



An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion
ABP-310399-21**

Strategic Housing Development	101 no. Build to Rent apartments and associated site works
Location	Units 31 and 31a, IVM House, Ravensrock Road, Sandyford, Dublin 18
Planning Authority	Dun Laoghaire Rathdown County Council
Prospective Applicant	Ravensbrook Limited
Date of Consultation Meeting	17 th September 2021
Date of Site Inspection	13 th September 2021

1.0 Introduction

- 1.1. Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority 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 lands are located on the corner of Ravensrock Road and Carmanhall Road within Sandyford Business Park, Sandyford, Dublin 18. The site is bounded by Carmanhall Road to the north and Ravensrock Road to the east. The site currently comprises a 2 no storey red brick, flat roof office building, known as units 31 and 31A. The site contains 2 no. strips of landscaped areas to the north and eastern boundaries. The site is located c. 300m from Stillorgan Luas Stop and 500m from Sandyford Luas Stop.

3.0 Proposed Strategic Housing Development

- 3.1.1. The development will consist of the demolition of the existing building on site and construction of 101 no. build-to-rent apartments in an 11 storey apartment building over basement, comprising 65 no. 1 bedroom apartments (64% of total) and 36 no. 2 bedroom apartments (36%). In addition, it is proposed to provide 165 sqm of internal amenity space within the scheme along 751 sqm of external amenity space comprising roof gardens and terraces. 8 no. go-car spaces are proposed to the rear of the building, whilst 194 bicycle spaces are proposed at ground level within a secured parking area, all on a site of c. 0.23 hectares.
- 3.1.2. The following development parameters are noted:

Parameter	Site Proposal		
Application Site	0.23 Ha		
No. of Dwelling Units	101	Other uses	n/a
Density	459 units/ha		
Height	Up to 10 Storeys		
Car Parking	18 no. spaces		
Part V	10 no. units		

3.3 The breakdown of the residential units is described as follows:

Unit Type	1 bed	2 bed	3 bed	Total
Apartments	65	36	-	101
%	64%	36%	-	100%

4.0 National and Local Planning Policy

4.1. National Planning Framework

The National Planning Framework supports increases in densities generally, facilitated in part by increased building heights. It is set out that general restrictions on building heights should be replaced by performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth (NPO Objectives 13 and 35 refer). Objective 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages. Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

4.2. Regional Policy

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

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

- RPO 3.2 - Promote compact urban growth - targets of at least 50% of all new homes to be built, to be within or contiguous to the existing built up area of Dublin city and suburbs and a target of at least 30% for other urban areas.
- RPO – 4.1 – Settlement Hierarchy – Local Authorities to determine the hierarchy of settlements in accordance with the hierarchy, guiding principles and typology of settlements in the RSES.
- RPO 4.2 – Infrastructure – Infrastructure investment and priorities shall be aligned with the spatial planning strategy of the RSES.
- Section 5.4- Upgrades to the green LUAS line will support development in Sandyford.
- Table 5.1- Strategic Development Areas and Corridors, Capacity Infrastructure and Phasing. New emerging mixed-use centres at Sandyford.

The site lies within the Dublin Metropolitan Area (DMA) – The aim of the Dublin Metropolitan Area Strategic Plan is to deliver strategic development areas identified in the Dublin Metropolitan Area Strategic Plan (MASP) to ensure a steady supply of serviced development lands to support Dublin's sustainable growth.

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

Transport Strategy for the Greater Dublin Area 2016-2035

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

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

4.3. Section 28 Ministerial Guidelines

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

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

4.4. Local Policy Context

Dun Laoghaire Rathdown County Development Plan 2016-2022

- 4.4.1. The Dún Laoghaire-Rathdown County Development Plan 2016-2022, is the operative county development plan and contains general policies and objectives in relation to residential amenity standards
- 4.4.2. The subject site is primarily zoned as ‘A2 - To provide for the creation of sustainable residential neighbourhoods and preserve and protect residential amenity’, with the northern portion of the zoned as ‘F - To preserve and provide for open space with ancillary active recreational amenities’.

Sandyford Urban Framework Plan 2016-2022

- 4.4.3. Sandyford Urban Framework Plan 2016-2022 is set out in Appendix 15 of the Dún Laoghaire-Rathdown County Development Plan 2016-2022 and forms part of the Development Plan. The site lies within Residential Zone 5. Map 2 sets out a residential density limit of 70 units/ha. Map 3 sets out a height limit of 3-5 storeys.
- 4.4.4. The framework plan sets out policies and objectives that relate to building height, public realm, wayfinding, infrastructure and transport.

5.0 Planning History

- 5.1.1. There is no relevant planning history on the site.

6.0 Section 247 Consultation(s) with Planning Authority

- 6.1. A section 247 pre-application consultation took place with Dun Laoghaire Rathdown County Council on 20/04/21 and details of same are set out in Appendix A of the Planning Authority's submission on this pre-application.

7.0 Irish Water Submission

- 7.1. Irish Water: Irish Water has issued the applicant a Confirmation of Feasibility for connections to the Irish Water network. The applicant is required to engage with Irish Water prior to advancing to SHD application.

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 submissions and the discussions which took place during the tripartite consultation meeting. I shall provide brief detail on each of these elements below.
- 8.2. **Documentation Submitted**
 - 8.2.1. The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017 and I have had regard to same.
- 8.3. **Planning Authority Submission**

- 8.3.1. In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Dun Laoghaire Rathdown County Council have submitted a copy of the record of their section 247 consultations with the prospective applicant and their opinion in relation to the proposal.
- 8.3.2. Dun Laoghaire Rathdown County Council has also submitted a report on this pre-application submission which I have summarised below. Issues raised within the internal reports are also summarised below.

Density

- Proposed density is 459 units/ha – Map No. 2 of the SUFP sets a residential density cap of 70 units/ha on the subject site/Policy SUFP2 of the Sandyford Urban Framework Plan refers to Map 2
- The proposal, if combined with other recent applications/proposals with the Board, would amount to 76.2% of the 1000 residential units envisaged for this area.
- Proposed density would materially contravene the density permitted in the Development Plan/PA has serious concerns in relation to the scale/quantum of development proposed.

Height

- SUFP sets out explicit building height policy and parameters/Map 3 of same sets a limit of 3-5 storeys on the subject site/PA is not satisfied the proposed development meets the criteria of Section 3.2 of the Building Height Guidelines/does not provide appropriate transition/does not respond to local topography/fails to introduce family units/form, massing and building height have not been modulated to maximise views/no visual connection to the public open space.

Mix/Residential Standards

- PA would welcome the provision of 3 bed units on the site/possible introduction of duplex units with own door access.
- Communal open space does not meet the requirements of Section 8.2.2 of the Development Plan/Meets the min requirements of the Apartment Guidelines.

- Unclear what areas of open space have been included in this application and the size of each landscaped area/area zoned Open Space should not be included in the calculations for meeting communal open space standards/applicant should provide a clear breakdown of each area of open space and its relevant zoning
- No section have been submitted/internal floor to ceiling height cannot be assessed
- Greater quantity of communal facilities/resident support facilities is required in accordance with SPPR 7/A visible reception area should be provided at street level.
- Noted that 12 no. rooms have fallen short of BRE requirements/of concern are the north facing rooms/assessment should take account of future neighbouring development.

Public Realm Works/Trees/Childcare

- Public realm works have not been included in the red line/no letter of consent from the PA for these works/proposed bike stands are within the public realm outside the red line boundary/emphasises over developed nature of the site.
- Concern is raised in relation to the ability to retain the trees along the northern boundary.
- Design should take account of the Sandyford Cycle Improvement Scheme.
- Accept that no provision of childcare is necessary on the site.
- Impact on land to the west and indicative future development should be assessed.

Impact on surrounding sites/amenity

- PA has serious concerns in relation to the impact on development potential on site to the south/impact on privacy of future residents/also has potential to impact on the development potential of the site to the west

Transport

- As per report of the Transportation Planning Department (see below).

Surface Water Drainage

- As per the report of the Drainage Division (see below)

Other Issues

- Taking in charge plan required
- Public Lighting plan required
- Site has the potential to comply with Part V

8.2.3 Dun Laoghaire-Rathdown County Council Internal Reports

Transport

- Road Safety Audit/DMURS Quality Audit/MMP Required.
- Additional detail on the following is required - cycle access; refuse, maintenance and deliveries- use of existing loading bay is not acceptable.
- Consent from PA required for works outside the boundary of ownership.
- Liaise with DLR in relation the Sandyford Cycle Improvement Scheme
- Car parking ratio of 1:1 is recommended/additional car club spaces required to justify reduced standard/concerned in relation to the location of short stay cycle spaces/concern in relation to the stacked cycle parking.
- Quality Audit is required.

Housing – Condition recommended.

Drainage – Additional details required in relation to surface water drainage and flood risk.

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

8.4. Consultation Meeting

8.4.1. A Section 5 Consultation meeting took place via Microsoft Teams on the 17th September 2021. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. 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. Principle/Residential Density
2. Design incl. height/public realm/open space
3. Residential Standards
4. Surrounding Amenity incl. permitted residential/Development potential adjoining sites
5. Transport
6. Site Services/Flood Risk
7. Environmental Screening
8. Any Other Business

8.4.2. Both the prospective applicant and the planning authority were given an opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting 310399-21' which is on file.

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

8.5. Conclusion

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

8.5.2. I have examined all of the submissions before me including the documentation submitted by the prospective applicants, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, including section 28 Ministerial Guidelines and local policy via the statutory plans for the area.

8.5.3. Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act constitutes a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

8.5.4. I would also recommend that the prospective information applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision-making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

9.0 Recommended Opinion

The Board refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request

- (i) constitute a reasonable basis for an application under section 4 of the Act, or
- (ii) Require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, **An Bord Pleanála is of the opinion that the documentation submitted would constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**

Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission arising from this notification:

1. In accordance with section 5(5)(b) of the Act of 2016, as amended, any application made on foot of this opinion should be accompanied by a statement that in the prospective applicant's opinion the proposal is consistent with the relevant objectives of the development plan for the area. Such statement should have regard to the development plan or local area plan in place or, likely to be in place, at the date of the decision of the Board in respect of any application for

permission under section 4 of the Act. In this regard the implications of the likely adoption of the Dun Laoghaire-Rathdown Development Plan 2022-2028 on the acceptability, or otherwise, of all aspects of the proposed development should be clearly set out in the submitted documentation.

2. Justification, and where appropriate amendment, to demonstrate that the proposed residential amenities and residential support facilities are sufficient to serve the proposed development, in accordance with SPPR 7 of the Apartment Guidelines.
3. Justification, and where appropriate amendment, to demonstrate that the proposed car parking quantity is appropriate, having regard to local, regional and national policy on same. To this end, matters raised in at the Tri-Partite Meeting and as set out in the Planning Authority's submission on this proposal, including that as set out within the Transportation report should be addressed in any report/justification relating to the outlined transport issues.
4. A Sunlight/Daylight/Overshadowing analysis showing an acceptable level of residential amenity for future occupiers and existing residents, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development and in adjacent properties. This report should address the full extent of requirements of BRE209/BS2011, as applicable.
5. Relevant reports/drawings etc that considers the impact of the proposed development on the development potential of neighbouring sites and consideration of any potential impacts of adjacent development on the amenity of future occupiers of this proposed development.
6. A Housing Quality Assessment (HQA) which provides the specific information regarding the proposed apartments units as required by the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (December, 2020). The assessment should also demonstrate how the proposed apartments comply with the various requirements of those guidelines, including its specific planning policy requirements.
7. A report that specifically addresses the proposed materials and finishes to the scheme including specific detailing of external finishes, the treatment of balconies and boundary treatments. In this regard, the location of the screening for a

number of the ground floor units appears to be outside the redline boundary of the site and the applicant should address same in the application documentation.

8. Drainage details such as would clearly address and respond to comments within the internal report from the Drainage Division of the Planning Authority, namely additional details as relates to surface water proposals and additional details as relates to Flood Risk.
9. Additional CGIs/visualisations/3D modelling.
10. All supporting technical/environmental reports to be updated as required.
11. A plan of the proposed open spaces within the site clearly delineating public, communal and private spaces, and the relevant zoning objective that pertains to each area of open space. Additional details of tree protection measures are also required, specifically in relation to those trees to be retained on the northern boundary of the site.
12. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority.
13. 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.
14. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018, unless it is proposed to submit an EIAR at application stage.

Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application

arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

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

Rónán O'Connor
Senior Planning Inspector

Date: 24th November 2021