



An  
Bord  
Pleanála

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

**Inspector's Report on  
Recommended Opinion  
303303-18**

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<b>Strategic Housing Development</b>	101 apartments in three blocks (social housing units) and associated site works
<b>Location</b>	High Park, Grace Park Road, Drumcondra, Dublin 9
<b>Planning Authority</b>	Dublin City Council
<b>Prospective Applicant</b>	Respond
<b>Date of Consultation Meeting</b>	February 13 <sup>th</sup> 2019
<b>Date of Site Inspection</b>	February 10 <sup>th</sup> 2019
<b>Inspector</b>	L. Dockery

## 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 and the documentation received from the prospective applicant, 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 Inspector' Report of File No. ABP-301733-18 gives a description of the site and surroundings as follows:

*'The site is located in the established suburban area of Drumcondra, c. 4.5 km from Dublin City Centre. It is a former convent (High Park House) and church that are currently in institutional use as a 'family hub' providing accommodation for homeless families, also offices and community services, as operated by the Respond Housing Association. The housing association also have an office and associated facilities in a modern annex to the convent building. The site is a fragment of what was once a much larger institutional complex encompassing the lands at Grace Park Manor, Beechlawn nursing home and Highfield healthcare facility, originally High Park Estate, which has since been subdivided. The development site has a stated area of 2.142 ha. The site to the immediate south (0.0287 ha), Martanna House, is also owned by the Respond Housing Association but is not included in the red line site boundary. The development site is currently accessed via the Martanna House entrance from Grace Park Road, leading to a tree lined avenue to the convent buildings. There is a substantial amount of mature deciduous trees in front of the convent buildings and around the church. The area to the rear of the convent is currently in use as a surface car park but a play area is currently under construction at this location. There are also mature trees along the boundary shared with Highfield healthcare facility to the immediate west.'*

I would generally concur with the above description.

### 3.0 Proposed Strategic Housing Development

3.1 The proposed development comprises an application for a 101 apartments, comprising three no. blocks, ranging in height between 4/5 storeys. The following details are noted:

Parameter	Site Proposal
Application Site	2.142 ha
No. of Units	101 apartments (social housing)
Density	47 units/ha
Car Parking	140 spaces (basement) + 4 disabled spaces (surface)
Bicycle Parking	120 (underground)
Vehicular Access	From Grace Park Road
Part V	100% social housing

3.2 The breakdown of unit types is as follows:

Unit Type	Studio	1 bed	2 bed	3 bed	
Apartment	-	39	36	26	101
% Total	-	38.6%	35.6%	25.7%	100%

## 4.0 National and Local Planning Policy

### 4.1 National

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 Section 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’ (2018)
- ‘Design Manual for Urban Roads and Streets’ (2013)
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’) (2009)
- ‘Architectural Heritage Protection- Guidelines for Planning Authorities
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018)

### 4.2 Local

The Dublin City Development Plan 2016-2022 is the operative County Development Plan.

#### Zoning:

Objective Z1 which seeks ‘to protect, provide and improve residential amenity’.

Residential is a permissible under this zoning objective.

There is a Protected Structure at the site under the current Dublin City Development Plan, RPS ref. 3239, “*High Park Church and projecting portion of original convent buildings*”.

Section 11.1.5.3 deals with Protected Structures.

The following policies are of note:

Policy QH4:

*“To support proposals from the Housing Authority and other approved housing bodies and voluntary housing bodies in appropriate locations subject to the provisions of the development plan.”*

Section 8.5.10 Dublin Port Tunnel. Policy MT22:

*“To require the submission of a Development Assessment for all development proposals located in the vicinity of both Dublin Port Tunnel, the proposed DART Underground protected corridor, or any proposed public transport tunnel. Detailed requirements for Dublin Port Tunnel are set out in Appendix 6, and Iarnrod Eireann should be consulted in relation to heavy rail.”*

Map J outlines strategic transport and parking areas. The entire development site is within Zone 3. Table 16.1 sets out car parking standards.

The constraint area of Dublin Port Tunnel runs beneath the south western corner of the site.

## 5.0 **Planning History**

### Subject Site and Martanna House

#### ABP-301733-18

Section 5 Pre- Application Consultation in relation to development of 101 apartments (social housing) and ancillary site works. Notice of Pre-Application Opinion stated that the proposal required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development (dated 25/07/18).

#### 4050/09 PL29N.237222

Permission sought for the demolition of the Martanna House building and derelict buildings to the side and rear of the former convent and the construction of 150 no. apartments and a Day Centre facility in 5 no. 3-5 storey blocks with 168 no. car parking spaces; new stairs & lift at south wing of existing convent building; new single storey glass conservatory connecting the existing church and convent building; redevelopment of the existing former church as a communal facility; new

boundary treatment to Grace Park Road, the redevelopment of the existing site entrance at Martanna House and the construction of a new separate entrance at Grace Park Road. The Board granted permission subject to the omission of Blocks A and B and the omission of part of Block C.

Permission GRANTED for 85 apartments in the 5 storey Blocks C, D and E. The only elements of this permission carried out were demolition of ancillary structures and a fire damaged rear wing of the convent; the conversion of the church to a communal facility and the replacement of part of the high convent wall along Grace Park Road with a low wall and railings.

#### 3186/17

Respond did not carry out the residential blocks C, D, and E as permitted under PL29N.237222. They applied for an extension of duration of that permission in 2015, however this was refused by Dublin City Council as its height at 5 stories exceeded a height restriction of 13.5m under the then current 2011-2017 City Development Plan, which had been introduced into the development plan since the original grant. This application relates to the retention of the communal facility (former church) and link structure connecting High Park House to former church. It was submitted by Respond in order to regularise the constructed parts of PL29N.237222 in advance of the current proposal.

#### 2045/13

Permission GRANTED to demolish Martanna House hostel and construct a 2 storey building containing 8 no. social housing apartments for older persons at the site immediately adjoining to the south on Grace Park Road. Construction completed.

## 6.0 **Section 247 Consultation(s) with Planning Authority**

- 6.1 It is stated by the prospective applicant that one pre-application consultation took place with the planning authority on 06<sup>th</sup> day of October 2018.

## 7.0 Submissions Received

### Irish Water

Irish Water has issued a Confirmation of Feasibility for this development for 101 residential units. It is a standard connection, requiring no network or treatment plant upgrades for water or wastewater by either the customer or Irish Water. No third party consents are required for these connections to take place.

Therefore, based on the CoF, Irish Water confirms that subject to a compliant water and wastewater layout and a valid connection agreement being put in place between Irish Water and the developer, the proposed connections to the Irish Water networks can be facilitated.

## 8.0 Forming of Opinion

8.0.1 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 brief detail on each of these elements hereunder.

### 8.1 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, completed application form, photomontages, a completed pre-connection enquiry feedback form from Irish Water, site location map; masterplan layout; design statement; drawings, sections and elevations of existing and proposed buildings; floor plans existing and proposed; boundary details; land use masterplan existing and proposed; photomontages; schedule of compliance with open space standards; rationale for land use and density report; landscaping proposals; tree constraints plan, impact assessment and protection plan; arboricultural report; details of drainage and water supply; flood risk assessment; Irish Water correspondence; AA screening report; environmental

reports; planning reports; childcare provision report; architectural heritage impact assessment; daylight analysis results; rationale for car parking provision; structural impact assessment on Port Tunnel; archaeological impact assessment; wildlife survey, details of public consultations, lifecycle report, transport impact assessment, Dublin Port Tunnel site assessment; Part V correspondence with Dublin City Council; community facilities audit, tenant and management details, response to TII comments and area statement.

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.

7.1.1 I have considered all of the documentation submitted by the prospective applicant, relating to this case.

## **7.2 Planning Authority Submission**

7.2.1 In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Dublin City 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 28<sup>th</sup> January 2019.

7.2.2 The planning authority's 'opinion' included the following matters: planning history; opinions from other departments, zoning, density, plot ratio, site coverage, height, design, amenity and private open spaces, aspect/daylight and Sunlight analysis, childcare facilities, community and social infrastructure, Protected Structures, archaeology and heritage, energy efficiency, pedestrian permeability, transportation and mobility.

7.2.3 Report concludes that there are a number of issues that require further consideration and should be comprehensively addressed in final application documentation:

- Proposal broadly consistent with the proper planning and sustainable development of the area



- No objection to proposed density, however in context of recent policy and having regard to location of this well-connected urban site in close proximity to good public transport links and services, there may be scope to provide for additional units on the site in the form of an additional residential block and/or additional height/length on the proposed blocks notwithstanding the constraints set out in the documentation, particularly Fig 1, pg. 12 of the rationale for Land Use and Density report
- Should no additional residential units be proposed as part of this application, the applicant should indicate how the development as proposed does not preclude any additional residential development on the site in the future
- Pedestrian permeability is a key consideration and connections to the QBC on Swords Road are particularly desirable- development should be designed to ensure future connections to adjacent sites can be delivered, subject to agreement- should clarify potential pedestrian/cycling permeability linkages to adjoining lands to the north,- anomalies between details set out in Transport Assessment and submitted drawings
- Details on proposed servicing arrangements, should ensure refuse collection does not conflict with normal vehicular movements at the access points to the basement car parks
- Some anomalies between documentation in terms of number of car parking spaces
- Continue to liaise with TII through the Transportation Division of the PA in regard to outstanding issues arising from submitted Structural Impact Assessment
- Facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist on the site
- Further clarification required in relation to drainage matters

7.2.4 I have reviewed and considered all of the documentation submitted by the planning authority relating to this case.

### **7.3 Consultation Meeting**

7.3.1 A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 10<sup>th</sup> day of February 2019, commencing at 10.30 am. 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.

7.3.2 It was noted at the meeting that a Notice of Pre-Application Consultation Opinion ABP-301733-18, issued from An Bord Pleanála in July 2018 for 101 no. apartments on this subject site. It stated that further consideration of the documents as they relate to the residential density of the proposed development was required. This consideration and justification should have regard to, inter alia, the minimum densities provided for in the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas', the updated 'Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities', the National Planning Framework and the relevant provisions of the Dublin City Development Plan 2016-2022. It should also have regard to the location of the development site close to Dublin City Centre and in an established residential area that is well served by public transport and has a wide variety of services and amenities. The applicant was advised that the further consideration of this issue may require an amendment to the documents and/or design proposals submitted relating to density and layout of the proposed development.

7.3.3 In addition, the prospective applicant was notified that the following specific information should be submitted with any application for permission:

1. Photomontages, cross sections, visual impact analysis, shadow analysis and landscaping details to indicate potential visual impacts on Grace Park Road and on the setting of the protected structure High Park House and church and on the residential amenities of Grace Park Manor, Highfield healthcare facility and Beechlawn nursing home.
2. Clarification of any proposed connection to third party lands, e.g. key pad access, along with wayfinding measures within the development to promote use of same.

3. Rationale for proposed childcare provision (or lack of same) with regard to, inter alia, the 'Childcare Facilities Guidelines for Planning Authorities', circular letter PL 3/2016, and the 'Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities' (2018), to provide details of existing childcare facilities in the area and demand for childcare provision within the proposed scheme. The applicant is advised to consult with the relevant Childcare Committee in relation to this matter prior to the submission of any application.
4. Development assessment of potential impacts on Dublin Port Tunnel, with regard to the requirements of Dublin City Development Plan 2016-2022 Appendix 6, the requirements of Transport Infrastructure Ireland (TII) as set out in its submission to An Bord Pleanála dated 2nd July 2018 and the TII document 'Guidance Notes for Developers. The assessment of surface and sub-surface developments in the vicinity of Dublin Port Tunnel'. Particular consideration is to be given to potential impacts associated with basement construction in the vicinity of the Port Tunnel.
5. Rationale for the proposed car parking provision with regard to Dublin City Development Plan 2016-2022 Table 16.1 car parking standards and the performance related approach set out in the 'Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities' (2018) in relation to infill sites in urban areas.
6. Full auto track drawings of all proposed car parking areas.
7. An Archaeological Impact Assessment shall be submitted which responds to the comments outlined in the report received by the Board from the National Monuments Service which is attached and which includes consideration of potential archaeological impacts of the construction of basement car parks.
8. Appropriate Assessment screening report.

7.3.4 I consider that there is no material change in the proposed development between this current section 5 consultation process and the development subject of the previous section 5 consultation process, ABP-301733-18, which has concluded. Therefore, the information contained within that Opinion still pertains, both in terms of the issue residential density which requires addressing in the documents at

application stage, together with the specific information which should be submitted with any application for permission. In the interests of protecting the process and in the interests of transparency, I consider that the both Opinions should be linked to any subsequent application on the lands and that both Opinions should be submitted with any subsequent application.

#### **7.4 Conclusion and Recommendation**

7.4.1 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.

7.4.2 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.

8.1.1 As there is no material change in the development proposal between this current section 5 consultation request and the development subject of the previous consultation process, ABP-301733-18, which has concluded, I consider that the information contained within that Opinion should be addressed in any future application, lodged under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

#### **9. 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.

9.1.1 As there is no material change in the proposed development between this current section 5 consultation process and the development subject of the previous section 5 consultation process, ABP-301733-18, it is therefore considered that the matters raised in that Opinion should be addressed in any future application, made under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

**PLEASE NOTE:**

- (i) In the interests of transparency, should an application be made on foot of either Opinion, (ABP-303303-18 or ABP-301733-18), associated files on both pre-application consultation processes will be made public.
- (ii) 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.

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Lorraine Dockery  
Senior Planning Inspector  
05<sup>th</sup> March 2019