



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-310483-21

Strategic Housing Development

Demolition of existing warehouse / factory buildings and construction of 147 no. Build-to-Rent apartments with supporting tenant amenities, landscaping and public realm.

Location

Units 64 & 65 Cherry Orchard Industrial Estate, Palmerstown, Dublin 10.

Planning Authority

South Dublin County Council

Prospective Applicant

AAI Palmerstown Ltd.

Date of Consultation Meeting

30th September 2021

Date of Site Inspection

15th 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, 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 subject site is located in the north western corner of Cherry Orchard Industrial Estate fronting Kennelsfort Road Upper to the west. Two storey housing characterises the area to the west of the industrial estate, with industrial sheds and warehouses characterising the area to the east and south of the site. Existing takeaway units and Palmerstown Sports Complex and Pobalscoil Iosolde, Palmerstown Community School and Palmerstown Shopping Centre are located to the north of the site. Cherry Orchard Hospital is also located to the south of the site.
- 2.2. The site itself is occupied by an industrial shed with mature street trees situated on the site bounds to the west and south.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development involves construction of 147 no. Build-to-Rent residential units as follows:

Unit Type	Number
1 bed	75

2 bed	72
Total Units	147

The development has a stated net residential density of c. 173.7 units/ha based on a development area of c. 0.846 ha. The development scheme is described by the applicant as follows:

“Permission for the demolition of existing warehouse / factory buildings on-site and the construction of a residential build-to-rent development of 147 no. apartments with supporting tenant amenity facilities (gym, lounges and meeting room), landscaping, public realm improvements, and all ancillary site development works at Units 64 & 65 Cherry Orchard Industrial Estate, Palmerstown, Dublin 10. The proposed development will consist of 75 no. 1 bedroom apartments and 72 no. 2 bedroom apartments. The proposed development provides for outdoor amenity areas, landscaping, under-podium car parking, bicycle racks, bin stores, ancillary plant, and roof mounted solar panels. Vehicular access to the proposed development will be provided via the existing estate road from Kennelsfort Road Upper.”

4.0 **Planning History**

4.1. None of relevance to the current proposal.

5.0 **National and Local Planning Policy**

5.1. **Section 28 Ministerial Guidelines**

5.1.1. Having considered the nature of the proposal, the receiving environment and 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) 2009
- Design Standards for New Apartments Guidelines for Planning Authorities 2020
- Design Manual for Urban Roads and Streets (DMURS) 2019

- The Planning System and Flood Risk Management (including the associated Technical Appendices) 2009
- Childcare Facilities Guidelines for Planning Authorities 2001
- Urban Development and Building Heights Guidelines for Planning Authorities 2018

5.2. **National Planning Framework**

- 5.3. The NPF seeks to achieve compact urban growth by targeting a greater proportion (40%) of future housing development to be within and close to the existing 'footprint' of built-up areas and plans for growth of 490,000 to 500,000 people in the Eastern and Midlands Region.
- 5.4. The National Planning Framework includes a specific Chapter, No. 6, entitled 'People Homes and Communities'. It includes 12 objectives among which 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.
- 5.5. 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.
- 5.6. Objective 35 seeks to increase densities 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.
- 5.7. **South Dublin County Development Plan 2016-2022**
- 5.7.1. Zoning: The site is zoned 'Objective REGEN – To facilitate enterprise and/or residential-led regeneration within the South Dublin County Development Plan 2016-2022. Residential use is permitted in principle.
- 5.8. General: Chapter 2 of the Plan outlines policies and objectives in relation to new housing and includes objectives relating to urban design, densities, building heights, mix of dwelling types and open space. In particular, section 2.2.2 of the South Dublin Development Plan sets out that densities should take account of the location of a

site, the proposed mix of dwelling types and the availability of public transport services. As a general principle, higher densities should be located within walking distance of town and district centres and high capacity public transport facilities. Policies H8 Objectives 1 and 2 promote higher densities at appropriate locations. Development Management Standards are included in Chapter 11.

The following policies are of particular relevance.

- Policy H6 Sustainable Communities – support development of sustainable communities and ensure new housing development is carried out in accordance with Government Policy in relation to housing and residential communities;
- Policy H7 Urban Design in Residential Developments – ensure new residential development within the County is of high quality design and complies with Government guidance on design of sustainable residential development;
- Policy H10 Mix of Dwelling types – ensure wide variety of housing types, sizes and tenures;
- Policy H8 – residential densities – promote higher densities at appropriate locations;
- Housing Policy 9 – residential building height – seeks to support varied building heights across residential and mixed use area.
 - H9 – Obj. 1 seeks to encourage varied building heights in new residential developments;
 - H9 Obj. 2 - To ensure that higher buildings in established areas respect the surrounding context.
 - H9 Obj. 3 - To ensure that new residential developments immediately adjoining existing one and two storey housing incorporate a gradual change in building heights with no significant marked increase in building height in close proximity to existing housing (with reference to Section 11.2.7 Building Height of the Plan).
- Policy TM7 – Transport and Mobility – policy of Council to take a balanced approach to provision of car parking with aim of meeting the needs of businesses and communities whilst promoting a transition towards more sustainable forms of

transportation. Number of supporting objectives (TM7 Obj.1) which seek to carefully consider the number of parking spaces provided to service needs of new development.

6.0 Forming of the Opinion

6.1. 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 a brief detail on each of these elements hereunder.

6.2. Documentation Submitted

6.2.1. 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. This information included, inter alia, the following:

- Application Form for a Section 5 Pre-Application Consultation Request in respect of a Strategic Housing Development;
- Letter of consent and ownership map;
- Irish Water's Confirmation of Feasibility;
- Planning Statement;
- Environmental Statement;
- Childcare Needs Assessment;
- Part V Cost Methodology;
- Statement of Traffic and Transport Consistency;
- Site Location Map and Layout Plans;
- Plans, Sections, Elevations;
- Design Statement (including area schedule and quality assessment);

- Ecological Impact Assessment and Report in Support of Appropriate Assessment Screening;
- Traffic Impact Assessment (with DMURS compliance statement);
- Civil Engineering Services Report, including Flood Risk Assessment;
- Topographic Survey and Proposed Infrastructure Drawings;
- Outline Waste and Construction Management Plan;
- Landscape Design Strategy Report;
- Landscape Layout drawings;
- Tree Survey Plan, Tree Schedule and Arboriculture Note;
- Townscape and Visual Impact Assessment;
- Daylight/Shadowing Analysis and Daylight Reception Analysis Reports;
- Energy Statement, Noise Impact, Air Quality and Microclimate Reports; and
- External (Public) Lighting Report.

6.2.2. 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. These statements have been submitted, as required.

6.2.3. I have reviewed and considered all of the above-mentioned documents and drawings.

6.3. **Planning Authority Submission**

6.3.1. In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, South Dublin County Council, submitted a copy of their section 247 consultations with the prospective applicant and also their opinion in relation to the proposal. The planning authority's 'opinion' included the following key points:

- The principle of residential development on the proposed lands generally accords with the zoning and settlement strategy of the Development Plan. Subject to the

inclusion of employment uses, in line with Policy ET2 Objective 3 of the current County Development, and meeting the detailed policies and objectives relating to proper planning and sustainable development, the Planning Authority generally considers the development of this site as a positive intervention.

- Request that the applicant should demonstrate the useability and the rationale for the proposed 382.4sqm communal facilities and whether this floor area should increase to provide for the needs of the future residents. The Planning Authority notes that the applicant is also considering market housing as an option. The Planning Authority would welcome this option and recommends that this is further explored.
- Request that the applicant may be able to satisfactorily meet the criteria set out in the Guidelines and SPPR 3 for the level of increased building height proposed. It is recognised that an increase in regeneration areas, particularly a site such as this, on the edge, is reasonable having regard to SPPR 3, the associated criteria and noting the sustainable location. However, consideration and demonstration of compliance should be provided by the applicant to all criteria.
- Cross sections and quality design solutions be provided, to ensure differentials in levels are managed to a human scale and contribute to the creation of quality places within the urban environment.
- The items noted in the Urban Design Criteria should be addressed, including a reconsideration and redesign of the landmark building, particularly the fenestration and two important highly visible facades and the potential of overlooking of existing residential properties to the west.
- Request that the applicant note the comments of the Roads Department and have regard to the transitional nature of the proposed development and the density of dwellings and the site's reliance on pedestrian connectivity to facilities/amenities and public transport, the Planning Authority would ask that further consideration be given to the main junction into the REGEN lands, tightening up of the junction radii, the inclusion of raised tables, changes in materials (to indicate that vehicles are entering a pedestrian / cycle friendly zone), vertical / horizontal deflections and other DMURS methods to create

quality environment and safe and useable streets should be introduced into the scheme.

- Request that the applicant demonstrate that strengthened and safe cycle routes are included within the scheme and consideration should be given to how these will link to and from the site and be successfully married with the REGEN zoned lands. Dedicated cycle routes within internal sites should also be considered.
- Request that surface water attenuation, which is insufficient, be addressed and that details regarding SUDS and pollution control are included within the proposal.

Irish Water

6.3.2. The submission from Irish Water (dated 30th June 2021) states that a Confirmation of Feasibility has been issued for a development of 147 units on the site.

6.4. Consultation Meeting

6.4.1. A section 5 Consultation meeting took place via a video conference on the 30th September 2021. 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.

6.4.2. 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. Land use required on REGEN zoned lands;
2. Design;
3. Amenity both within the development and to surrounding areas;
4. Public open space;
5. SUDS; and
6. AOB.

6.4.3. 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 ABP-310483-21' 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.

7.0 Conclusion and Recommendation

- 7.1. 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.
- 7.2. 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 development plan for the area.
- 7.3. 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 under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 7.4. 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.

8.0 Recommended Opinion

- 8.1. 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.

- 8.2. Following consideration of the issues raised during the consultation process and having regard to the opinion of the planning authority, and submissions received from statutory consultees referred to under Section 6(10) of the Act, 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.
- 8.3. 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. Consideration is required of potential impacts upon future residential populations of the site, resulting from the existing uses. Any mitigation should be clearly described alongside any measures to preserve mitigation features.
 2. Consideration is required of any matters that have potential to be material contraventions of the Development Plan, with submission of a statement regarding the same if required.
 3. Landscape drawings clarifying the quantum of public open space proposed and the quality, functionality / usability of the public open space. Any deviation from policy requirements should be highlighted and consideration as to whether a material contravention arises.
 4. A plan of landscape proposals clearly delineating communal and private spaces should also be provided, as well as a detailed breakdown of the total area of same. Consideration of how the design of the landscape and provision of furniture/equipment will facilitate use of these spaces for both adults and children is also required. Consideration of security of access to communal amenity space is also required.
 5. Cross sections of the development should be submitted, clearly detailing the change in levels from the site to surrounding public realm areas and how this will be addressed. The inclusion of a ramp instead of a lift should be considered,

where this is demonstrated to be unachievable, a comprehensive explanation of the arrangements for security and management of the lift should be outlined.

6. Drawings to be provided giving comprehensive detail of the appearance of all areas of 'podium edge' within the proposed development.
7. A plan annotating separation distances between all windows and balconies / terrace areas, to surrounding areas, and between development blocks in the proposal.
8. A Daylight, Sunlight and Overshadowing Assessment is required to demonstrate how the proposed development responds to recommendations in the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (the BRE guidelines). The methodology of the BRE guidelines should be followed and clearly stated within the submitted assessment. Analysis of all proposed units on each floor should be provided until it can be demonstrated that all units on a floor meet recommended targets, at which point it can be logically assumed units above will also pass (where a stacked arrangement to room use is proposed). APSH analysis of both the proposed accommodation and existing properties should be provided. Overshadowing analysis of all exterior amenity areas both within the development and in surrounding areas should also be provided. Consideration should include potential impact on the school site to the north.
9. A report that specifically addresses the proposed materials and finishes of buildings, landscaped areas and any screening/boundary treatment. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinct character for the development.
10. Details of waste storage and collection.
11. Additional details and/or revised proposals in relation to comments from Transportation Planning at the Planning Authority.
12. Additional details and/or revised proposals in relation to comments from the Drainage Division at the Planning Authority.
13. A Housing Quality Assessment with regard to relevant national and local planning policy on residential development.

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.

8.4. 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. The Department of Culture, Heritage and the Gaeltacht
2. Irish Water
3. Transport Infrastructure Ireland
4. National Transport Authority
5. South Dublin 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.

Rachel Gleave O'Connor

Planning Inspector

6th October 2021

