



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-308680-20

Strategic Housing Development

Demolition of existing structures,
construction of 100 no. apartments
and associated site works.

Location

Falmore, Falls Road, Dublin 18.

Planning Authority

Dun Laoghaire Rathdown County
Council

Prospective Applicant

J Coffey Property (Falmore) Ltd

Date of Consultation Meeting

12th of January 2021.

Date of Site Inspection

18th of December 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 site (c. 0.92 hectares), is located c. 1km northwest of Shankill in south County Dublin on the northern side of Falls Road, accessed off the R837. Cherrywood SDZ is c. 2km to the northwest. The site is c. 1.5km from Shankill Dart Station. There are several bus stops along the R837. The immediate area is characterised by large detached houses on individual plots set in mature landscaped gardens.
- 2.2. The site is bounded to the south by Falls Road. To the east by M11 and embankment. To the west and northwest by detached dwellings Hazeldene, Renvyle and Sillary Lodge. Parc Na Silla estate to the north is separated from the site by railway cutting for the old Bray to Dublin rail line.
- 2.3. The site is currently occupied by Falmore, a large 3 storey detached house (Arts & Crafts style) on a generous plot set in landscaped gardens, with tennis court to the rear and a detached structure that resembles a dance studio.
- 2.4. Levels fall by c. 3m from southwest to north. The site is c. 4m above the M11. Overhead cables run in a northwest to southeast direction to the north of the site.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development is for 100 units located in two blocks (A & B).
- 3.2. The proposed includes the demolition of an existing large two storey detached dwelling. Access into the site is via an existing entrance to the south along the Falls

road which is to be upgraded to allow a pedestrian and cycle link along the main road. Pedestrian and cycle access are proposed to the existing Parc Na Silla residential development to the north.

Key Parameters

Size	0.92ha
Height	Block A- 4-6 over basement/ undercroft Block B- 3-5 over basement/ undercroft
Density	108 units per ha
Units	Block A- 58 Block B- 42
Car parking	90 residents and 10 for visitors
Bicycle Parking	220
Open Space	3, 825m ² Public – 2,468m ² Communal - 1,357m ²
Dual Aspect	52%

Unit Mix

Unit size	No	Percentage
One bed	32	32%
Two bed	65	65%
Three Bed	03	03%

4.0 Planning History

ABP-306571-20

SHD Pre application opinion issued under S. 6(7) of Planning and Development (Housing) and Residential Tenancies Act 2016, for the demolition of existing structures and construction of 126 no. apartments.

The Opinion issued required further consideration and/or alteration of the documents as they related to the following:

1. Development Strategy

In this regard further consideration is required for the design and configuration of the layout particularly in respect of:

- a) The residential density.
- b) The design, height, scale, massing and siting of the blocks.
- c) Materials and elevational treatments.
- d) Connectivity and permeability through the site.
- e) Amenity spaces.

2. Architectural Heritage and the justification for the demolition of Falmore, including development and design strategy assessment which considered its possible retention and incorporation in to a future SHD scheme.

3. Visual Impact Assessment

As they relate to the development strategy of the site in respect of, but not limited to:

- Long views of the site.
- Localised impact on adjoining residential properties and when viewed from the Falls Road.

4. Realignment of Falls Road

5. Provision of Childcare

6. Issues raised in the Irish Water submission.

ABP 06D.236825 (Reg. Ref. No. D09A/0305)

Permission granted for the conversion and extension (3 storey over basement) of Falmore and change of use to residential institutional (nursing home), the construction of a single storey Alzheimer's care building and ancillary site works and services. (2009)

Vicinity:

There have been a number of applications for small residential schemes on sites in the vicinity of the application site. These include applications at 'Legene' (D15A/0757, PL06D.246223), 'Wynhurst' (D15A/0235), 'Sillary Lodge' (D14A0838), 'Arisaig, Woodbank & Cremorne' (D13A/0683, PL06D.243091).

PL06D.246223

Refusal permission for a site at "Legene" a detached dwelling along Falls Road for 15 dwellings as summarised below:

1. Inadequate pedestrian access and intensification of traffic along a substandard road.
2. Premature pending the provision of coordinated and wider planning strategy/framework for the area and pending upgrading of the existing local network to facilitate increased traffic and pedestrian levels as well as facilitating better linkages to the public transport infrastructure in the area.

5.0 Section 247 Consultation(s) with Planning Authority

- 5.1. The submission from the PA notes that this proposed development comprising 100 units has not been the subject of a pre-planning meeting with Dun Laoghaire-Rathdown County Council, as noted above.
- 5.2. The applicant's Statement of Consistency notes a S.247 meeting on the 19th of June 2019 relating to a previous SHD pre application lodged on the 05th of February 2020 (ABP 306571-10).

6.0 Prospective Applicant's Case

6.1. The application was accompanied by drawings and documents associated with the proposal including, inter alia:

- Planner's report on the removal of Falmore House,
- Ecological Impact Assessment and Screening for Appropriate Assessment,
- Landscaping master planning, report, design and play plan.
- Arboricultural Assessment and Tree Protection Plan.

6.2. Applicants Statement of Consistency

The applicant submits the proposal complies with national, regional and local planning policy. Previous preplanning consultations on the site and the evolution of design evolution are presented in detailed.

7.0 Planning Authority Submission

7.1. 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 their opinion in relation to the proposal on the 15th of December 2020.

7.2. The PA opinion notes no specific S 247 meetings in relation to the proposed SHD development and includes a background on the planning history on the site and surrounding area, and the policy background.

7.3. Planning Assessment

- The principle of development is acceptable.

Height

- The proposed massing of the southern section of the proposal is not acceptable and visually intrusive and therefore the upward modifiers are not applicable. The proposal would not be in line with Policy UD1 of the development plan.

Density

- The surrounding area is low density in nature.
- The national guidelines on density are noted and the site is in proximity to public transport options.
- There are serious concerns in relation to the density of 108 at this site and the existing receiving environment.

Mix

- The residential mix is acceptable.

Apartment Standards

- The proposal appears to comply with the relevant standards.
- The full dimensions should be included on the drawings.

Residential Amenity

- Separation distances of 14m between opposing windows should be expanded to 22m.
- Additional photomontage images should be submitted.
- The height of the site and separation distance relative to the existing adjacent residential properties along the western and north west is of concern.
- Shadow cast analysis is provided for the proposed development and should include the impact on the adjoining properties.
- The capacity of the current childcare facilities has not been included.

7.4. Drainage

- Greater clarity is required in the documentation relating to the surface water connection including the public sewer and Irish Water Infrastructure.
- Inclusion of all works within the site (flow control device).
- Attenuation tanks will not be taken in charge and drawings should reflect this. Additional details on the operation of the storage is required.
- Soil investigation required.
- Additional SUDS details.

- A surcharge analysis of the surface water system is required, and 50% block of the system referenced in a Site-Specific Flood Risk Analysis.

7.5. **Transportation**

- Full dimensioned drawings of all upgrades to the Falls Road.
- A shortfall in 11 no. carparking spaces as per the DLR acceptable reduced levels.
- Bicycle share facilities should be included
- Further details of access to the rear of the site is required, including signage etc.
- Requirement for greater set back and 2m wide footpath along the Falls Road.
- Additional details for road/cycle layouts and documents for noise, construction and waste.

8.0 **Consultation**

8.1. Irish Water has issued a confirmation of feasibility for 100 no residential units subject to the following:

- In respect of **wastewater** connection can be made to an existing sewer at Mullinastill Road, this would allow the network to be designed by gravity. An extension for c. 575m of the network is required in the public domain which is required to be funded by the applicant.
- In respect to **water** the connection can be facilitated.

9.0 **Consultation Meeting**

9.1. A section 5 Consultation meeting took place via Microsoft Teams on the 12th of January 2021 with representatives of the prospective applicant, the Planning Authority and An Bord Pleanála 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. Development Strategy for the site to include inter alia:
 - Height, bulk and massing;
2. Residential Amenity.
3. Transportation.
4. Drainage Matters.
5. Any other matters.

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

- The amendments to the proposed development following a redesign from a previous Preapplication Consultation ABP- 306571-20
- The scale, bulk and mass of the proposed development along both the south, Falls Road, and west adjoining the N11.
- Compliance with the height strategy of the development plan and the need for a material contravention of the development plan.
- The integration of pedestrian and cycle access to the north of the site and the requirement to consult with both Transport Infrastructure Ireland (TII) and Córas Iompair Éireann (CIE).
- The integration of existing mature trees along the south of the site, along Falls Road and the requirement of the proposal to integrate effectively into the site.

9.4. In relation to **Residential Amenity**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The use of ground levels and section drawings of the proposed development and surrounding area and the potential impact on residential amenity.
- The use of shadow projection analysis to illustrate the potential impact of the proposed development on the residential amenity of the residents of adjoining properties.
- The separation distances between the proposed and existing properties.

- 9.5. In relation to **Transportation**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:
- The justification for the quantum of car parking proposed at 0.92 spaces per unit and the location of parking spaces along the Falls Road.
 - The upgrade and realignment of the Falls Road, including, inter alia, design and layout along the front of the site and the pedestrian and cycle connectivity along the road.
- 9.6. In relation to Drainage Matters, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:
- The surface water design and the requirement to ensure compliance with Irish Water requirements.
- 9.7. In relation to Any Other Business, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:
- The submission of clear and concise documentation within any application. The need to ensure that the same information is presented in all documentation.
 - The red line boundary, the extent of works proposed and requirement for any application to be accompanied by relevant consents.

10.0 **Assessment**

Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

I have examined all of the information and submissions before me including the documentation submitted by 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: **constitutes a reasonable basis for an application under** section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

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 would **constitute a reasonable basis for an application** for strategic housing development to An Bord Pleanála.

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 arising from this notification:

1. Submission of plans and particulars clearly illustrating the proposed pedestrian and cycle connectivity from the proposed development north, into the Park Na Silla estate. The documentation shall include details on the delivery of this connections and be accompanied with any relevant consents required from either Dun Laoghaire Rathdown County Council, Transport Infrastructure Ireland and/or Córas Iompair Éireann.

2. An Updated Sunlight/Daylight analysis showing an acceptable level of residential amenity for future occupiers and neighbours of the proposed development, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development and in adjacent properties.
3. An analysis of the capacity of the childcare provision in the vicinity and justification for the absence of any childcare facility on the site.
4. A rationale for the proposed car parking provision should be prepared, to include details of local census, mobility split, car parking management, car share schemes and a mobility management plan.
5. A Site-Specific Management Plan which includes details on management of the communal areas, public space, residential amenity, and apartments.
6. A detailed phasing plan, including timing of delivery of the works for the upgrade and realignment of the Falls Road.
7. Response to issues raised in Planning Authority Report, received 15th of December 2020, which includes the internal reports of the Transportation Planning Dept, inter alia, the delivery of the upgrade works and the links to the north.
8. Response to issues raised in Planning Authority Report, received 15th of December 2020, which includes the internal reports of Drainage Planning, inter alia, the design of the surface water discharge treatment and flood risk analysis.

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.

9. Irish Water
10. Transport Infrastructure Ireland

11. National Transport Authority
12. Córas Iompair Éireann
13. Dun Laoghaire Rathdown County 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.

Karen Hamilton
Senior Planning Inspector

21st of January 2021