



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-303130-18

Strategic Housing Development	132 residential units and childcare facility and all associated works.
Location	Our Lady's Grove, Goatstown Road, Goatstown, Dublin 14.
Planning Authority	Dun Laoghaire Rathdown Co. Council
Prospective Applicant	Durkan Estates Clonskeagh Ltd.
Date of Consultation Meeting	16 th January 2019
Date of Site Inspection	2 nd January 2018
Inspector	Joanna Kelly

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

- 2.1 The development site has a stated site area in the application form of 1.933ha and is located off the western side of the regional road R-825 Goatstown Road linking Sandyford to Donnybrook. The site is accessible via a local road served by a roundabout. There is an existing primary and post primary school located to the northern side of this link road. There is also a childcare facility which it is proposed to demolish as part of this proposal.
- 2.2 The area in general is residential in character. There is a newly completed residential development to the east/south-east of the development site. There is a five storey apartment block with basement currently under construction which bounds the link road and the R-825. Goatstown Road is also identified as a bus priority corridor and is currently served by the no. 11 Dublin bus.
- 2.3 Residential properties along Friarsland Road are located to the west of the site and the Central Mental Hospital is located west of these properties. Roebuck Downs, a residential development is located to the north of the existing schools and hockey pitch.

3.0 Description of proposed development

The applicant is proposing a residential development comprising of 132 residential units including a childcare facility and provision of a temporary childcare facility to facilitate the demolition of the existing facility.

The unit mix as indicated by the prospective applicant is as follows:

Table 1: Unit Mix

	Apartments	Housing units	Total Units
1 bed	18	0	
2 bed	83	0	
3 bed	12	0	
4 bed	0	19	
Total Units	113	19	132

4.0 Planning History

The most relevant history associated with the site is noted as follows:

File Ref. No. D18A/0387/PL.302898 Permission granted for rotation of an existing hockey pitch. This permission is currently on appeal.

File Ref. No. D10A/0255 Permission for change of use to part ground floor of existing convent to after school care facility and Montessori/pre-school centre, to include works which will increase internal toilet accommodation together with general refurbishment works in addition to the provision of a new fire exit for serving dining room in west elevation.

File ref. No. D05A/0093 Permission granted for the construction of a single storey prefab building for after school care facilities adjacent to the existing primary school.

File Ref. No. D00A/0317 Permission granted for demolition of 2 no. existing prefab building and their replacement with 2 no. pre-fab buildings containing 5 no. classrooms.

5.0 **National and Local Planning Policy**

5.1. **National**

Having considered the nature of the proposal, the receiving environment, the documentation on file, including 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’ (DMURS)
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’)
- ‘Childcare Facilities – Guidelines for Planning Authorities’
- ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, August 2018.
- Urban Development and Building Heights, Guidelines for Planning Authorities, November 2018

Other relevant national guidelines include:

- Project Ireland 2040, National Planning Framework.

- Framework and Principles for the Protection of the Archaeological Heritage
Department of Arts, Heritage, Gaeltacht and the Islands 1999.

5.2. Local Policy

5.2.1 Dun Laoghaire Rathdown County Development Plan 2016-2022

The site has a land use zoning 'objective A – To protect and or improve residential amenity'. There is an 'INST' symbol indicated to the portion of the original landholding along the Goatstown road which is also identified for a proposed quality bus/bus priority route. There are also symbols indicating the protection and preservation of trees and woodlands.

Chapter 2 deals with "Sustainable Communities Strategy".

Section 2.1.3.3 Policy RES 3 Residential Density sets out inter alia that "where a site is located within circa 1 kilometre pedestrian catchment of a rail station, Luas line, BRT, Priority 1 Quality Bus Corridor and/or 500 metres of a Bus Priority Route, and/or 1 kilometre of a Town or District Centre, higher densities at a minimum of 50 units per hectare will be encouraged.

Section 2.1.3.5 Policy Res 5: Institutional Lands provides that in the development of such lands, average net densities should be in the region of 35-50 units per hectare. 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

school where a portion of the site has been disposed of but a school use remains on the residual part of the site).

Policy SIC8: Schools

It is Council policy to ensure the reservation of primary and post primary school sites in accordance with the requirements of the relevant education authorities and to support the provision of school facilities and the development / redevelopment of existing schools throughout the County.

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

6.1 Documentation Submitted

6.1.1 The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 and article 285 of the Planning and of the Planning and Development (Strategic Housing Development) Regulations 2017.

6.1.2 The information submitted included *inter alia*: a completed SHD Application form and cover letter including inter alia, schedule of documents; Statement of Consistency; Legal Opinion; School sites survey report; EIAr screening; AA screening report and Ecological Impact Assessment; Arborist Report and Tree Survey; CGIs; Sunlight, Daylight and Overshadowing details; Sustainable Energy Report and Building Life Cycle report; Waste Management plan; Hydrological and Hydrogeological Qualitative Risk Assessment; architectural drawings and plans.

6.1.3 I have reviewed and considered all of the documents and drawings submitted.

6.2 Planning Authority Submission

6.2.1 In compliance with section 6(4)(b) of the Act of 2016 the planning authority for the area in which the proposed development is located, Dun Laoghaire Rathdown County Council, submitted a note of their section 247 consultations with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on 21st December 2018.

6.2.2 The planning authority's opinion (section 2) provides an assessment and refers to, inter alia, the following matters:

Policy Context – The primary concern is that the development will reduce the area associated with the post primary school which could be used for further expansion. The acceptance of the reorientation of the new hockey pitch outside the current site boundary should not be interpreted as indicating the PA's acceptance of a reduction in the size of the school site. There is a need for a new 16 classroom primary school and a new 800 pupil post-primary school in Goatstown. To reduce the amount of space available to the existing post-primary school or to remove from consideration a location where a school could be provided in proximity to the existing schools is considered to conflict with the zoning objective. Policy SIC 8 refers to the reservation of such sites and the Board is requested to take this issue into serious consideration. Comments from the Department of Education maybe extremely pertinent. The 'INST' symbol on the original overall Our Lady's Grove landholding area is considered to cover the overall landholding and was not specific to the primary school site over which the 'INST' symbol was specifically located. The open character of the site should be maintained with a minimum open space of 25% of the total site area or a population based provision in accordance with section 8.2.8.2 of the county development plan.

Density – The stated density of c. 68 units per hectare is considered in line with policy Res 3 and is acceptable.

Building Height – Given the nature and location of the site it is considered that the upward modifier would apply to this site.

Units Design – Proposed units are considered to be generally acceptable in terms of design, palette of materials etc. However, there appears to be a lack of legibility of the entrances to the apartment blocks.

Public Open Space- The planning authority considers that the site comprises 'Institutional' zoning therefore a minimum of 25% of open space of the total site area is required. It is considered if 0.5499 hectares or 0.568 hectares has been provided this indicates that adequate public open space has been provided however the issue of school expansion also has to be considered. The most significant area of public open space is in the north-eastern part of the site. However, this area is to have a dual use as attenuation pond. The possibility of the largest and most usable area of public open space effectively being out of bounds for potentially substantial periods is not considered to be reasonable. It is disappointing that practically every tree on site is being removed.

Creche – It appears that the childcare facility will be dependent on car parking outside the site boundary and explicit permission for this should be received from the appropriate landowner.

EIA /Information for AA screening – The Board is the competent authority for EIA screening/scoping. Notwithstanding this, the conclusion of the screening that an EIAR is not required is accepted by the planning authority.

Construction management plan – Proposed working hours from 7am until 5pm on a Saturday are not acceptable in a residential area and should be revised to 8am to 7pm Monday to Friday and 8am to 2pm on a Saturday.

Part V proposals- The Housing Section report states that the original proposals were rejected as costs were excessive and the letter from the Housing section to the applicant dated 02.08.2018 refers to revised proposals subsequently tabled and not the original proposals. The proposal of 13 no. on-site units with revised costs as subsequently forwarded to the Housing Section is capable of complying with the requirements of Part V.

Phasing – The planning authority has concerns that the denser area of the development i.e. the apartments will be the last to be constructed and request that they be constructed in advance of the houses, or at least parallel, to ensure a reasonable density is provided.

Miscellaneous – No objection to the demolition of existing childcare facility. It is not considered that any overlooking impact will occur from the houses or apartments to existing residential areas. Block walls should be provided between the gardens of houses to rear rather than timber panelling. Standard development contributions to be levied. Site not within a section 49 contribution scheme. The transportation section has indicated acceptance in principle of the location of the proposed pedestrian crossing subject to, inter alia, the delivery of this ahead of the occupation of any residential units. This area should be included within the red line boundary. It was requested that the potential of providing access to the basement area directly off the roundabout, or within the site boundary close to the roundabout, be explored to avoid the situation where all apartment traffic must travel the full extent of the access road and to the front of all the proposed houses to access the basement. This has not been carried out. A number of issues have been raised in the Drainage planning section report including discharge rates and attenuation volumes.

Conclusion – The report sets out the items that may require further consideration which were raised in the report.

6.4 Submission from Irish Water

IW indicates that a confirmation of feasibility for 163 residential units issued to the applicant. The applicant must connect water and wastewater to the Irish Water wastewater network via private 3rd party infrastructure. The applicant will be required to provide evidence of permission to such connection and confirm that the third party network has adequate capacity to cater for their development. Subject to a compliant water and wastewater layout and a valid connection agreement being put in place between IW and the developer, the proposed connections to the Irish Water networks can be facilitated.

7.0 Consultation Meeting

7.1 A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on 16th January 2019, commencing at 9.30 pm. Representatives of the prospective

applicant, Dun Laoghaire Rathdown County Council and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

7.2 The main topics raised for discussion at the tripartite meeting were as follows:

1. Local policy context with particular regard to educational policy SIC 8.
2. Response to matters raised in Planning Authority's opinion in relation to transportation (including report from Transportation Section)
3. Response to matters raised in Planning Authority's opinion in relation to drainage (including report from Drainage Planning)
4. Part V
5. Any other matters

7.3 In relation to Local Policy context with particular regard to the educational policy SIC 8, ABP representatives sought further discussion/elaboration from this issue from the Prospective Applicant and the Planning Authority regarding their concerns about the requirement regarding expansion of existing schools/provision of new schools having regard in particular to the residential zoning of the development site.

7.4 In relation to Response to matters raised in the Planning Authority's opinion in relation to transportation, ABP representatives sought further discussion/elaboration on inter alia, the rationale for the proposed entrance to the basement car park; parking associated with the childcare facility for staff; pedestrian crossing and concerns regarding its location outside the red line boundary.

7.5 In relation to Response to matters raised in Planning Authority's opinion in relation to drainage including report from Drainage Planning section, ABP representatives sought further discussion/elaboration on how the proposal will comply with the requirements/address matters raised by the planning authority in this regard.

7.6 In relation to Part V, ABP representatives sought further elaboration/discussion from the applicant regarding their proposals to comply with the requirements of the

planning acts with regard to the provision of Part V. Details of calculations, methodologies used etc. should be submitted with the application.

- 7.7 In relation to Any Other Matters, ABP representatives sought further elaboration/discussion on Landscaping and extent of tree retention, Phasing, Impact on existing residential amenity.
- 7.8 Both the prospective applicant and the planning authority were given an opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting ABP-303130-18' 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

- 8.1 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 and as amended by Section 50 of the Planning and Development (Amendment) Act 2018.
- 8.2 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 section 28 Ministerial Guidelines, and local policy via the statutory plans for the area.
- 8.3 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.

8.4 I would 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

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

9.2 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 **constitutes a reasonable basis for an application for strategic housing development to An Bord Pleanála.**

9.3 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. A detailed statement of consistency and planning rationale, clearly outlining how in the prospective applicant's opinion, the proposal is consistent with local

planning policies having specific regard to the zoning objective of the site, objective 'SIC 8' pertaining to schools, and the 'INST' symbol and its applicability to the development site in question having regard to the concerns raised in the Planning Authority's opinion. The prospective applicant is advised to liaise with the Department of Education and Skills with regard to the potential and/or suitability of the development lands for future educational purposes and the existing remaining lands in the vicinity of the schools and their potential to accommodate any future expansion.

2. Additional documentation including site investigations report relating to surface water management pertaining to the site including details as to how discharge rates and attenuation volumes were calculated and justification why Soil Type 2 was chosen. The prospective applicant is advised to have regard to comments from the Drainage section as set out in the Planning Authority's opinion and provide an appropriate response to matters raised.
3. A site layout plan indicating the full extent of tree retention and removal. Details of proposed tree protection measures during construction. Details pertaining to the quantity, type and location of all proposed hard and soft landscaping including details of play equipment, street furniture including public lighting and boundary treatments should be submitted.
4. Full and complete drawings, including levels and cross sections showing how the development will interface with adjoining residential lands particularly to the west.
5. All existing watercourses and utilities that may traverse the site including any proposal to culvert/re-route/underground existing drains/utilities should be clearly identified on a site layout plan.

6. Justification for the proposed location of the entrance to the basement car park. Consideration should be given to the re-location of this entrance closer to the roundabout serving the development site in the interests of future residential amenity.
7. A construction and demolition waste management plan.
8. A phasing plan for the proposed development which includes the phasing arrangements for the delivery of the public open spaces, surface water management proposals having regard to sub-catchments within the scheme and Part V provision.
9. A site layout plan indicating all areas to be taken in charge.
10. Relevant consents to carry out works and/or facilitate connections to water networks on lands that are not included within the red-line boundary. The prospective applicant is advised that all works should as far as possible be included within the red-line boundary.

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. Department of Education and Skills
3. Transport Infrastructure Ireland
4. Dun Laoghaire Rathdown County Childcare Committee

PLEASE NOTE:

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2018 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

Joanna Kelly

Senior Planning Inspector

23rd January 2019