



An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion
309860-21**

Strategic Housing Development

103 no. Build to Rent apartments and associated site works.

Location

Lands adjacent to "The Grange",
Brewery Road, Stillorgan, Blackrock,
Co. Dublin

Planning Authority

Dun Laoghaire Rathdown County
Council.

Prospective Applicant

KW PRS ICAV acting for and on
behalf of its sub-fund KW PRS Fund
12.

Date of Consultation Meeting

25th August 2021

Date of Site Inspection

10th August 2021

Inspector

F. Fair

1.0 Introduction

- 1.1.1. 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 and the documentation received from the prospective applicant, 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 subject site consists of lands associated with an existing development known as The Grange and is a corner site at the junction of the N11 and Brewery Road (N31) in Stillorgan, Co. Dublin
- 2.1.2. The overall site is bounded by Brewery Road (N11) to the north, the existing Grange Development to the south, the N11 to the east and an area of open space to the west and numbers 1 – 3 Grange Cottages to the north west corner. The subject site has excellent connectivity to public transport and major areas of employment. It is within 2km of Sandyford Business Park, Central Park and South County Business Park. The site is also within 1km of Stillorgan Village Centre and well serviced by the Quality Bus Corridor along the N11 and ancillary bus routes along Brewery road. The site is located 700m from Sandyford Luas Stop.
- 2.1.3. This proposal forms part of a wider Masterplan vision for this site. The Permitted Phase 1 development (ABP-305345-19 – SHD – permitted in Dec 2019) is currently under construction. The subject proposal for 103 units in Block L and represents the next phase.
- 2.1.4. The applicant's land ownership extends around No.1 Grange Cottages, which is occupied and in separate ownership. Buildings on site comprise Nos 2 + 3 Grange

Cottages (which are again retained as part of this current proposal). Works to these properties are in line with that permitted under SHD Ref. PL06D. 305345-19 and no further works are proposed as part of this application.

3.0 **Proposed Strategic Housing Development**

3.1.1. The proposed development consists of the development of one no. block, Block L, which represents Phase 1A of the masterplan development envisaged for this site. The Block comprises a series of pavilions ranging in height from 5 to 7 to 10 storeys addressing the N11.

- A total of 103no. 'Build to Rent' residential units,
- 36no car parking spaces
- 176 no. bicycle parking spaces
- a new ESB Substation
- landscaping works to link Phase 1A to the permitted scheme and provide a permanent pedestrian link to the N11.
- Vehicular access remains as permitted from phase 1 under SHD ABP 305345-19.

Note it is stated: The current location of Block L was identified as 'meanwhile open space' in the 2019 SHD permission (ABP PL06D.305345 refers). This was open space that was superfluous to requirements but intended to be landscaped to a high standard and provide a pedestrian connection to N11. It was always envisaged, and clearly set out in the application documentation, that this space would be developed as part of the Masterplan as a new residential block fronting on to the N11.

Note: A Material contravention Statement accompanies the application for:

- Building height
- Residential mix

- Residential density
- Tree preservation

3.1.2. The following development parameters are noted: **Table 1**

Parameter	Site Proposal
Site area	1.8 hectares
No. of Units	103 <ul style="list-style-type: none"> - 3 no. studio units (3%) - 80 no. 1 bed apartments (78%) - 20 no. 2 bed apartments (19%)
Density	216.6 units / ha
Height	5 – 10 Storey
Dual Aspect Apartments	50.5 %
Public / Communal Open Space (COS)	The cumulative POS requirement for permitted Phase 1 and Proposed Phase 1a is 2,254 sq. m – incl COS it is 3,763.7 sq. m Proposed POS is 3,475 sq for Permitted Phase 1 and new proposed Phase1a. Proposed POS and COS is 7400 sq. m
Car Parking	36 no. basement spaces – 0.32 ratio
Bicycle Parking	176
Creche	None
Vehicular Access	Vehicular Access to the development remains as permitted under SHD ABP-305345-19
Part V	10 units (10%)

4.0 National and Local Planning Policy

4.1.1. National

Project Ireland 2040 - National Planning Framework

Chapter 4 of the Framework addresses the issue of ‘making stronger urban places’ and sets out a range of objectives which it is considered will assist in achieving same. National Policy Objective 4 sets out to 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.

The directly relevant National Policy Objectives as contained within the NPF include: National Policy Objective 3a: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.

National Policy Objective 3b: Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.

National Policy Objective 11: In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.

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 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.

National Policy Objective 57 sets out to enhance water quality and resource management, this includes the requirement to ensure that flood risk management informs place making by avoiding inappropriate development in areas at risk of flooding in accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities. Relevant Section 28 Ministerial Guidelines:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- Design Manual for Urban Roads and Streets (Interim Advice Note Covid -19, May 2020)
- Guidelines for Planning Authorities on Urban Development and Building Heights, 2018
- Sustainable Urban Housing: Design Standards for New Apartments (2020),
- The Planning System and Flood Risk Management (including associated Technical Appendices).
- Appropriate Assessment of Plans and Projects in Ireland – Guidelines for Planning Authorities (2009).
- The Architectural Heritage Protection Guidelines for Planning Authorities (2011).

4.1.2. **Regional Policy**

Regional Spatial and Economic Strategy (RSES) for Eastern and Midland Assembly, 2019

EMRA's Regional Spatial and Economic Strategy 2019-2031 (RSES) sets out that the Metropolitan Area Strategic Plan (MASP) identifies strategic residential and employment corridors. One of these corridors includes the 'Metrolink/Luas Greenlink' corridor which the subject site falls within and is tasked with providing 71,000 people with 'new residential communities in Ballyogan and environs and Kiltiernan Glenamuck'.

4.1.3. Local Policy

Dun Laoghaire Rathdown Development Plan 2016-2022

- 4.1.4. The site is zoned 'Objective A' - 'To protect and/ or improve residential amenity' and 'F – 'To preserve and provide for open space with ancillary active recreational amenities' in the development plan. Residential development is 'permitted in principle' under this zoning objective.

5.0 Planning History

- 5.1.1. **Reg. Ref. SHD ABP-305345-19** Permitted phase 1, currently under construction, it proposed:

- 4 no. new residential blocks (Blocks H - N),
 - 287no. residential units,
 - a resident amenity space (961.5 m²),
 - a crèche facility (658m² - Block P)
- a substation block (Block Q).
- 100 no. car parking spaces,
- 596 no. bicycle spaces and
- 5 no. motorcycle spaces

The proposal was granted. Dec 2019. The reasons for grant cited by An Bord Pleanála are summarised as follows:

- adhering to relevant planning policy
- the nature, scale and design of the proposed development;
- the availability in the area of a wide range of social, community and transport infrastructure;
- the pattern of existing and permitted development in the area;
- the planning history within the area
- the submissions and observations received, and
- the report of the Inspector

5.1.2. **Reg. Ref. D03A/0750 & PL06D.206308** Permission granted for a three storey nursing home as part of the original application on the lands. It sat within 8m of the existing cottage not in the ownership of the applicant, with the ground floor of the nursing home on higher ground than the cottage. The roof level of the nursing home was 13m above the ground floor of the cottage. Car parking was located behind the gardens of the existing cottages.

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

It is stated by the prospective applicant that pre-application consultations took place with the planning authority on the 18th January 2021. The minutes of the meeting are attached to the file.

7.0 **Submissions Received**

Irish Water (report dated 29th April 2021)

Irish Water has assessed the proposal and has issued the applicant a Confirmation of Feasibility for connection (s) to the Irish Waters wastewater network (s) without infrastructure upgrade.

Water.

To accommodate the proposed connection to Irish Water network at the Premises, upgrade works are required to extend the length of the network by approximately 90m. This extension is currently being constructed under an extant Connection Application with Irish Water and it is expected this development can connect to it as soon as works are completed

8.0 **Forming of 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 hereunder.

9.0 **Documentation Submitted**

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

- Planning Report
- Statement of Consistency
- Environmental Impact Assessment Screening Report
- Material Contravention Statement
- Landscape Planning Report

- Flood Risk Assessment W
- Traffic & Transport Assessment
- Car Parking Strategy and Mobility Management Plan
- DMURS Statement of Consistency
- Construction Management Plan
- Appropriate Assessment Screening Report
- Public Lighting Report
- Energy and Sustainability Report
- Assessment of the Visual Impact on the Built Environment
- Sunlight and Daylight Access Analysis
- Operational Waste Management Plan
- Wind Desktop Study and Preliminary CFD Study

I have considered all of the documentation submitted by the prospective applicant, relating to this case.

10.0 **Planning Authority Submission**

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 copies of their section 247 consultation with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on the 29th April 2021.

The Planning Authority has identified a number of considerations which may have a bearing on the Board's decision as to whether the proposal constitutes a reasonable basis for an application.

- Residential development on the site is generally welcomed.

- Concern with respect to overall design particularly with regards to height and form and its resulting impact on residential amenities.
- Upward modifiers are acceptable in this instance. The stepping arrangement and the configuration of the blocks are welcomed.
- However, protection of residential amenity also requires careful consideration, impact upon no. 1 Grange Cottage.
- Further consideration and justification of the height strategy across the site is required.
- Greater mix of apartments should be provided 3 / 4 bed units.
- A 40 sq. m entrance lobby is not considered to accord with SPPR 7 of the Apartment Guidelines in relation to resident services and amenities.
- Concern with respect to proximity of Block L to permitted Block M – 5m separation distance – positioning of windows and balconies to be reconsidered.
- Daylight and Sunlight Analysis should examine the impact of Block L on the northern facing units in Block M
- Greater set back from footpath on N11 is warranted.
- Advised to consult with Councils Parks and Landscape services and Transportation Sections regarding works to the public realm along the site frontage.
- Recommended that car parking is increased
- Childcare demand assessment required

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

11.0 Consultation Meeting

A Section 5 Consultation meeting took place via Microsoft teams on the 25th August 2021, commencing at 10.00 am. 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 as follows:

1. Design, Height, Finishes and Visual Impact Analysis
 - Stepping forward of existing building line and its proximity to N11
 - Connectivity and overall integration with wider area.
 - Quality of public realm,
2. Landscaping and Open Space strategy
 - Public Open Space, Communal Open Space and provision of planned Link to the Public Park.
3. Residential Amenity
 - Within overall proposed scheme
 - To no. 1 Grange Cottage
 - To permitted Block M
 - Daylight and Sunlight Assessment
4. Supporting Community Infrastructure
 - Assessment of childcare needs
 - Quantum of Residents Services and Amenities
5. Address Issues raised in the:
 - Transportation Department Report,
6. AOB

11.1.1. In respect of design, height, finishes and visual impact analysis, An Bord Pleanála representatives sought further elaboration / discussion / consideration on the following:

- Justification is required in relation to stepping forward of the existing building line and its proximity to the N11.
- Further elaboration and clarification in relation to the Masterplan being adhered to.

- Scope for the PA to arrange discussion between the applicant and the National Transport Authority (NTA) and/or Transport Infrastructure Ireland (TII) prior to lodgement of an application to receive any feedback they may have in relation to stepping forward of the building line and Bus Connects layout along the N11 Road.
- There is a requirement to carry out a Daylight and Sunlight Assessment as part of any future application. The assessment should set out where the proposal complies with relevant BS or BRE standards and any noncompliance or shortfall should be clearly identified, justified and mitigation measures proposed.

11.1.2. In relation to, landscaping and open space strategy, An Bord Pleanála representatives sought further elaboration / discussion / consideration on the following:

- Further elaboration required for the public open space strategy and quantum and quality of communal open space.
- Further discussion with respect to proposals for the connection to the public park to the south west. Enhancement of the north south connection agreement. There is a need to include clear connection details and agreements (if possible) at application stage in addition to any contributions or plans proposed for the public park.

11.1.3. In relation to residential amenity, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- A Housing Quality Assessment that provides details in respect of the proposed apartments set out as a schedule of accommodation, with the calculations and tables required to demonstrate compliance with the various requirements of the 2020 Guidelines on Design Standards for New Apartments.

- As discussed above. There is a requirement to carry out a Daylight and Sunlight Assessment as part of any future application. The assessment should include a shadow impact assessment and impact upon number 1 Grange Cottages and to permitted Block M located within 5 m to the south of Block L. Important to set out where the proposal complies with relevant BS or BRE standards and any noncompliance or shortfall should be clearly identified, justified and mitigation measures proposed.
- Further consideration and justification of the separation distances proposed in particular between Block L and Block M

11.1.4. In relation to supporting community infrastructure, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Clarity in respect of assessment and justification of quantum of resident services and amenities proposed, in particular, in light of BTR proposal.
- Further consideration and justification of the proposal in terms of childcare needs and non-provision of childcare within this application.

11.1.5. In relation to issues raised in the Transportation Planning report, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Clarification that all items raised by the PA in their report submitted to the Board are addressed, further meetings should be sought to resolve outstanding issues.
- Further consideration of cycling facilities, storage and parking.

11.1.6. In regard to other matters, An Bord Pleanála sought further elaboration / discussion / consideration of the following:

- Justification of the housing mix proposed and a rationale for same in light of CDP policy.

- Justification for siting of Block L and its implications for routing of Bus Connects and public realm along the N11, in particular, with respect to pedestrians and cyclists.

12.0 Conclusion and Recommendation

- 12.1.1. 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.
- 12.1.2. I have examined all of the information and submissions before me including the documentation submitted by the prospective applicants, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the section 28 Ministerial Guidelines and local policy via the statutory plans for the area.
- 12.1.3. Having regard to all of the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **constitutes a reasonable basis for an application for strategic housing development** under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 12.1.4. 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.

13.0 Recommended Opinion

- 13.1.1. An Bord Pleanála 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.
- 13.1.2. 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 with the request to enter into consultations constitute a reasonable basis for an application for strategic housing development.**
- 13.1.3. Furthermore, 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:
1. A detailed statement demonstrating how the proposed development ties in with the masterplan in terms of height strategy for the landholding, connectivity and integration with the wider area, in particular with regard to stepping forward of the building line with the N11, quality of public realm and integration with Bus Connects.
 2. A detailed statement, which should provide adequate identification of all such elements and justification as applicable, where / if the proposed development

materially contravenes the statutory plan for the area other than in relation to the zoning of the land, indicating why permission should, nonetheless, be granted, having regard to a consideration specified in section 37(2)(b) of the Act of 2000.

3. Justification of quantum and quality of open space provision, both communal and public open space (POS). Clarity with regard to compliance with Development Plan standards, planting details and delivery of connectivity to the public park to the south west. A response to the contribution suggested by the planning authority in accordance with Section 48(2)(c) of the Planning and Development Act 2000 in lieu of public open spaces provision to upgrade public open spaces in the vicinity and to provide connectivity to the public park to the south west.
4. A Housing Quality Assessment that provides details in respect of the proposed apartments set out as a schedule of accommodation, with the calculations and tables required to demonstrate compliance with the various requirements of the 2020 Guidelines on Design Standards for New Apartments. It is important that the proposal meets and preferably exceeds the minimum standards in terms of dual aspect and proportion of apartment which exceed the floor area by 10%. In the interests of clarity clear delineation / colour coding of floor plans indicating which of the apartments are considered by the applicant as dual / single aspect, single aspect north facing and which apartments exceeds the floor area by 10%.
5. A Daylight and Shadow Impact Assessment of the proposed development, specifically with regard to:
 - (i) Impact upon adequate daylight and sunlight for individual units, public open space, courtyards, communal areas, private amenity spaces and balconies.
 - (ii) Impact to any neighbouring properties, in particular No. 1 Grange Cottage, devoid of proposed and existing landscaping and trees.

- (iii) A response to issues raised, in page 15 of the CE report, dated 29th April 2021 in particular, in relation to the proximity of Block L and Block M and potential for daylight and sunlight impact to apartment units in Block M.
6. A visual impact assessment. Long range views / photomontages of the proposed development from the surrounding area.
7. Childcare demand analysis by way of assessment and report on demographic profile of the wider area, and including analysis of childcare capacity / services in the immediate area and the likely demand for childcare places resulting from the proposed development and development of overall lands within the applicant's ownership.
8. A response to matters raised within the PA Opinion submitted to ABP on the 29th April 2021 in relation to quantum of resident services and amenities.
9. A response to issues raised in the Drainage Planning Report dated 6th April 2021, and the Transportation Planning report dated 20th April 2021, accompanying the PA Opinion submitted 29th April 2021.
10. Where an EIAR is not being submitted the applicant should submit all necessary information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 for the purposes of EIAR screening.
11. A life cycle report shall be submitted in accordance with section 6.13 of the Sustainable Urban housing: Design Standards for New Apartments (2020). The report should have regard to the long-term management and maintenance of the proposed development. The applicant should consider the proposed materials

and finishes to the scheme including specific detailing of finishes, the treatment of balconies in the apartment buildings, landscaped areas, child friendly spaces, pathways, and all boundary treatments. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the development.

12. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority.

13. Site Specific Construction and Demolition Waste Management Plan.

13.1.4. 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. National Transport Authority (NTA)
2. Irish Water
3. Transport Infrastructure Ireland (TII)
4. The Minister for Culture, Heritage and the Gaeltacht,
5. The Heritage Council
6. An Taisce — the National Trust for Ireland
7. Fáilte Ireland
8. 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.

Fiona Fair
Planning Inspector
07.09.2021