



An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion
310942-21**

Strategic Housing Development	370 no. residential units (8 no. houses, 362 no. apartments) and associated site works.
Location	Chesterfield, Cross Avenue, Blackrock, Co. Dublin
Planning Authority	Dun Laoghaire Rathdown County Council.
Prospective Applicant	Cairn Homes Properties Limited
Date of Consultation Meeting	3 rd November 2021
Date of Site Inspection	21 st October 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, which has a stated area of 3.15 ha, is located to the south of Cross Avenue, east of Merrion Avenue, west of Booterstown Avenue and c.1km southwest of Blackrock village in south Co. Dublin. It is located c. 930m from Booterstown DART station and c. 830m from the N11.
- 2.1.2. This is an established residential area, with Cross Avenue characterised by a number of large dwellings on relatively large sites, many of which are protected structures. The site is surrounded by the existing residential development including Cross Avenue and Redwood Grove to the north, Southwood Park to the east, Clonfadda Wood to the south and Cherbury Gardens, Cherbury Court and Booterstown Park to the west.
- 2.1.3. The site is accessed via an original entrance from Cross Avenue, which also serves the existing house 'Renesca' that was constructed in front of Chesterfield House. Permission has recently been granted on the 'Renesca' site for the demolition of the existing dwelling, Renesca, along with associated outbuildings and entrance pillars and the construction of an apartment block 3-5 storeys in height containing 33 No. units. To the south is Clonfadda, a gated apartment and own door development. Cherbury Court to the west comprises a mix of apartment and dwellings ranging from

two to four storeys. Booterstown Park is to the north-west, Redwood Grove is located to the north-east and Southwood Park is to the south-east.

- 2.1.4. The site comprises Chesterfield House and the remainder of its grounds to the north and south, with no frontage to Cross Avenue. There are two distinct areas within the site. The northern end of the site contains Chesterfield House, associated driveway and hardstanding and an ornamental garden to the rear, which also contains the ancillary Summer House. The northern area is subdivided from the south of the site by an ornamental water feature and associated planting, which is now overgrown.
- 2.1.5. The southern end of the site currently comprises disused grassland with a substantial amount of mature trees along the boundaries. Historic maps indicate a bridle path along the south western boundary but little now remains of this feature. The Dun Laoghaire Rathdown County Development Plan lists the 'Original Drawing Room' within Chesterfield House as a protected structure (RPS no. 171). The existing Chesterfield House is a 1970s reconstruction that was built around the drawing room of the original Chesterfield House, which dated to the early 19th century. Chesterfield House is now unoccupied.
- 2.1.6. The site boundary includes an area at the road frontage that is in the ownership of Dun Laoghaire Rathdown County Council (DLRCC). This area is included to facilitate connection to the public foul and surface water sewers and water supply.
- 2.1.7. The subject site is well connected in terms of road and public transport links. Booterstown DART station is c.850m northwest of the site (walk time c.10 minutes), while Blackrock DART station is approximately 1.4kms to the northeast. A bus service links Blackrock DART Station with Mount Merrion Avenue, with bus stops at the junction of Mount Merrion Avenue and Cross Avenue.
- 2.1.8. The nearest bus stop is c.500m from the site, on Mount Merrion Ave. There is a QBC along the N11, c.850m south of the site, and served by 9 No. bus routes (7B, 7D, 17, 46A, 46E, 47, 116, 118 and 145). On the Rock Road, Grotto Avenue bus stop is c. 1km north of Cross Avenue and is served by 4 No. bus routes; 4, 7, 7A and 84A.

There are radial cycle routes on the N11 and Rock Road and an orbital cycle route on Booterstown Avenue.

3.0 Proposed Strategic Housing Development

3.1.1. The proposed development consists of the development of:

- i. the demolition of the non-original fabric of Chesterfield House (210 sq.m GFA) and 3 No. derelict sheds (combined 113 sq.m GFA);
- ii. internal reconfiguration and change of use of the existing 'Summer House' (59.3 sq.m GFA) to caretaker's office and store;
- iii. the construction of 370 No. residential units;
 - a. 359 No. apartments across 6 No. blocks with a max height of 8 storeys over basement incorporating:
 - 24 no. studio,
 - 122 no. 1 bed,
 - 181 no. 2 bed and
 - 32 no. 3 bed units,all with private amenity space;
 - b. 3 No. apartments (1 no. 2 bed and 2 no. 3 bed units) contained within a re-constructed Chesterfield House, all with private amenity space; and,
 - c. 8 No. 2 and a half-storey 4-bedroom semi-detached houses to the north of Chesterfield House all with private amenity space.
- iv. the construction of a childcare facility with a gross floor area of c.137sq.m., an associated play area (54sq.m) and set-down parking adjacent to the main access road;
- v. the provision of 381no. car parking spaces comprised of basement and surface level spaces;

- vi. the provision of 626 no. bicycle parking spaces;
- vii. realignment of the existing on-site surface water feature, surface water attenuation measures and connections to the municipal potable water supply at the junction of Cross Avenue and Booterstown Avenue and the surface water sewer at the junction of Cross Avenue and Mount Merrion Avenue;
- viii. 2 no. future pedestrian access paths up to the boundary with Clonfadda to the south and Cherbury to the west;
- ix. improvement works to the existing entrance on Cross Avenue including the construction of an ornate patterned steel panel (30m x 3.7m) incorporating signage (2.6m x 0.3m) to the east of the existing entrance and signage (2.2m x 1.5m) on the existing wall to the west; works to the public footpath in the form of a raised table pedestrian crossing, realignment of internal access road to 5.5m and construction of a public footpath of 2.0m from the Cross Avenue entrance;
- x. decommissioning of existing water tank;
- xi. all ancillary site development works including plant, waste storage, a garden square, communal amenity space, landscaping, boundary treatment, lighting, and solar PV panels. The proposed development consists of the carrying out of works to Chesterfield House which contains a protected structure, 'Original Drawing Room' (RPS No.171). Importantly, the protected structure will be retained within the proposed re-constructed Chesterfield House

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

Development Proposal	Site Statistics
Site Area	c. 3.15 ha
Units	- 6 No. apartment buildings accommodating, 359 BTR, studio, 1, 2 and 3-bedroom apartments.

	<ul style="list-style-type: none"> - A re-constructed Chesterfield House incorporating three units: - 1 No. 2-bedroom and 2 No. 3-bedroom apartments; and, - 8 No. two and a half storey 4-bedroom semi-detached houses. <p>Total 370 Units</p>									
Resident support facilities and services	841 sq. m - Resident's Gym • Changing Rooms / WCs • Mail Store • Café & Co-Working • Kitchen • Cinema Space • Multi-Purpose Space • Entrance									
Density	117 uph									
Height	3 - 8 storeys									
Dual Aspect (apartments)	51% with 13 north facing single aspect units (previous scheme has a 79% dual aspect ratio with no North facing single aspect)									
Cycle Parking	626									
Car Parking	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">Northern Section</td> <td style="width: 10%; text-align: center;">22</td> <td style="width: 60%; text-align: right;">(Ratio of 1 space per unit)</td> </tr> <tr> <td>Southern Section</td> <td style="text-align: center;">359</td> <td></td> </tr> <tr> <td>Total</td> <td style="text-align: center;">381</td> <td></td> </tr> </table>	Northern Section	22	(Ratio of 1 space per unit)	Southern Section	359		Total	381	
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Southern Section	359									
Total	381									
Public / Communal Open Space	<p>Public Open Space – 4,268 sq.m (13.5% of Applicant's landholding)</p> <p>Communal Open Space – 8,757 sq.m (27.8% of Applicant's landholding)</p> <p>Combined Public Open Space – 13,025 sq.m (41.3% of Applicant's landholding)</p>									
Creche	137 sq. m - 50 child places									
Part V	37 units (9.45%)									
Access	Access to the proposed development will be via the existing entrance on Cross Avenue									

3.1.20. Proposed breakdown of apartments is set out in **Table 2:**

Building Ref.	Studio	1 Bed Apartment	2 Bed Apartment	3 Bed Apartment	Total
B1	2	33	60	9	104
B2	0	20	23	2	45
B3	12	8	22	10	52
B4	10	7	29	3	49
B5	0	24	8	0	32
B6	0	30	39	8	77
CH	0	0	1	2	3
Total	24	122	182	34	362
% of Total	7	34	50	9	100

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

The site is zoned 'Objective A' in the development plan, 'to protect and/or improve residential amenity'. Residential development is 'permitted in principle' under this zoning objective.

There is an objective 'to protect and preserve Trees and Woodlands' to the north and south of Chesterfield House, on the northern part of the overall site.

The following development plan policies and objectives are noted:

- Housing policies set out in section 2.1.3 including policy:

RES3: Residential Density, which promotes higher residential densities in the interests of promoting more sustainable development whilst ensuring a

balance between this and ensuring the reasonable protection of residential amenities and established character of areas; RES4: Existing Housing Stock and Density, which encourages the densification of existing housing stock to retain population levels and

RES7: Overall Housing Mix, which encourages the provision of a wide variety of housing and apartment types.

- Transportation policies including Policy ST3: Development on Sustainable Travel and Transportation Policies.
- Section 4.2 Open Space and Recreation including Policy OSR5: Public Open Space Standards; Policy OSR14: Play Facilities.
- Section 7.1.3 Community Facilities including Policy SIC11: Childcare Facilities.
- Section 8.1 Urban Design including Policy UD1: Urban Design Principles and Policy UD3: Public Realm Design.
- Development management standards set out in section 8.2 including section 8.2.4 Sustainable Travel and Transport; section 8.2.8 Open Space and Recreation and section 8.2.12 Community Support Facilities.

The original drawing room within Chesterfield House is designated as a protected structure, RPS No. 171.

Relevant policies include:

AR1 which seeks to protect structures from works that would negatively impact their special character and appearance.

Chapter 8 contains the urban design policies and principles for development including public realm design, building heights strategy and car parking.

Development Management section 8.2.11.2 provides more detailed guidance on development affecting protected structures.

Building Height Strategy.

The Building Height Strategy is set out in Appendix 9 of the plan.

Section 4.8 'Policy for Residual Suburban Areas not included within Cumulative Areas of Control' provides for a general maximum height of 3-4 storeys for apartment developments at 'appropriate locations', including large infill sites, providing there is no detrimental effect on existing character and residential amenity. Consideration is given to minor modifications up or down in height (usually 1-2 floors), to be considered subject to 'Upward or Downward Modifiers'.

Section 4.8.1 states that to justify additional height the planning authority must be satisfied that the proposal meets more than one 'upward modifier' criterion.

Appendix 13: Flood Risk Assessment

5.0 Planning History

5.1.1. Table 3 Planning History Summary

Aspect	Proposed Development	2019 (Ref. PL06D.302921)	2010 (Reg. Ref. D10A/0591) (Ref. PL06D.238361)	2006 (Reg. Ref. D06A/0069) (Ref. PL06D.218536)	2004 (Reg. Ref. D04A/0950) (Ref. PL06D.210828)
Planning Status	-	Grant of Permission (Set aside by the High Court)	Grant on Appeal	Grant on Appeal	Refused on Appeal
Development	370 Units (Apartments & Houses)	221 Units (Apartments & Houses)	145 Units (Apartments & Houses)	158 units (Apartments)	121 units (Apartments & Houses)
Density	117 units/ha	70 units/ha	58 units/ha	49 units/ha	38 units/ha
Height	3-8 storeys	2-7 storeys	6 Storeys	6 Storeys	4 storeys
Car parking	381 no. spaces	302 basement & 23 surface level spaces	84	290	-
Chesterfield House	Incorporate 'Original Drawing Room' a Protected Structure into residential unit and removal of inauthentic fabric.	Incorporate 'Original Drawing Room' a Protected Structure into residential unit and removal of inauthentic fabric.	Excluded from planning application	Change of use HQ Office & Residential	Demolition of Summer House

- **ABP-304913-19** Permission Granted (06.12.2019) for demolition of the existing dwelling, 'Renesca', along with associated outbuildings and entrance pillars. Construction of an apartment block providing 33 no. apartments with associated balconies, comprising 9 no. 1-bed units, 19 no. 2-bed units and 5 no. 3-bed units. The development will be part 3-storey, part 4-storey and part 5-storey over basement. Basement level accommodating 37 no. car parking spaces, bicycle parking, storage lockers, refuse stores and plant rooms. Vehicular and pedestrian access at Cross Avenue, landscaping, boundary treatments and all associated site works and services.
- **SHD ABP-302921-18** Permission was Granted (13.02.2019) for demolition of non-original fabric of Chesterfield House (a protected structure) and derelict sheds. Construction of 221 no. residential units, residents amenity facility and all associated works. This decision was **quashed (10.07.2019)**. Same site boundary as current application site area 3.15 ha.
- **D10A/0591/E** Permission granted for extension of duration of permission for construction of 90 residential units and associated development on the subject lands in lieu of development permitted under D06A/0069.
- **D10A/0591 PL06D.238361** Relating only to lands to the rear (south) of Chesterfield House, site area 2.5 ha. Permission granted on appeal for construction of 90 residential units (36 houses and 54 apartments) and associated works in lieu of development permitted under PL06D.218536. This permission resulted in a total of 145 units at the development site with a density of 58 units / ha.
- **D06A/0069 PL06D.218536** Permission sought for 204 apartments in 4 no. blocks (4 - 7 storeys); 370 no. parking spaces; bicycle parking and associated site works. The proposed works to Chesterfield House comprised its refurbishment to a Headquarter Office building with integrated 1 bed caretaker apartment, including the demolition of non-original extensions to the house. The development also included the demolition of nonoriginal out houses, landscaped

gardens, walkways, parking and works to the entrance gate and access road. The Board granted permission for 142 residential units with 220 basement car parking spaces.

- **D04A/0950 PL06D.210828** Permission sought for 76 no. houses and 45 apartments in a 4 storey block. The development involved the demolition of the Summer House. Works to Chesterfield House were excluded from the application. The Board refused permission for the following reason:

The proposed development is located within (a) the site of a protected structure and, (b) an area identified on Map no. 2 of the current Development Plan as an area with the policy objective “to protect and preserve trees and woodlands”. The proposed development, by reason of its layout (particularly in that area within the curtilage of the protected structure i.e. from the northern boundary of the site back to the old pond area which is surrounded by trees), scale and form, and the loss of a significant belt of trees, would materially and adversely affect the existing built form, character, landscape setting, and residential amenity of an existing protected dwelling and its curtilage, would contravene the provisions of Part 4 of the Planning and Development Act, 2000 in relation to protected structures, would contravene the objective of the Development Plan to preserve trees and would, therefore, be contrary to the P.P.&S.D. of the area.

- **D04A/1416 PL06D.211878** ‘Renesca’ Lands Formerly Part of Chesterfield Grounds Permission granted for 2.5 storey over basement house, new entrance, boundary wall and associated site works to the north of Chesterfield House with a new access from Cross Avenue. This development is now extant.

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 May 2021. The minutes of the meeting are attached to the file.

7.0 Submissions Received

Irish Water (report dated 12th August 2021)

Irish Water has assessed the proposal and has issued the applicant a Confirmation of Feasibility for connection (s) to the Irish Water network (s).

In respect of Water:

In order to accommodate the proposed connection at the development, upgrade works are required to increase the capacity of the water network. Approx. 215m of new watermain main required to be laid to replace the existing 4" CI to the 250 mm DI main along Booterstown Avenue. Irish Water currently does not have any plans to commence upgrade works to its network in this area should the applicant wish to progress they will be required to fund these works as part of a connection agreement.

In respect of Wastewater:

Separated foul flows should discharge to the 525mm combined concrete sewer on Cross Avenue. No surface water from the development shall enter the Irish Water Network.

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 Statement
- Statement of Consistency
- Proposed Unit Justification Mix Report
- Material Contravention Statement
- Environmental Report
- Childcare Demand Report
- Architectural Design Statement
- Part V Proposal
- Architectural Design Statement
- Architectural Heritage Impact Assessment
- Housing Quality Assessment for Chesterfield House and Proposed Houses to North
- Landscape Report
- Landscape and Visual Impact Analysis
- Civil Engineering Infrastructure Report.
- Construction & Environmental Management Plan

- DMURS Compliance Sheet
- Site Specific Flood Risk Assessment
- Transport and Mobility Assessment Summary
- Photomontages
- Appropriate Assessment Screening Report
- Sunlight / Daylight Assessment
- Arboricultural Assessment

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 19th August 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. Summarised as follows:

- Overall acceptable with some concerns in relation to the massing and position of proposed apartment blocks relative to existing adjacent properties.
- Concern of over development – density, height, size of one beds
- Building height would be discordant. Relative to existing predominantly low rise, transition in scale and height required.
- Principle of 3 storey dwelling units acceptable in the context of Chesterfield House.

- A3 format of drawings
- Concern of distant to boundaries
- Concern with regard to unit mix, albeit it complies with the BTR mix requirements as per sustainable urban housing: design standards for new apartments 2020. 90% are studio, one and two bed. BTR or BTS query ?
- Daylight Sunlight to ground floor apartments in Clonfadda Wood to the south and Apartment Block 5 would experience a change in daylight distribution beyond the BRE criteria.
- Shadow cast on adjoining properties required.
- Separation between the Blocks does not meet the minimum separation distances as per the CDP
- A number of units fall below the minimum recommended daylight criteria
- Concern with respect to visual Impact
- Breakdown in hierarchy of POS
- Permeability through the site and potential for connectivity to adjacent residential developments. Where the applicant has control of boundaries gates should be considered to provide ped / cycle connectivity.
- Conservation officer has concerns with design, height and orientation of house units to the north of Chesterfield.

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 3rd November 2021, commencing at 02:30 pm. 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. Architectural Design Approach:
 - Height, scale, massing and visual impact.
 - Photomontages and views within and across the site to Chesterfield House and from adjoining existing residential developments.
2. Residential Amenity
 - Unit mix
 - Sunlight and daylight
 - Overshadowing
 - Proximity of blocks
 - Open space and public realm
 - Permeability and connectivity
3. Response to Issues raised in the CE Report. Including
 - Drainage Report
 - IW report (upgrade required)
 - Transportation Division Report
 - Conservation Division Report
 - Housing Department report
4. AOB

11.1.1. In respect of architectural design approach An Bord Pleanála representatives sought further elaboration / discussion / consideration on the following:

- Clarity required in relation to the precise location of increase in height and number of units (some 149 additional units to that previously proposed on the site).
- Height/scale/density/massing of proposed apartment blocks in the context of the existing pattern of development in the area and in the context of existing Development Plan policy.

- Further cross sections showing the proposed development, including Chesterfield House, in the context of the previous 2019 application, surrounding existing and permitted development ('Renesca').
- Further consideration of visual impact in terms of views within and across the site to Chesterfield House and from the adjoining existing residential developments.
- Further consideration and justification of the housing design, height and orientation of house units proposed to the north of Chesterfield.
- Clarity and further consideration in respect of material contravention of the Development Plan in terms of height and heritage.

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

- Residential amenity in the context of possible/perceived impacts on existing residential properties, setbacks, site slope, landscaping and boundary treatments;
- 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.
- Further consideration of over shadowing to amenity spaces within the development and to adjoining properties and their amenity spaces.
- Residential amenity in the context of separation distances between proposed blocks.
- Connectivity to adjoining lands to facilitate access through neighbouring developments.

- Further consideration and justification of open space and public realm strategy.

11.1.3. In relation to issues raised in the CE and PA addendum reports from the Drainage Department, Irish Water (IW), Transportation Division, Conservation Division and Housing Department, 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, in particular, with respect to issues raised by the conservation officer.
- Consideration that each application stands on its own merits and cannot rely on previous application documentation to justify the proposal.
- Justification of the proposed development in light of heritage and / or any changing ecological information from the previous application should be readdressed and added to the relevant reports.
- Consideration that any arguments made by the applicant in relation to layout and design, visual impact, loss of trees and open space quantum, ecology and heritage will need to be justified at application stage.
- Clarification in relation to contours, consistency between all drawings- contour drawings need to be accurate and legible.

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

- Consideration with respect to the timeline for adoption of new draft Dun Laoghaire Rathdown County Development Plan. Cognisance that the plan in place at the time of the decision is the statutory plan which will be taken into account by the Board.

- Further consideration of any material contravention issues in light of the deadline for the new draft Development Plan being adopted, prior to a decision being made on any future application. Consideration that any material contraventions of the new plan have been taken into account and advertised accordingly.

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, 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.
 2. Cross-sections at appropriate intervals, photomontages and any other information deemed relevant, illustrating topography of the site and showing

proposal relative to existing and permitted development in the vicinity, including Chesterfield House.

3. Justification of tree loss, hierarchy and quantum of open space provision, both communal and public open space (POS). Clarity with regard to compliance with Development Plan standards.
4. An up to date Ecological Assessment, inclusive of a Bat Survey.
5. Detailed landscape drawings that illustrate hard and soft landscaping, useable communal open space, meaningful public open space, quality audit and way finding. The public open space shall be usable space, accessible and overlooked to provide a degree of natural supervision. Details of play equipment, street furniture including public lighting and boundary treatments should be submitted.
6. A Daylight and Shadow Impact Assessment of the proposed development, specifically with regard to:
 - Impact upon adequate daylight and sunlight for individual units, public open space, courtyards, communal areas, private amenity spaces and balconies.
 - Impact to any neighbouring properties devoid of proposed and existing landscaping and trees.
7. Supporting design rationale should be given to improving residential amenity for future occupants by demonstrating the maximisation of sunlight to apartments and addressing issues to do with daylighting, overlooking and overshadowing.
8. A visual impact assessment. Long range views / photomontages of the proposed development from the surrounding area.
9. 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.

10. Irrespective of what strategy is adopted in relation to the protected structure in Chesterfield House (having regard to inter alia, the Conservation Report contained within section 1.3 of the planning authority's Opinion), the application should contain an architectural heritage protection rationale/justification for the chosen strategy. In the event that the prospective applicant maintains the proposal to demolish the non-original fabric of Chesterfield House, the application should also contain a detailed methodology for the protection measures proposed for the original fabric in the drawing room during the course of the proposed works.
11. A response to matters raised within the PA Opinion submitted to ABP on the 19th September 2021. Including a response to issues raised in the Drainage Planning report, the Transportation Planning report and the Conservation Officers Report.
12. 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.
13. 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.

14. As per SPPR7 of the Sustainable Urban housing: Design Standards for New Apartments Guidelines for Planning Authorities, March 2020 the development must be described in the public notices associated with a planning application specifically as 'Build to Rent' housing development and a covenant/legal agreement is required at application stage for BTR development.

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

16. 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
2. Irish Water
3. Transport Infrastructure Ireland
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
05.11.2021