



An  
Bord  
Pleanála

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

**Inspector's Report on  
Recommended Opinion  
311304-21**

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**Strategic Housing Development**

Construction of a Build to Rent (BTR), Strategic Housing Development comprising the construction of 567 no. apartments within 9 no. blocks ranging in height from 3 to 9 storeys (over lower ground floor).

**Location**

"Barrington Tower", Brennanstown Road, Dublin 18

**Planning Authority**

Dun Laoghaire Rathdown County Council.

**Prospective Applicant**

Cairn Homes Properties Limited

**Date of Consultation Meeting**

15<sup>th</sup> November 2021

**Date of Site Inspection**

21<sup>st</sup> 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 site with a stated area of 4.36ha is located in the Dublin suburb of Cabinteely, to the east of the junction of Claremont Road / Glenamuck Road and c 1.5 km to the west of Cabinteely village. The application site is located south of Brennanstown Road, a long established low density residential area, comprising mainly detached houses on generous sites. The site adjoins, Brennanstown Vale to the west, a housing development characterised by very large two storey dwellings. To the east is a private laneway that runs from Brennanstown Road to a private burial ground (with mausoleum) to the south east of the subject site. The LUAS track runs directly south of the site.
- 2.1.2. The site includes the property of 'Aras Eibhear' a two storey large detached property, Winterbrook a large detached dormer property and Barrington Tower, a protected structure.
- 2.1.3. Vehicular access to the site is available off Brennanstown Road. The site slopes from north to south, from Brennanstown Road to the rear boundary that bounds Carrickmines Wood / Brides Glen and Loughlinstown Stream.

## 3.0 Proposed Strategic Housing Development

3.1.1. The proposed development consists of:

- Demolition of existing habitable dwellings ('Winterbrook' & 'Aras Eibher'), and derelict, former dwelling attached to Barrington Tower (Protected Structure RPS 1729).
- Construction of 567 no. apartments:
  - 31 no. studios,
  - 155 no. 1 -beds,
  - 326 no. 2-bed, and
  - 55 no. 3-bed

within 9 no. blocks ranging in height from 3 to 9 storeys (over lower ground floor.

- Provision of creche, retail unit, and Resident Support Facilities/Resident Services and Amenities.
- Provision of car and cycle parking, at basement (2 levels) and ground level.
- Provision of vehicular and pedestrian/cyclist accesses from Brennanstown Road with public access through the development to Brennanstown Luas Stop to the south.
- Provision of public and communal open spaces including an enhanced landscaped setting in the vicinity of Barrington Tower.
- Provision of all landscaping, play areas and boundary treatment works, ESB substations, plant areas, bin storage, and all other site development works, and site services required to facilitate the proposed development.

3.1.2. The key development statistics are set out below in Table 1.

<b>Development Proposal</b>	<b>Site Statistics</b>
No. of Units	567 no. units
Unit Breakdown	<ul style="list-style-type: none"> <li>• 31 no. studios (5.46%)</li> <li>• 155 no. 1 beds (27.34%)</li> <li>• 326 no. 2 beds (57.5%)</li> <li>• 55 no. 3 beds (9.7%)</li> </ul>
Blocks	9 no. blocks
Site Area	4.36 ha
Density	130 u/ha
Site Coverage	21%
Plot ratio	1.36
Building Height	3 - 9 storeys as follows: <ul style="list-style-type: none"> <li>• Block AB: 5 storeys</li> <li>• Block CD: 5 storeys</li> <li>• Block E: 7 storeys + lower ground</li> <li>• Block F: 9 storeys + lower ground</li> <li>• Block G: 7 storeys + lower ground</li> <li>• Block H: 9 storeys</li> <li>• Block I: 5 storeys+ lower ground</li> <li>• Block J: 5 storeys + lower ground</li> <li>• Block K: 3 storeys</li> </ul>
Aspect	50.8% dual aspect (no single aspect north facing apartments are proposed within the development)
Open Space	Public: 10,044sqm Communal: 5,635sqm
Facilities	Creche (c. 334sqm. 102 no. children) inblock CD Retail unit (c. 334sqm) in block CD Residential Amenity Space (c. 1,700sqm)

	<ul style="list-style-type: none"> <li>• Block E has 728 sqm</li> <li>• Block I has 972sqm</li> </ul> <p>These facilities include multifunctioning rooms, concierge, secure postal storage, dining and lounge rooms, games room, cinema room. and gym.</p>
Car Parking	<p>418 no. car parking spaces</p> <ul style="list-style-type: none"> <li>• 400 basement car parking</li> <li>• 18 Surface car parking</li> </ul> <p>Including</p> <ul style="list-style-type: none"> <li>• 21 no. accessible spaces (19 no. basement, 2 no. surface)</li> <li>• 10% EV spaces at basement</li> </ul>
Cycle Parking	<p>877 no. cycle parking spaces</p> <ul style="list-style-type: none"> <li>• 620 no. residential spaces at basement level</li> <li>• 257 no. visitor spaces at surface level</li> </ul>
Part V	56 units

## 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.**

The vision for the region is to “create a sustainable and competitive Region that supports the health and wellbeing of our people and places, from urban to rural, with access to quality housing, travel and employment opportunities for all.” The three key principles are Healthy Placemaking, Climate Action and Economic Opportunity.

The RSES sets out 16 Regional Spatial Objectives and the most relevant to this site are:

- Sustainable Settlement Patterns Better manage the sustainable and compact growth of Dublin as a city of international scale and develop Athlone, Dundalk, Drogheda, and a number of key complementary growth settlements of sufficient scale to be drivers of regional growth. (NSO 1, 7, 10)

- Compact Growth and Urban Regeneration Promote the regeneration of our cities, towns, and villages by making better use of under-used land and buildings within the existing built-up urban footprint and to drive the delivery of quality housing and employment choice for the Region’s citizens. (NSO 1)
- Integrated Transport and Land Use Promote best use of Transport Infrastructure, existing and planned, and promote sustainable and active modes of travel to ensure the proper integration of transportation and land use planning. (NSO 2, 6, 8,9)
- Support the Transition to Low Carbon and Clean Energy Pursue climate mitigation in line with global and national targets and harness the potential for a more distributed renewables focussed energy system to support the transition to a low carbon economy by 2050. (NSO 8, 9)

The subject site is located within the Dublin Metropolitan Area. Section 5.3 sets out the guiding principles for the growth of the Dublin Metropolitan Area.

- Integrated transport and land use – Target growth along high quality public transport corridors and nodes linked to the delivery of key public transport projects including Bus Connects, DART expansion and Luas extension programmes and the Metro Link, along with better integration between networks.
- Accelerate housing delivery– Activate strategic residential development areas and support the steady supply of sites to accelerate housing supply and the adoption of performance based standards to achieve higher densities in the urban built up areas, supported by better services and public transport.
- Co-ordination and active land management - enhanced co-ordination across Local Authorities and relevant agencies to promote more active urban development and land management policies that focus on the development of underutilised, brownfield, vacant and public lands.



#### 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.

"Barrington Tower", located on the site, is a protected structure.

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 Densification, 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.

In respect of the protected structure Barrington Tower:

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**

**D07N0161 / E** - Extension of duration of permission granted on 8<sup>th</sup> August 2013 until 18<sup>th</sup> September 2018, by the Planning Authority for a total of 158 no. dwellings; 25 no. detached houses. 109 no. apartments and 2 no. community rooms (c. total 70 sq. m in area) within a five storey building, incorporating fifth floor set back. This application also provides for demolition of a habitable dwelling. Permission is also sought for 1 ESB substation, refuses and cycle

storage; hard and soft landscaping including a tennis court (c. 261 esq. in total area); boundary treatments and all other site and development works. All proposed works to take place at Barrington Tower (A Protected Structure), Brennanstown Road, on a site of approx. 3.5 ha on lands abounded generally to the North by Brennanstown Road, to the west by Brennanstown Vale housing development, to the east by a laneway accessing a Quaker burial ground to the south by the woodlands on either side of Loughlinstown River and the embankment of the former Harcourt Street Railway Line (no. development works are proposed to Barrington Tower itself) [a dwelling] as part of this planning application).

**D07A/0161 / ABP PL 06D 227891** - Permission granted by the Planning Authority and An Bord Pleanala to demolish dwelling 'Winterbrook' and construct 158 no residential units, 2 new entrances onto Brennanstown Road and associated works (protected structure).

**D11A/0127** - Retention permission granted by the Planning Authority for an electrical substation & ESB room to serve the new Luas Green Line (Line B1) tramway extension comprising a single storey concrete structure approx. area 218 sq. m and hard surfaced service compound all within a metal/part timber fence enclosure, surface water drainage and associated site works.

## 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 01<sup>st</sup> October 2020 and the 3<sup>rd</sup> November 2020. The minutes of the meeting are attached to the file.

## 7.0 **Submissions Received**

Irish Water (IW)

Irish Water report dated 5<sup>th</sup> October 2021 indicates that IW has issued a Confirmation of Feasibility to the applicant advising that connection(s) are feasible subject to the following:

In order to service a wastewater connection for the development proposal a local upgrade of the existing 225mm/300mm gravity sewer line (from the connection point up to the 900mm trunk sewer) may be required. To determine the extent of any upgrade the sewer will need to be surveyed to confirm the existing capacity and integrity of the pipe. It is expected these works, should they be required, are in the public domain and can be agreed as part of a connection agreement with Irish Water.

A water connection to service this development proposal can be facilitated without upgrades.

## 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

- Material Contravention Statement
- Architectural Design Statement
- Housing Quality Assessment
- Landscape Design Report
- Traffic and Transport Assessment
- Statement of compliance with DMURS
- Flood Risk Assessment
- Engineering Assessment Report
- Construction Management Plan
- Barrington Draft Views, CGIs & PMs
- Sunlight / Daylight Assessment / DSO Summary Note
- Appropriate Assessment Screening
- Conservation Report and impact Statement
- Preliminary Bat Report
- Barrington Pedestrian Comfort CFD Analysis
- Energy and Sustainability Report
- Preliminary Tree Survey and Arboricultural Report
- Part V Proposal

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 01<sup>st</sup> October 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:

- The proposed development would endanger public safety as a result of the intensification of additional traffic/pedestrians accessing the proposed development onto Brennanstown Road.
- Premature with regard to lack of adequate, safe pedestrian facilities on Brennanstown Road.
- Further consideration of the documents as they relate to pedestrian permeability and accessibility of the site to the Luas Line and locally available public transport is required.
- Overall scale, height, massing, built and monolithic form, fails to have regard to its surrounding context and will have a detrimental impact on the character of the surrounding area, noting the loss of vegetation and change in sylvan character along Brennanstown Road.
- Concern over height, mix of tenure and % of one- and two-bedroom units, amounting to 84.84% of the overall scheme.
- The applicant has not submitted any information regarding the proposed covenant or legal agreement for BTR in accordance with SPPR7 (a)
- A rationale or evidence-based justification that the proposed resident support facilities and resident services and amenities are appropriate for the intended rental market.
- The quality of open space (public and communal) provided is queried.
- Concern with respect to elevation treatment and building presentation to Brennanstown Road.
- A visual impact assessment of the proposal from Brennanstown Road is required.

- A visual impact assessment to demonstrate impact in terms of scale, height and massing on the setting of the Protected Structure.
- The proposed development represents an abrupt transition in height between existing dwellings. It has not been sufficiently demonstrated that the proposal would not adversely impact the existing amenities of same or the setting and context of the Protected Structure.
- The quantum of existing planted site boundaries for removal is of concern.
- Further consideration is required with respect to pedestrian permeability and accessibility of the site to the Luas line and locally available public transport.
- A daylight / sunlight analysis, showing an acceptable level of residential amenity for future occupiers and neighbours of the proposed development, 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. Specific regard should be had to ground floor apartments at sensitive locations and existing adjacent properties.
- Dual aspect ratios should be clearly laid out, colour coded and accompanied by detailed design rationale report.
- An ecological assessment should be carried out.
- Justification / rationale regarding demolition and replacement dwellings.
- Further information is required in relation to the type of retail unit (334 sq. m) proposed in Block CD.
- The issues raised Transportation report to be addressed.
- The issues raised in Drainage report to be addressed.
- The issues raised in Conservation Officer report to be addressed.
- The issues raised in Parks and Landscape report to be addressed.

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 15<sup>th</sup> November 2021, commencing at 10:00 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. Traffic safety, access, permeability and connectivity.
  - Capacity issues and connectivity with Luas and surrounding pedestrian and cycle network.
2. Architectural Design Approach:
  - Layout, height, scale, massing, separation distances, materials and visual impact.
  - Photomontages and views within and across the site to the wider area.
  - Impact upon setting of the Protected Structure
3. Residential Amenity
  - Overlooking to existing properties.
  - Unit Mix
  - Dual Aspect
  - Daylight and Sunlight
  - Overshadowing (both to proposed open space and neighbouring properties)
  - Quantum and quality of outdoor amenity space
  - Resident support services & facilities
4. Ecology, landscaping, loss of trees and woodlands.



5. Issues Raised in the CE Report incl.

- Transportation report,
- Drainage report,
- Conservation Officer report and
- Parks and Landscaping report.

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11.1.1. In respect of traffic safety, access, permeability and connectivity An Bord Pleanála representatives sought further elaboration / discussion / consideration on the following:

- Clarity required on capacity issues and connectivity with Luas and surrounding pedestrian and cycle network.
- Clarity required on how the proposed development will connect in with the existing road network, in terms of vehicular, pedestrian and cycle connectivity along the Brennasntown Road.
- Clarity that rights across third party lands to facilitate road network upgrades and letters of consent will be sought in advance of an application.
- Further clarity on a timeframe for operation of the 'future LUAS stop', in tandem with development.

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

- 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 impact upon the setting of Barrington Tower and surrounding existing development.

- Further consideration of visual impact in terms of views within and across the site.
- Further consideration and justification of the separation distances between the blocks, overbearing and overshadowing, formation of character areas and way finding through the site.

11.1.3. 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.
- Further consideration and justification of useability, location and layout of open space and public realm strategy.
- Further consideration and justification of the BTR model proposed in conjunction with level of resident support services and amenities.
- Clarity and further consideration in respect of material contravention of the Development Plan in terms of height, car parking, apartment development

quantitative standards and Brennanstown Road Improvements. All material contravention issues to be advertised accordingly.

11.1.4. In relation to ecology, landscaping, loss of trees and woodlands, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Further justification and clarity with respect to removal of mature trees on site.
- Further consideration of a tree protection strategy for trees to be retained.

11.1.5. In relation to issues raised in the CE and PA addendum reports from the Transportation Division, Drainage Department, Conservation Division and Parks and Landscaping Division, 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, with respect to issues raised by the parks and landscape department.
- Further consideration, with respect to issues raised by the housing department with respect to Part V and changes to long term social leasing.
- 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.
- Consistency between all drawings and documentation, no room for inaccuracies, drawings need to be accurate and legible.

11.1.6. 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, demonstrating how the proposed development will tie in safely with the wider road network, for the overall Brennanstown Road area, in particular the Brennanstown Wood development to the north west, and the future

LUAS stop to the south, with regard to vehicular, pedestrian and cycle connections.

2. A detailed statement, with accompanying plans and drawings, setting out in detail, adequate, safe traffic / pedestrian facilities on Brennanstown Road to accommodate the scale and quantum of development proposed.
3. 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.
4. Cross-sections at appropriate intervals, photomontages, and any other information deemed relevant, illustrating topography of the site and showing proposal relative to existing development in the vicinity, including Barrington Tower.
5. Justification of tree loss, layout, location and hierarchy and quantum of open space provision, both communal and public open space (POS). Clarity with regard to compliance with Development Plan standards.
6. An up to date Ecological Impact Assessment, inclusive of a Bat Survey.
7. 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.

8. 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.
  
9. 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.
  
10. A visual impact assessment. Long range views / photomontages of the proposed development from the surrounding area.
  
11. 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.
  
12. A response to matters raised within the PA Opinion submitted to ABP on the 01<sup>st</sup> of October 2021. Including a response to issues raised in the Parks and Landscape report, the Housing Department report, the Transportation Planning report, the Drainage report and the Conservation Officers Report.
  
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 rationale or evidence based justification that the proposed resident support facilities and resident services and amenities are appropriate and accord with SPPR7 (b) of the Apartment Guidelines 2020.

16. A Microclimate Impact Assessment.

17. A response to the matter raised with respect to section 8.2.6.3 of the Dun Laoghaire Rathdown County Development Plan, 2016 – 2022 regarding convenience shops, justification of the type and size of the retail unit proposed.

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

19. 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.

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Fiona Fair  
Planning Inspector  
22.11.2021