



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-307440-20

Strategic Housing Development

861 no. bedspace student accommodation and associated site works.

Location

A site at Our Lady's Grove, Goatstown Road, Goatstown, Dublin 4.

Planning Authority

Dun Laoghaire Rathdown County Council

Prospective Applicant

Colbeam Limited.

Date of Consultation Meeting

6th November 2020.

Date of Site Inspection

21st October 2020.

Inspector

Karen Kenny

Contents

1.0 Introduction	3
2.0 Site Location and Description.....	3
3.0 Proposed Strategic Housing Development.....	4
4.0 Planning History.....	5
5.0 Section 247 Consultation(s) with Planning Authority.....	7
6.0 National and Local Planning Policy.....	7
6.1. Project Ireland 2040 – National Planning Framework	7
6.2. The National Student Accommodation Strategy 2017.....	7
6.3. Section 28 Ministerial Guidelines	8
6.5. Dún Laoghaire-Rathdown County Development Plan 2016-2022	8
7.0 Forming of the Opinion	13
7.1. Documentation Submitted	13
7.2. Statement of Consistency.....	14
7.3. Material Contravention Statement.....	15
7.4. Planning Authority Submission.....	16
7.5. Other Submissions.....	18
7.6. Consultation Meeting	19
8.0 Conclusion and Recommendation	20
9.0 Recommended Opinion.....	21

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 located at Our Lady's Grove, Goatstown Road, Dublin 4. The site is in a suburban area that is approximately 5 km south of Dublin city centre. It is located to the west of the Goatstown Road (R-825) and forms part of 'Our Lady's Grove' a former convent and school campus. There has been a substantial redevelopment of the campus over the last 10-15 years (approx.). The lands currently contain a secondary school (Jesus and Mary College), a primary school (Our Lady's Grove), a childcare facility and a residential development (The Grove) within the campus, all served by a single access from Goatstown Road to the east.
- 2.2. The SHD site has a stated area of 2.12 hectares. It is in the western section of the former convent and school campus. The site includes part of an afterschool facility (to be demolished) and the link road from Goatstown Road. The site is relatively flat and includes grass cover and disturbed ground. There are mature trees along the southern and western site boundaries and within the central section of the site.
- 2.3. The surrounding area is residential in character. The Grove, a recent residential development to the east of the site (The Grove) contains apartment blocks of 4-5 storeys along the Goatstown Road with houses and duplex units of 2-3 storeys to the rear. The original Roebuck Grove House is retained in the centre of the site. The site is bounded to the west by detached houses along Friarsland Road that are mainly single storey and to the south by two-storey semi-detached houses along Larchfield Road. There is a recently constructed hockey pitch to the north of the site

that is within the school complex and the secondary school and primary school are to the north / east of the site. Goatstown Road is identified as a bus priority corridor and is served by the No. 11 Dublin Bus service.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development consists of a Student Accommodation development containing 861 no. bedspaces with associated facilities contained in 8 no. blocks. The blocks range in height from part 3 storeys to part 8 storeys. A total of 844 no. bedspaces are provided in 112 no. clusters ranging in size from 5 no. student bedspaces to 8 no. student bedspaces. The remaining 17 no. bedspaces are accessible studio units. The scheme includes 9 no. car parking spaces, cycle parking and hard and soft landscaping, ESB substation and all associated works.
- 3.2. The proposed development includes the demolition of a disused portion of the 2 no. storey Goatstown Afterschool building which is located in the north eastern corner of the site. The main structure of the building will remain in place and will continue to be used by Goatstown Afterschool.
- 3.3. Key Details:

Residential	861 no. student bedspaces in 112 no. 5-8 bed clusters (844 no. bedspaces) and 17 no. accessible studio units.
Height	8 no. blocks of part 3 to part 8 storeys.
Site Area	2.12 ha
Density	65.5 no. clusters per hectare (net) / plot ratio 1.20
Dual Aspect	22.5%
Parking	9 no. car; 4 no. motorcycle; and 1016 no. cycle spaces.
Internal Amenity	1,479 sq.m.
Open Space	3,141 sq.m (communal); 6,520sq.m (public)

4.0 Planning History

4.1. There has been a substantial planning history on site and on the wider original 'Our Lady's Grove' landholding including the school sites to the north and north east and the residential area to the east. Relevant planning applications are as follows:

4.2. Subject Site:

ABP-304420-19: ABP granted permission under the SHD process for 132 no. residential units (19 no. houses and 113 no. apartments) and a childcare facility on the subject site. The decision was subsequently quashed by the courts.

D10A/0255: Permission granted for change of use to part ground floor of existing convent to after school care facility and Montessori/pre-school centre together with general refurbishment works.

D05A/0093: Permission granted for single storey prefab building for after-school care adjacent to the existing Primary School.

4.3. Adjacent to East (Residential Area)

D16A/212: Permission granted for amendments to developments permitted under D11A/0595, D15A/0199 and D15A/0324 and primarily to terraces 4, 5 and 6 reducing the permitted number of residential units from 47 to 41 no. units.

D15A/0199: Permission granted for amendments to permitted scheme (D11A/0595) to replace permitted terrace 1 (4 no. apartments plus 4 no. duplex units) with a four storey building comprising 16 no. apartments.

D11A/0595: Permission granted for amendments to permitted scheme (D06A/0858) comprising a reduction in the number of residential units from 102 no. units permitted to 40 no. units to comprise 17 no. apartments, 9 no. duplex units and 14 no. houses and change of use from childcare to residential of Roebuck Grove House, omission of basement car parking, alterations to access road and roundabout etc.

D11A/0595/E: Extension of Duration for permission granted under D11A/0595 – Granted until 03.04.2022.

D11A/0349: Permission refused for amendments to permitted scheme (D06A/0858) comprising a reduction in the number of residential units from 102 no. units to 45 no. units and change of use from childcare to residential of Roebuck Grove House, omission of basement car parking, alterations to access road and roundabout etc.

The reasons for refusal related to (i) inadequate public open space, (ii) inadequate floor area, storage and private open space in Block 6 and (iii) inadequate car parking provision.

D06A/0858: Permission granted for 109 no. residential units in 4 no. blocks up to five storeys in height and a residential institution building (convent 24 no. beds), 176 no. car parking spaces (166 no. in basement), new vehicular and pedestrian accesses from Goatstown Road.

Adjacent to North/North East (Educational Area)

D20A/0198: Permission granted for development consisting of the removal of a single storey pre-fabricated building (102 sq.m) and a 10m length of wall to the west of the existing tennis courts; the construction of a 343 sq.m single storey pre-fabricated building for temporary use a childcare facility for a period of up to 6 months, after which the structure will be reduced in area (by 181 sq.m) to 162 sq.m and will be in permanent use as a school changing room.

D20A/0192: Permission granted for development consisting of the removal of a single storey prefabricated building and the construction of a single storey pre-fabricated building for use as a school changing room; the optional construction of a 181 sqm single storey temporary extension to the east of the school changing room and the use of the entire structure (i.e. 343 sqm, including the change of use of the changing room) as a temporary childcare facility for a period of up to 6 months, after which the temporary extension will be removed and the permanent structure (162 sqm) will be used as a school changing room.

D18A/0387 – Permission granted for a synthetic all-weather pitch on an east-west axis, 3m high boundary fencing, 58m long access road for maintenance/emergency, changes to levels, hard and soft landscaping works, diversion of services, associated site excavation, infrastructural and all other site development works above and below ground. ABP granted permission following a 3rd party appeal (ABP-302898-18).

D07A/1504: Permission granted for a two storey 16 no. classroom primary school building with 8 no. support teaching rooms, general purpose room and 103 no. car parking spaces with new access roundabout and retention permission granted for retention of relocation of temporary school car park from that granted under D06A/0858.

5.0 Section 247 Consultation(s) with Planning Authority

5.1. The applicant's representatives met the PA for a consultation under Section 247 of the Planning and Development Act 2000 (as amended) on 29th May 2020. Details of the meeting are included with the submitted documentation.

6.0 National and Local Planning Policy

6.1. Project Ireland 2040 – National Planning Framework

The National Planning Framework is a high-level strategic plan shaping the future growth and development of Ireland to 2040. The NPF includes 75 no. National Policy Objectives. Objective 2a is a target that half of future population growth will be in the cities or their suburbs. Objective 13 is that, 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. Objective 35 is to increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building height. In Section 6.6, dealing with housing, the framework refers to student accommodation. It notes that accommodation pressures are anticipated to increase in the years ahead and indicates preferred locations for purpose-built student accommodation proximate to centres of education and accessible infrastructure such as walking, cycling and public transport. It also notes that the National Student Accommodation Strategy supports these objectives.

6.2. The National Student Accommodation Strategy 2017

The National Student Accommodation Strategy issued by the Department of Education and Skills in July 2017 aims to ensure an increased level of supply of purpose-built student accommodation (PBSA). Key national targets include the construction of at least an additional 7,000 bedspaces by end 2019 and at least an additional 21,000 bedspaces by 2024. It states that 12,432 spaces were available in Dublin in 2017 and projects that 35,806 would be required by 2019 and 42,375 by 2024. A progress report issued in November 2019 reported that 8,229 PBSA bed

spaces were completed by the end Q3, 2019, 5,254 further bed spaces were under construction, with planning permission granted for another 7,771 and sought for 2,359.

6.3. **Section 28 Ministerial Guidelines**

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submission 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').
- Design Manual for Urban Roads and Streets.
- Urban Development and Building Heights – Guidelines for Planning Authorities, (2018).

6.4. The following national documents are also considered relevant:

'Report on Student Accommodation: Demand and Supply' published by the Higher Education Authority in 2015.

Dept. of Education and Science 'Guidelines on Residential Developments for 3rd Level Students Section 50 Finance Act 1999' (1999).

Dept. of Education and Science 'Matters Arising in Relation to the Guidelines on Residential Developments for 3rd Level Students Section 50 Finance Act 1999.' (July 2005).

6.5. **Dún Laoghaire-Rathdown County Development Plan 2016-2022**

The Dun Laoghaire Rathdown Development Plan 2016 – 2022 is the operative development plan.

- The site is zoned 'A' with an objective 'to protect and / or improve residential amenity'.
- The lands associated with Our Lady's Grove are identified on Map 1 as 'INST' lands with an objective "to protect and / or provide for institutional use in open lands". The map also includes an objective 'to protect and preserve trees and

woodlands.’ Goatstown Road is identified as a proposed quality bus/bus priority route.

- Chapter 2 Sustainable Communities Strategy, includes policies which seek to increase housing supply and density, ensure an appropriate mix, type and range of housing and promote the development of balanced sustainable communities.
 - Policy RES3 Residential Density: “It is Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development.
 - Policy RES5 Institutional Lands: “Where distinct parcels of land are in institutional use (such as education, residential or other such uses) and are proposed for redevelopment, it is Council policy to retain the open character and/or recreational amenity of these lands wherever possible, subject to the context of the quantity of provision of existing open space in the general environs”. Section 2.1.3.5 states that protecting and facilitating the open and landscaped ‘parkland’ settings and the activities of these institutions is encouraged. Where a well-established institution plans to close, rationalise or relocate, the Council will endeavour to reserve the use of the lands for other institutional uses, especially if the site has an open and landscaped setting and recreational amenities are provided. Where no demand for an alternative institutional use is evident or foreseen, the Council may permit alternative uses subject to the zoning objectives of the area and the open character of the lands being retained. A minimum open space provision of 25% of the total site area (or a population based provision in accordance with Section 8.2.8.2 whichever is the greater) will be required on Institutional Lands. This provision must be sufficient to maintain the open character of the site with development proposals structured around existing features and layout, particularly by reference to retention of trees, boundary walls and other features as considered necessary by the Council (Refer also to Section 8.2.3.4(xi) and 8.2.8). In the development of such lands, average net densities should be in the

region of 35 - 50 units p/ha. In certain instances, higher densities will be allowed where it is demonstrated that they can contribute towards the objective of retaining the open character and/or recreational amenities of the lands. In cases of rationalisation of an existing institutional use, as opposed to the complete cessation of that use, the possible need for the future provision of additional facilities related to the residual retained institutional use retained on site may require to be taken into account. (This particularly applies to schools where a portion of the site has been disposed of, but a school use remains on the residual part of the site).

- Policy RES12 Provision of Student Accommodation: “It is Council policy to facilitate student accommodation on student campuses or in locations which have convenient access to Third Level colleges (particularly by foot, bicycle and high quality and convenient public transport) in a manner compatible with surrounding residential amenities. In considering planning applications for student accommodation the Council will have regard to the ‘Guidelines on Residential Developments for Third Level Students’ and its July 2005 Review (particularly in relation to location and design)”.
- Chapter 8 Policy UD6 Building Height: “It is council policy to adhere to the recommendations and guidance set out within the Building Height Strategy for the County”. The Building Height Strategy is contained in Appendix 9. The site is located within a ‘residual urban area’ where a maximum of 3-4 storeys may be permitted. In certain circumstances upward modifiers can be applied to allow for an additional 1-2 storeys, including in situations where the site is larger enough (i.e. >0.5ha) to set its own context.
- Section 8.2.3.4 (xi) sets out principles / standards for the development of Institutional Lands. The Plan states that where no demand for an alternative institutional use is evident or foreseen, the Council may permit alternative uses subject to the area’s zoning objectives and the open character of the lands being retained. The principal aims of any redevelopment will be to achieve a sustainable amount of development while ensuring the essential setting of the lands and the integrity of the main buildings are retained. A comprehensive masterplan should accompany a planning application for institutional sites. The masterplan must take account of the built heritage and

natural assets of a site and established recreational use patterns. Public access to all or some of the lands may be required. Should any proposed development deviate from the agreed masterplan then a revised masterplan shall be agreed with the Planning Authority. A minimum open space provision of 25% of the total site area (or a population based provision in accordance with Section 8.2.8.2 whichever is the greater) will be required on Institutional Lands. This provision must be sufficient to maintain the open character of the site - with development proposals built around existing features and layout, particularly by reference to retention of trees, boundary walls and other features as considered necessary by the Council. In addition to the provision of adequate open space, on Institutional Lands where existing school uses will be retained, any proposed residential development shall have regard to the future needs of the school and allow sufficient space to be retained adjacent to the school for possible future school expansion/ redevelopment.

- Section 8.2.3.4 (vii) sets out principles / standards for the development of student accommodation. The following points are noted:

All proposals for student accommodation should comply with the Department of Education and Science Guidelines on Residential Development for Third Level Students (1999), the subsequent supplementary document (2005) and the 'Student Accommodation Scheme', Office of Revenue Commissioner (2007) -dealing with matters arising from the Guidelines and providing clarity in relation to definitions of 'students' and 'educational institutions' and recommendations in relation to minimum bed-space and other similar requirements.

When dealing with planning applications for student accommodation off-campus developments a number of criteria will be taken into account including:

- The location of student accommodation within the following hierarchy of priority:
 - On Campus
 - Within 1km distance from the boundary of a Third Level Institute

- Within close proximity to high quality public transport corridors (DART, N11 and Luas), cycle and pedestrian routes and green routes

In all cases such facilities will be resisted in remote locations at a remove from urban areas.

- The potential impact on residential amenities. Full cognisance will be taken of the need to protect existing residential amenities particularly in applications for larger scale student accommodation, and such accommodation will not be permitted where it would have a detrimental effect.
- The level and quality of on-site facilities, including storage facilities, waste management, covered cycle parking and associated showers and locker, leisure facilities, car parking and amenity.
- The architectural quality of the design and also the external layout, with respect to materials, scale, height and relationship to adjacent structures. Internal layouts should take cognisance of the need for flexibility for future possible changes of use.
- The number of existing similar facilities in the area. In assessing a proposal for student accommodation the planning authority will take cognisance of the amount of student accommodation which exists in the locality and will resist the over-concentration of such schemes in any one area in the interests of sustainable development and residential amenity.
- In all schemes the applicants will be required to provide a written documentary confirmation for a 'Qualifying Lease' as defined in the Guidelines on Residential Developments for Third Level Students published by the Department of Education and Science in 1999 and - noting the supplementary review document in 2005 - to prove that the
- No social/affordable housing will be required in instances where it is proposed that student accommodation is to be provided on the campus of a recognised third level institution.

- All permissions for student housing shall have a condition attached requiring planning permission for a change of use from student accommodation to other type of accommodation. Future applications for this type of change of use will be resisted except where it is demonstrated that continuing over-provision of student accommodation exists in the County.

7.0 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 submission and the discussions which took place during the tripartite consultation meeting. I shall provide a brief detail on each of these elements hereunder.

7.1. 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, a Completed Application Form, Cover Letter, Irish Water Agreement, details of S247 Consultation, Planning Report, Statement of Consistency, Environmental Report, Material Contravention Statement, Pre-Application Design Report, Architectural Drawings, Infrastructure Design Report, Engineering Drawings, Site Specific Flood Risk Assessment Report, Transportation Statement, Mobility Management Plan, Construction Management Plan, Landscape Design Report, Landscape Visual Impact Assessment, Arboricultural Report, Operational Waste Management Plan, Construction and Demolition Waste Management Plan, Noise Impact Assessment, Hydrological and Hydrogeological Qualitative Risk Assessment, Ecological Technical Note, NZEB and Part L Planning Compliance Report, Daylight and Sunlight Analysis, Verified Views and CGI's and a Student Management Plan.

7.2. Statement of Consistency

Section 5(5)(b) of the Act of 2016 requires the submission of a statement that, in the prospective applicant's opinion, the proposal is consistent with both the relevant objectives of the development plan or local area plan concerned, and the relevant guidelines issued by the Minister under section 28 of the Act of 2000. These statements have been submitted, as required. The applicant's case in relation to the proposed development is summarised as follows:

- Consistent with NPF and RSES policy in relation to the provision of student accommodation, development of infill sites and compact growth in serviced urban areas. The development will encourage the use of sustainable transport and meets other sustainability and environmental criteria.
- Consistent with Rebuilding Ireland Action Plan for Housing and Homelessness, in particular Pillars 3 (Build More Homes) and 4 (Improve the Rental Sector).
- Consistent with policy in Urban Development and Building Height Guidelines to increase building height and density in urban areas.
- Consistent with National Student Accommodation Strategy which seeks to address deficits in the provision of purpose built student accommodation.
- The proposed development is consistent with the zoning objective pertaining to the site.
- Objective "to protect and / or provide for Institutional Use in open lands" applies. In relation to policy set out in Section 8.2.3.4 (xi) for institutional lands the following is noted:
 - Lands are no longer required for 'institutional use'. Letter from Our Lady's Grove Secondary School enclosed. The Department of Education intends to provide new Educate Together schools (primary and secondary) on lands to the south.
 - The proposed use is institutional in character.
 - 30% of the site is retained as open space and 39% of the overall Our Lady's Grove site.

- Given the nature of the use units per hectare density measure does not readily apply. It cannot be determined if the proposed student accommodation development materially contravenes density provisions for ‘institutional’ lands. Material contravention statement included as a precaution. This sets out the view that the proposed density represents an appropriate densification of the site and that the site is suited to Student Accommodation given its proximity to UCD.
- Height Strategy (Appendix 9) allows for building heights of 4-6 storeys at suburban locations on infill sites. The proposal extends to 7 and part 8 storeys. A material contravention statement relating to height is enclosed with the pre-planning submission.
- No car parking standards for student accommodation in the development plan. Cycle parking exceeds the standards set out in the DLR Cycle Policy.
- Will not negatively impact the objective “to protect and preserve trees and hedgerows”. See Arboricultural Report.
- Consistent with Policy RES12 Student Accommodation and criteria in Section 8.2 for student accommodation.

7.3. **Material Contravention Statement**

The pre-application submission includes a Material Contravention Statement that addresses building height and density provisions contained in the Dun Laoghaire Rathdown Development Plan 2016-2022.

- A justification is presented for material contravention of building height and density standards on the basis of national and regional planning policy and the wider policies of the County Development Plan in relation to sustainable development.
- Urban Development and Building Height Guidelines 2018 take precedence over the Development Plan. The proposed development can be absorbed and would not have a significant material impact on the amenity of surrounding dwellings.

- Unit per hectare density standards do not readily apply to student accommodation. The Board may consider that the equivalent density is in excess of the 35-50 residential units per hectare for institutional lands and thus a material contravention statement is included. The scheme facilitates density whilst protecting the open nature of the lands at ground level. The structures contribute towards the objective of retaining the open character and / or recreational amenities of the lands in accordance with the 'INST' objective.

7.4. Planning Authority Submission

A submission was received by An Bord Pleanála from Dun Laoghaire Rathdown County Council on 10th August 2020. The 'opinion' of the planning authority included, inter alia, the following:

- Consistent with zoning objective. Student accommodation acceptable in principle at this location.
- 'INST' designation on lands. Question impact of proposed development on the function of existing schools on the campus and their potential expansion. In relation to open space requirements justification sought for inclusion of sports and recreational areas and open spaces that form part of the schools in complying with open space requirements for INST lands. The applicant should also justify the reduction in the size of the main open space located to the north east of the site compared to the previous scheme. The open space provision equates to c. 7.6 sq.m per bedspace (861 bed spaces). This is below the CDP requirement of 15-20 sq.m per bedspace detailed in Section 8.2.8.2 of the DLR Development Plan for conventional residential development.
- In relation to density, while units per hectare measurement does not readily apply to student accommodation the number of clusters is often used as a proxy. The proposed development would equate to c. 61 no. clusters per hectare. This is considered an under representation of density given the larger number of bedrooms / bedspaces per cluster. Notwithstanding this it is noted that 61 no. units per hectare exceeds the density range for institutional lands of 35-50 units per hectare. Section 2.1.3.5 of the Development Plan states that in

certain instances higher densities may be permitted where it is demonstrated that they contribute towards the objective of retaining the open character and / or residential amenities of the lands. The level of open space provision per bedspace suggests that the quantum of development could be excessive. Relying on an increase in building height that materially contravenes the development plan to justify increased density is not considered acceptable. The applicant should be asked to review the density in the context of providing residential amenities.

- In relation to building height the site is in a residual area where a maximum of 3-4 storeys may be permitted. Heights may be increased / decreased where upward or downward modifiers are satisfied. The proposal meets 2 no. upward modifiers for increased building height (size and provision of facilities for education) and one downward modifier (bulk and scale relative to existing). Considered that the proposed scheme materially contravenes the Development Plan in terms of height. The PA does not concur with applicants view that the height, scale and massing of the proposed development meets the relevant criteria of the Building Height Guidelines. It is considered that the current proposal will negatively impact on the visual amenity and the character of the area.
- East-west orientation of the blocks reduces potential impacts on the privacy of adjoining dwellings and maximises sunlight and daylight. Justification needed in relation to preserving the open landscaped nature of the site.
- Housing Quality Assessment should be provided to demonstrate compliance with standards for student accommodation.
- Question request for relaxation of sunlight and daylight standards in respect of bedrooms and communal spaces, given the sites size and relatively open context. Question the sample of units used in the sunlight and daylight analysis. Considered that the proposal delivers inadequate levels of sunlight for communal areas.
- The floor area of communal facilities and amenities (1,479sq.m) falls short of the student housing standard of 12% of the overall floor area (3,061sq.m). In

addition, courtyards as proposed fulfil a primary function as circulation areas and do not appear to offer significant opportunities for recreational amenity.

- Considered that the blocks have excessive massing and that some elevations are monotonous and characterless in terms of form and material. The PA would welcome a series of annotated urban design diagrams that demonstrate how the proposed development complies with the 12 Criteria set out in the Urban Design Manual Best Practice Guide.
- Some of the open space areas are considered more residual in nature and the area also includes pathways that are designated for circulation. The public open space should include provision for children's play.
- Question the proposal to remove trees within the central section of the site including an Oak tree. The removal of trees is not justified and it is considered that they should be retained and incorporated within the scheme. There is an objective to "protect and preserve trees and woodlands" on the site. Considered that the proposed development would materially contravene the development plan due to the removal of existing valuable trees on the site.
- Transportation section seeks a pedestrian and cycle connection with Friarsland Road to the west. No concerns raised in relation to car parking and cycle parking.
- Drainage section outlined concerns in relation to surface water drainage proposal and aspects of the flood risk assessment.
- Considered that the provision of offsite student accommodation is not exempt from the requirements of Part V.

7.5. Other Submissions

Irish Water

Irish Water issued a Confirmation of Feasibility subject to the following:

- Upgrade works required to the existing water network in the area to facilitate the proposed development. Delivery will be by Irish Water within the public domain. The cost to be borne by the applicant.

- Wastewater connection to existing network on Goatstown Road is via a third party infrastructure. Requirement to demonstrate necessary consents and that the third party infrastructure has necessary sufficient capacity, condition and integrity to accommodate development.

7.6. Consultation Meeting

A Section 5 Consultation meeting took place Remotely Via Microsoft Teams on the 6th November 2020, commencing at 9.30. Representatives of the prospective applicant, the planning authority and An Bord Pleanála participated in the meeting. 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. Compliance with local planning policy - institutional zoning and protection of trees.
2. Development Strategy – including density, building height, open space, and architectural response to site context.
3. Concentration of student accommodation in the area.
4. Services, facilities and amenity areas for future occupants.
5. Issues Raised in Submission of Irish Water and the PA's Drainage Section.
6. AOB.

In relation to compliance with local planning policy, An Bord Pleanála sought further elaboration / discussion in relation to the INST objective and the objective to protect trees that pertains to the site.

In relation to development strategy, An Bord Pleanála sought further elaboration / discussion / consideration in relation to density, building height and overall scale of the blocks, open space and the architectural response and architectural detailing (inc. material finishes).

In relation to concentration of student accommodation, An Bord Pleanála advised of recent applications for student accommodation in the area and the need to address this within the SHD application.

In relation to services, facilities and amenity areas for future occupants, An Bord Pleanála sought further elaboration / discussion in relation to the level of provision for future occupants having regard to the site's locational context.

In relation to water and drainage, An Bord Pleanála sought further elaboration / discussion / consideration in relation to the issues raised in the submission received from the PA's Drainage Section and Irish Water.

Under any other business, An Bord Pleanála noted the comments in the PA's submission in relation to Part V provision.

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 307440' 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.

8.0 Conclusion and Recommendation

8.2.1 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.

8.2.2 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.

Having regard to all of the above, I recommend that further consideration and/or possible amendment of the documents submitted is required at application stage in respect of the following elements: compliance with local planning policy and development strategy, as sets out in the Recommended Opinion below.

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 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.

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.

9.0 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 requires further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.

In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development:

1. Further consideration and / or justification of the documents as they relate to compliance with local planning policy. The further consideration and / or justification should address the objectives “to protect and / or provide for institutional use in open lands” and “to protect and preserve trees and woodlands” that pertain to the site having regard to the provisions of the Dun Laoghaire Rathdown Development Plan 2016-2022.

2. Further consideration and / or justification of the documents as they relate to the development strategy for the site. The further consideration and / or justification should address the following matters:
 - (i) The density of development proposed having regard to the site’s locational context.
 - (ii) The height, scale and massing of the proposed blocks and how the development responds to the receiving environment (the application should address the relationship with existing contiguous development on Friarsland Road to the west, Larchfield Road to the south, the Grove to the east and Roebuck Downs to the north); and
 - (iii) The architectural expression and detailing of the blocks, including but not limited to the composition of the elevations and materiality.

The further consideration / justification should have regard to, inter alia, the guidance contained in the Urban Development and Building Height Guidelines for Planning Authorities 2018; the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) and the accompanying Urban Design Manual; and the Dun Laoghaire Rathdown County Development Plan 2016-2022.

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

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. The prospective applicant is advised to address the following in the documents submitted:
 - (a) Provide additional details in relation to the water and wastewater connections. The details should address the matters set out in the submission received from Irish Water, dated July 30th, 2020.
 - (b) Provide additional drainage details. The details should address the matters raised in the Report of the Drainage Division of Dun Laoghaire Rathdown County Council, as contained in the PA's submission dated June 2020.
2. An Architectural Design Statement. The statement should set out a rationale and / or justification for the height, scale and mass of the proposed blocks, having regard to urban design considerations, the locational context and relationship with contiguous developments, visual impacts, and national and local planning policy.
3. A Materials Strategy that details all materials proposed for buildings, open spaces, paved areas and boundaries. The statement should present a justification for the materials being used having regard to the need for high quality and sustainable finishes that create a distinctive character for the development overall, whilst also responding to the character of the area.
4. A Report that addresses the quantum and quality of services, facilities and amenities proposed having regard to the future needs of the occupants of the proposed development. Where there is a reliance on off-site services, facilities and amenities the report should include details of the location and the nature and extent of offsite provision (inc. details of walking and cycling routes).
5. A Landscaping Plan that includes a schedule of open space and address the design and function of open spaces within the development.
6. An updated Arboricultural Report that includes a clear justification for the removal of trees having regard to the provisions of the site specific objective "to protect and / or provide for institutional use in open lands" and "to protect and preserve trees and woodlands".

7. A report that addresses that impact of the proposed development on the amenity of existing residential units adjacent to the site, specifically how the proposed height and setback from the boundaries will limit the potential for overlooking, overshadowing and overbearing impacts. The report should include full and complete drawings, including cross sections and CGI's that show the relationship between the development and adjacent residential units. Contextual elevations should be provided where appropriate.
8. Updated Daylight and Sunlight Analysis. The assessment should address the daylight and sunlight access to units at the lower levels of the proposed development.
9. Construction Waste Management Plan.
10. Construction and Environmental Management Plan.
11. Operational Waste Management Plan.

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. The Department of Education and Skills
2. Transport Infrastructure Ireland
3. National Transport Authority
4. Irish Water

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 Kenny

Senior Planning Inspector

30th November 2020