101 sqm to 222,966 sqm.

4.0 Planning History

- 4.1. The site has extensive planning history, and the applications listed below are considered to be of most relevance:

- 4.2. **Reg. Ref.: DZ19A/1024** Permission was granted by Dun Laoghaire-Rathdown County Council on the 9th September 2020 for the following: Amendments to a permitted mixed use town centre development, under Reg. Ref. DZ17A/0862 and as amended by DZ19A/0148, on plot TC1 comprising of the reduction in size of the basement located under Blocks A1, A2 and A3, from 139,400 sq.m to 137,400 sq.m and rationalisation of that space and to reassign car parking spaces in the basement of TC2. The reconfiguration will provide for 331 no. residential car parking spaces, 7 no. disabled spaces, 11 no. motor cycle spaces and 415 bicycle spaces. Pedestrian access to the basement will be provided from Blocks A1, A2 and A3. Revised landscaping shall be provided in the courtyards of Blocks A1, A2 and A3 and all other site development works necessary to facilitate the development. The proposed development will also include the reassignment of 102 no. commercial car parking spaces in TC2 basement at Basement -2 level, to provide for 62. no. residential spaces and 34 no. commercial car parking spaces.
- 4.3. **Reg. Ref.: DZ19A/0458** Permission was granted by Dun Laoghaire-Rathdown County Council on the 19th June 2020 for the following: Amendments/ modifications to the permitted development on plot TC1 and associated basement Levels BM, B1 and B2 shared with TC2 and specifically Blocks B1, B2, B5 and B6 as permitted under the Cherrywood Town Centre development Reg. Ref. DZ17A/0862 (as modified by Reg. Refs. DZ18A/1058, DZ18A/1178 and DZ19A/0148) and includes the development of a new mixed use urban block, Blocks B3/ B4 and associated amendments at basement Levels BM, B1, B2 and provision of a new basement Level B3. No amendments/ modifications are proposed to the permitted Blocks A1, A2, A3 within TC1. Increase the overall gross floor area (GFA) of the development permitted within TC1 from 72,675sq.m to 95,644sq.m including increase retail GFA from 17,541sq.m to 33,737sq.m, increase High Intensity Employment (HIE) GFA from 9,026sq.m to 9,610sq.m, increase non retail GFA from 12,632sq.m to 18,689sq.m. and increase community GFA from 1,400sq.m to 1,449sq.m. The permitted number of residential units (365no.) within TC1 remains unchanged. Residential GFA increases from 32,076sq.m to 32,179sq.m to accommodate revised access and lobby arrangements at Levels BM, B2 and at Level 0.
- 4.4. **Reg. Ref.: DZ19A/0148** Permission was granted by Dun Laoghaire-Rathdown County Council on the 24th April 2019 for the following: Permission for development

seeks amendments to a mixed use town centre development on plot TC2 comprising of Blocks C1, C2 and D1 previously permitted under Reg. Ref.: DZ17A/0862. TC2 fronts onto Grand Parade, Bishop Street, Tully Vale Road and Wyattville Link Road. Reconfiguration of Blocks C1 and C2 to provide for an additional 47 units increasing the total number of units from 384 no. permitted under Reg. Ref.: DZ17A/0862 in these blocks to 431 no. units. The unit mix consist of 59 no. studios, 109 no. 1 beds, 231 no. 2 beds, and 32 no. 3 bed units. The additional units will have associated balconies and terraces on all elevations; Residential Gross Floor Area will increase from the permitted 35,290 sqm to 35,787 sqm; Reconfiguration and relocation of space within basements B1 and B2 to provide for 431 car parking spaces, while not exceeding for permitted 2,792 no. car parking spaces; 431 no. bicycles spaces; 21 no. motorbike spaces and storage to residential units; Revised layout of ground floor and basement mezzanine level of Block C1 and C2 and extension to basement mezzanine level of Blocks C1 and C2 to provide for a mix of retail, nonretail and residential amenity areas increasing the areas from c. 299 sqm to c. 564 sqm (retail), c. 1,997 sqm to c. 2,047 sqm (nonretail) and c. 878 sqm to c. 1,096 sqm (resident amenities); Revised crèche location and layout including associated outdoor play area, with an increase in area of 9 sqm from that permitted; Relocation of 3 substations and provision of 1 additional substation; Revised landscaping treatment, provision of green wall, and all associated site development works, necessary to facilitate the development; Revised arrangements for plant at roof and basement levels; The proposed development will increase the permitted floorspace for plot TC2 from 46,378 sqm to 47,395 sqm and includes the increased residential amenities retail, and non-retail floorspace.

- 4.5. **Reg. Ref.: DZ18A/1178** Permission was granted by Dun Laoghaire-Rathdown County Council on the 17th April 2019 for the following: Permission for development seeking amendments to a mixed use town centre development on plot TC2 comprising of Blocks C1, C2 and D1 previously permitted under reg. ref.; DZ17A/0862. Revised layout of ground floor and basement mezzanine level of Block C1 and C2 and extension to basement mezzanine level of Block C1 and C2 to provide for a mix of retail, nonretail and residential amenity areas increasing the areas from c. 299 sqm to c. 607 sq. (retail) c. 1997 sqm to c. 2105 sqm (non-retail) and c. 897 sqm to c. 950 sqm (resident amenities); Revised creche location and

layout including associated outdoor play area; Provision of 1 no. additional 2 bed unit including private balcony / terrace increasing the total number permitted from 384 no. to 385 no. in Blocks C1 and C2 comprising of (40 no. studios, 76 no. 1 beds, 212 no 2 beds and 57 no. 3 beds); Relocation of substations; Relocation of bicycle store and showers from level B1 to level B2 increasing the number of bicycle spaces to 176 no. at this location; Provision of 1 no. additional residential use car parking space at basement level; Revised landscaping treatment provision of green wall, and all associated site development works necessary to facilitate the development.

5.0 National and Local Planning Policy

5.1. Section 28 Ministerial Guidelines

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

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual) 2009
- Design Standards for New Apartments Guidelines for Planning Authorities 2020 ('The Apartment Guidelines')
- Design Manual for Urban Roads and Streets (DMURS) 2019
- The Planning System and Flood Risk Management (including the associated Technical Appendices) 2009
- Childcare Facilities Guidelines for Planning Authorities 2001
- Urban Development and Building Heights Guidelines for Planning Authorities 2018

5.2. National Planning Framework

5.2.1. The NPF seeks to achieve compact urban growth by targeting a greater proportion (40%) of future housing development to be within and close to the existing 'footprint' of built-up areas and plans for growth of 490,000 to 500,000 people in the Eastern and Midlands Region.

- 5.2.2. The National Planning Framework includes a specific Chapter, No. 6, entitled ‘People Homes and Communities’. It includes 12 objectives among which Objective 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages.
- 5.2.3. Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- 5.2.4. Objective 35 seeks to increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

5.3. Dún Laoghaire Rathdown County Development Plan 2016-2022

- 5.4. The Dún Laoghaire Rathdown County Development Plan 2016-2022 is the operative county development plan for the area. The site is part of an area identified as the Cherrywood SDZ.
- 5.5. The Cherrywood SDZ Planning Scheme 2014 (as amended), sets out a detailed framework for the future development of the area.
- 5.6. The site is located in the designated Town Centre for the SDZ, where residential is permitted in principle. The Town Centre area is identified in Map 2.1 ‘Primary Land Uses’ of the Planning Scheme, and Table 2.3 ‘Town and Village Centre Development Quantum Ranges’ describes the following permissible quantities of land uses in the Town Centre area:

	Net Site Area (ha)	Min/Max Retail (gross sqm)	Min/Max Residential (gross sqm)	Min/Max High Intensity Employment (gross sqm)	Min/Max Non Retail (net sqm)	Community (sqm)
Cherrywood Town Centre	16.1	34,394 / 40,909	120,000 / 150,000	82,800 / 109,000	47,500 / 60,000	2,200 / 3,000

5.7. The Planning Scheme identifies building heights for the Town Centre as between 2 and 5 floors. The site is also identified as part of Development Area 2: Cherrywood in the Planning Scheme, in Map 6.2, which also identifies the location of plots TC1, TC2, TC3 and TC4.

5.8. The Planning Scheme lists the following as design challenges within the Town Centre:

- To ensure the scale of retail development relates to the growth potential of the Plan Area.
- Relating development to new ground level created by the Luas line.
- Bridging the Wyattville Link Road for pedestrians, cyclists and vehicles.

5.9. The following Specific Objectives are set out in the Planning Scheme for the Town Centre:

- In relation to ground levels, the change in levels between the surrounding road network and the Town Centre Link shall be designed in a manner that is attractive to the pedestrian;
- In relation to building heights, where a building addresses two streets, building height will be measured from the higher street.
- In relation to the Grand Parade, it is proposed as a low speed 30km/h street facilitating movement across the Wyattvill Link Road for pedestrians, cyclists, Luas and motorised traffic. It will mitigate the severance caused by the Wyattville Link Road and encourage interaction between both sides of the Town Centre. In traffic terms it will provide vehicular access to development blocks TC2 and TC4 and reduce at-grade crossing movements of the Wyattville Link Road. Mitigation of the severance outlined, together with these access issues must be addressed.
- In relation to the relationship with the Wyattville Link Road, lands that encroach / abut / or in any way have a relationship with the Wyattville Link Road, shall show the relationship with the Wyattville Link Road, shall show the relationship between all building edges and the Road. The design of all

elements shall be such that pedestrian movement is positively discouraged across the Link Road at-grade. This detail is necessary to support the creation of an attractive and sustainable environment in the Town Centre.

The Planning Scheme for Development Area 2 (where the application site is located) identifies in table 6.2.1, height ranges and maximum dwelling number for the Town Centre. Table 2.9 in Section 2.9 'Residential Development Density Ranges and development Yield' in the Planning Scheme allows for a minimum number of units of 1,596 to a maximum of 2,050 in mixed-use areas.

6.0 Forming of the Opinion

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

6.2. Documentation Submitted

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

- Application Form for a Section 5 Pre-Application Consultation Request in respect of a Strategic Housing Development;
- Irish Water Letter;
- Part V Layout, Document and Costings;
- Statement of Consistency;
- Material Contravention Statement;
- EIA Screening Report;
- Legal Opinion;
- Architectural Drawings, Schedule and Architectural Design Statement;

- Housing Quality Assessment;
- Landscape and Visual Impact Assessment;
- Landscape Design Statement and Drawings;
- Technical Note on Water Services and Engineering and Drawings;
- Infrastructure Technical Note and Drawings;
- Development Construction Management Plan;
- Energy & Sustainability Report and Drawings;
- Lighting Report and Drawings;
- Site Utilities Report and Drawings;
- Operational Waste Management Plan;
- Traffic and Transport Statement and DMURS Compliance Note;
- Pedestrian Comfort CFD Analysis;
- Daylight, Sunlight and Overshadowing Study;
- Telecommunications Report;
- Property Management Strategy Report;
- Building Life Cycle Report;
- Appropriate Assessment Screening Report;
- Ecological Technical Note;
- Verified Views.

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

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

6.3. **Planning Authority Submission**

6.3.1. In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Dún Laoghaire Rathdown County Council, submitted a copy of their section 247 consultations with the prospective applicant and also their opinion in relation to the proposal. The planning authority's 'opinion' included the following matters:

- The Planning Authority submits that the subject application does not meet the requirements for a Strategic Housing Development (SHD), because it forms an amendment to granted parent permission DZ17A/0862, where residential development equates to circa 50% of the overall floorspace.
- The applicant's submission in relation to the red line boundary, does not consider the wider implications of the red line boundary in relation to planning conditions, in terms of infrastructure delivery, namely transportation infrastructure and the provision of open space.
- The Planning Authority has concerns that should the Board accept this application as a SHD application and assess said application separate from the development permitted under the parent application, this may set a precedent for other amendment applications to circumvent the conditions of its parent permission by reduction the boundary of the site to which it relates.
- Concern that the attachment of the standard condition for amendment applications would not be possible. This would have implications upon sequencing and phasing. It is the view of the Planning Authority that the red line boundary in an application to amend a planning permission must be the same as the red line boundary of the planning permission it seeks to amend.
- The application does not consider any of the wider implications of an increased resident population on the carrying capacity of the social and/or physical infrastructure. Moreover, no additional residential facilities or services are provided in this application.
- The application is contrary to Section 170[2], and as such, permission cannot be granted.
- Residential development is indicated to be permitted in principle within town centre zoned lands.

- The proposed quantum of floorspace requires clarification.
- The proposal equates to 6,756sqm over and above the permissible residential floor space within these 3 no. quadrants of the Town Centre, and an overall floorspace for quadrant TC2 in excess of that permissible, with a resultant plot ratio also in excess of that permitted for quadrant TC2, in addition to the heights for all quadrants, as proposed, being in excess of the permissible heights, it is considered that the proposed development is not consistent with Tables 6.2.1 and Table 6.2.2 of the Cherrywood Planning Scheme.
- The defined quantum is in place to secure a critical mass of development to ensure the efficient and sustainable use of serviced lands whilst also indicating the level of development that can be supported by the infrastructure proposed in the Planning Scheme to serve these lands, without compromising the principles for the vision of Cherrywood as set out in the Planning Scheme.
- There are no additional residential facilities proposed, despite the increase in the number of units.
- The proposed development is considered to result in an excessive and unsustainable residential density which is inconsistent with the Cherrywood Planning Scheme and the carrying capacity of the supporting infrastructure. The Planning Authority recommends that the proposal should not proceed to the next stage of the SHD process.
- Concerns regarding the increased height proposed and consequential impact upon daylight, sunlight and overshadowing. The proposed development would set an undesirable precedent for excessive building height and encourage a poor-quality built form.
- In relation to development form and materials, with the exception of Block A, these harmonise with the permitted built form and set-backs are welcomed. However, the materials and development form for the additional height to Block A would contribute to the bulk of that building.
- Request further details of landscaping, SUDs, daylight and sunlight analysis.
- Noted that not all room widths and storage meet minimum standards.

- Query car parking and cycle storage provision and whether this extends or otherwise impacts areas outside of the red line boundary. Clarification requested.

6.4. Irish Water

- 6.4.1. The submission from Irish Water (dated 16th November 2020) states that a Confirmation of Feasibility has been issued for a development of 98 no. additional units and modifications to 13 no. units on the site subject to the following:

“The Development is a part of Cherrywood Strategic Development Zone - Prior to agreeing to the proposed connection, all relevant core water and wastewater infrastructures within the Zone have to be completed, of adequate capacity and integrity and connected to the Irish Water networks and in operation.

Upgrade works are required to increase the capacity of Vartry Water Treatment Plant. Irish Water currently has project on our current investment plan which will provide the necessary upgrade and capacity. This upgrade project is scheduled to be completed by Q4 2021 (subject to change).”

6.5. Consultation Meeting

- 6.5.1. A section 5 Consultation meeting took place via a video conference on the 14th December 2020. 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.
- 6.5.2. The main topics raised for discussion at the tripartite meeting were based on the Agenda that issued in advance and contained the following issues:
1. Constituting SHD (discussion to include consideration of red line boundary and location of facilities i.e. car parking / cycle parking etc);
 2. Environmental considerations;
 3. Carrying capacity of supporting infrastructure;
 4. Cherrywood SDZ Planning Scheme – quantum, density, building height and phasing;
 5. Quality of accommodation (including resident facilities and daylight / sunlight);
 6. Landscape and communal open space;
 7. AOB.

6.5.3. 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 ABP-308395-20' 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.

7.0 Conclusion and Recommendation

- 7.1. 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.
- 7.2. I have examined all of the information and submissions before me including the documentation submitted by the prospective applicant, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the section 28 Ministerial Guidelines, and local policy, via the statutory development plan for the area.
- 7.3. Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **requires further consideration and amendment** in order to constitute a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 7.4. 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.

8.0 Recommended Opinion

- 8.1. 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.
- 8.2. 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.
- 8.3. 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. Further consideration/justification of the documents as they relate to the Cherrywood SDZ Planning Scheme and consistency with the planning scheme, including quantum of development proposed, density at this location, height, car parking, plot ratio, unit mix and all other aspects of the planning scheme which affects the development.
 2. Further consideration/justification of the documents as they relate to the carrying capacity of the Cherrywood SDZ Planning Scheme in relation to physical infrastructure, social infrastructure, and community infrastructure.
 3. Further consideration is required of the site red line boundary, to ensure that this encompasses all parts of the development. This includes facilities that are relied upon as part of demonstrating compliance with planning policy. Particularly car parking, cycle parking, external amenity areas and any other required facilities/amenities. Where a different red line boundary is proposed

to the 'parent' permission, any alteration to the provision of facilities under that original consent, will require amendment separately, and prior to being relied upon as part of a new planning application. Further consideration of this issue may require an amendment to the documents submitted.

4. The prospective applicant should provide further justification and/or detail in relation to the design strategy for Block A1 in the proposed development. Further consideration of this issue may require an amendment to the documents and/or design proposals submitted. Photomontages, CGIs and a Landscape Visual Impact Assessment alongside verified views, will be required to accurately illustrate the appearance of the proposed development.

- 8.4. The further consideration of these issues may require an amendment to the documents and/or design proposals 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 plan of landscape proposals clearly delineating communal and private spaces to be provided, as well as a detailed breakdown of the total area of same. Consideration is also required of the interface between external amenity spaces and any windows / openings to residential units. A response to the comments from the Planning Authority in relation to the landscape proposals is required.
2. Identify the location of car parking, its allocation to units and any impact upon provision as part of previous planning approvals on the site. A response to the comments from the Planning Authority in relation to the car parking proposals is required.
3. Identify the location of cycle storage, its allocation to units and any impact upon provision as part of previous planning approvals on the site. A response to the comments from the Planning Authority in relation to the cycle storage proposals is required.

4. Submission of a building life cycle report in accordance with section 6.3 of the 'Sustainable Urban housing: Design Standards for New Apartments (2020)'. Details should include the proposed materials and finishes of buildings, landscaped areas and any screening/boundary treatment. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinct character for the development.
 5. A Housing Quality Assessment which should describe compliance with relevant national and local planning policy on residential development.
 6. Submission of a Daylight, Sunlight and Overshadowing Assessment providing analysis of both the proposed accommodation and any potential impact upon permitted/surrounding dwellings/amenity spaces. Analysis should consider whether all windows/rooms on the lower floor level meet target BRE values, before any assumption on the results for upper floor levels is made.
 7. A response and clarification where necessary, to the Planning Authority comments with respect to drainage and specifically SUDs.
 8. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 should be submitted as a standalone document.
- 8.5. 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. Minister for Culture, Heritage and the Gaeltacht (Built Heritage and Nature Conservation)
 2. The Heritage Council
 3. Inland Fisheries Ireland
 4. An Taisce
 5. Irish Water

6. Transport Infrastructure Ireland
7. National Transport Authority
8. The Commission for Railway Regulation
9. Dún Laoghaire Rathdown 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.

Rachel Gleave O'Connor

Planning Inspector

12th February 2021