



An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion
310042-21**

Strategic Housing Development	Construction of 426 no. build-to-rent residential units, 2 no. café/retail units; childcare facility and associated site works
Location	Cornelscourt Village, Old Bray Road, Cornelscourt, Dublin 18
Planning Authority	Dun Laoghaire- Rathdown County Council
Prospective Applicant	Cornel Living Ltd
Date of Consultation Meeting	July 28 th 2021
Date of Site Inspection	July 23 rd 2021
Inspector	L. Dockery

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 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 The site, with a stated area of 2.14 hectares, is located to the north of Cornelscourt Village. The site is bound by the N11/Stillorgan dual carriageway to the northeast, by a three-storey commercial building (AIB Bank) and associated car park to the northwest, a service station and a terrace of cottages (residential and commercial) to the south east fronting onto the Old Bray Road, and the rear gardens of two-storey houses fronting onto Willow Grove and the Old Bray Road to the southeast. The site has c. 70 m frontage onto the Old Bray Road between the AIB and Service Station and c. 150 m frontage along the N11. The external boundaries to the Old Bray Road and N11 are enclosed by palisade fencing.

2.2 The site is currently vacant and undeveloped, save for a hardstanding area that was a former temporary car park in the north of the site. The site shares an access road off the Old Bray Road with the carpark to the rear of the adjoining AIB bank. There is little vegetation on the site by way of trees and hedgerows. The topography of the site falls in a northwest to south east direction (50.9 to 54.6 m AOD).

3.0 Proposed Strategic Housing Development

3.1 The proposed development comprises the construction of 426 no. build-to-rent residential units, childcare facility, 2 x café/retail units, residential amenity facilities, together with all ancillary site works.

3.2 A Material Contravention Statement has been submitted with the documentation in relation to building heights and car parking. It is stated that an EIAR will be prepared as part of the application documentation.

3.3 The following details are noted:

Parameter	Previously Refused ABP-306225-19	Current Proposal
Application Site	2.14 ha	2.14 ha
No. of Units	468 units (10 houses)	426 build-to-rent residential units (419 apartments; 7 houses)
Density	228 units/ha	199 units/ha
Height	Apartments: 1-12 storeys in 8 blocks	Apartments: 4-12 storeys over basement podium in 5 blocks Houses: 2 storeys
Dual Aspect	55.3%	51.4% (50.6% for apartments)
Other Uses	Café/commercial- 289 m ²	Childcare facility- 255 m ² 2 x café/retail units- 354 m ²
Residents Communal Facilities	607 m ²	660 m ²
Parking	274 car parking spaces (0.5/unit) 616 cycle parking spaces; 12 motorcycle spaces	238 car parking spaces (BL); 1 space at surface level (0.5/unit) 694 bicycle parking spaces; 10 motorcycle spaces
Vehicular Access	Via the existing access road from Old Bray Road	Via the existing access road from Old Bray Road
Part V	47 units	43 units- to be leased to PA
Public Open Space	*7,511 m ² (Figure queried)	5,380 m ² (25% of site area)

The breakdown of unit types is as follows:

Unit Type	Studio	1 bed	2 bed	3 bed	Total
Apartments	4	291	118	6	419
Houses	-	-	-	7	7
% Total	1%	68%	28%	3%	100%

3.4 Letters of consent from Allied Irish Bank plc and Dun Laoghaire-Rathdown County Council (Property Management Section) to make the planning application on the lands as outlined, have been submitted with the documentation.

4 National and Local Planning Policy

4.1 National

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated 'Urban Design Manual')
- Sustainable Urban Housing: Design Standards for New Apartments
- Urban Development and Building Heights, Guidelines for Planning Authorities
- Design Manual for Urban Roads and Streets
- The Planning System and Flood Risk Management (including the associated 'Technical Appendices')
- Climate Action Plan

Other documents of note:

National Planning Framework

RSES for Eastern and Midland Assembly

4.2 Local

The Dun Laoghaire Rathdown County Development Plan 2016-2022 is the operative County Development Plan.

- Cornelscourt is identified as a 'Secondary Centre' in the Development Plan Core Strategy and sits at the second tier of the settlement hierarchy below the 'Major Centre' settlements of Dun Laoghaire and Dundrum.

Zoning

'Objective A' which seeks to 'protect and or improve residential amenity'.

The access road is zoned NC with an objective "to protect, provide for and / or improve mixed-use neighbourhood centre facilities". The lands adjoining to the southeast at Willow Grove are zoned A, while lands to the south west and northwest are zoned NC.

Residential is permitted in principle, while restaurant / café uses are open for consideration within the 'Objective A' zone.

There are a number of policies within the Development Plan relating to residential development.

Appendix 3 Building Height Strategy

5.0 Planning History

ABP-306225-19

Permission REFUSED for 468 residential units (of which 452 units were BTR), café/restaurant and all ancillary site works. The reasons for refusal were as follows:

1. The proportion of **single aspect apartments** in the proposed development would contravene **Specific Planning Policy Requirement 4** of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of the Housing, Planning and Local Government in March 2018. In addition, the level of **communal open space provision** is **below the minimum standard** set out in Appendix 1 of the guidelines. The proposed development would, therefore, **fail to provide an adequate level of residential amenity** for future occupants of the scheme and would be contrary to Ministerial guidelines issued to planning authorities under section 28 of the Planning and Development Act 2000, as amended.
2. The proposed development would be **premature** having regard to the existing **deficiencies in the wastewater sewerage network** in the area and the period within which this constraint may reasonably be expected to cease.

Note in Bord Direction: The applicant is advised that the Board considers that the proposed development is deficient in the provision of childcare places having regard to the guidance set out in the Childcare Facilities – Guidelines for Planning Authorities 2001.

ABP Ref. ABP-301161-18

The Board confirmed a notice of entry of the register of vacant sites for this site on 29th September 2018. On appeal, An Bord Pleanála de-registered the site from the Vacant Site Register on 11/05/21 (307450).

D17A/0597

Permission GRANTED for retention of temporary car park and associated building for retail and construction staff at Cornelscourt Shopping Centre (3-year permission).

6 Section 247 Consultation(s) with Planning Authority

- 6.1 It is stated by the planning authority that one pre-application consultation took place with the planning authority on 19th August 2020.

7 Submissions Received

Irish Water

Water:

Feasible subject to approximately 40m of new 150mm ID pipe main to be laid to connect the site development to the existing 9" cast iron main which in turn connects to the existing strategic 24" cast iron trunk main. A boundary valve on the 9" main will need to be opened and a bulk meter will need to be installed along this connection main.

Wastewater:

In order to cater for the proposed development and support and facilitate future growth in the area, Irish Water is in the process of developing a high-level solution to facilitate growth in the catchment which includes the construction of a storage tank to accommodate for additional storage within the wider catchment. The provision of additional storage in the network is not currently on Irish Water's Capital Investment Plan and the scope of works, project delivery timelines and third-party consents have yet to be agreed. In the context of above, a sewerage connection is feasible for this

development subject to upgrade of the local Foxrock catchment to provide the required capacity for this and other developments in the area.

Irish Water is currently assessing the proposals providing for a diversion at Mart Lane, feeding a storage tank of 2,000 cubic metres and outlet to a 300mm sewer to the south of the development and storm overflow. The applicant is making provision for these works as part of their planning application. This option and potential alternatives are currently being developed further to provide capacity in the local catchment as part of an Irish Water project.

The developer will be required to engage with Irish Water on commencement of the project to develop an appropriate scheme, working with the Irish Water project team. This Irish Water project scope of works will confirm the preferred scheme and the necessary statutory approvals, delivery approach and timelines. The upgrades would be delivered via a Connection Agreement with Irish Water to implement the required works, including verification of the optimum arrangements, design, consents, procurement, construction and commissioning to Irish Water Standards.

The scope of works and preferred scheme and all necessary statutory approvals, delivery approach and timelines should be identified and agreed between the applicants and IW ahead of any SHD Application to ABP.

8 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.

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. This information included, inter alia, completed application form, a completed pre-connection enquiry feedback form from Irish Water, letters of

consent, Planning Report & Statement of Consistency, Material Contravention Statement, Landscape Design Statement, Environment Report, CGIs and verified views, Daylight and Sunlight Report, architectural drawings; landscape drawings; Traffic and Transport Assessment; Site Specific Flood Risk Assessment, engineering drawings, Infrastructure Design Report, AA Screening Report and Mobility Management Plan.

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

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, 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 21st May 2021.

The planning authority's 'opinion' included the following matters: development proposal, specialist reports, planning history, site description, pre-planning advise, policy context, principle of proposal, addressing previous reasons for refusal, density, height, apartment standards, residential amenity, public open space/landscaping; supporting community infrastructure, waste management, drainage; transport planning, taking in charge, public lighting, Part V, AA/EIA and development contributions.

8.2.2 The report concludes as follows:

- Need to resolve outstanding drainage issues
- Consideration of a reduction in the quantum of development on site to a level appropriate for its location
- Revisit Block D to provide more sympathetic relationship to the houses to the south; and to provide better daylight to open space to north
- Revised Daylight and Sunlight Assessment to take into account the landscaping plans- scheme should aim for 100% pass rate given the unencumbered nature of the site

- Separation distances between units within scheme should be addressed
- Further information on what applicant considers qualify as dual aspect, noting PA position on this
- Noise and wind impacts should be considered taking in charge proposal need clarification
- Pedestrian and cycle movement need careful consideration and revision
- Serious concerns regarding low level of car parking given distance of site from DART and LUAS
- Drainage issues, transportation issues and park and landscape issues, as set out in Appendix B

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

8.3 Consultation Meeting

8.3.1 A Section 5 Consultation meeting took place via Microsoft Teams due to Covid-19 restrictions on the 28th day of July 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.

8.3.2 The main topics raised for discussion at the tripartite meeting were as follows:

- Previous reasons for refusal ABP-306225-19
- Matters raised in PA Opinion- density, height, scale/massing, unit mix, car parking
- Residential Amenity
- Other drainage matters
- Any other matters

8.3.3 In relation to previous reason for refusal ABP-306225-19, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- Quantum of dual aspect units; clarity needed on units stated to be dual aspect; clearly demarcated on drawing

- Communal open space provision- hierarchy of spaces; details in relation to uses (active, passive); level differences; urban design/public realm/landscaping/boundary treatment
- Report of Irish Water, dated 31st May 2021 to An Bord Pleanála in relation to water and wastewater
- Report of Drainage Division, dated 7th May 2021, as contained in Appendix B of PA Opinion

8.3.4 In relation to matters raised in PA Opinion to include density, height, scale/massing, unit mix, car parking, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- Height, density, scale and massing in context of PA concerns; context of local and national policy; existing/permitted pattern of development in the area and locational context
- Extent of studio and one-bed units in context of PA concerns; BTR nature of scheme acknowledged and SPPR8
- Car parking provision and concerns expressed by PA in this regard; need to provide details of car parking strategy; alternatives modes; ratio permitted in other similar SHD applications in vicinity; SPPR8 acknowledged in relation to BTR schemes

8.3.5 In relation to residential amenity, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- Potential impacts on nearby residential properties development in terms of overlooking, overshadowing, overbearing and noise
- Rear elevational treatment of proposed dwellings in particular in relation to fenestration
- Compliance with Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2020); daylight/sunlight; microclimate; wind analysis
- Internal daylight/sunlight analysis to ensure adequate amenity of future residents including sunlight analysis to include areas of open space

8.3.6 In relation to other drainage matters, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- Surface water drainage and flood risk- as per report of Drainage Division, Planning Authority, as contained in Appendix B of PA Opinion, dated 07/05/2021

8.3.7 In relation to other matters, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Submission of CGIS/visualisations/cross sections; school demand report; waste management; building lifecycle report, taking in charge details; construction routes and EIAR

8.4 **Conclusion and Recommendation**

8.5 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.

8.6 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.

8.7 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.**

8.8 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.

9 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:

Notwithstanding that the documentation submitted constitutes a reasonable basis for an application for strategic housing development to An Bord Pleanála, the applicant is advised to address the following:

1. Additional water and wastewater details which addresses matters raised in the report of Irish Water, dated 31st May 2021 to An Bord Pleanála. The documentation at application stage should clearly indicate the nature of infrastructural constraints, the proposals to address the constraints, the timelines involved relative to the construction and completion of the proposed development and any statutory consents required. (The prospective applicant may wish to satisfy themselves that an application is not premature having regard to the information sought above).

2. Further consideration and/or justification of the documents as they relate to the height, density and design strategy proposed, in the context of the concerns expressed by the planning authority in their Opinion and at the pre-application consultation meeting. In this regard, the prospective applicant should satisfy themselves that the design strategy for the site as it relates to height and density provides the optimal architectural solution for this site and should submit a rationale/justification for the heights/density proposed. CGIs, visualisations and cross sections, as necessary, should be submitted which clearly show the relationship between the proposed development and existing development in the immediate and wider area and from strategic viewpoints along the N11, and which illustrates the topography of the area.

The proposed development shall have regard to inter alia, national policy including the National Planning Framework and Sustainable Urban Housing: Design Standards for New Apartments (2020) and local planning policy, the site's context and locational attributes.

Furthermore, the applicant is advised that an appropriate statement in relation to section 8(1)(iv) of the Planning and Development (Housing) and Residential Tenancies Act 2016, that outlines consistency with the relevant Development Plan and that specifically addresses any matter that maybe considered to materially contravene the said Plan, if applicable, should be submitted.

3. A Materials Strategy that specifically addresses the proposed materials and finishes for buildings, open spaces, paved areas and boundaries, having regard to the requirement to provide high quality and sustainable finishes and details. This strategy shall include details of the colour, tone and texture of materials and the modelling and profiling of the materials (including any cladding or framework system) on each block. Particular attention is required in the context of the strategic location and visibility of the site and to the long term management and maintenance of the proposed development. A Building Lifecycle report should also be submitted in this regard, which includes an assessment of the long term running and maintenance costs associated with the development in accordance with Section 6.13 of the 2020

Guidelines on Design Standards for New Apartments.

4. A report which address existing and future residential amenity and which includes matters such as daylight/sunlight analysis, micro-climate/wind impacts and noise impacts, together with proposals to address any such impacts, if necessary. A Daylight/Sunlight analysis, showing an acceptable level of residential amenity for future occupiers and neighbours of the proposed development, should include details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development and in adjacent properties. A month-by-month assessment of average daylight hours within the public open space should be provided within the Daylight and Sunlight Analysis document to allow for a full understanding of the year round level of overshadowing of the primary outdoor recreation areas for the development should be submitted. This report should address the full extent of requirements of BRE209/BS2011, as applicable.
5. A housing quality assessment which provides specific information regarding the proposed apartments and which demonstrates compliance with the various requirements of the 2020 Guidelines on Design Standards for New Apartments, including its specific planning policy requirements. This should also include a schedule of floor areas for all proposed units, clearly setting out the aspect (single, dual, triple) of each unit. A drawing clearly indicating units considered to be dual aspect should also be submitted.
6. A detailed landscaping plan for the site which clearly differentiates between areas of public, communal and private open pace and which details exact figures for same. Details should also include proposals for hard and soft landscaping including street furniture, where proposed, which ensures that areas of open space are accessible, usable and available for all. Pedestrian permeability through the site should be outlined. Details of the interface between private, public and communal areas should also be detailed. Additional cross sections, CGIs and visualisations should be included in this regard.
7. Additional details in relation to surface water management for the site, having regard to the requirements of the Drainage Division as indicated in Appendix B of the Planning Authority's Opinion (dated May 7th 2021). Any surface water management proposals should be considered in tandem with a Flood Risk Assessment specifically relating to appropriate flood risk assessment that demonstrates the development

proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk. A revised/updated Site Specific Flood Risk Assessment should be submitted which addresses the matters raised in the Drainage Report (dated 07/05/2021) of the PA, as contained in Appendix B of their Opinion

8. Additional details in relation to roads, access and circulation, having regard to the report of the Transportation Division of the planning authority as detailed in Appendix B of their Opinion (dated 14th May 2021). In addition, a car parking strategy that provides further justification for the level of car parking proposed should be submitted. The justification should include an analysis of car parking demand that is likely to be generated by the proposed development taking account of the locational context and level of connectivity (by all modes) to services and employment generators.
9. Taking in Charge details

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. Inland Fisheries Ireland
5. Dun Laoghaire 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.

Lorraine Dockery
Senior Planning Inspector

30th July 2021