



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-303826-19

Strategic Housing Development	116 no. residential apartments, open space, ESB substation and associated site works.
Location	Walled Garden, Gort Mhuire, Dundrum, Dublin 14.
Planning Authority	Dun Laoghaire Rathdown County Council.
Prospective Applicant	Crekav Trading GP Ltd.
Date of Consultation Meeting	3 rd April 2019
Date of Site Inspection	1 st April 2019
Inspector	Erika Casey

1.0 Introduction

- 1.1 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 of the proposed development has an area of 1.079 ha and is located at the eastern end of Wyckham Avenue, a cul de sac off Wyckham Way, in Dundrum, Dublin 14. It comprises a disused walled garden with derelict outbuildings at its south-eastern end. The site would formerly have been part of the curtilage of Gort Mhuire, a protected structure, which is a nursing home to the south-east occupied by the Carmelite Friars. The walled garden and associated outbuildings date from the 1830's.
- 2.2 The walled garden and outbuildings form part of a protected structure. The walls that surround the walled garden are approximately 4 metres high and are relatively intact. A granite basin, originally associated with a fountain, remains within the gardens. It however, has been vandalised and in poor condition. The outbuildings are in a poor state of repair and have no roof. The site is overgrown with vegetation, trees and scrub and there is waste material/rubbish deposited across it.
- 2.3 Wyckham Avenue presently serves an existing apartment complex and three detached houses to the west of the site and the Gort Mhuire complex. The site is bounded to the east by St. Tiernan's community school and to the north by the grounds of this school. It is bounded to the west by housing for the travelling community on Wyckham Avenue, and to the south by Gort Mhuire and its curtilage. The site is located c. 850 metres from Dundrum Town Centre and 900 metres from

the Balally Green Line Luas stop.

3.0 Proposed Strategic Housing Development

- 3.1 The proposed development comprises the construction of 4 no. 5 storey apartment blocks to accommodate 116 residential units comprising 40 no. 1 bed apartments (ranging from 46 sq. metres to 50.4 sq. metres) and 76 no. 2 bed units (ranging from 79 to 86 sq. metres). The development will be served by 36 no. surface car parking spaces and 122 bicycle spaces plus 54 visitor bicycle parking spaces. The 4 no. blocks are arranged around a central landscaped courtyard. A total of 2,930 sq. metres of communal open space will be provided.
- 3.2 It is proposed to renovate the outbuildings to accommodate a concierge office (41.9 sq. m.), gym (64 sq. m.) and media suite (69 sq. m.). Vehicular access to the site will be provided from Wyckham Place. The development also provides for plant areas, bin storage, surface water attenuation tank, ESB substation and metering rooms and all other site development work and site services required to facilitate the development.

Development Parameters

Parameter	Site Proposal
Density	107.5 uph
Car Parking	36 surface spaces, 5 of which will be for car club
Bicycle Parking	122 spaces plus 54 visitor spaces
Part V	10% on Site Provision
Vehicular Access	Via Wyckham Place
Application Site	1.079 ha
Open Space	5,030 sq. m. (of which 2,930 sq. m. is communal)

4.0 Planning History

Planning Authority Reference D06A/14588

- 4.1 Permission was granted in 2007 for 47 houses – 40 mews type houses and 7 units within the refurbished farm building complex. An extension of duration of this permission was granted under Ref. D06A/1588/E to July, 2017.

Planning Authority Reference PL06D.246252

- 4.2 Permission was refused by the Board in July 2016 for a development comprising 108 apartments in 2 no. 4 storey blocks and the refurbishment of a protected structure to accommodate 6 duplex units.
- 4.3 The reasons for refusal related to the monolithic nature of the design; that the development constituted over development of the site due to its height scale and massing; the poor quality layout particularly in terms of the provision and layout of communal amenity space and overbearing impacts to a protected structure.
- 4.4 Particular concerns were raised regarding the proximity of the apartment blocks to the garden walls (protected structures) and to the adverse overbearing and visual impacts in terms of the scale, height, massing and alignment of the development relative to the designated features of the protected structure, the overbearing impact on the farm complex building and potential adverse impacts on the integrity of the structure arising from excavation works.

Adjacent site to the North

Planning Authority Reference D18A/0865/Appeal Reference 303041-18

- 4.5 Permission refused by Dun Laoghaire Rathdown County Council in October 2018 for a development comprising a two storey, 16 classroom primary school building, ancillary facilities and a two storey sports facility. The development also provides for a new temporary vehicular entrance onto Wyckham Way at the north western site boundary which will facilitate one way left turning movements from the site only. The

reasons for refusal related to the exit-only link onto Wyckham Way which it was considered would endanger public safety by reason of traffic hazard and that the proposal to utilise the existing access to St. Tiernan's, through Parkvale, is not acceptable on the grounds of impact on residential amenity. This application is currently subject to a first party appeal to the Board.

5.0 National and Local Planning Policy

5.1 National Policy

Project Ireland 2040 - National Planning Framework

5.1.1 Chapter 4 of the Framework addresses the topic of 'making stronger urban places' and sets out a range of objectives which it is considered will assist in achieving same. National Policy Objective 13 provides 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. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

Section 28 Ministerial Guidelines

5.1.2 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 S.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.
- Sustainable Urban Housing: Design Standards for New Apartments (2018).
- Childcare Facilities – Guidelines for Planning Authorities.
- Urban Development and Building Heights – Guidelines for Planning Authorities 2018.
- Architectural Heritage Protection Guidelines for Planning Authorities.

5.2 Local Planning Policy

Dun Laoghaire Rathdown County Development Plan 2016-2022

- 5.2.1 The site is zoned Objective A with the objective *"to protect and or improve residential amenity"*.
- 5.2.2 Gort Mhuire Centre is listed in the Record of Protected Structures in Appendix 4 of the Plan and this listing applies to the water gardens, garden walls and farm building complex (i.e. the appeal site), house, ornamental ironwork, conservatory and water tower.
- 5.2.3 **Policy RES 3** promotes higher residential densities and a minimum of 50 units per ha are encouraged within 1km of a Town/District Centre, a rail station, Luas line, BRT and Priority 1 QBC and within 500 metres of a Bus Priority Route.
- 5.2.4 **Policy AR1:** relates to Protected Structures and Part (iv) states *"Ensure that new and adapted uses are compatible with the character and special interest of the Protected Structure."*

6.0 Documentation Submitted

- 6.1 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.
- 6.2 This information included, inter alia, Statement of Consistency, Planning Report, Minutes of S247 Meeting, Completed Planning Application Form, Part V Details, Notice of Entry on the Vacant Sites Register, Pre Connection Enquiry from Irish Water, Architectural Drawings, Drawing Register and Design Statement, Arboricultural Report and Drawings, Operational Waste Management Plan, Conservation Report, Photomontages, Landscape Masterplan, Report and Drawings, Appropriate Assessment Report, Ecological Impact Assessment Report, Outline Construction Environmental Management Plan, Landscape and Visual Appraisal, Preliminary Fire Safety and Access Use Strategy, Engineering Report and Drawings, Energy and Sustainability Report and Daylight Sunlight Report.
- 6.3 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 is summarised as follows:

- The development will deliver an appropriate form and scale of residential development in close proximity to public transport and natural amenities. It will provide residential development on a key urban infill site and support urban consolidation.
- The development is consistent with the zoning objective for the site and relevant policies and objectives of the County Plan. The density is consistent with the guidance set out in Policy RES3.
- The 4 no. blocks rise to 4 storeys with a 5th recessed storey and have a maximum height of 15.663 metres. It is considered that the development is supported by the height guidelines which encourages increased density and building heights.
- 5,030 sq. metres of open space are will be provided of which 2,930 sq. m. is communal open space. The development has been designed to maximise views of the historic walls from within the development and reflects the original cruciform layout of the garden with the design being divided into quadrants. A central landscaped area is proposed. Mature trees will be retained. The open space strategy for the scheme creates multiple open space areas of varying uses and sizes. Materials and finishes will be designed to a high architectural standard. A range of support services including a gym and concierge will be provided.
- The application site is served by high quality walking and cycling links. 36 no. car parking spaces are provided as well as 5 dedicated Go Car spaces. 122 bicycle spaces and 54 visitor bicycle spaces are proposed. The scheme prioritises pedestrians and cyclists through the development using shared surfaces and designated footpaths and limiting the number of vehicles entering the scheme.
- All units accord with the quantitative and qualitative standards set out for

apartments in the Sustainable Urban Housing: Design Standards for New Apartments 2018. The majority of units (72%) are dual aspect.

- The development will restore the protected outbuilding/farmhouse buildings which are rapidly deteriorating and will repair the walls. The buildings will be positioned back from the perimeter walls by c. 10m allowing light penetration and providing intimate semi-private areas. It will remove a vacant, underutilised site and transform it to a development that will contribute positively to the neighbourhood. It is considered the development will not impact on the protected house.
- The development has been designed to specifically address the previous reasons for refusal under Planning Authority Reference D15A/0772/Appeal Reference PL06D.246252.
- Proposal is consistent with the policies and objectives contained in National, Regional and Local Planning Guidelines and Plans.

7.0 Planning Authority Submission

7.1 A submission was received by An Bord Pleanála on the 26th of March 2019 from Dun Laoghaire Rathdown County Council. The 'opinion' of the planning authority included, inter alia, the following:

- The principle of residential development on the site is acceptable. A density in excess of 50 units to the hectare accords with the Council's policy to generally promote higher residential densities in existing built up areas specifically having regard to the sites location proximate to the Balally Luas Stop and adjacent bus routes.
- The proposed mix of units and floor area of apartments complies with the Guidelines. The percentage of dual aspect units (72%) exceeds the minimum requirements. Adequate private amenity areas have been provided for the apartments.
- It is accepted that reduction in car parking standards as set out the County

Development Plan may be acceptable on account of the proximity of the site to amenities and public transport. However, it is considered that a provision of 1 space per unit plus one visitor space per 10 apartments would be more appropriate. A total of 116 no. car parking spaces should be provided. It is recommended that an additional 9 spaces be equipped with one Electric Vehicle Charging Point.

- In order to comply with the standards, 250 bicycle spaces would be required. The proposed 176 spaces does not comply with the Apartment Guidelines. It is considered that the cycle parking is well dispersed around the development. Consideration of cycle share facilities is recommended. 4 motorcycle spaces should be provided.
- With regard to resolution of access arrangement to St. Tiernan's School, note that the Planning Authority have explored many options, some of which involve the walled garden. There is no obligation on the applicant to provide such an access.
- Given the proximity of Wyckham Point and Place which are 5 and 6 storey apartment blocks, it is considered that there is a precedent for development of 5 storeys in the immediate area. Having regard to the Urban Development and Building Height Guidelines, a more comprehensive rationale for the height proposed is required especially with regard to the impact such height would have on the setting of the protected structure.
- Note that there is a crèche facility in Wyckham Point and in this context, an additional childcare facility may not be required. However, a more detailed assessment of the childcare need in the area including the capacity of existing childcare facilities is required.
- The amount of open space is considered adequate. The development will result in a pedestrian friendly environment with safe areas of public and residential open space. Part of the existing walls will be visible from the central open space. It is considered there is scope for additional soft landscaping in these

areas. The methodology for the sunlight and daylight report appears reasonable.

- It is considered there are adequate separation distances between the development and adjoining residential properties on Wyckham Avenue and that there will be no undue overlooking. Notes the separation distances between the proposed blocks and that a minimum distance of 22 metres between opposing windows is required. It is stated that this may be achieved by alteration to the elevations rather than relocation of the apartment blocks.
- The approach to materials is considered acceptable as it will be a contemporary intervention in the historical walled garden and the materials will contrast to the brick of the existing walls. The final details of materials proposed will be important in this historic setting.
- The Conservation Section have concerns relating to the design of the proposed apartment blocks and these should be addressed including a comprehensive design and conservation statement detailing a rationale for the design approach. Concerns raised relating to the parking arrangement of 14 no. spaces on either side of the entrance to the former walled garden which is considered not to be in the spirit of the character of the walled garden. Consider that former central fountain should be reinstated/retained.
- Any future application should include a structural/condition survey of the perimeter walls divided into sections to reflect any changes in composition/structural stability identifying areas of deterioration or loss of mortar, analysis of the method of construction, mortar analysis and a method statement for any repairs necessitated. Detailed method statement with specifications also required for the farmyard complex. Works to the protected outbuildings should take place concurrently with any adjoining buildings to prevent their further deterioration.
- Clarity required regarding a number of drainage related matters including extent of green roofs and possible sewer connection to Wyckham Place and detailed

design.

Other Prescribed Bodies

Irish Water (15.03.2019): Irish Water has issued a Confirmation of Feasibility for the development. The proposed development 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 connection(s) to take place.

8.0 The Consultation Meeting

- 8.1 A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 3rd April 2019, commencing at 2.00 PM. 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.
- 8.2 The main topics raised for discussion at the tripartite meeting were based on the Agenda that issued in advance and contained the following issues:
- Development strategy for the site to include site history, conservation strategy, landscaping and permeability/connectivity.
 - Car parking and bicycle parking.
 - Residential amenity.
 - Drainage.
 - Future school entrance.
 - Crèche
 - Any other matters.
- 8.3 In relation to the **Development Strategy** for the site including site history, conservation strategy, landscaping and permeability/connectivity, An Bord Pleanála sought further elaboration/discussion/consideration of the following: The planning history of the site and the evolution of the design to overcome previous reasons for

refusal under Appeal Reference PL06D.246252; the conservation strategy proposed, appropriateness of the design and potential impacts on the protected walls and outbuildings and Gort Mhuire House; the landscape strategy for the site in particular the pedestrian permeability through the development, location of children's play, nature of all boundary treatments and tree retention.

- 8.4 In relation to **Car Parking and Bicycle Parking**, An Bord Pleanála sought further elaboration/discussion/consideration of the following: the extent of car parking and bicycle parking proposed and justification of same; clarification regarding the Go Car parking provision.
- 8.5 In relation to **Residential Amenity**, An Bord Pleanála sought further elaboration/discussion/consideration on the sunlight and daylight analysis undertaken and separation distances between apartment blocks.
- 8.6 In relation to **Drainage**, An Bord Pleanála sought further elaboration/discussion/consideration of the detailed design matters raised in the Drainage Planning Report appended to the submission received by An Bord Pleanála on the 26th of March 2019 from Dun Laoghaire Rathdown County Council.
- 8.7 In relation to the **Future School Entrance**, An Bord Pleanála sought further elaboration/discussion/consideration of potential future links to the adjoining school site including a future potential pedestrian link.
- 8.8 In relation to **Crèche** facility An Bord Pleanála sought further elaboration/discussion/consideration of the following: justification for omission of crèche.
- 8.9 In relation to **Any Other Matters**, An Bord Pleanála noted that inconsistencies in the documentation would need to be addressed in any future application; clarification on the proposed media use; phasing of development and clarification regarding letter of consent relating to the wayleave.

9.0 Conclusion and Recommendation

- 9.1 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.

- 9.2 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 s.28 Ministerial Guidelines, and local policy, via the statutory plan for the area.
- 9.3 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.**
- 9.4 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.

10.0 Recommended Opinion

- 10.1 The Board 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.
- 10.2 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 would constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**

10.3 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 arising from this notification:

1. A detailed landscape plan to address appropriate pedestrian permeability and connectivity within the development site following natural desire lines to apartment entrances and amenities and recreational facilities within the site; details of all proposed boundary treatments including that adjacent to Gort Mhuire; proposals for hard and soft landscaping including street furniture, where proposed; details of proposed cycle parking provision and design, particularly where proposed adjacent to the protected walls; potential pedestrian connection to school lands (if feasible); retention of mature trees and details of public art to be provided.
2. Detailed conservation report to include:
 - design rationale to support the design, height, scale and massing of the development in the context of its historic setting. Report should specifically address potential structural and visual impact of the apartments on the protected walls and outbuildings and the impact of the development on its wider context, notably on the character and setting of Gort Mhuire House and should be supported by appropriate graphic and photographic information;
 - detailed photographic record of protected outbuildings and details of all interventions and specification of works to be carried out to this structure and the protected walls in accordance with best conservation practice;
 - detailed structural/condition survey of the perimeter walls to include elevation survey drawings along the entire length of the walls, divided into sections to reflect any changes in the composition/structural stability and identifying areas of deterioration or loss of mortar, analysis of the method of construction, mortar analysis and a method statement for any repairs necessitated;
 - detailed structural report setting out the measures proposed to ensure the

- integrity and stability of the protected walls during the construction phase.
3. A report that specifically addresses the proposed materials and finishes to the scheme including specific detailing of finishes, the treatment of balconies in the apartment buildings, landscaped areas, pathways, entrances and boundary treatment/s. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the development.
 4. A life cycle report shall be submitted in accordance with section 6.3 of the Sustainable Urban housing: Design Standards for New Apartments (2018). The report should have regard to the long term management and maintenance of the proposed development.
 5. Photomontages/CGI's to include additional views from Gort Mhuire complex and Wyckham Avenue.
 6. A detailed analysis of car parking and bicycle parking demand and proposed parking strategy on the site particularly in the context of the proximity of the site to the LUAS and Dublin Bus Services. To include a statement on particular measures to implement and manage the proposed car club spaces and how proposed car parking spaces will be allocated and managed. A full justification as to why basement car parking cannot be facilitated should be provided.
 7. A detailed Quality Audit to include Road Safety Audit, Access Audit, Cycle Audit and Walking Audit.
 8. A Mobility Management Plan.
 9. A detailed schedule of accommodation which shall indicate compliance with relevant standards in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' 2018.
 10. Additional drainage details having regard to the report of the Drainage Division of the planning authority, as contained in submission received by An Bord Pleanála on the **26th of March** 2019 from Dun Laoghaire Rathdown County Council.
 11. Daylight and Sunlight Analysis of all blocks including living room accommodation.
 12. Detailed plans and cross sections indicating how overlooking between

residential blocks will be minimised.

13. Construction and Environmental Management Plan to include a plan for the treatment and removal of Japanese Knotweed and a Traffic Management Plan during the construction phase.
 14. Waste Management Plan including measures to appropriately screen and landscape any external refuse storage areas.
 15. Childcare demand analysis and the likely demand for childcare places resulting from the proposed development.
 16. Phasing Plan to include appropriate site protection and remediation works to the garden walls and outbuildings within the 1st phase of development.
- 10.4 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. Transport Infrastructure Ireland
 3. National Transport Authority
 4. Minister for Culture, Heritage and the Gaeltacht
 5. Heritage Council
 6. An Taisce — the National Trust for Ireland
 7. 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 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.


Erika Casey
Senior Planning Inspector

16th April 2019

