



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion TC0009.

Strategic Housing Development	482 apartments, 520 car parking spaces, 517 cycle parking spaces and two new vehicular entrances.
Location	Former ALDI site, Carmanhall Road, Sandyford Business District, Dublin 18.
Planning Authority	Dun Laoghaire-Rathdown County Council.
Prospective Applicant	Pearse Farrell, Statutory Receiver.
Date of Consultation Meeting	15 September 2017.
Date of Site Inspection	8 September 2017.

Inspector

Stephen Rhys Thomas.

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

- 2.1.1. The site forms part of a larger urban block located in the north western area of the former Sandyford Industrial Estate. This portion of the overall block is bound to the north by Blackthorn Drive and to the south by Carmanhall Road. Blackthorn Drive connects with the Drummartin Link Road (R133) to the west. This Link Road connects Sandyford to the M50 at Junction 14. Opposite and to the east of the site is the Stillorgan Luas stop.
- 2.1.2. The site is rectangular in shape and extends across the mid-section of the main block. The overall site has an area of 1.56 hectares and subject to gradients that slope downwards in a northerly direction from Carmanhall Road to Blackthorn Avenue.
- 2.1.3. There is an existing two storey office building at the northern end of the site, formerly part of the ALDI distribution warehouse. The remainder of the site has been cleared and levelled, bar the floor surface and dock levellers of the former warehouse. There is a multi-storey mixed use development that is partially complete to the west of the site. Buildings on this site, known as Rockbrook, are between six and fourteen storeys in height. The Rockbrook development, comprises retail, commercial, and residential uses in Blocks denoted as A and D. In the south western corner of the Rockbrook site is Block C, which is part 6 and part 14 storeys and which has been constructed to floor plate stage only. The Rockbrook site is laid out with pedestrian through routes, one of which terminate at the site's western boundary. To the east

are a number of standalone office developments between two and four storeys in height.

- 2.1.4. The proposal development will be accessed from the southern boundary with Carmanhall Road, opposite the multi-storey mixed use development of the Beacon South Quarter.

3.0 Proposed Strategic Housing Development

- 3.1.1. The proposed development of 482 apartments is arranged around six distinct blocks between five and fourteen storeys with pedestrian linkages and plazas at ground and podium level. The detail of the development comprises:

- Block A, height 10-11 storeys, combination of 24 one bedroom, 113 two bedroom and 20 three bedroom apartments, total of 157.
- Block B, height 8 storeys, combination of 26 one bedroom, 22 two bedroom and 12 three bedroom apartments, total of 60.
- Block C, height 5 storeys, combination of 15 one bedroom, 19 two bedroom and 2 three bedroom apartments, total of 36.
- Block D, height 14 storeys, combination of 50 two bedroom and 13 three bedroom apartments, total of 63.
- Block E and F, height 10 storeys (block E) and 12 storeys (block F), combination of 40 one bedroom, 116 two bedroom and 10 three bedroom apartments, total of 166. Blocks E and F share a base level of four storeys and connecting balconies at the 6th and 8th floor.
- Gymnasium 123 sq.m. Block C.
- Yoga studio 84 sq.m. Block C.
- Movie room 73 sq.m. Block C.
- Sauna 12sq.m. Block C.
- Crèche 183 sq.m. Block C.
- Administration office 40 sq.m. Block D.
- Meeting room 31 sq.m. Block D.

- Reception area 144 sq.m. Block D.
- Reception area, toilets and lounge 198 sq.m. Block D.
- Kitchenette/café 34 sq.m. Block D.
- Games room 50 sq.m. Block D.
- Party room 58 sq.m. Block A.
- Children's play area 58 sq.m. Block A.
- Two level basement car parking for 520 cars, 517 bicycle parking specs and various plant and equipment areas.
- Two vehicular and pedestrian entrances from Carmanhall Road and a pedestrian entrance from Blackthorn Drive.

The gross floor area (car parking excluded) is 45,373 sq.m., the residential density is 309 units per hectare. The plot ratio is 1:2.9 and the site coverage is 36.5%. The public open space is 2,959 sq.m., communal open space 5,272 sq.m. and private open space is 3,670 sq.m.

4.0 Planning History

Subject site:

PA reference D07A/0619 permission for a mixed use apartment and commercial floorspace development, 471 apartments and 15,704 sqm of commercial floorspace. A link to the former Allegro site (D05A/1159) July 2007.

PA reference D07A/0619/E permission refused for a mixed use apartment and commercial floorspace development, 471 apartments and 15,704 sqm of commercial floorspace.

Reason 1. Having regard to Section 42(1)(a)(ii)(II) of the Planning and Development Act, 2000-2010, as amended, it is considered that the permitted development would no longer be consistent with the proper planning and sustainable development of the area, as c. 69% of the permitted apartments do not comply with the development objectives in the 2010-2016 County Development Plan in relation to the minimum requirements for apartment sizes.

PA reference D16A/0362 retention permission for hoarding and signage. July 2016.

PA reference D13A/0015 permission for hoarding and signage. March 2013.

Adjoining site

PA reference D16A/0697 and ABP reference PL06D.248397. Permission refused to complete previously permitted development (D05A/1159), 492 apartments in three 14 storey blocks. October 2017.

5.0 National and Local Planning Policy

5.1 Section 28 Ministerial Guidelines

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 S.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 – Guidelines for Planning Authorities' and associated relevant excerpts from Circular PL 11/2016; APH 5/2016 (B2R).
- 'Design Manual for Urban Roads and Streets'
- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices')
- 'Childcare Facilities – Guidelines for Planning Authorities'

5.2 Statutory Plan for the area

The operative plan for the area is the Sandyford Urban Framework Plan 2016-2022 that forms Appendix 15 of the Dún Laoghaire-Rathdown County Development Plan 2016-2022. The site is zoned 'Zone 1: Mixed Core Area – Inner Core, Objective MIC To consolidate and complete the development of the mixed use inner core to enhance and reinforce sustainable development. Residential development is permitted in principle and shall accord with the Policy for residential within mixed

use core areas. The plot ratio for the site is set at 1:4. The permitted/developed building height limit is 5-14 storey.

Section 2.3.2.2 - Residential within the Mixed Use Core Areas (MIC and MOC). It is considered that the number of apartments permitted to date in the Mixed Use Core Areas is sufficient to provide vitality to these areas.

Objectives MC4, 5, 6 and 9, refer to residential capacity, open space and street frontage.

There are a number of policies and objectives that relate to building height, public realm, wayfinding, infrastructure and transport.

The Dún Laoghaire-Rathdown County Development Plan 2016-2022, is the operative county development plan and contains general policies and objectives in relation to residential amenity standards.

6.0 Forming of the 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 a brief detail on each of these elements hereunder.

6.1 Documentation Submitted

The prospective applicant is required to submit certain information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Regulation No. 285 of the Planning and Development (Strategic Housing Development) Regulations 2017.

The information submitted included: OS location map, complete application form, site layout plans, a landscape masterplan, AA screening report, hydraulic modelling report, daylight and sunlight report, planning report, drawing package including floorplans and elevations, statement of consistency with planning policy report, part V requirements and costs and a completed pre-connection enquiry feedback form from Irish Water.

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

6.2 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, Dún Laoghaire-Rathdown County Council, submitted copies of their records of their section 247 consultations with the prospective applicant (including documentation that was submitted as part of those pre-application consultations) and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on the 04/09/2017.

The planning authority's 'opinion' included, *inter alia*, the following: reference to relevant planning histories; a description of the site and surrounding area; an assessment of the proposed development in the context of County Development Plan and the Sandyford Urban Framework Plan (Appendix 15 of the CDP); details of the prospective development including density, building height, residential unit capacity, residential mix, height, scale and design, layout, daylight and sunlight, wind analysis, separation distance between blocks, Part V compliance, traffic & transport, apartment standards, childcare facilities, open space provision, drainage, schools, taking in charge and build to rent model. The planning authority concluded that the principle of the development is consistent with the Regional Settlement Policy and the strategic objectives of the statutory development plan for the area. The planning authority went on to acknowledge the potential for a quality, high density development on a site which has been vacant for a number of years.

The planning authority's opinion also concluded with a list of matters that require further consideration and amendment. These related to: daylight and sunlight analysis issues for proposed block A and the existing Rockbrook block D, all units should meet BRE 209 standards so too should communal private amenity space, the scheme design should ensure that there would be no detracting from any future building of notable design on the adjoining site, overshadowing of existing property, an increase in the number of three bedroom units and reduce the number of one bedroom units, more consideration of separation distances, final wind analysis may result in private amenity space redesign, clarity on 'Build to Rent', clarify in relation to shortfall in car and cycle parking, relationship between development sites, level

changes and impact upon public realm, flood risk assessment and off site impacts, assessment of school demand and Part V liaison with Council's Housing Department.

The planning authority's submission also included internal reports from the Drainage Planning Section, the Transportation Planning Section and the Senior Executive Parks Superintendent.

There were five formal pre-application consultation meetings held between the prospective applicant and the planning authority pursuant to s.247 of the Planning & Development Act 2000 (as amended). These were held on the 6/10/2016, 27/10/2016, 11/01/2017, 08/03/2017 and 15/06/2017. The planning authority have submitted copies of documents discussed at those consultation meetings. Issues raised at those meetings included, inter alia, the following: compliance with apartment guidelines, concern at building height, flood risk assessment, massing and design, shadow analysis, separation distance between blocks, floor to ceiling heights, car parking, access from Carmanhall Road, Traffic Impact Assessment, wind impact analysis, retaining boulevard building line, layout and open space provision and location, increased number of three bedroom units and relationship with existing and proposed development.

All of the documentation submitted by the planning authority has been reviewed and considered by the undersigned as part of the opinion forming.

6.3 Consultation Meeting

A section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 15 September 2017, commencing at 10.30am. 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 based on the Agenda that issued in advance and contained the following issues:

1. Proposed development and existing residential amenity, including issues relating to overshadowing and separation distances.
2. Building height and the residential amenity of future occupants.
3. Micro-climate at ground level, the influence of wind and site level changes.

4. Clarity on Circular PL 11/2016 'Build to Rent' development, suitable mix of unit types, car parking and overall management.
5. Sandyford Urban Framework Plan Objectives – 'building of notable design'.
6. Flood Risk Assessment.
7. School demand analysis.
8. Part V.
9. Any other matters.

In relation to residential amenity issues, ABP representatives sought further elaboration/discussion on the following: the interaction of the proposed development and existing and proposed development adjacent to the site.

In relation to building height and residential amenity issues, ABP representatives sought further elaboration/discussion on the design measures to be implemented at upper levels to ensure the comfort of future occupants.

In relation to the micro-climate at ground level issues, ABP representatives sought further elaboration/discussion about the effect of tall buildings and wind. Specifically, how the design of landscape features is as a result of wind modelling.

In relation to 'Build to Rent' development issues, ABP representatives sought further elaboration/discussion on how design changes and the provision of residential amenities differ from standard apartment development.

In relation to Sandyford Urban Framework Plan Objectives issues, ABP representatives sought further elaboration/discussion on meeting relevant objectives of the Framework Plan. Specifically, how the proposed development will enable the development of a building of notable design on the adjacent site to the east and how the implementation of DMURS standards are applied to the north and south of the site.

In relation to flood risk issues, ABP representatives sought further elaboration/discussion, specifically the impact of the development on off-site flood risk and compliance with Section 28 guidance – 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices')

In relation to School Demand Analysis issues, ABP representatives sought further elaboration/discussion on the production of an acceptable report on school demand in the area.

In relation to Part V issues, ABP representatives sought further elaboration/discussion on potential agreement between the prospective applicant and the planning authority regarding Part V units, including the requirement to provide suitable information on units and costings.

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 TC0009' which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

7.0 Conclusion and Recommendation

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 the prospective applicant, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the s.28 Ministerial Guidelines, and local policy, via the statutory plan for the area.

Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act: constitutes a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder)

be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.”

8.0 Recommended Opinion

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.

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 would constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.

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 arising from this notification:

1. Flood Risk Assessment. Additional documentation relating to appropriate flood risk assessment that demonstrates the development proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk. A Flood Risk Assessment should be prepared in accordance with 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices').
2. A Planning Report which addresses the issue of compliance with the Design Manual for Urban Roads and Streets (DMURS). In respect of the drawings relating to the design of the interface between the development and public roads to the north and south of the site. Specific attention is drawn to junction design in accordance

with DMURS standards and ensuring that pedestrian priority is maintained across vehicular entrances to the site, and cycle connections to the adjoining residential development to the south.

3. Proposals outlining compliance with Part V of the Planning & Development Act 2000 (as amended). With regard to the documentation relating to obligations under Part V the applicant should have regard to the requirements of the Housing Section of Dún Laoghaire-Rathdown County Council in relation to this matter.

4. Full and complete drawings, including levels and cross sections showing the connections and continuity between the proposed development and existing Rockbrook development to the west.

5. Appropriately scaled landscape drawings that clearly detail the relationship between wind impact mitigation measures proposed and the design of the public realm at ground level.

6. School demand analysis and the likely demand for school places resulting from the proposed development.

7. Full and complete analysis and drawings that detail the impact of the proposed development on the residential amenity of existing and future residents in relation to daylighting, overshadowing and overlooking. Specific attention should be paid to proposed accommodation and interactions with existing development on the adjacent site to the west.

8. A phasing plan for the proposed development.

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 Aviation Authority
2. Transport Infrastructure Ireland
3. Córas Iompair Éireann
4. Commission for Railway Regulation

4. National Transport Authority
5. Irish Water
6. Health Service Executive

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.



Stephen Rhys Thomas
Planning Inspector

03 October 2017