



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-312266-21

Strategic Housing Development	158 no. Build to Rent apartments and associated site works.
Location	Lands at Ibis Hotel, Mount Talbot Road, Monastery Road, Clondalkin, Dublin 22.
Planning Authority	South Dublin County Council
Prospective Applicant	Propiteer Ibis Red Cow Limited's
Date of Consultation Meeting	25 th of May 2022
Date of Site Inspection	31 st of March 2022.
Inspector	Karen Hamilton

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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, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

2.0 Site Location and Description

- 2.1. The site is currently a tarmacked carpark for the Ibis Hotel, Clondalkin, Dublin 22. The Ibis Hotel is located to the east of the site and is within the ownership of the applicant.
- 2.2. The site is located adjacent to the M50 interchange with the N7 and is accessed from Mount Talbot, just off the Monastery Road. The area to the south of the Monastery Road comprises of a mixed-use area with retail and commercial. Shamlimar apartments, four storey blocks, is located to the immediate west of the site. There is traditional tow storey suburban style estate to the north of the site (Monastery Gate), separated by an area of public open space. The Highgrove Mount Talbot and Hillview Mount Talbot apartments are located to the northwest of the Ibis Hotel and the heights range from 5- 6 storeys. These apartments are visible from the M50.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development would comprise of 158 no BTR apartments within a U-shaped block with associated works as summarised below.
- 3.2. Development Parameters

Parameters	Description
Area	0.3124ha

Units	158 units
Density	505 uph
Plot Ratio	6.5:1
Heights	5-9 storeys
Communal Open Space	570m ²
Public Open Space	0
Residential Amenity	512m ²
Car Parking	80 no spaces (basement) 4 no visitor bays
Bicycle Parking	196 no. secure bicycle parking spaces 19 ground level visitor spaces

3.3. Unit Mix

Bed	Number	Percentage
One bed	88	56%
Two bed	70	44%

3.4. Residential Amenities

Residential Services and Amenities		Resident Support Facilities	
Gym	139m ²	Concierge	62m ²
Studio	27m ²	Office	13m ²
Conference	64m ²	Store 2 no.	5m ² & 7m ²
Lounge 2 no.	115m ² & 66m ²		
Meeting Room	19m ²		
Total	430m²		87m²

4.0 Planning History

4.1. On the site

Reg. Ref. SD15A/0227

Planning permission was granted by South Dublin County Council for the change of use of 40 short-term car parking spaces to long term parking spaces.

Reg. Ref. SD12A/0083

Planning permission was granted by south Dublin County Council for the erection of replacement signage pertaining to the hotel and site.

Reg. Ref. SD10A/0217

Temporary planning permission was granted by South Dublin County Council for a five-year period for the change of use of 40 short-term car parking spaces to long term parking spaces.

Reg. Ref. SD08A/0775

Retention permission was refused by South Dublin County Council and An Bord Pleanála for the change of use of car park for the display and sale of motor vehicles including a single storey portacabin office, signage, gates and boundary fencing.

Reg. Ref. SD05A/0345

Planning permission was granted by South Dublin County Council for revisions to the footpath running along the access road to the 'Mount Talbot' residential development. The amended footpath layout involved the construction of 46 metres of public footpath adjacent to the southern kerb to the access road immediately south of the IBIS Hotel

4.2. To the west of the site, further along the Monastery Road.

ABP-306409-20 (SD19A/0324)

Permission refused permission for a development consisting of the change of use from office use to residential use (86 no residential apartments), together with extensions and modifications of the existing blocks known as Block A and Block C and associated atrium.

Two reasons for refusal related to the design and layout including the over provision of 1 bedroom apartment units, privacy screening on the ground floor and communal open space and also the proposed access arrangements which did not include dedicated pedestrian and cycle infrastructure.

5.0 Relevant Planning Policy

5.1. South Dublin County Council Development Plan 2016-2022

The site is zoned as residential, RES, where it is an objective “*To protect and/or improve residential amenity*”

- Clondalkin is identified as a Metropolitan Consolidation Town.

Height

- H9 Objective 3: To ensure that new residential developments immediately adjoining existing one and two storey housing incorporate a gradual change in building heights with no significant marked increase in building height in close proximity to existing housing (see also Section 11.2.7 Building Height).
- H9 Objective 4: To direct tall buildings that exceed five storeys in height to strategic and landmark locations in Town Centres, Mixed Use zones and Strategic Development Zones and subject to an approved Local Area Plan or Planning Scheme

Public Open Space

Section 11.3.1 (iii) Public Open Space/ Children’s Play

The Planning Authority will require public open space to be provided as an integral part of the design of new residential and mixed-use developments.

- A detailed Landscape Plan that outlines the extent of open space and details for its treatment will be required with residential developments of 10 units and above.
- In areas that are designated Zoning Objective RES-N all new residential development shall be required to incorporate a minimum of 14% of the total site area as public open space;

- In all other zones all new residential development shall be required to incorporate a minimum of 10% of the total site area as public open space. This includes community led housing for older people in established areas on lands designated with Zoning Objective “OS” (To preserve and provide for open space and recreational amenities).
- Developments of 50 units or over shall include formal provision for children’s play in semi-private or public open spaces through provision of a Young Children’s Area for Play (YCAP), or a Local Equipped Area for Play (LEAP) or a Natural Play Area. Where publicly accessible YCAPs are provided they should be taken-in-charge by the local authority.

Car parking

Table 11.24- Maximum Car parking standards.

- Zone 2- Apartment- 0.75 space

6.0 Section 247 Consultation(s) with Planning Authority

6.1. The PA submission refers to a preplanning discussion on the 06th of December 2018 (SHD1SPP018/1) in relation to 118 BTR units.

6.2. The applicant’s planning statement includes details from the pre planning meeting as summarised below:

- The orientation of the building has been amended and changed to utilise the natural light on the site.
- The amended orientation will increase natural security and passive surveillance.
- The Parks Department has agreed the proposed could use the public open space in the adjoining lands to the north as opposed to providing any on-site public open space.

7.0 Prospective Applicant’s Case

Statement of Consistency

- 7.1. The applicant's Statement of Consistency notes the national, regional and local planning policies relevant to the development of the site.

Statement of Material Contravention

- 7.2. The applicant has submitted a statement of material contravention in relation to the carparking provision, the public open space and the building heights as summarised below:

- **Car parking Provision**

The site is located within Parking Zone 2 and the maximum parking requirements in Table 2 of the South Dublin County Development Plan 2016-2022 (SDCDP) where 130 parking spaces are required for 70 two-bedroom apartments and 88 one bed/studio apartments. Justification for the parking relates to the BTR element and the national guidance on car parking.

- **Public Open Space (POS)**

It is considered that the development does not materially contravene the development and to provide 10% POS would not be an efficient use of land. The proposal is justified having regard to the NPOs of the National Planning Framework which support efficient use of land.

- **Building Heights**

Section 11.2.7 of the SDCDP requires that buildings over 3 storey are accompanied by a site analysis. It is not considered the proposal represents a material contravention of the plan as the reference to height is not a specific policy or objective. This aside, the material contravention includes building height which is justified having regard to the

8.0 **Planning Authority Submission**

- 8.1. In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, South Dublin City Council, submitted their opinions in relation to the proposal on the 31st of January 2022. The opinion noted the S. 247 meetings in relation to the proposed SHD development, the planning history on the site and surrounding area, and the policy background. This opinion has been summarised below:

8.1.1. **Planning Assessment**

Density & Height

- The proposal represents a significant increase in density.
- There are concerns the density will lead to unacceptable living standard for future occupiers.
- There are significant concerns in relation to the height, the public realm proposals, the communal open space and the height.
- Increased density and height is not justified at this location.
- Proposed development represents overdevelopment of the site

Levels:

- There should be level changes included, including any cut and fill

Layout, Design and Residential Amenity

- SPPR1 is noted although the PA are concerned with the overall density of the scheme and the impact on the internal living accommodation.
- The applicant has not provided an appropriate mix of units.
- The information has not been clearly set out in the Quality Housing Assessment.
- 632 m² of communal amenity space is required, only 570m² has been provided and there is no breakdown or justification for the quantum provided.
- The PA are concerned that 34 rooms are below the required standards.
- The applicant should consider if the provided communal facilities are appropriate at this location.
- A bin swept path analysis should be included.
- Consideration should be given to a air quality and noise report.
- Good pedestrian and cycle links should clearly indicate elements of public realm.

8.1.2. **Water Services:**

- There is insufficient information on the surface water drawing.
- There is insufficient information on the surface water attenuation calculations
- There is insufficient information on the SuDS proposed (e.g., attenuation capacity).

8.1.3. **Parks & Landscape Services/ Public Realm:**

- No public open space has been provided.
- There is inadequate green infrastructure, including street trees.
- There is potential impact on bats and a bat survey has not been undertaken.
- There is insufficient Sustainable Drainage Systems.
- Arboicultural Report should be submitted.

8.1.4. **Housing Department:** No objection subject to the submission of Part V on the site.

9.0 **Irish Water (IW)**

9.1. A response from IW (dated 27th of January 2022) confirms that a Confirmation of feasibility subject to the following contingencies:

9.2. In respect of **Water:**

The applicant has been advised that in order to accommodate the proposed water connection to Irish Water network, it is expected that the following site-specific local upgrade works are required:

- Approximately 90m of a new 150mm ID pipe will be required to be laid and work in conjunction with the existing 160mm PVC-A main on Monastery Road.
- The service connection will be a 200mm ID pipe connected to the existing 160mm PVC-A and the new 150mm main.
- A bulk meter and associated telemetry system will be required to be installed on the connection line.

These upgrade works, which are expected to take place within the public domain, are not currently on Irish Waters investment plan and therefore the applicant will be required to fund these local network upgrades.

The applicant will be required to submit layout and designs within their redline boundary for validation by Irish Water. The applicant's layout and designs are to be submitted ahead of any SHD application.

9.3. In respect of **Wastewater**:

The applicant has been advised that in order to accommodate the proposed wastewater connection to Irish Water network, it is expected that the following site-specific local upgrade works are required:

- The development will need to be connected to the 225mm sewer in Monastery Gate Close.
- The construction of a new 450mm sewer for approximately 295m from Woodford Downs to the 1200mm trunk sewer in Woodford Park will be required.
- Upgrade works to the 300mm ID pipe and/or regrade sections of the 225mm sewer for approximately 350m, from Monksfield Grove along Monksfield Lawns up to the proposed 450mm sewer will be required.

These upgrade works, which are expected to take place within the public domain, are not currently on Irish Waters investment plan and therefore the applicant will be required to fund these local network upgrades.

10.0 **The Consultation Meeting**

10.1. A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 25th of May 2022, commencing at 10:00am, via Microsoft Teams.

Representatives of the prospective applicant, South Dublin City Council and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting as detailed below:

1. Density and Height
2. Design and layout.
3. Impact on Residential Amenity, inter Alaiá, public open space, residential amenity
4. Traffic and Transport

5. Drainage, *inter alia*, surface water treatment

6. Any Other Business

10.2. In relation to the **Density and Height**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- Justification for the density (505 uph) having regard to the location of the site.
- The height of the proposed development and the material contravention of the development plan.

10.3. In relation to the **Design and Layout**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The dominant location of the site, the scale and massing of the building and the visual impact on the surrounding area.
- The architectural style of the building, the choice of elevational treatment and need for high quality materials.
- The design of the current buildings in the vicinity of the site.

10.4. In relation to the **Impact on Residential Amenity**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The absence of public open space, the quantum of existing open space to the north of the site and the potential to connect into the open space.
- The quantum and provision of communal residential amenities facilities proposed for the overall development and for each apartment unit.
- The location, design and layout of the communal amenity space and the circulation space and compliance with the requirements from the apartment guidance.
- The sunlight and daylight analysis, the rooms which are below the required targets and the need to justify, along with any compensatory measures, a reduction in available sunlight/daylight.

10.5. In relation to the **Traffic & Transport**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The level of car parking proposed for the BTR scheme and the guidance in the apartment guidelines in relation to minimal parking.
- The pedestrian links into the site and the need for clarity on potential connections to public transport and services.

10.6. In relation to the **Drainage**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The Irish Water submission and upgrades required for the water and wastewater connections.
- The plans and particulars for the surface water treatment, the treatment of surface water and the SuDS measure proposed.

10.7. In relation to **Any Other Business**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The material alterations to the new county development plan and the planned adoption of the new South County Development Plan in August 2022.

11.0 **Assessment**

11.1. 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.

I have examined all of the information and submissions before me including the documentation submitted by 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.

Conclusion

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 **requires further consideration and amendment in order to constitute a reasonable basis for an**

application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

12.0 Recommended Opinion

- 12.1. The Board refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.
- 12.2. 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 **requires further consideration and amendment to constitute a reasonable basis for an application** for strategic housing development to An Bord Pleanála

1. Development Strategy

Further consideration and/or justification of the documents as they relate to the height strategy and design approach of the proposed development and the potential for any negative impact to the adjoining sites and surrounding environs. The further consideration/ justification should address the proposed design and massing, *inter alia*, the visual impact along the M50 and N7 and relate specifically to the justification for any material contravention of the height strategy in the development plan and compliance with Section 3.2 of the Urban Development and Building Heights: Guidelines for Planning Authorities (2018). In this regard, the design rationale for the proposed design, scale and mass of the buildings should ensure an attractive high-quality residential environment is achieved. The further consideration of these issues may require an amendment of the documents and/or design proposal submitted.

2. Residential Amenity

Further consideration and/or justification of the documents as they relate to impact of on the residential amenity of the future occupants of the proposed development, having regard, *inter alia* to the following:

- The quantum and quality of communal open space including a report on the quantum and quality of the open space and compliance with Section 4 of the Sustainable Urban Housing: Design Standards for New Apartments.
- The quantitative and qualitative assessment which provides a breakdown of the number of proposed bed spaces and the details for the provision of residential support facilities and amenity areas used to offset the standards and/or compensatory measures proposed. The submitted information should demonstrate compliance of those details with the various requirements of the 2020 Guidelines on Design Standards for New Apartments including its specific planning policy requirements, in particular SPPR 7.
- The provision of and/or access to public open space.

The further consideration of these issues may require an amendment of the documents and/or design proposal submitted.

12.3. Pursuant to article 285(5)(b)(i) and (ii) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that the **following specific information** should be submitted with any application for permission

1. A report that specifically addresses the proposed materials and finishes to the scheme including specific detailing of finishes, the treatment of balconies in the apartment buildings, landscaped areas, pathways, entrances, boundary treatment/s and retail/ commercial/ crèche area. 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. The documents should also have regard to the long-term management and maintenance of the proposed development and a life cycle report for the

apartments in accordance with section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2020).

2. A specific impact assessment of the micro-climatic effects such as down-draft which shall include measures to avoid/ mitigate such micro-climatic effects.
3. A Traffic and Transport Assessment including, inter alia, a rationale for the proposed car parking provision should be prepared, to include details of car parking management, car share schemes and a mobility management plan.
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 Sunlight/Daylight/Overshadowing analysis showing an acceptable level of residential amenity for future occupiers and existing residents, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development and in adjacent properties. This report should address the full extent of requirements of BRE209/BS2011, as applicable.
6. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018, unless it is proposed to submit an EIAR at application stage.
7. Where the applicant considers that the proposed strategic housing development would materially contravene the relevant development plan or local area plan, other than in relation to the zoning of the land, a statement indicating the plan objective(s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format. The notice and statement should clearly

indicate which Planning Authority statutory plan it is proposed to materially contravene.

12.4. 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. Transport Infrastructure Ireland
3. National Transport Authority
4. The relevant 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.

Karen Hamilton
Senior Planning Inspector

26th of May 2022