



An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion**

311609-21

Strategic Housing Development	147 No. Build-to-Rent apartments
Location	'Karuna' and 'Glenina' Sandyford Road, Dublin 18.
Planning Authority	Dun Laoghaire Rathdown County Council
Prospective Applicant	Midsal Homes Limited
Date of Consultation Meeting	06.01.2022
Date of Site Inspection	10 th December 2021
Inspector	F. Fair

1.0 Introduction

Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority and the documentation received from the prospective applicant, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

2.0 Site Location and Description

- 2.1.1. The subject site is located on the eastern side of the Sandyford Road (R117), Leopardstown, Dublin 18. The site, which measures c. 0.84 Ha (c. 8,383 sq m) is generally rectangular in shape.
- 2.1.2. The site is comprised of 2 No. existing residential dwellings. 'Glenina', a single storey dwelling with an ancillary garage occupies the northern portion of the subject site with 'Karuna', a 2 No. storey dwelling occupying the southern portion of the subject site. The site is connected to the Sandyford Road via 2 No. existing vehicular entrances for 'Karuna' and 'Glenina'.
- 2.1.3. The surrounding context of the subject site is generally characterised by established low-density residential dwellings. The site is bounded by a residential development known as 'Coolkill' to the east, a 2 No. storey residential dwelling known as 'The Pastures' directly abuts the southern boundary of the subject site beyond which lies a residential development comprised of 12 No. two storey houses known as Lamb's Brook. The western boundary of the subject site directly adjoins the Sandyford Road (R117), the other side of which lies a residential development (Whinsfield) comprised of 65 No. units that are presently under construction (DLRCC Reg. Ref. D17A/1003 / ABP Ref. 302954-18). Another residential development (DLRCC Reg. Ref. D14A/0843/E), comprising of 10 No. units and known as 'Cul Cuille', is located directly to the north of the subject site.
- 2.1.4. Sandyford Village is located c. 315 metres as the crow flies to the north-east of the subject site (c. 500 metres/c. 5 minutes walking distance via Coolkill) and includes

services such as shops, a pharmacy, a pub and restaurant, a church and a café. The M50 is accessible from the subject site c. 590 metres to the north-east of the site at Junction No. 14.

- 2.1.5. The site is in proximity to the Glencairn Luas Stop (Luas Green Line) which is c. 1.7 kilometres (c. 23-minute walk or c. 7 minute cycle from the site) and Sandyford Luas Stop Station (currently c. 1.9 km /c. 7 No. minutes cycle distance/ c. 24 No. minutes walking distance from the site), which connects the area to the city centre.

3.0 Proposed Strategic Housing Development

- 3.1.1. Permission for 147 No. Build-to-Rent apartments comprised of 36 No. one bedroom units, 87 No. two bedroom units and 24 No. three bedroom units.

- 3.1.2. The following details are noted:

Table 1	Key Statistics
Site Area	0.84 ha
147 No. BTR Apartments In 4 No. Blocks	36 - 1 bedroom 24% 87 - 2 bedroom (2 bed 4 person 10% 2 bedroom 4 person 50%) 34 - 3 bedroom 16%
Non Residential Use	Gym / office space / residential services and amenity – 375 sq. m Creche – none
Density	175 uph
Height	Block A – 3/5 Storey Block B – 3/6 Storey Block C – 4/6 Storey Block D – 3/6 Storey

Plot ratio / site coverage	1.58 / 0.84 ha
Dual Aspect	73%
Open Space	3,266 sq. m 39%
Internal Community Amenity Space	375 sq. m
Car parking spaces	131 (0.89 spaces per unit) 8 no. go car spaces
Bicycle Parking spaces	326
Motor cycle spaces	6
Vehicular Access	From Sandyford Road

4.0 National and Local Planning Policy

4.1.1. National

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

- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’)
- ‘Sustainable Urban Housing: Design Standards for New Apartments’ (2018)
- ‘Design Manual for Urban Roads and Streets’ (2013)
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’) (2009)
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018)

4.1.2. Local

4.1.3. The subject site is zoned Objective 'A' in the Dún Laoghaire – Rathdown County Development Plan 2016 – 2022 where the objective is 'to protect and-or improve residential amenity'. Under Objective 'A', residential development is permitted in principle.

4.1.4. The scheme as proposed may be determined to materially contravene the Development Plan with regard to the following matters:

- Building Height with reference to Appendix 9 of the Development Plan;
- Car Parking with reference to Table 8.2.3 of the Development Plan;
- Dwelling Mix with reference to Section 8.2.3.3 (iii) of the Development Plan;
- Apartment Floor Areas with reference to Section 8.2.3.3 (vii) of the Development Plan; (e does not provide 20% of units over 80 sq m) and
- Private Open Space with reference to Section 8.2.8.4 (iv) of the Development Plan.

5.0 **Planning History**

5.1.1. There have been no recent planning applications pertaining to the subject site

The following is a summary of the relevant planning history in the immediate surrounding area.

D21A/0595: The Pastures', Sandyford Road, Sandyford, Co. Dublin. Decision Pending, on clarification of further information request.

Permission sought for the demolition of the single storey dwelling known as 'The Pastures' and ancillary garage (241 sq m) and the construction of a residential development comprising 33 No. apartments (10 No. one bedroom units, 20 No. two bedroom units and 3 No. three bedroom units) in 2 No. apartment blocks ranging in height from part 3 No. to part 5 No. storeys. The development proposes a total gross floor area of 3,112 sq m. The development also proposes public and communal open space, 26 No. car parking spaces; bicycle parking; hard and soft landscaping; and all other associated site works above and below ground

Cul Cuille, Sandyford Road - D14A/0843: Stage: Under Construction. Construction of 6no. 2 storey 4 bedroom houses as well as 4no. apartments and 2no. three bedroom duplexes in a 2/3 storey building. Located to the north of the subject site.

Fitzsimon's Wood, Lamb's Cross ABP307242 – Pre App Requires further consideration and amendment - a mixed use development consisting of 143 Residential Units, including 4 live work units (In 4 Blocks) Hot Desk Area Commercial Unit Office units, Coffee Shop, Gym, Community Room and a Crèche 200sq.m.

Lambs Cross SHD 309965-21 Permission refused for 143 apartments and a creche – Located further south of 302954.

Whinsfield House, Sandyford Road - D17A/1003:/ ABP 302954 – Oct 2017 Under Construction Permission construction of 67 no. apartments in 3 no. three storey plus penthouse blocks, on a 1.09 hectare site.

6.0 Section 247 Consultation(s) with Planning Authority

- 6.1.1. A Section 247 pre-planning consultation in relation to the current scheme took place with the Planning Authority on 17th May 2021. Minutes of the pre planning meeting are appended.

7.0 Submissions Received

7.1.1. Irish Water

Irish Water has issued a conformation of feasibility for this development for 603 no. residential units.

In respect of Wastewater:

There are significant wastewater network constraints in this catchment. To address these constraints and support development and growth in the area Irish Water has a project on its Capital Investment Plan which is due to be delivered in Q2 2026 (subject to change). This project will provide a strategic solution to the overall capacity constraints in the area. Where a connection is proposed in advance of the

delivery of the strategic solution in this area, Irish Water will consider an alternative connection and discharge route. The applicant has been advised of an alternative route, to facilitate a wastewater connection(s) via the Kilcross estate. In order to complete this alternate proposal, the wastewater network would have to be extended by approx. 80m. The applicant will be required to fund any works and/or upgrades associated with this extension and connection route as Irish Water currently does not have plans to extend the network in this area. It is expected that these works will be in the public domain.

In respect of Water:

In order to complete the proposed water connection at the Development, the water network will have to be extended by approximately 80m. Irish Water currently does not have any plans to extend its network in this area. Should the applicant wish to extend the water infrastructure to a point to connect to the Irish Water network they will be required to fund this as part of a connection application.

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, completed application form, Planning Report, Statement of Consistency, Material Contravention Statement, Architectural Drawings, Schedule of Accommodation, Housing Quality Assessment Table, Design Statement, Engineering Services Report, Engineering Drawings, Site Specific Flood Risk Assessment, Irish Water Confirmation of Feasibility, Landscape Design Report, Landscape Drawings, Transportation Assessment Report including

Preliminary Mobility Management Plan, DMURS Statement of Consistency and Independent Stage 1 Road Safety Audit including Quality Audit), Arboricultural Assessment, Arboricultural Drawings, Appropriate Assessment Screening Report, Environmental Impact Assessment Screening Report, Ecological Impact Assessment Report, Statement in accordance with Article 299B(1)(b)(ii)(II)(C) of the Planning and Development Regulations 2001 (as amended), Social Infrastructure Audit, Childcare Demand Assessment, Sustainability Report, Exterior Lighting Report, Luminaire Data Sheets, Exterior Lighting Layout and Schedule, Daylight and Sunlight Analysis, Verified View Montages and Computer Generated Images, Landscape and Visual Impact Assessment, Construction Environment Management Plan Technical Note, Operational Waste Management Plan, Construction & Demolition Waste Management Plan and Microclimate 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 their opinion in relation to the proposal. This was received by An Bord Pleanála on the 4th of November 2021.

The planning authority's 'opinion' included the following matters: copies of record of section 247 consultation, zoning and site designations, site description, planning history; opinions from other departments and an assessment of the proposal.

The report addresses the following:

- Lack of separation distances between the blocks and the adjoining sites – overlooking, dominant and overbearing when viewed from the north and south.
- Unclear from the daylight, sunlight and shadow report if existing trees have been included in the baseline figures.
- Lack of analysis of the proposed development against the concurrent application to the south (The Pastures)
- Further details of KLD spaces which fall below 2%
- Proposed height of 6 storeys unduly dominant and overbearing.

- Density of 175 u/ha is out of sync with existing and emerging densities in the surrounding area.
- Lack of communal support facilities to support BTR
- Childcare demand assessment is questioned
- The view that existing schools will cater for future pupils along with new schools is not considered a satisfactory response.
- Landscaping and tree planting is problematic
- Looking for an increase in car and cycle parking
- Permeability to the north
- Drainage issues
- Part V Issues

11.0 Consultation Meeting

11.1.1. A Section 5 Consultation meeting took place by way of conference call on the 6th January 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. Architectural Design Approach:

- Layout, height, scale, massing, materials and visual impact.

2. Residential Amenity

- Overlooking to existing / proposed properties
- Daylight and Sunlight
- Overshadowing (both to proposed open space and neighbouring properties)

3. Justification of BTR

- Resident support services & facilities
- Childcare

4. Open space quantum and quality, landscaping and tree loss.

5. Issues Raised in the CE Report incl. - Transportation report, Drainage report, Parks and Landscaping report and Housing Report.

6. AOB

11.1.2. In relation to 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 'Cul Cuille' to the north and surrounding existing and proposed ('The Pastures') 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.
- Further consideration and justification detailing finishes, use of materials and variety in design and visual impact.
- Consideration and regard to potential submissions from members of the public at application stage, in relation to the impact on the surrounding area.

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

- Further consideration and justification of overlooking to existing properties, in particular to the north, south and east and between proposed blocks A, B, C and D. Privacy between opposing windows, private amenity areas within internal courtyards and adjoining / neighbouring property to the north, south and east needs to be addressed. Possibility of overlooking or perceived

overlooking between the blocks for future residents and screening or design measures proposed to mitigate overlooking is required to be demonstrated.

- Further consideration of Daylight / Sunlight Impact of the development. Detailed analysis of Shadow Impact Assessment of the proposed development (internally and externally) within the scheme. Concerns of overshadowing of communal open spaces, private open space and public open spaces needs to be addressed.
- Further justification that all units comply with the recommendations of Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (B.R.209, 2011) and B.S. 8206 Lighting for Buildings, Part 2 2008: Code of Practice for Daylighting or other updated relevant documents.
- Residential amenity in the context of separation distances between proposed blocks and to existing and proposed development to the north and south of the site.

11.1.4. In relation to justification for BTR for the site An Bord Pleanála representatives sought further elaboration / discussion / consideration on the following:

- Further consideration and justification of the BTR model proposed in conjunction with level of resident support services and amenities.
- Further consideration and justification for omission of a creche from the scheme.
- Clarity and further consideration in respect of material contravention of the Development Plan in terms of height, car parking and apartment development quantitative standards. All material contravention issues to be advertised accordingly.

11.1.5. In relation to open space quantum and quality, landscaping and tree loss, An Bord Pleanála representatives sought further elaboration / discussion / consideration on the following:

- Further justification and clarity with respect to removal of mature trees on site.

- Further consideration, with respect to issues raised by the parks and landscape department.
- Further consideration and justification of useability, location and layout of open space and public realm strategy.
- Consistency between all drawings and documentation, no room for inaccuracies, drawings need to be accurate and legible.

11.1.6. In relation to issues Raised in the CE Report incl. - Transportation report, Drainage report, Parks and Landscaping report and Housing Report, An Bord Pleanála sought further elaboration/discussion/consideration on the following:

- Further clarity of issues pertaining to surface water drainage, and agreements with IW and the Drainage Department of the PA.
- Further consideration, with respect to issues raised by the housing department with respect to Part V and changes to long term social leasing.
- Further consultation and resolution / agreement is required with Dun Laoghaire Rathdown County Council Parks Department, Transportation Department, Housing Department and Water Services Department with respect to the issues raised in their opinion submitted to the Board on the 4.11.21.

11.1.7. In relation to Any Other Matters, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Consideration that any arguments made by the applicant in relation to layout and design, height, scale and massing, visual impact, loss of trees and open space quantum and infrastructure 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.
- Further discussion on matters raised within the PA Opinion and Appended PA reports submitted to ABP on the 04.11.21

11.1.8. 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-311609-21' 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.

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. An updated Architectural Design Statement. The statement should include a justification for the proposed development, having regard to, inter alia, urban design considerations, visual impacts, site context, the locational attributes of the area, linkages through the site, pedestrian connections and national and local planning policy. The statement should specifically address height, scale and massing, finishes of the blocks, the design relationship between the individual blocks within the site, the relationship with adjoining development and the interface along the site boundaries. The statement should be supported by contextual plans and contiguous elevations and sections.
 2. A detailed statement, demonstrating how the proposed development will tie in safely with the wider road network, along Sandyford Road, in particular with respect to pedestrian and cycle routes.

3. A detailed statement, which should provide adequate identification of all such elements and justification as applicable, where the proposed development materially contravenes the Development Plan 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. In accordance with section 5(5)(b) of the Act of 2016, as amended, any application made on foot of this opinion should be accompanied by a statement that in the prospective applicant's opinion the proposal is consistent with the relevant objectives of the development plan for the area. Such statement should have regard to the development plan or local area plan in place or, likely to be in place, at the date of the decision of the Board in respect of any application for permission under section 4 of the Act.
5. A Housing Quality Assessment that provides details in respect of the proposed apartments set out as a schedule of accommodation, with the calculations and tables required to demonstrate compliance with the various requirements of the 2018 Guidelines on Design Standards for New Apartments. It is important that the proposal meets and preferably exceeds the minimum standards in terms of dual aspect and proportion of apartment which exceed the floor area by 10%. In the interests of clarity clear delineation / colour coding of floor plans indicating which of the apartments are considered by the applicant as dual / single aspect and which apartments exceeds the floor area by 10%.
6. A report that addresses issues of residential amenity (both existing residents of adjoining development and future occupants), specifically with regards to potential overlooking, overshadowing and overbearing. The report shall include full and complete drawings including levels and cross-sections showing the relationship between the proposed development and adjacent residential development.
7. A Traffic and Transportation Impact Assessment.

8. Details of a Green Infrastructure Plan, Landscaping Plan, Arboriculture Drawings, and Engineering Plans that take account of one another.
9. Justification of quantum and quality of open space provision, both communal and public open space (POS). Clarity with regard to change in levels, compliance with Development Plan standards and planting details.
10. 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.
11. A Daylight and Shadow Impact Assessment of the proposed development, specifically with regard to:
 - (i) Impact upon adequate daylight and sunlight for individual units, public open space, courtyards, communal areas, private amenity spaces and balconies.
 - (ii) Impact to any neighbouring properties.
12. 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.
13. 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.

14. 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.
 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 visual impact assessment. Long range views / photomontages of the proposed development from the surrounding area.
 17. A full response to matters raised within the PA Opinion and Appended Dun Laoghaire Rathdown County Council Department comments submitted to ABP on the 04.11.21
 18. 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.
 19. An up to date Ecological Impact Assessment, inclusive of a Bird and Bat Survey.
 20. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority.
 21. Site Specific Construction and Demolition Waste Management Plan.
 22. Details of public lighting.
- 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. Irish Water
2. National Transport Authority (NTA)
3. Transport Infrastructure Ireland (TII)
4. 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

Senior Planning Inspector

07.01. 2022