

# Roebuck Residents' Association

**SHD: Our Lady's Grove, Goatstown Road ABP 309430-21**

**Developer: Colbeam Limited**

02/03/21

## 1. Background

- **10<sup>th</sup> March 2020**

The previous permission for a SHD on this site (Developer: Durkan, ABP 304420-19) for 132 residential units was quashed in the High Court. The major legal findings in the Judicial Review were in relation to Density, Tree Preservation, Public Open Space and provision for School Expansion/Facilities.

- **1<sup>st</sup> July 2020**

Judgment was given that it not be remitted to An Bord Pleanala for any further consideration. The permission was declared invalid by the High Court.

- **29<sup>th</sup> May 2020**

Colbeam Limited (with permission from Durkan – the owners of the site) entered into S247 consultation with Dun Laoghaire-Rathdown County Council on a new development – when the Judicial Review was ongoing.

- **29<sup>th</sup> June 2020**

A SHD Pre-Consultation application was submitted to An Bord Pleanala for Student accommodation (861 Bed spaces).

- **4<sup>th</sup> December 2020**

This was not accepted by ABP:

*“the documents submitted with the request to enter into consultations require further consideration and amendment to constitute a reasonable basis for an application for strategic housing development”.*

- **12<sup>th</sup> February 2021**

The current application for Student accommodation (698 Bed spaces, ABP 309430) was submitted by Colbeam Limited, despite there being provision for further consultation with ABP. In our view Colbeam have not adequately addressed the issues raised by An Bord Pleanala including:

*“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”.*

*“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)”.*

## 2. Main Issues

The CEO Pre-Consultation Report PAC/SHD/116/20, dated 13<sup>th</sup> July 2020, made reference to many issues of concern regarding the original proposed development of Student Accommodation (861 bed spaces). These included Density, Building Height, Tree Preservation, Maintaining Open Character of Institutional Lands, Future Needs of Our Lady's Grove Primary and Secondary Schools. Some of these issues are regarded in the Report as Material Contraventions of the CDP 2016-2022.

The current Colbeam SHD Application for Student Accommodation (698 bed spaces ABP 309430-21) dated 12<sup>th</sup> February 2021 does not address either the concerns of DLR as above nor the "*further consideration and amendment to constitute a reasonable basis for an application for strategic housing development*" in An Bord Pleanála opinion dated 4<sup>th</sup> December 2020.

In addition, the major legal findings in the Judicial Review by Judge Simons on 10<sup>th</sup> March 2020 regarding Density, Tree Preservation, Public Open Space and provision for School Expansion/Facilities are not addressed in this application.

### 2.1 Density

The Standard Density on Institutional Land is 35/50 units per ha.  
(Ref: Section 2.1.3.5, Policy RES5, CDP 2016-2022).

Permission is sought for 698 Student Bed spaces, which means the density is 164.62 units per hectare (2 Bed spaces per unit). This is over 3 times the maximum density under Policy RES5.

- SHD legislation refers to "100 or more houses" and Student Accommodation of "200 or more bed spaces"
- SHD Planning Fees for student accommodation state "2 bed spaces = 1 housing unit" ([www.pleanala.ie/about/fees/SHD.htm](http://www.pleanala.ie/about/fees/SHD.htm))
- Developers claim that the density is 55.66 units per ha based on 118 "Clusters". This calculation would mean that an entire floor with 8 Student Bed spaces + Living + Study etc. equates to a 1 Bed Apartment. This "Cluster model" is incorrect; 2 Bed Spaces = 1 unit, not 8 Bed Spaces.
- The Durkan application (quashed via Judicial Review) for 132 units was 67 units per ha.
- Phase 1 of this site, The Grove (almost complete – except Roebuck House) has a density of 46 units per ha.

The density of this (Colbeam Limited) application is far greater than the previous Durkan application, which was quashed via Judicial Review.

**The Density proposed of 164.62ha is a Material Contravention of the CDP 2016-2022.**

## 2.2 Height

### Contrast with Adjoining Residences:

Roof Height of Development Vs Roof Height of Adjoining Bungalows on Friarsland Road:

7 storey block (Middle)

Roof height (from Ground) = 21.13 Metres

Bungalow (37 Friarsland Rd)

Roof height (from Ground) = 4.93 Metres

Difference in height 16.20 Metres = 5 storeys over bungalow height.

### Lack of Privacy:

Blocks are only 27 metres from boundary wall and are 6/7 Storey Vs 5 Storey (Durkan application that was quashed via JR). The gable ends of the North/Mid/South blocks have 16 Windows i.e. 48 Windows overlooking Friarsland Road, meaning there will be a complete lack of privacy in rear gardens/bedrooms.

### Loss of Light:

There will be significant overshadowing and loss of light.

Because of the 7 storey North and Mid Blocks, the loss of sunlight in the mornings throughout the Winter will be severe. The previous study showed Annual Percentage Sunlight Hours (APSH) LOSS of 24%.

Colbeam did **not** provide Annual Percentage Sunlight Hours (APSH) for Friarsland Road as required in the An Bord Pleanála Opinion. The Loss of Light in the current application (7 Storey Blocks) would appear to be much worse than the previous application from Durkans.

It must be noted that although studies are done on March 21<sup>st</sup> and December 21<sup>st</sup>, the loss of light is relative to the entire winter period.

### Loss of Light, Hockey Pitch:

The newly provided All-Weather Hockey Pitch is shown to have severe shading over the winter months as a result of the proposal to build the North block on the 50% of the former hockey pitch.

**The Building Height of the North, Middle and South Blocks represents a Material Contravention of the Development Plan 2016-2022.**

## 2.3 Public Open Space

(Ref: Section 2.1.3.5 and 8.2.8.2, Institutional Lands, CDP 2016-2022)

- The Open Space in the Colbeam application is 7,956 square metres compared to the requirement under the CDP of 20m<sup>2</sup> per person = 13,960 square metres (698 students\*20).
- The Open Space provided (7,956 m<sup>2</sup>) amounts to a narrow strip at the perimeter of the site and was calculated without any trees.
- The Landscape Report shows this provision to be seriously reduced with the planting of 56 new trees and retaining 2 major tree lines. While the planting is necessary, the usable Open Space is reduced to the pathway and grass margin, and is way below the CDP standards.
- A major part of the open space (North East of site) is an attenuation pond and yet shows a basketball practice area on same.
- The open space has been achieved by replacing the roadway by a pathway and practically eliminating cars. While this is consistent with DLR policy, the number of spaces (9) is totally unrealistic, since practically all students will be from outside Dublin. Parking at school drop-off places or adjacent residential areas will follow.
- The Shadowing and Sunlight study shows that the student recreational space (Courtyards) do not meet the minimum BRE standards i.e. 50% of area to get 2 hours sunlight on 21<sup>st</sup> March. (Result – North Courtyard 28.8% - South Courtyard 31.8%).
- There is not even one kick-about area provided for 698 students. Because of the orientation of the site, students will use the strip behind Friarsland Road boundary wall and security, noise etc. may be an issue.

**The Provision of Open Space fails to “maintain the open character of the site”, (Section 8.2.8.2 CDP), and is a Material Contravention of the CDP 2016-2022.**

## 2.4 Tree Removal

(Ref: Section 2.1.3.5, Policy RES5, Institutional Lands, CDP 2016-2022)

There is a tree retention/preservation symbol on the site. The current proposal involves removing all the trees from the centre of the site, and replacing same with 6/7 storey student blocks. This includes Oak trees numbers 61/62/63/64/65/66/67/69. In the pre-consultation with DLR in May 2020 the minutes record:

*“The removal of those trees is, therefore, not justified and it is considered that they should be retained and incorporated within the scheme. As noted previously, the Development Plan 2016-2022 includes the objective to protect and preserve trees and woodlands on site”.*

**The removal of these trees from the site represents a Material Contravention of the CDP 2016-2022.**

## 2.5 Future Needs of the Schools

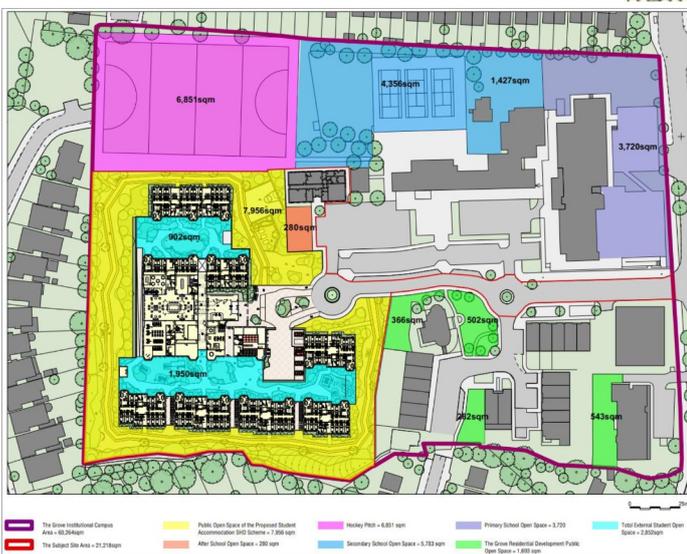
(Ref: Section 8.2.3.4(xi) and 8.2.8.2, Public Communal Open Space, CDP 2016-2022)

- The CEO Report on the original Colbeam application stated *“It is considered that, in accordance with the Development Plan 2016-2022, the proposed development should not result in the area allocated to the retained schools to be substandard.”*
- The reduced area of the OLG Primary/Secondary is 2.30ha compared with Department of Education standard of 4.17ha. It is essential that the pupils of the schools have usable access to available Public Open Space on site.
- In the Durkan application (132 units) the CEO, in recommending refusal, proposed that Block (C) (North Block) be omitted to maintain density and open space in accordance with the CDP 2016-2022. Furthermore, the CEO proposed that the space (Old Hockey Pitch 50%) was to be used by residents and the children from the schools. In the Judicial Review, Judge Simons found that An Bord Pleanála had not considered this, and this was one reason the permission was quashed.
  - The Colbeam application has again ignored this section of the CDP and has made no provision for school facilities behind the school to the North West of the site.
- The only area of open space of any significance (over the attenuation pond) is clearly shown as Student space and no play/amenities have been provided suitable for the pupils.
- The area directly behind the OLG schools was agreed to be Taken-in-Charge by the Council in the Durkan application. The Colbeam application provides no such areas and therefore access to the site by pupils of Our Lady’s Grove or other residents to the Public Open Space is not secured in the future.

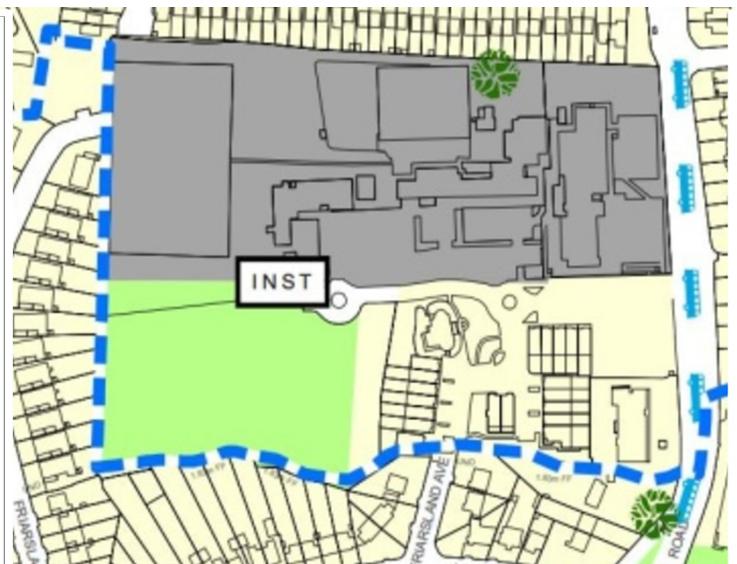
**The failure to have regard for the future needs of the schools represents a Material Contravention of the CDP 2016-2022.**

### 3. Conclusion

- The appropriate use of this site for 3<sup>rd</sup> Level Students/Graduates must be considered in the context of the existing Our Lady's Grove campus. Pre-school and Junior Infants to Leaving Cert students use this campus. A campus that the Local Authority DLR has stated is way below standard in terms of open space. To add 698 third level students to this campus, and the differing requirements for amenity, socialisation etc. will bring no Community Gain to the area.
  - The Vector Motors site has just received permission for 239 Student Bed spaces
  - A further application is pending for the Blakes/Esmonde Motors site in Stillorgan
  - UCD are constructing further units for student accommodation
- Residential homes with a mix of purchase, affordable (first time buyers), cost rental and social units (Part V) are more appropriate for this site.
  - There is an opportunity for families to socially interact in a community environment
  - School facilities are on the doorstep with a new Secondary (Co-Ed) Educate Together having just received permission on the former IGB site on Goatstown Road
- Part V Social Housing contribution has been deleted by ABP in the Vector Motors SHD student application, and therefore the financial contribution to social housing will be lost. The previous Durkan application provided 13 Social Housing Units.
- The Draft CDP 2022-2028 is on display at present and this application is totally contrary to what is being proposed in the new Draft CDP. See maps below:



Colbeam Limited Application



Draft CDP 2022-2028

- The grey area on the CDP map is a new SNI (Sustainable Neighbourhood Infrastructure) Zone where housing is not a permitted use.
- The Colbeam Limited Application has the North Block, and approx 75% of the Middle Block, in this grey area. An area that the DLR Executive proposed as a SNI zone in the Draft CDP. The proposed development is also to be built on the tree line, requiring removal of all the trees.