



An  
Bord  
Pleanála

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

### **Inspector's Report on Recommended Opinion ABP-308576-20**

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<b>Strategic Housing Development</b>	Demolition of existing dwelling and structures and construction of 103 units (101 no. BTR apartments and 2 no. houses)
<b>Location</b>	Dalkey Manor, Barnhill Road, Dalkey, Co. Dublin.
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Prospective Applicant</b>	Melmousa Devoc Limited.
<b>Date of Consultation Meeting</b>	9 <sup>th</sup> February 2021.
<b>Date of Site Inspection</b>	14 <sup>th</sup> & 28 <sup>th</sup> January 2021
<b>Inspector</b>	Daire McDevitt

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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**

The site conditions and description remain largely the same as when it was assessed under ABP 303725-19. The site is located on the southern side of Barnhill Road, c. 0.5 km from the centre of Dalkey in south county Dublin. It is c.50m west of the Dart line and the associated pedestrian / cycle route The Metals, which is a candidate Architectural Conservation Area (ACA). Glenageary Dart station is located c.1 km to the north west and Dalkey station c.0.5 km to the east. There is a footpath along the road frontage of the site and a pedestrian crossing at the nearby bridge over the Dart line. The prevailing pattern of development in the area is low density 2 storey suburban housing.

The site has a stated area of 0.935ha. It comprises an existing 2 storey house, known as Dalkey Manor, and associated lands, which contain a substantial amount of mature trees and vegetation which are overgrown. The site is a part of the original grounds of Dalkey Lodge (Protected Structure) which is separated from the site by a temporary fence. There is a drainage ditch running in a north / south direction across the site, traversing the boundary with Dalkey Lodge. Aside from the frontage to Barnhill Road, which is a high granite wall, the east, west and south site boundaries are modern walls / fences to the rear of existing housing. Ground levels rise by c.12 m across the site from Barnhill Road to the rear (south) boundary shared with housing in Hillside.

### 3.0 Proposed Strategic Housing Development

Development parameters:

<b>Site Area</b>	<b>0.9351 hectares</b>
Proposed Development	Demolition of Dalkey Manor & construction of 101 BTR Apartments (Block 1 (50 units) & Block 2 (51 units) & 2 no. houses
Density	110 uph
Height	1 (houses) & 4 storey over basement (apartments)
Dual Aspect	50%
Communal Facilities	Ground floor Block 1: c.127.78sq.m (gym & communal workspace)
Open Space	Public: c. 2192sq.m (23.4%) Communal: c.1826sq.m (19.5%)
Parking	Car: Houses: 2 no. spaces (1 per house). Apartments: 66 spaces at basement level (3 no. accessible, 57 no. residential and 6 no. visitor) Motorbike: 3 no. spaces. Bicycle: total 165 no. spaces (134 no. long stay & 24 no. short stay at basement level and 7 no. spaces at surface level)
Access	Off Barnhill Road.

Breakdown:

<b>Unit Type</b>	<b>No. Units (discrepancies in documentation submitted)</b>	<b>% of Total (apartments)</b>
Studio Apt	29 (31)	28.2 (28.5%)
1 Bed Apt	32 (30)	31.1 (31.1%)
2 Bed Apt	42 (40)	39.6 (40.8%)
TOTAL APT	103 (101)	
2 bed house	2	2%

## 4.0 Planning History

**PA Reg. Ref. D18A/0418 (ABP Ref. 303725-19)** refers to a 2019 grant of permission for the demolition of dwelling (Dalkey Manor) and construction of a residential scheme consisting of 13 houses and 23 apartments, gym and associated site works within the curtilage of a Protected Structure (Dalkey Lodge).

**PA Reg. Ref. D17A/0117 (ABP Ref. PL06D.248433)** refers to a 2017 decision to refuse permission to Melmoussa Devco Limited for the demolition of Dalkey Manor and construction of 29 no. dwellings, parking, vehicular entrance, landscaping and associated site works adjacent to Protected Structure. Reasons for refusal:

- 1. Notwithstanding the principle of development being acceptable at this location, it is considered that the overall design approach did not have sufficient regard to the landscape and setting and site constraints and considered that the development as proposed would seriously injure the residential amenities of the area by reason of visual obtrusion and overshadowing. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*
- 2. The proposed low density development, which is predominantly characterised by family type homes and is located in a low density suburban area overwhelmingly characterised by detached and semi-detached houses on large plots, would contravene development plan policy RES7: Overall Housing Mix, which is to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided within the County in accordance with the provisions of the Interim Housing Strategy. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*
- 3. It is considered that, by reason of its design and location in close proximity to the footprint of Dalkey Lodge and to the proposed removal of mature trees and other vegetation within the original grounds of Dalkey Lodge, the proposed*

*development would materially and adversely affect the character and setting of the Protected Structure and would, therefore, seriously injure the visual amenities of the area and be contrary to the proper planning and sustainable development of the area.*

**PA Reg. Ref. D15A/0051**

Permission sought to demolish Dalkey Manor and to construct a specialised 'later living' development consisting of 57 no. accommodation units in a 5 storey above basement block, communal facilities, guest accommodation units, 74 no car parking spaces, 57 no. bicycle parking spaces, garden terrace and public open space, roads, vehicular access from Barnhill Road and ancillary site development works. The application was withdrawn on 24<sup>th</sup> March 2015.

**Dalkey Lodge (Protected Structure)**

**PA Reg. Ref. D02A/0029**

Permission granted to James J. Murphy to erect a free standing conservatory in the rear yard of Dalkey Lodge. The red line site boundary included a substantial part of the subject site.

**PA Reg. Ref. D16A/0581 refers to an application to** erect a 1.8m high fence, together with a planted hedge on either side to rear boundary and all ancillary works necessary to facilitate the development of the remainder of the site. This was deemed withdrawn and the further information was not responded to.

## **5.0 Policy Context**

### **5.1 National**

**Project Ireland 2040 - National Planning Framework (2018)**

The NPF sets out the Governments' high level strategic vision for shaping the future growth and development of the country

National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

National Planning Objective 13: In urban areas, planning and related standards, including, in particular, 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. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

Chapter No. 6, entitled 'People Homes and Communities'. It includes 12 objectives (Objectives 26 to 37) 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. 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. 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.

## **Section 28 Ministerial Guidelines**

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 and other national policy documents are:

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) and the accompanying Urban Design Manual: A Best Practice Guide (2009)
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines (2020)

- Urban Development and Building Heights, Guidelines for Planning Authorities (2018)
- Design Manual for Urban Roads and Streets (2013). Interim Advice Note- Covid 19 (May 2020).
- The Planning System and Flood Risk Management (including the associated ‘Technical Appendices’) (2009)
- Architectural Heritage Protection Guidelines (2011)

## 5.2 Regional

### **Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031**

Under the RSES a Dublin Metropolitan Area Strategic Plan (MASP) has been prepared to manage the sustainable and compact growth of Dublin. The aim of the Dublin Metropolitan Area Strategic Plan is to deliver strategic development areas identified in the Dublin Metropolitan Area Strategic Plan (MASP) to ensure a steady supply of serviced development lands to support Dublin’s sustainable growth.

## 5.3 Local

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

The site is zoned Objective ‘A’ which seeks ‘to protect and or improve residential amenity’.

**Section 8.2.3.4 (vii) Infill:** “New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.”

**Section 2.1.3.4 Existing Housing Stock Densification:** “Encourage densification of the existing suburbs in order to help retain population levels - by ‘infill housing. Infill housing in existing suburbs should respect or complement the established dwelling



type in terms of materials used, roof type, etc. In older residential suburbs, infill will be encouraged while still protecting the character of these areas.”

**Policy RES 3:** It is Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development.

Where a site is located within 1 kilometre pedestrian catchment of a rail station, Luas line, BRT, Priority 1 Quality Bus Corridor and/or 500 metres of a Bus Priority Route, and/or 1 kilometre of a Town or District Centre, higher densities of 50 units per hectare will be encouraged.

In some cases it is noted that densities may be constrained by ACA, cACA designations, Protected Structures and other heritage designations.

**RES7** refers to overall housing mix (type and tenure) within the county.

**RES 8** refers to the provision of social housing.

### **Architectural Heritage**

Dalkey Manor is not included in the Record of Protected Structures. However it is within the curtilage of Dalkey Lodge (**RPS Ref. No.1483**)

**Section 6.1.3.5. Policy AR5** refers to buildings of heritage interest. This relates to buildings and structures that whilst not strictly meeting the criteria for inclusion in the Record of Protected Structures, may make a positive contribution to the historic built environment of the area. Where this occurs, their retention and reuse should be encouraged.

As the site is within the curtilage of Dalkey Lodge, a protected structure, **Section 8.2.11.2 (iii)** is of note and refers development within proximity to a Protected Structure.

Landscape policy **LHB32: Historic Demesnes and Gardens**. Open Space policies set out in section 4.2.2.

There is a specific development plan objective relating to lands to the north of the site, at ‘The Metals’ pedestrian and cycle route, ref. **Objective 93:**

*“To promote the development of the S2S Promenade and Cycleway as a component part of the National East Coast Trail Cycle Route.”*

**Relevant Development Management Standards include inter alia**

**Section 8.1.1.1. Urban Design Policy UD1** sets out that all development is of high quality design that assists in promoting a ‘sense of place’. The promotion of the guidance principles set out in the ‘Urban Design Manual - A Best Practice Guide’ (2009) and in the ‘Design Manual for Urban Roads and Streets’ (2013).

**Section 8.2.3.2** sets out the relevant guidance on quantitative and qualitative, and development management criteria for **residential developments**.

**Section 8.2.3.3** refers to **apartment developments** and standards required in relation to (i) design, (ii) dual aspect, (iii) mix of units, (iv) separation between blocks), (v) internal storage, (vi) penthouse development, (vii) minimum floor areas, (viii) public, private and communal open space standards and (ix) play facilities.

**Section 8.2.4 Sustainable Travel and Transport**

**Section 8.2.8 Open Space and Recreation**

**Appendix 9. Building Height Strategy**

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

It is stated by the prospective applicant that a pre-application consultation meeting took place with the planning authority on 8<sup>th</sup> September 2020, full details of which are included in the submitted Planning Statement and Planning Authority Opinion.

## **7.0 Forming of the Opinion**

**7.1.** 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.

### **7.2. Documentation Submitted**

7.2.1. 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 (titles as per the documentation submitted):

Completed Application Form; Pre-Planning Report and Statement of Consistency; Architectural Design Statement; Architectural drawings; Schedule of Areas; Residential Quality Audit; Density & public/Communal Open Space Schedule; Arborist Report; Arboricultural Impact Assessment; Tree Protection Plan; Tree Constraints Plan, Part V, Archaeological Impact Assessment; Preliminary Architectural Conservation Considerations; Preliminary Drainage Report, Flood Risk Assessment, Drainage Layout; Sunlight, Daylight & Shadow Assessment (Impact Neighbours & Development Performance); Photomontages; Ecological Technical Note; Operational Waste Management Plan – Technical Note; Landscape Design Report and drawings; Historic Landscape Memorandum; Sustainability Report- Planning Stage; Site Lighting Report & drawing; Traffic & Transport Assessment including DMURS Statement of Consistency; proposed general arrangement drawing, proposed basement arrangement drawing; proposed visibility splay drawing, proposed Autotrack Analysis.

7.2.2 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.

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

### **7.3. Planning Authority Submission**

7.3.1 In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Dun 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. These were received by An Bord Pleanála on 1<sup>st</sup> December 2020.

7.3.2 Dun Laoghaire Rathdown County Council's written opinion includes a description of the site and proposed development, planning history, record of pre planning meeting, policy considerations, departmental reports, and an assessment of the proposed development. The Report highlights the views, requirements and aspirations of the Planning Authority in relation to the subject site and development proposal. The main points of concerns are summarised as follows:

- The development of the proposed BTR scheme on lands zoned under land Use objective 'A' is acceptable in principle in terms of land use zoning objective.
- Clarification in terms of number and type of each unit as there are discrepancies in the documentation submitted.
- The applicant has not submitted the covenant or legal agreement as required under SPPR7(a) of the 2018 Apartment Guidelines (NOTE: The 2020 Guidelines which came into effect after the date of receipt of the Planning Authority's Opinion).
- The proposer of the BTR scheme is required to submit a rationale or evidence based justification that the residential support facilities and resident services and amenities are appropriate for the interned retail market at this location and accord with SPPR7 (b) (i) and (ii) of the Guidelines. Details of the management of the proposed development are also required.
- The subject site may have the potential to accommodate the increase in building height and new form of development, subject to ensuring that the proposed development would not result in adverse impacts on the existing residential and visual amenities of the area.
- It is considered that the proposed development may result in adverse impacts on the residential amenities of the existing dwellings to the north, east and west of the subject site, with particular regard to overshadowing and overlooking.
- Concerns with regard to the proposed recreational/amenity areas. In particular, it is noted that Block 2 and the proposed dwellings do not have the benefit of any internal residential amenity space. It has not been detailed if the

occupants of Block 2 and the 2 no. dwellings have access to the internal residential space (large lounge area, workspace/meeting room and gym) in Block 1. Furthermore, concerns arise in respect of the potential lack of sunlight/daylight serving the external play/gym area and open space areas, as a result of the proposed tree planting and ground levels.

- The Planning Authority would encourage the provision of internal floor to ceiling heights of minimum 2.7m at upper levels throughout the scheme, in order to optimise daylight, sunlight and ventilation to the internal spaces. Any consequent implications of this increased internal floor to ceiling height to the overall scheme, most particularly building height, would similarly require further examination.
- Concerns in relation to the height and massing of the development on the residential amenity of adjacent properties due to the (1) impact and extent of the proposed excavation, (2) the visual impact of the proposed retaining structures and (3) the impact of the proposed landscaping due to the varying levels within the site on the proposed development and the existing residential properties within the immediate vicinity of the site.
- Further details in relation to the proposed ground levels following excavation and the height and type of retaining structures proposed should be submitted for consideration. The overall height of the proposed retaining structures and the proposed planting (potential max. height) should be submitted to enable a detailed assessment in respect of overshadowing of the subject development and proposed play spaces/courtyard and walkways. The setback of the proposed apartment blocks from the retaining walls should be clearly detailed at ground floor level.
- The subject site consists of granite bedrock. Limited details have been submitted in respect of the level of excavation required to accommodate the development. It is considered that further details are required in relation to the level and type of excavation proposed.
- The applicant is advised to review the need for childcare facility on site to cater for any childcare needs generated by the proposed apartment development in advance of lodgement of a planning application to ABP.

- Details of the areas of the site proposed to be taken in charge and details of areas to be managed by a management company should be submitted at SHD application stage.
- Detailed analysis required of the impacts of the proposed development on Dalkey Lodge (protected structure), in particular impacts on the setting of the protected structure.
- The requirements of the Housing Department's Part V requirements. The Planning Authority note the location of the proposed units earmarked for social housing are on the ground floor level of Block 2.
- Issues raised in the Drainage Planning Report.
- Issues raised in the Transportation Planning Report.
- Issues raised in the Environment Enforcement Report.
- Issues raised in the Public Lighting Section Report.
- Issues raised in the Parks and Landscape Services Report.

**7.3.3 Summary of Inter departmental Reports contained of the Planning Authority's Opinion received on the 1<sup>st</sup> December 2020 (copies of the reports not included with the Opinion with the exception of a Memo from the Housing Department dated 17<sup>th</sup> August 2020) contained in appendix 1 of the Section 247 Consultation record)**

***Drainage Planning.***

Noted that the absence of a detailed technical submission on water services makes it difficult to form an opinion, positive or negative, on what was presented. The applicant is strongly advised to consult with and reach agreement with the Drainage Planning Section of Municipal Services on surface water drainage proposals in advance of the lodgement of a planning application.

***Transportation Planning.***

Conditions recommended relating to TIC standards, Quality Audit, Street Lighting. Car Parking Provision, Parking Bays, Setdown/deliveries, EV charging points, Cycle parking, underground/basement car park,

### ***Parks and Landscape Services.***

The contents of the pre-planning application are not sufficient to complete an appraisal. Further documentation is required before the proposal can be fully assessed.

### ***Public Lighting.***

Lighting design in its current form is not acceptable. Report sets out requirements for lighting.

### ***Housing.***

Requirement for Part V condition

### ***Environmental Enforcement Section.***

The lack of detailed consideration of the environmental issues that will arise in relation to the development is noted.

Details on Construction Waste & Environment Management

Environmental Impacts - Construction Phase.

Operational waste Management

Environmental Impacts - Operational Phase.

## **8.0 Submissions**

**Irish Water** (20<sup>th</sup> November 2020):

Irish Water has assessed and has issued the applicant a Confirmation of Feasibility for connection(s) to the Irish Water network(s) for 103 residential units.

In respect of wastewater, the development must incorporate Sustainable Drainage Systems/ Attenuation in the management of stormwater and to reduce surface water inflow into the receiving combined sewer. Full details of these must be agreed with Local Authority Drainage Division.

## 9.0 The Consultation Meeting

- 9.1 A Section 5 Consultation meeting took place online via Microsoft teams on the 9<sup>th</sup> February 2021, commencing at 14:30. 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.
- 9.2 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. Compliance with SPPR 7.
2. Residential Support Services/Residential Facilities & Amenities (internal and external areas).
3. Residential Amenities (impact on adjoining properties and within the scheme).
4. Architectural and Landscape Heritage.
5. Excavation/enabling works/retaining structures/method of construction.
6. Parking Strategy and Access.
7. Childcare.
8. Issues raised by DLR Drainage Division.
9. Any Other Business.

In relation to **Compliance with SPPR7**, ABP representatives sought further elaboration/discussion/consideration in relation to:

- Justification/rationale for BTR at this location.
- Compliance with the requirement of SPPR 7 of the 2020 Guidelines.
- Clarify if the proposed 2 houses are BTR.



In relation to **Residential Support Services/Residential Facilities & Amenities (internal and external areas)**, ABP representatives sought further elaboration/discussion/consideration in relation to:

- Clarify if access to the public open space is 24/7 and address potential impact on residents particularly at night
- Further detail needed on security and safety and the link between the two buildings and the houses and accessibility of all future residents to the residential support services, residential facilities and communal amenities for all residents of the scheme.
- Clarify the use of each internal space is clear
- Rationale for the level of support services provided
- Ensure adequate facilities to serve all units and clarify if these are available to the residents of the houses (if not BTR).
- Differentiate between communal areas and public open space.
- Coordinate and rationalise the uses of the amenities and the quality of the spaces in the landscape strategy at application stage.
- Potential conflicts (pedestrian/vehicular) at application stage

In relation to **Residential Amenities (impact on adjoining properties and within the scheme)**, ABP representatives sought further elaboration/discussion/consideration in relation to:

- Impact on residential amenities arising from access to daylight/sunlight to units within the scheme.
- Quality of communal areas/open space and access to daylight/sunlight.
- Potential impact on adjoining properties (overlooking/ overshadowing/access to daylight/sunlight)

In relation to **Architectural and Landscape Heritage**, ABP representatives sought further elaboration/discussion/consideration in relation to:

- Potential Impact on Dalkey Lodge and its setting
- Impact on historic landscape.

In relation to **excavation/enabling works/retaining structures/method of construction**, ABP representatives sought further elaboration/discussion/consideration in relation to:

- Extent of excavation, method, enabling works and retaining structures
- Level of material to be removed from the site and address impact on traffic arising from additional vehicles on site and potential impacts at application stage
- Method of construction (retaining walls), method of extraction (rock) and the rationale/ justification for each method.
- Potential impact on adjoining properties.
- Implications for drainage.
- Issues raised by DLR Drainage Section

In relation to **Parking Strategy and Access**, ABP representatives sought further elaboration/discussion/consideration in relation to:

- Justification/rationale for parking provision and car parking strategy.
- Issues raised by DLR Transportation Section

In relation to **Childcare**, ABP representatives sought further elaboration/discussion/consideration in relation to:

- Discrepancies in number and type of units proposed.
- Justification/rationale for approach.
- Issues raised by the Planning Authority

In relation to **Issues raised by DLR Drainage Division**, ABP representatives sought further elaboration/discussion/consideration in relation to:

- Lack of drainage details on file noted
- No recourse for further information at application stage, advised to consult with DLR Drainage prior to lodging an application

In relation to **Any Other Business**, ABP representatives sought further elaboration/discussion/consideration in relation to:

- Prospective applicant was advised if a Material Contravention arises this needs to be addressed in the documentation submitted with the application.
- To ensure all documentation correlates at application stage.

The prospective applicant and the planning authority were given the 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 308576-20' 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.

## 10.0 Conclusion and Recommendation

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 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.

## 11.0 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.

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 and/or justification is required in respect of documents submitted in terms of details/mitigation of potential impacts on residential amenities of adjoining residential properties and impacts on adjoining lands, as well as the level of residential amenity afforded the future residents, specifically considering:
  - a) Daylight/Sunlight analysis, showing an acceptable level of residential amenity for future occupiers of the proposed development, which includes details on the standards achieved within individual rooms within the development, in communal open spaces and in public areas within the development.
  - b) Further consideration of the Planning Authority suggestion with respect to the provision of internal floor to ceiling heights of minimum 2.7m at upper

levels throughout the scheme, in order to optimise daylight, sunlight and ventilation to the internal spaces. Any consequent implications of this increased internal floor to ceiling height to the overall scheme, most particularly building height, would similarly require further examination.

- c) The impact on adjoining lands and residential properties should also form part of the assessment.
2. Visual Impact Assessment to include verified photomontages of the development from Dalkey Lodge, public roads and adjoining residential developments. The VIA should include views of the development with both winter and summer vegetation and to include any plant or other structures on the roof of the proposed development, in order to give as accurate a representation as possible. Further consideration of the details and mitigation proposed, to ensure that the proposed development has been designed to avoid direct overlooking of adjacent residential properties and units within the scheme. The response should include a report that addresses issues of residential amenity (both of adjoining developments and future occupants), specifically with regards to overlooking, overshadowing, visual dominance and noise. The report shall include full and complete drawings including levels and cross-sections showing the relationship between the proposed development and adjoining residential development (permitted or built).

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. Clarification of the number of units and type of units proposed within the scheme which are proposed as Build to Rent and compliance with the Sustainable Urban Housing: Design Standards for New Apartments 2020, specifically the guidance on Build to Rent Development and SPPR7 and SPPR8 in particular.

Comprehensive information regarding the nature of the proposed use should be submitted to facilitate assessment of this issue including details of the occupation, operation and management of the scheme.

The response should also include 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. And a Site Specific Management Plan which includes details on management of the communal areas, public space, residential amenity and apartments.

2. A Housing Quality Assessment which provides the specific information regarding the proposed apartments required by the 2020 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. A building lifecycle report for the proposed apartments in accordance with section 6.13 of the 2020 guidelines should also be submitted. 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.
3. An Architectural Impact Assessment having regard to the impact on Dalkey Lodge its character and setting.
4. A Historical Landscape Impact Assessment
5. An Archaeological Impact Assessment.
6. Tree Survey and Arboricultural Assessment.
7. Ecological Impact Assessment.
8. Justification/rationale for approach to Childcare provision.
9. (a) 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.  
(b) 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 1<sup>st</sup> December 2020.

10. A draft Construction Management Plan, draft Construction and Demolition Waste Management Plan and a draft Waste Management Plan and a draft Methodology Statement. These shall include details relation to excavation, enabling works, retaining structures and method of construction and excavations.
11. Response to issues raised in the Drainage Section report, Parks & Landscape Services report, Environmental Enforcement Section report, Public Lighting report as contained in the Planning Authority Opinion received by An Bord Pleanála on 1<sup>st</sup> December 2020.
12. A site layout plan clearly indicating what areas are to be taken in charge by the Local Authority.
13. 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.
14. 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. Minister for Culture, Heritage and the Gaeltacht (Built Heritage and Nature Conservation)
2. The Heritage Council
3. An Taisce

4. Irish Water
5. Dun 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.

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Dáire McDevitt  
Planning Inspector

15<sup>th</sup> March 2021