



An  
Bord  
Pleanála

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

### **Inspector's Report on Recommended Opinion ABP-308940-20**

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<b>Strategic Housing Development</b>	112. no Build to Rent apartments, creche and associated site works.
<b>Location</b>	Rocklawn, Leopardstown Road, Dublin 18.
<b>Planning Authority</b>	Dun Laoghaire-Rathdown County Council
<b>Prospective Applicant</b>	Bridgeclip (Developments) Limited
<b>Date of Consultation Meeting</b>	16 <sup>th</sup> March 2021
<b>Date of Site Inspection</b>	05 <sup>th</sup> February 2021
<b>Inspector</b>	Ronan 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**

- 2.1.1. The site is located to the south of Leopardstown Road and is bounded to the west by Leopardstown Rise, to the south by the open space associated with the surrounding residential housing estates and a single storey dwelling house to the east. To the north beyond the Leopardstown Road is the M50 motorway. To the north of the motorway is Sandyford Business Park. The site is located approximately 600m from the Glencairn Luas stop.

## **3.0 Proposed Strategic Housing Development**

- 3.1.1. The proposed development will consist of a Build-to-Rent development comprising: 112 No. apartments (72 No. one-bedroom apartments; and 40 No. two-bedroom apartments) arranged in 2 No. five to six-storey blocks (identified as Blocks A and B on the architects' drawings) with: a residential gross floor area of c. 8,413 sq m; residential services and amenity space of c. 246 sq m; and residential support facilities of c. 199 sq m on an overall site of c. 0.7097 ha. The total gross floor area of the proposal is c. 9,111 sq m.
- 3.1.2. The development will also consist of the provision of: private open spaces (including balconies), communal and public open space areas (including a public pedestrian link between Leopardstown Road to the north (via the proposed development) and the existing open space at Leopardstown Heights); a communal courtyard and play area; post and parcel storage facilities; waste storage facilities; vehicular and

pedestrian access / egress and associated circulation routes; resident car parking (51 No. spaces); resident and visitor cycle parking (175 No. spaces); resident motorcycle parking (2 No. spaces) an ESB substation and switchroom; site lighting; signage; all hard and soft landscaping; boundary treatments; and all other associated site excavation, infrastructural and site development works above and below ground. The following details are noted:

<b>Parameters</b>	<b>Site Proposal</b>
Height	5-6 Storeys
SHD Site	0.79 Ha
No. of Residential Units	112 BTR Residential Units (Blocks A and B)
Public Open Space	1,030 sq. m. (14.5% of the site)
Communal Open Space	982 sq. m.
Car Parking	51 no. car parking spaces
Bike Parking	175 spaces
Density (Net)	158 units/ha

## 4.0 National and Local Policy

### 4.1. National and Regional Policy

#### National Planning Framework 2018-2040

National Strategic Outcome 1, Compact Growth, recognises the need to deliver a greater proportion of residential development within existing built-up areas.

Activating these strategic areas and achieving effective density and consolidation, rather than sprawl of urban development, is a top priority.

Objective 2A identifies a target of half of future population growth occurring in the cities or their suburbs. Objective 3A directs delivery of at least 40% of all new housing to existing built-up areas on infill and/or brownfield sites.

Objective 13 is that, in urban areas, planning and related standards including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth.

### Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 (RSES)

The primary statutory objective of the Strategy is to support implementation of Project Ireland 2040 - which links planning and investment through the National Planning Framework (NPF) and ten year National Development Plan (NDP) - and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the Region.

- RPO 3.2 - Promote compact urban growth - targets of at least 50% of all new homes to be built, to be within or contiguous to the existing built up area of Dublin city and suburbs and a target of at least 30% for other urban areas.
- RPO – 4.1 – Settlement Hierarchy – Local Authorities to determine the hierarchy of settlements in accordance with the hierarchy, guiding principles and typology of settlements in the RSES.
- RPO 4.2 – Infrastructure – Infrastructure investment and priorities shall be aligned with the spatial planning strategy of the RSES.

The site lies within the Dublin Metropolitan Area (DMA) – 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.

Key Principles of the Metropolitan Area Strategic Plan include compact sustainable growth and accelerated housing delivery, integrated Transport and Land Use and alignment of Growth with enabling infrastructure.

## Transport Strategy for the Greater Dublin Area 2016-2035

The Transport Strategy for the Greater Dublin Area 2016-2035 provides a framework for the planning and delivery of transport infrastructure and services in the Greater Dublin Area (GDA). It also provides a transport planning policy around which other agencies involved in land use planning, environmental protection, and delivery of other infrastructure such as housing, water and power, can align their investment priorities.

The Strategy sets out the necessary transport provision, for the period up to 2035, to achieve the above objective for the region, and to deliver the objectives of existing national transport policy, including in particular the mode share target of a maximum of 45% of car-based work commuting established under in “Smarter Travel – A Sustainable Transport Future”.

### 4.2. **Section 28 Ministerial Guidelines**

The following is a list of section 28 Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’).(2009)
- ‘Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities’ (Updated December 2020)
- Urban Development and Building Height, Guidelines for Planning Authorities, 2018.
- ‘Design Manual for Urban Roads and Streets’ (DMURS) (2019) / DMURS Interim Advice Note – Covid 19 (2020)
- ‘The Planning System and Flood Risk Management’ including the associated ‘Technical Appendices’.
- ‘Childcare Facilities – Guidelines for Planning Authorities’.
- Regulation of Commercial Institutional Investment in Housing – Guidelines for Planning Authorities – May 2021

### 4.3. **Local Policy Context**

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

The site is zoned 'A – To Protect and/or Improve Residential Amenity' as indicated on County Development Plan maps. Residential development is 'permitted in principle' under this zoning objective.

Chapter 2 outlines that the Council is required to deliver c.30,800 units over the period 2014 – 2022. It is stated that the Council in seeking to secure this objective will focus on three strands, namely: increasing the supply of housing; ensuring an appropriate mix, type and range of housing; and, promoting the development of balanced sustainable communities.

Policy RES 3 Residential Density:

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. In promoting more compact, good quality, higher density forms of residential development ...

Where a site is located within circa 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 at a minimum of 50 units per hectare will be encouraged.

Policy RES4: Existing Housing Stock and Densification:

It is Council policy to improve and conserve housing stock of the County, to densify existing built-up areas, having due regard to the amenities of existing established residential communities and to retain and improve residential amenities in established residential communities.

- Policy RES7: Overall Housing Mix - 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.
- Policy RES14: Planning for Communities –in accordance with the aims, objectives and principles of 'Sustainable Residential Development in Urban Areas' and the accompanying 'Urban Design Manual – A Best Practice Guide'.

- Chapter 2.2 - Sustainable Travel and Transportation.
- Policy UD1: Urban Design Principles - all development is of high-quality design that assists in promoting a 'sense of place'.
- Policy UD6: Building Height Strategy- Compliance with the national guidance.
- Appendix 9 details the Building Height Strategy. Section 4.8 focuses on residual suburban areas not already included within boundaries of the cumulative areas of control. This site is located in one such area. It states that a general recommended height of two storeys will apply. It further states that a maximum of 3-4 storeys may be permitted in appropriate locations - for example on prominent corner sites, on large redevelopment sites or adjacent to key public transport nodes - providing they have no detrimental effect on existing character and residential amenity. Furthermore, it states that there will be situations where a minor modification up or down in height by up to two floors could be considered and these factors are known as 'Upward or Downward Modifiers'.
- Upward Modifiers are detailed in section 4.8.1. It is stated that Upward Modifiers may apply where: the development would create urban design benefits; would provide major planning gain; would have a civic, social or cultural importance; the built environment or topography would permit higher development without damaging appearance or character of an area; would contribute to the promotion of higher densities in areas with exceptional public transport accessibility; and, the size of the site of e.g. 0.5Ha could set its own context.
- It is stated that to demonstrate to the Planning Authority that additional height is justified, it will be necessary for a development to meet more than one 'Upward Modifier' criteria.

#### Policy UD6: Building Height Strategy

*It is Council policy to adhere to the recommendations and guidance set out within the Building Height Strategy for the County.*

- Section 8.2.3.2- (i) Density. The sustainable housing guidelines of 2009 are promoted and a minimum of 35 units per hectare are allowed with more than 50 required at public transport nodes.
- Section 8.2.3.3- Apartment Development

- (ii) 70% to have dual aspect,
- (iii) mix required at a ratio of 40/ 40/ 20 for 1/2/3 plus units.
- (iv) 22m separation distance required.

An advisory note at the beginning of the development plan to state that the standards and specifications as set out in Section 8.2.3.3 have been superseded by the implementation of the national apartment standards and those SPPRs contained within.

#### Car parking

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

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

- Table 8.2.3: Residential Land Use - Car Parking Standards
- Apartments- 1 space per 1-bed unit/ 1.5 spaces per 2-bed unit/ 2 spaces per 3-bed unit+/ (depending on design and location).

Chapter 8 refers to Principles of Development and contains the urban design policies and principles for development including public realm design, building heights strategy, and car and cycle parking. Policy UD1 refers to Urban Design Principles. Policy UD2 requires Design Statements for all medium to large developments, and UD6 refers to Building Height Strategy.

Section 8.2.8.2 Communal open space. Requirement of 15 sq.m- 20 sq.m. of Open Space per person, based on a presumed occupancy rate of 3.5 persons in the case of dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms. A lower quantity of open space (below 20 sq.m per person) will only be considered acceptable in instances where exceptionally high quality open space is provided on site.



## 5.0 Planning History

ABP-301956 (PA Ref D18A/0314) Refuse permission on 11/03/2019 for Construction of 42 no residential units, access, parking and associated site works:

It is considered that the proposed development, by reason of its inadequate provision of both private open space at unit numbers 27, 28, 36, 37, 38, 39 and 40, and public open space (particularly in the absence of a confirmed access to the adjoining public open space to the south of the subject site), would conflict with the relevant provisions of the Dun Laoghaire-Rathdown County Development Plan 2016-2022 for open space, would seriously injure residential amenity, and would be contrary to the 'Sustainable Residential Development in Urban Areas (Cities, Towns and Villages) Guidelines for Planning Authorities' issued by the Department of the Environment, Heritage and Local Government in May, 2009. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

ABP Ref PL06D.227319 (D07A/1450) Refuse permission on 22/07/2008 for 100 no. apartments and creche in 5 no. blocks, and all associated works for 4 no. reasons relating to:

1. Excessive density/overdevelopment.
2. Scale, massing and density/internal overlooking/overshadowing of adjacent property to the east.
3. Residential standards/mix.
4. Impact on road network/congestion.

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

A section 247 pre-application consultation took place with Dun Laoghaire Rathdown County Council on 27<sup>th</sup> August 2020 and details of same are set out in Appendix A of the Planning Authority's submission on this pre-application.

## 7.0 Irish Water Submission

Irish Water has assessed and has issued the applicant a Confirmation of Feasibility for connection(s) to the Irish Water network(s) subject to the following:

- Upgrade works required to the existing wastewater network/ developer is required to enter into a connection agreement in advance of commencement of development to facilitate the design and delivery of these works.

New water connection feasible.

## 8.0 Forming of the Opinion

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 brief detail on each of these elements below.

### 8.1. Documentation Submitted

- 8.1.1. 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 and I have had regard to same.

### 8.2. Planning Authority Submission

- 8.2.1. 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 have submitted a copy of the record of their section 247 consultations with the prospective applicant and their opinion in relation to the proposal.
- 8.2.2. Dun Laoghaire-Rathdown County Council has also submitted a report on this pre-application submission which raises the following matters:
  - Density is acceptable.
  - Overbearing impacts need to be addressed/Height and Length of Block A/Scale means it will appear bulky/will overbear adjoining properties.
  - Photomontage looking from Woodside Road should be included.

- Would welcome the provision of 3 bedroom apartments on the site
- Separation distance acceptable/apartments will enjoy an acceptable amount of privacy.
- Concern raised in relation to the impact of the pedestrian circulation route on privacy of ground floor units.
- Transition amenity areas should not be included in the open space as they largely function as pedestrian thoroughfares.
- 30 no. apartments do not have balconies/provision of communal space does not compensate for this/applicant should provide balconies for all apartments.
- Contribution towards public open space should be provided in lieu of shortfall in CDP standards.
- Standard for play spaces should be achieved.
- Letter of consent required from DLRCC to facilitate connection to the park.
- Concerns raised in relation to the quality of the shared surface space/is essentially a car park.
- Additional tree planting required to compensate for the loss of trees on the western boundary of the site.
- Potential overlooking of adjacent properties from Block A.
- Recommended that photomontages from the rear of properties be provided.
- No VSC assessment has been conducted/kitchen units have not been assessed/BRE recommends 2% for kitchens.
- Proposed development would give rise to an abrupt change in scale and would have a negative impact on the surrounding area/would be visually obtrusive and incongruous on the streetscape.
- Some of the units are considered dual aspect only because of a side window.
- May not meet 50% for dual aspect.
- Concern in relation to single aspect units that overlook a car park and have a floor to ceiling height of 2.5m.

- Concern in relation to the length of the central corridor of Block A.
- Car parking provision is too low/suggests an undercroft parking area under one of the blocks
- Concern in relation to the safety of the shared surface area.

### 8.2.3. Internal Departmental Reports

#### Drainage Planning

- Applicant is advised to engage constructively with the Drainage Planning Section.
- Additional information clarification required in relation to SUDs measures/attenuation/surface water drainage infrastructure/stormwater audit/flood risk.

#### Parks and Landscape Services

- Additional information required including tree survey plan and schedule, tree roots constraints plan. Conditions recommended.

#### Housing

Detailed submission required should planning permission be granted.

#### Transportation Planning

- Construction Traffic Management Plan required prior to the commencement of construction.
- Provision of a continuous pedestrian path along the south-east side of the vehicular access road to the development from Leopardstown Road is recommended.  
Accessible route from Blocks A and B to the open space to the south must be provided.
- 1 car space per residential unit provided
- Car club spaces recommended
- Designated visitor and car club/car share parking spaces and loading/unloading bays are recommended.
- Stacked cycle parking is not recommended

- Required to submitted a Quality Audit/details of entre treatment at Leopardstown Road/service vehicle access arrangements

8.2.4. I have reviewed and considered all of the documentation submitted by the planning authority relating to this case.

### 8.3. **The Consultation Meeting**

8.3.1. A Section 5 Consultation meeting took place via Microsoft Teams on the 16<sup>th</sup> March 2021, commencing at 10:00. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting. The main topics raised for discussion at the tripartite meeting were based on the agenda that issued in advance and contained the following issues:

- Design and Layout including height/visual impact/impact on views
- Residential Standards (amenity spaces/dual aspect/daylight/sunlight etc)/Mix
- Surrounding Residential Amenity including daylight/sunlight/overshadowing
- Transport
- Site Services/Flood Risk
- Trees/Ecology/Environmental Screening
- AOB

8.3.2. 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 308940-20' which is on file.

8.3.3. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

### 8.4. **Conclusion**

8.4.1. 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.

- 8.4.2. I have examined all of the 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, including section 28 Ministerial Guidelines and local policy via the statutory plans for the area.
- 8.4.3. 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 constitutes a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 8.4.4. I would also recommend that the prospective information 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.

## 9.0 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) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission arising from this notification:

1. A Housing Quality Assessment (HQA) which provides the specific information regarding the proposed BTR apartments units as required by the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (December, 2020). The assessment should also demonstrate how the proposed BTR apartments comply with the various requirements of those guidelines, including its specific planning policy requirements.
2. A report that addresses issues of residential amenity (both existing residents of nearby development and future occupants), specifically with regards to an amended daylight/sunlight/overshadowing analysis, overlooking, visual impact and noise. The report shall include full and complete drawings including levels and cross-sections showing the relationship between the proposed development and nearby residential development. The daylight/sunlight/overshadowing analysis shall have regard to the requirements of 'Building Research Establishment (BRE) Report 209 "Site Layout Planning for Daylight and Sunlight – a guide to good practice, 2nd Edition, 2011' and BS8206 – Part 2: 2008 Code of Practice for Daylighting, where applicable, and in relation to surrounding developments, should include a detailed analysis of all dwellings and amenity spaces with the potential to be impacted by the proposed development.
3. Justification, and where appropriate amendment, to demonstrate that car parking quantity and location, road layouts, including design and materiality of the proposed shared surfaces, complies with DMURS. To this end, matters raised in the PA submission (dated 21<sup>st</sup> January 2021), including those comments contained in the internal report from the Transportation Planning Section of Dun Laoghaire-Rathdown County Council, should be addressed in any report/justification relating to the outlined transport issues. In addition, in so far as is applicable for the making of a planning application, the following is required – A

Stage 1 and 2 Road Safety Audit/Assessment; a public lighting plan and a Draft Construction and Waste Management Plan.

4. A report that specifically addresses the proposed materials and finishes to the scheme including specific detailing of external finishes, the treatment of balconies and boundary treatments.
5. Landscaping Proposals, including a report that provides appropriate rationale and details, and addresses the comments contained within the Planning Authority's submission on this pre-application (dated 21<sup>st</sup> January 2021).
6. Drainage details, including layouts, relevant consents and reports, such as would clearly address and respond to comments within the internal report from the Drainage Section of Dun Laoghaire Rathdown Council Council, and having regard to the submission from Irish Water (dated 14<sup>th</sup> January 2021), namely the requirement to ensure that the required upgrades to the waste water network are delivered and additional details as relates to surface water drainage infrastructure and flood risk.
7. Additional CGIs/visualisations/3D modelling.
8. All supporting technical/environmental reports to be updated as required.
9. A plan of the proposed open spaces within the site clearly delineating public, communal and private spaces.
10. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority.

Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

1. Irish Water
2. National Transport Authority
3. Transport Infrastructure Ireland
4. 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.

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Rónán O'Connor  
Senior Planning Inspector

Date: 02<sup>nd</sup> July 2021