



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-309039-20

Strategic Housing Development	389 no. apartments, creche and associated site works.
Location	Lands at Clonkeen Road, Deansgrange, Co. Dublin.
Planning Authority	Dun Laoghaire Rathdown County Council
Prospective Applicant	Clonkeen Investments DAC
Date of Consultation Meeting	11 th March 2021
Date of Site Inspection	15 th February 2021
Inspector	Elaine Power

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 is located approx. 900m south of Deansgrange village and approx. 350 north of the N11 junction with Clonkeen Road. The surrounding area is suburban in nature and is characterised by single and 2-storey dwellings. To the north the site is bound by Clonkeen College and associated playing pitches. To the south, east and west the site is bound by single and 2-storey housing. There is also a garage located to the west of the subject site with frontage onto Clonkeen Road.
- 2.2. The site is irregular in shape and has a stated area of 3.3ha. It currently accommodates a 470sqm 2-storey office building known as St. Helen's which fronts onto Meadow Vale and former playing pitches associated with Clonkeen College. Access to the site is available from Meadow Vale.
- 2.3. There is an existing watercourse along the sites southern boundary which runs in a west to east direction.
- 2.4. A public combined sewer is located under the site, in an east – west direction.

3.0 Proposed Strategic Housing Development

- 3.1. It is proposed to demolish the existing 470sqm 2-storey office building known as St. Helens and construct 389 no. residential units, 148 no. 1-bed (38%), 199 no. 2-bed (51%) and 42 no. 3-bed (11%) provided in 11 no. blocks and a 353sqm creche in a single storey building.

3.2. The following details as submitted by the applicant are noted:

Parameter	Site Proposal
Application Site Area	3.3 ha
No. of Units	389 no. (68 no. duplexes and 321 no. apartments).
Density	118 units per ha.
Other Uses	353sqm creche 980sqm private residential amenity space
Public Open Space	8,166sqm public open space 1,607sqm of communal open space 3,536sqm of environmental open space
Height	3-8 storeys
Car Parking	304 no. spaces
Bicycle Parking	504 no. spaces
Vehicular Access	From Meadow Vale via the site of the existing St. Helens office building.

3.3. The site is irregular in shape and wraps around the playing pitches of Clonkeen College. An internal road is proposed through the centre of the site. The 7 no. 3-storey duplex units are generally provided along one side of the road, and the 4 no. apartment blocks on the opposite side. Blocks B1- B4 are located on the eastern portion of the site and are bound by the rear gardens of 2-storey houses of Meadow Vale. Blocks B5 and B6 are located in the southern portion of the site and are bound by the rear gardens of properties in Monaloe Park Road and Monaloe Crescent. Block B7 is located on the western site boundary and is bound by the rear gardens of houses and the garage on Clonkeen Road. The 7-8 storey apartment blocks A2-A4 are located in the centre of the site to the south of the playing pitch. These blocks are interconnected

at ground floor level only. Block A1 is located in the centre of the site to the east of the playing pitches and to the south of the single storey creche unit.

- 3.4. The ground floor of Blocks A2, A3 and A4 accommodate 980sqm of private residential amenity space, including a gym, games area, co-working area, multipurpose rooms, lounge and dining area.
- 3.5. An area of public open space is proposed in the southern portion of the site to the south of Blocks B5 and B6 and an additional public walkway is proposed along the eastern and southern site boundaries.
- 3.6. Car parking is provided along the internal street network (78 no spaces) and within the proposed basement level under Blocks A1, A2 and A3 (226 no. spaces). 504 no. bicycle parking spaces are provided throughout the scheme at surface level.

4.0 **Policy Context**

4.1. ***Dun Laoghaire Rathdown Development Plan 2016 - 2022***

The subject site is zoning 'Objective A' with the associated land use objective '*to protect and-or improve residential amenity*'. Chapter 2 of the Plan notes that the Council is required to deliver 30,800 units over the period 2014-2022. Figure 1.3 of the Plan indicates that there are approx. 410 ha of serviced land available which could yield 18,000 residential units.

Section 1.2.5 of the Plan states 'in addition to the major parcels of zoned development land above, the ongoing incremental infill and densification of the existing urban area will generate, overtime and on a cumulative basis, relatively significant house numbers'

The following are of particular relevance: -

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*'.

Policy SIC8 (Schools): *It is Council policy to ensure the reservation of primary and post-primary school sites in accordance with the requirements of the relevant education authorities and to support the provision of school facilities and the development / redevelopment of existing schools throughout the County.*

Chapter 2: Sustainable Communities, Chapter 5: Physical Infrastructure, Chapter 8: Principles of Development and Appendix 9: Building Height Strategy, Policy RES3: Residential Density, RES7: Overall Housing Mix, Policy RES8: Social Housing, Policy SIC11: Childcare Facilities, Policy UD1: Urban Design Principles, Policy UD2: Design Statements, Policy UD3: Public Realm Design and Section 8.2.3: Residential Development are also considered relevant.

4.2. ***Regional Spatial and Economic Strategy for the Eastern and Midland Region, 2019 – 2031***

The RSES is underpinned by key principles that reflect the three pillars of sustainability: Social, Environmental and Economic, and expressed in a manner which best reflects the challenges and opportunities of the Region. It is a key principle of the strategy to promote people's quality of life through the creation of healthy and attractive places to live, work, visit and study in.

The site is located with the 'Dublin Metropolitan Area'. The Metropolitan Area Strategic Plan (MASP), which is part of the RSES, seeks to consolidate the development of Dublin city and suburbs. Of particular relevance is RPO 5.5.

RPO 5.5: Future residential development in the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, supported by the development of Key Metropolitan Towns in a sequential manner as set out in the Dublin Area Strategic Plan (MASP) and in line with the overall settlement strategy for the RSES.

4.3. ***National Planning Framework (2018)***

The National Planning Framework addresses the issue of 'making stronger urban places' and sets out a range of objectives which it considers would support the creation of high

quality urban places and increased residential densities in appropriate locations while improving quality of life and place. Relevant Policy Objectives include

- 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 Policy Objective 13: 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. 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.
- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- National Policy Objective 35: Increase residential density 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.

4.4. **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.

- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2020.
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Area, 2009
- Urban Development and Building Heights Guidelines, 2018
- Urban Design Manual, A Best Practice, 2009
- Design Manual for Urban Roads and Streets, 2013
- The Planning System and Flood Risk Management Guidelines, 2008

- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme

5.0 Section 247 Consultation(s) with Planning Authority

5.1. *Dun Laoghaire Rathdown County Council*

It is stated by the prospective applicant that a formal pre-planning consultation meeting took place with the Planning Authority in relation to the proposed development on the 12th November 2020. A summary of the consultation is outlined below: -

- Concerns regarding the scale and height of the apartment blocks which are not in keeping with the character of the surrounding area and would have a negative visual impact when viewed from the rear gardens of adjoining properties. The planning authority are not satisfied that the development complies with the Building Heights Guidelines.
- Comprehensive landscaping cannot be provided between the apartment blocks and the playing pitches. The buildings should be set back further to allow for a landscape buffer to assist in mitigating the visual impact.
- The massing of Blocks A2-A4 require careful consideration and should be articulated through the use of fenestration and varied palette of materials and finishes.
- Concerns regarding the location of the public open space at the southern boundary of the site, with a lack of adequate surveillance. Alternative proposals for this portion of the site should be considered.
- The proposed pedestrian route along the site boundary does not follow the natural desire lines through the site and is likely to be underutilised.
- Concerns regarding the southern elevation of the ground floor units of Blocks A2-A4 and their relationship with the public realm.
- Access to the only private amenity space via bedrooms is undesirable and should be reconsidered.
- Additional overshadowing analysis is required to fully assess the impact on surrounding properties.

- Concerns raised regarding the lack of permeability through the site. Applicant should demonstrate that all options have been explored.
- A shared surface should be provided adjacent to the courtyard play area to address traffic concerns.
- Increase car parking provision is welcomed but does not comply with development plan standards.
- Concern regarding the peripheral location of the open spaces within the scheme.
- Additional landscaping proposals are required.
- Additional drainage details are required. Potential conflict between the location of the attenuation tank and the buildings, the riparian corridor and trees.

Full details of the meetings are included in the planning authority's submission.

6.0 Planning History

Subject Site

It is noted that there are a number of planning applications relating to extensions and alterations to the existing school campus. The relevant site history is outlined below.

Reg. Ref: D08A/0042: Permission was refused in 2008 for the demolition of the existing St. Helen's office building and the construction of 49 apartments on the north-eastern portion of the subject site (to the rear of Meadow Vale). The 3 no. reasons for refusal related to (1) the design, scale, bulk and layout of the development would constitute the overdevelopment of this site, would have significant overlooking implications for adjacent properties and would be visually overbearing and out of character at this location, (2) the open space be seriously overshadowed and would not afford adequate useful open space and (3) the substantial number of single aspect north west facing apartments would not provide an acceptable level of residential amenity for future residents

Surrounding Sites

ABP-302109-18, Reg. Ref. D18A/0398: Permission was granted in 2018 for the demolition of 2 no. derelict dwellings and the construction of 53 no. apartments in a 4-

storey over basement building at Johnstown Court c. 750m northeast of the subject site.

Strategic Housing Development Application ABP-304823-19: Permission was granted in 2019 for the demolition of 3 no. houses and the construction of 210 no. apartments and a creche in 3 no. blocks ranging in height from 3 – 7 storeys at Churchview Road and Church Road c. 1km east of the subject site.

7.0 Submissions Received

Irish Water: In respect of wastewater there is existing Irish Water infrastructure(s) within the site boundaries. The developer is required to survey the site to determine the exact location of any pipes and trial investigations that may need to be carried out with the agreement of and in the presence of the Irish Water and/or Local Authority Inspector. Any structures or works over or in close proximity to IW infrastructure that will inhibit access for maintenance or endanger structural or functional integrity of the infrastructure are not permitted. Diversion of the infrastructure may be required subject to layout proposal of the development and separation distances being achieved. Therefore, the applicant must engage with Irish Waters Diversion Team in order to assess feasibility of any potential build over/diversion(s) which may be required ahead of the applicant progressing to SHD application.

No surface water from the development shall enter the Irish Water network.

In respect of water a c.60m of new 200mm ID pipe main to be laid to connect the site development the main.

8.0 Forming of the Opinion

- 8.1. 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 submission and the discussions which took place during the tripartite consultation meeting. I shall provide a brief detail on each of these elements hereunder.

8.2. **Documentation Submitted by Applicant**

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.

The information submitted included the following: SHD application form, Architectural Report (Section 5 Pre-Planning Meeting), Cover Letter, Letter of Consent from Landowners, Planning Statement of Consistency, Material Contravention Statement, Daylight Sunlight Report, Clonkeen College Capacity Study, Landscape Design Report, Tree Survey and Planning Report, Environmental Impact Assessment Report Screening, Appropriate Assessment Screening Report, Ecological Impact Assessment, Wintering Bird Survey Report, Road Infrastructure Design Report, Archaeological Assessment, Traffic and Transport Assessment, DMURS Statement of Consistency, Residential Travel Plan, Flood Risk Assessment, Noise and Vibration Impact Assessment, Construction and Demolition Waste Management Plan – Technical Note, Construction Environmental Management Plan – Technical Note Lighting Analysis, Energy and Sustainability Report, Engineering Services Report, Housing Quality Audit and Area Tables and photomontages / CGI's.

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. This statement has been submitted, as required.

I have reviewed and considered all of the documents and drawings submitted.

9.0 **Planning Authority's Submissions**

In compliance with section 6(4)(b) of the Act of 2016 the planning authority for the area in which the proposed development is located, Dun Laoghaire Rathdown County Council, submitted a note of their section 247 consultations with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on 29th January 2021.

Dun Laoghaire Rathdown County Council's written opinion includes a description of the proposed development, planning history, site location and description, policy context, Appendix A includes details of pre-application consultation and Appendix B includes internal reports from Drainage Planning, Parks and Landscape Services, Housing Department, Transport Planning Section and Conservation. The content of the report is summarised as follows:

Principle of Development: Having regard to the residential zoning objective the principle of the proposed scheme is generally acceptable, however, there are concerns regarding the potential visual impact, open space provision and residential amenity.

School Policy: The ownership of the site is noted. However, consideration should be had to the impact on the function of the existing school campus and on the potential expansion of the existing schools. A report providing an assessment of the requirements for additional educational facilities, including the capacity of the lands to accommodate such development should be submitted with any application and specifically address policy at Section 8.2.12.4 of the development plan. The report should also address the future expansion requirements / potential of the existing school.

Childcare Provision: It is unclear how many children can be accommodated within the proposed creche. The applicant should clearly demonstrate that the proposed creche is of an appropriate size to cater for the development of this scale and consider the demand for childcare within the surrounding area.

Residential Density: There is no objection in principle to the proposed density having regard to the sites overall size and its location in the context of the Stillorgan QBC. There are some concerns that the proposed scheme does not respond to its context.

Building Height: It is accepted that due to the size of the site it may be considered for upward modifiers A, C, E and F of the Building Height Strategy, set out in the development plan. The applicant's analysis of the proposal against the development management standards set out in the Building Height Guidelines is noted. Notwithstanding this, there are significant concerns regarding the scale and height of the development and its impact on the residential amenity of properties with the

immediate vicinity of the site and there are concerns that the scheme cannot meet each of the criteria set out in the Building Height Guidelines. Of particular concern is the height, massing and form of Blocks A2 and A4, whereby the pinch points with the boundaries of adjoining properties on Monaloe Crescent and Monaloe Park. Building heights should be graduated at these more sensitive locations. The visual impact of the blocks is evident from the submitted photomontages. Additional details are required to ascertain the relationship between the proposed development and adjoining properties. It is also recommended that a full visual impact assessment be prepared.

It should be noted that the planning authority would recommend a refusal on this basis should the proposal proceed.

Layout: There are concerns regarding the location of the public open space area within the southern portion of the site and the lack of adequate surveillance. An alternative layout should be considered, with potentially the provision of 2-3 storey dwellings, with rear gardens backing onto existing rear gardens at the south-western and south-eastern site boundaries. The public open spaces could be rationalised and centralised with passive surveillance.

The pedestrian and cycle routes along the south-western and south-eastern boundaries do not follow natural desire lines through the site. There are concerns they are likely to be underutilised, especially in winter months. This is compounded by a lack of permeability through the site. It is considered that a positive public realm interface would be to have pedestrian walkways provided through a centralised open space area.

Design and Massing: There are concerns regarding the height of Blocks A2-A4, particularly Blocks Nos. A2 and A4, whereby the southern ends of the buildings are sited proximate to the south-western and south-eastern site boundaries and will be visually impactful when viewed from the rear amenity spaces of the properties on Monaloe Crescent and Monaloe Park Road. A reduced height across each of the blocks is recommended and a graduated height should be provided on its southern end as a measure to mitigate the proposal's visual impact.

The provision of windows on the ground floor southern elevation of Block Nos. A2-A4 is welcomed. However, it is recommended that own door residences (including terraces) along this interface be provided having regard to its central position within the site and the positive impact on the public realm.

There are significant concerns regarding the visual impact of the proposed development when viewed from within the Clonkeen College campus and the lack of sufficient setbacks from this boundary. It is suggested that each block should be set back to allow landscaping / planting along this boundary, which would allow views of the built form to be filtered and assist in reducing the visual impact of the buildings.

Residential Amenity

Meadow Vale: Meadow Vale is located directly to the east of the application site and is characterised by 2-storey semi-detached and terraced housing. Block Nos. B1 – B4 are located adjacent the eastern site boundary and will have a principal frontage to the internal roadway. An eastern contiguous elevation of the proposed development has not been provided. A three-storey building is generally acceptable at this location, however, it is evident from reviewing the 'Daylight Sunlight Report' that significant overshadowing of the rear amenity spaces of these properties will occur from 3pm onwards at the March Equinox. These impacts are most likely compounded by the variation in site levels, whereby the application site is elevated relative to the properties on Meadow Vale.

In terms of overlooking, it is noted that the first floor balconies on the eastern elevations of Block Nos. B1-B4 provide important passive surveillance of the proposed pedestrian walkway which runs along the eastern site boundary. With exception of Block B4, all balconies appear to be set back a minimum of 11m from the eastern site boundary which is considered to be acceptable in principle. It should be demonstrated that the balconies of Block B4 provide the minimum 11m setback as required under the current Development Plan. There are also some concerns regarding the potential for overlooking from the second floor level bedroom windows of Block Nos. B1 -B4. Having regard to the elevated position of these windows relative to the rear amenity spaces of the properties on Meadow Vale. Screening should be provided on these windows to limit undue overlooking. Having regard to the nature of the rooms the

windows serve, it is considered that the application of external angled louvres to the exterior of the windows could successfully mitigate this impact.

Monaloe Park Road is located directly to the south-east of the site and is characterised by 2-storey semi-detached dwellings. The dwellings are all orientated to the south-east and their amenity spaces are adjoining the south-eastern boundary of the site. Blocks A2-A4 are located within the southern portion of the site, directly north of Blocks B5 and B6. The Planning Authority has significant concerns regarding the scale, massing and height of Blocks A2-A4 and their overbearing impact on the established residences on Monaloe Park Road. This visual impact will be exacerbated when viewed from within the amenity spaces of these dwellings. It is reiterated that a reduced height across each of the blocks should be provided and a graduated height on the southern end of this block should be incorporated as a measure to mitigate the proposal's visual impact.

It is noted that the scale, height and siting of Block B5 relative to the properties on Monaloe Park Road is generally considered to be acceptable. However, in order to reduce the potential for unreasonable overlooking of the properties to the south-east, it is recommended the incorporation of screening to the second floor level bedroom windows of the duplex apartments.

Monaloe Crescent is typically characterised by single storey detached and semi-detached which are orientated to the south-west. It is located directly to the south-west of the application site and their amenity spaces adjoin the south-western boundary of the site. The concerns regarding the visual impact of Blocks A2-A4 when viewed from the amenity spaces of these dwellings is reiterated. There are particular concerns regarding the scale, height and massing of Block A4. Views from the south-west are entirely dominated by the proposed built form and significant modifications to the design of this block in particular is required to mitigate this impact.

The scale, height and siting of Block No. B6 relative to the properties on Monaloe Crescent is generally considered to be acceptable. However, in order to reduce the potential for unreasonable overlooking of the properties to the south-west, it is recommended the incorporation of screening to the second floor level bedroom windows of the duplex apartments.

Clonkeen Lawn: Block No. B7 is proposed to be located directly to the east of the existing residences on Clonkeen Lawn. Clonkeen Lawn comprises a row of detached 2-storey dwellings which are accessed from Clonkeen Road and adjoin the western site boundary. It is evident from the submitted documentation that there are additional overshadowing impacts from Blocks B7 and A4 within the early hours of the morning on the March Equinox. Given the proximity of Block B7 to the western site boundary and the variation in site levels, it is recommended that the height of this block be reduced to a maximum of 2 storeys at its western end so that an appropriate graduation in height is provided at this interface.

It is noted that no western elevation of Block B7 appears to have been submitted so it is unclear whether overlooking of properties to the west will occur. The Applicant will need to demonstrate that the proposal will not result in overlooking of the properties to the west.

Apartment Guidelines and Amenity

Unit Mix: The proposed scheme accords with SPPR1 of the Apartment Guidelines. It is considered that the mix of unit types within the scheme will add to the diversity and range of the housing stock within the area and will also provide opportunities for downsizing. In this regard, the proposal is acceptable.

Floor Areas: All apartments within the proposed development appear to have floor areas which exceed the minimum apartment floor areas as prescribed in SPPR 3 of the Apartment Guidelines. This is considered to be an acceptable arrangement in principle.

Dual Aspect: The amount of sunlight reaching an apartment significantly affects the amenity of the occupants. Dual-aspect apartments, as well as maximising the availability of sunlight, also provide for cross ventilation and should be provided where possible. Accordingly, it is a policy requirement (i.e. SPPR 4) that apartment schemes deliver at least 50% of the units as dual in suburban or intermediate locations. The Applicant notes that c. 46% of the units within the scheme are classified as dual aspect. The Apartment Guidelines also note that where there is a greater freedom in design terms, such as in larger apartment developments on greenfield or standalone brownfield regeneration sites, it is an objective that there shall be a minimum of 50%

dual aspect apartments. Having regard to the configuration and location of the subject site, the Applicant is therefore requested to provide a minimum of 50% of units within the scheme which are designed as dual aspect.

Private Amenity Space: The Housing Quality Audit indicates that all apartments provide private amenity space which either meets or exceeds the minimum requirements as prescribed under the apartment guidelines. It is recommended that greater level of detail is included on the proposed floor plans to allow for a thorough evaluation to be undertaken.

Communal Open Space and Landscaping: The private open space referred to by the applicant is communal open space located between Blocks A2 and A3 and Blocks A3 and A4. There are concerns regarding the location of the public open space area within the southern portion of the site and the lack of adequate passive surveillance given the configuration of Blocks B5 and B6. It is recommended that an alternative layout be provided, whereby the main public open spaces within the scheme are rationalised and centralised with passive surveillance provided from the south and Blocks A2-A4 to the north. Given the proposed pedestrian and cycle path does not follow the natural desire lines through the site and given the lack of site permeability, there are concerns that this is likely to be significantly underutilised, particularly during the winter months. It is again noted that a positive public realm feature would be to have the pedestrian walkways provided through a centralized open space area.

The report of the Parks and Landscape Services raised concerns with the single entrance into the development and the scale of the units within pose an imposing figure in the skyline of an established residential area. The absence of any meaningful connectivity isolates the proposed development and may potentially alienate it from its receiving environment, as it provides no added value to the area. The absence of linkages will reduce the success of the large public open space as it is located peripherally to the rear of the development. The Parks Department recommend improved pedestrian permeability with Monaloe Park Road.

The report of the Parks and Landscape Services section which recommends further information is noted and attached in Appendix B.

Waste Management: No objection in principle. The report of the Waste Section is noted.

Part V: It is noted that 39 no. units would be transfer. Final details to be agreed with the Housing Section.

Drainage: The report of the Drainage section is noted which recommends further information be submitted and agreed with the planning authority with regard to surface water run-off and it is considered that the submitted Flood Risk Assessment does not fully address the location of the watercourse to the south of the site and any potential flood risk that it may pose.

Transportation: The report of the Transportation section recommends that further information be submitted.

It considers that there is an under provision of car parking to serve the development and this is unacceptable. The proposed level of cycle parking is considered acceptable. The sites connectivity is very poor and there is potential to improve permeability through Monaloe Park Road. Footpath widths along the main access road should be increased to 2.5m in accordance with DMURS. The suitability of the use of the basement ramp to partially facilitate a turning area for Fire-Tender/Refuse Collection should be examined, and a more detailed Travel Plan and a quality audit is required.

Public Lighting: No objection in principle.

AA / EIAR: The Screening Report for AA notes that the proposed development will result in a loss of an existing foraging resource for the qualifying interests of South Dublin Bay and River Tolka SPA (Brent geese and Oystercatcher) of North Dublin Bay SPA (Brent geese, curlew and oystercatcher). However, it is stated that wintering bird surveys and historic data have shown that this site is not considered to be of high or major importance for any of the species listed as qualifying interests of these SPA's. It is also noted that further wintering bird surveys are ongoing a definitive conclusion in relation to the potential impacts on SPA's will be subsequently addressed once the survey results are known. It is noted that the proposal is also supported by an Ecological Impact Assessment (EclA).

It is noted that the Board is considered the appropriate authority for AA and EIAR Screening.

Conclusion: The Planning Authority has raised a number of items and concerns with regard to certain elements of the proposal which require consideration.

10.0 The Consultation Meeting

10.1. A Section 5 Consultation meeting took place via a Conference Call on the 11th March 2021, commencing at 14.00. Representatives of the prospective applicant, both Planning Authorities and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

10.2. 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 – height, design and layout, permeability
2. Residential and Visual Amenity
3. Open Space
4. Social Infrastructure – schools and creche
5. Water Services
6. Any Other Matters.

Item 1: In relation to the **Development Strategy**, ABP representatives sought further elaboration / discussion / consideration on the following:

- Rationale for the proposed building height and scale and massing of Blocks A1-A4 of the scheme.
- Rationale for the design and layout, which incorporates pedestrian walkway along the boundary of the site, away from the central route.
- Justification for the proposed number of dual aspect units
- Consideration of the proposed elevational treatments and external materials / finishes.
- Consideration of permeability through the site

Item 2: In relation to **Residential and Visual Amenity** ABP representatives sought further elaboration / discussion / consideration on the following:

- Consideration of the potential negative impact from overshadowing due to the height of the development and the proximity to site boundaries and adjoining properties.
- Consideration of potential negative impact from overlooking due to the proximity of the development to the site boundaries.
- Consideration of the potential negative impact from overbearing impact on adjoining properties due to the height of the development and the proximity to site boundaries.
- Consideration of potential noise disturbance due to the proximity of the development to adjoining properties.

Item 3: In relation to **Open Space**, ABP representatives sought further elaboration / discussion / consideration on the following:

- Consideration of the location of the open space due to the lack of surveillance and potential impact from anti-social behaviour.

Item 4: In relation to **Social Infrastructure** ABP representatives sought further elaboration / discussion / consideration on the following:

- Consideration of the impact of the development on the future expansion of the school, having regard to Policy SIC8 of the development plan.
- Justification for the size and location of the creche.

Item 5: In relation to the **Water Services**, ABP representatives sought further elaboration / discussion / consideration in relation to:

- Clarification of the location of Irish Water infrastructure located underneath the site and any requirement to relocate this infrastructure.
- Clarification of potential flood risk and the location of flood zones within the site.

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 309039' 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.

11.0 Conclusion and Recommendation

- 11.1. 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.
- 11.2. 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 plan for the area.
- 11.3. 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.
- 11.4. 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.

12.0 Recommended Opinion

12.1. 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.

12.2. 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.

1. Further consideration / amendment or justification of the height, massing and form of Blocks A1 - A4 having regard to the potential negative impacts on the residential amenities of the adjoining houses of Meadow Vale, Monaloe Park Road, Monaloe Crescent, Clonkeen Lawns and Clonkeen Road, in terms of overbearing impact and undue overshadowing and the potential negative visual impact on Clonkeen College due to the proximity to the school grounds.
2. Further consideration / amendment or justification for the proximity of Blocks B1 – B4 to the site’s boundary with the rear gardens of dwellings on Meadow Vale, having regard to the potential for undue overlooking from terraces and 2nd floor windows into the rear gardens / amenity spaces of adjoining properties.
3. Further consideration / amendment or justification of the location of the areas of public open space (including the walkway / running track along the sites boundaries) with specific regard to passive surveillance / overlooking of these spaces and address how the areas of public open space improve and support the overall character of the development.

12.3. 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 report that addresses and provides a clear design rationale for the proposed height, density, design, layout and character of residential units and details of the materials and finishes of the proposed development. Particular regard should be had to the requirement to provide high quality, robust and sustainable finishes and details which seek to create a distinctive character for the development. The documentation, where applicable, should consider SPPR3, criteria 3.2 of the Urban Development and Building Height Guidelines, 2018, to support any deviation from development plan standards.
2. A report / analysis which specifically addresses Policy SIC8 (Schools) of the current development plan, including consideration of the impact of the proposed development on the function of the existing school campus and on the potential expansion of the existing schools. The report should also identify the demand for school places likely to be generated by the proposed development and the capacity of existing schools in the vicinity to cater for such demand.
3. A report that address and provides a clear rationale for connectivity and permeability within and through the site.
4. A report that addresses and provides a justification for the proposed housing mix.
5. A building life cycle report in accordance with section 6.13 of the Sustainable Urban Housing: Design Standards for New Apartments (2020), including specific details regarding the management of the private residential amenity spaces.
6. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority, and the phased delivery of such public open spaces.
7. A phasing plan for the proposed development which includes the phasing arrangements for the delivery of Part V provision.
8. Childcare demand analysis, including but not restricted to the justification for size of the proposed crèche, having regard to the existing childcare facility in

the vicinity of the site, the likely demand and use for childcare places and the accommodation of additional requirement resulting from the proposed development.

9. A landscape plan clearly delineating public, semi-private and private spaces, and proposed boundary treatments. A report which addresses the concerns raised in the report of the planning authority's Parks and Landscape Services dated 21st January 2021.
10. A report addressing the issues raised in the report of Irish Water dated 8th February 2021 and the report of the planning authority's Drainage Planning dated 19th January 2021.
11. 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. The notice and statement should clearly indicate which Planning Authority statutory plan it is proposed to materially contravene.
12. Information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 (if an Environmental Impact Assessment report is not being submitted), should be submitted as a standalone document.

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. Department of Education and Skills
2. Irish Water

3. 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.

Elaine Power
Planning Inspector

1st April 2021