



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion

ABP-305051-19

Strategic Housing Development	248 apartment units and a childcare facility.
Location	Lands at St Clare's Convent, Harolds Cross Road, Harolds Cross, Dublin 6.
Planning Authority	Dublin City Council.
Prospective Applicant	St. Clare's GP3 Ltd.
Date of Consultation Meeting	12 September 2019.
Date of Site Inspection	30 August 2019.
Inspector	Stephen Rhys Thomas.

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

The subject site is located in the Harold's Cross area of south Dublin City, close to the Grand Canal and adjacent to Harold's Cross Park. The site is situated on the eastern side of Harold's Cross Road, opposite the north east corner of Harold's Cross Park. The site comprises 1.7 Hectares and incorporates the grounds and buildings of the former St Clare's Convent. As such the application site contains a number of older buildings currently under renovation and refurbishment.

The site is bounded to the north by residential dwellings that front onto Harold's Cross Road and to the north east by St. Clare's National School. To the east and south east, the site adjoins a residential area of two storey terraced dwellings in Mount Drummond Square. To the south, the site adjoins a residential development, Leinster Park. The surrounding area is made up of a mix of building styles, of various dates, character and condition.

3.0 Proposed Strategic Housing Development

The proposed development which is subject of this pre-application consultation request comprises 248 residential units in nine previously permitted apartment blocks, three of which will be amended in terms of number of units and height, the blocks range from 3-6 storeys and up to 19 metres in height, the detail is as follows:

Block	Status	No. of Units			Total
		1-bed	2-bed	3-bed	
Block A	<i>Permitted</i>	0	2	3	5
Block B	<i>Permitted</i>	1	2	4	7
Block C	<i>Permitted</i>	1	5	0	6
Block D	<i>Permitted</i>	9	1	0	10
Block E	Proposed	16	39	17	72
Block F	Proposed	13	38	6	57
Block G	Proposed	12	46	10	68
Block J	<i>Permitted</i>	12	11	0	23
Total		64	144	40	
Overall total					248

The proposed development will provide **197** dwelling units in three blocks, as an amendment to the previously permitted blocks E, F and G.

Included in the development description:

- All dwellings will include private balconies/terraces.
- 160 no. car parking spaces and 349 no. bike parking spaces. A new vehicular access off Harolds Cross Road is proposed.
- In excess of 8,000 sq.m. of communal space in a combination of internal and external areas including a landscaped courtyard, and other open spaces located around each of the apartment blocks, gym, meeting rooms, multi-function room, residents' lounge, concierge and resident reception.

Residential density 146 units per hectare.

3.1.1. Qualification for Strategic Housing

The applicant intends to make an application to amend an existing planning permission, reference number ABP 301835-18 (Reg Ref 4040/17) and others refer. The modifications will involve the alteration of elevations, provision of additional floors and an increase in overall height to Blocks E, F and G. The total number of units in these blocks will increase by 28 units to 197 units in total. The application will entail the provision of 197 dwelling units in accordance with the definition of Strategic Housing Development, as defined by the Act under the definitions contained in section 3, as follows:

“strategic housing development” means—

a) the development of 100 or more houses on land zoned for residential use or for a mixture of residential and other uses,

(b) the development of student accommodation units which, when combined, contain 200 or more bed spaces, on land the zoning of which facilitates the provision of student accommodation or a mixture of student accommodation and other uses thereon,

(ba) development —

(i) consisting of shared accommodation units that, when combined, contain 200 or more bed spaces, and

(ii) on land the zoning of which facilitates the provision of shared accommodation or a mixture of shared accommodation thereon and its application for other uses,

(c) development that contains developments of the type to which all of the foregoing paragraphs, or any two of the foregoing paragraphs, apply, or

(d) the alteration of an existing planning permission granted under section 34 (other than under subsection (3A)) where the proposed alteration relates to development specified in paragraph (a), (b), (ba) or (c),

In this case, the applicant proposes an alteration to a permitted development in order to deliver in excess of 100 houses on lands zoned for residential use, as defined by (d) above.

4.0 National and Local Policy

5.1 Section 28 Ministerial Guidelines

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 S.28 Ministerial Guidelines are:

- 'Urban Development and Building Heights Guidelines for Planning Authorities' - 2018
- 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities' - 2018
- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual') 2009
- 'Design Manual for Urban Roads and Streets' 2013 (as amended)
- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices')
- 'Childcare Facilities – Guidelines for Planning Authorities' 2001
- 'Architectural Heritage Protection - Guidelines for Planning Authorities' 2011

Other relevant national guidelines include:

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

5.2 Local Policy

Dublin City Development Plan 2016-2022

The site spans two land use objectives in the City Development Plan as follows:

- zoning objective Z1 "to protect, provide and improve residential amenities"
- and on lands zoned Z12, Institutional Lands (Future Development Potential) "to ensure existing environmental amenities are protected in the predominantly

residential future use of these lands”. A minimum of 20% will be required to be retained as accessible public open space.

Residential is a permissible use under these zoning objectives.

Development plan section 16.7 building height. The site is not located in an area designated as suitable for taller buildings, e.g. an LAP, SDZ or SDRA, therefore the ‘low rise’ category applies. A height limit of 16m applies for residential development in the outer city.

Section 16.2.2.2 of the Plan sets out criteria for infill developments.

Sections 16.10.1 and 16.10.3 of the Development Plan outline quantitative and qualitative standards for public and communal open space.

The site contains buildings recorded on the Record of Protected Structures of the Development Plan – RPS Ref: No. 3583, Mortuary chapel, main convent building and chapels of St. Clare’s Convent.

The site is also located within a part of a zone of Archaeological Interest.

5.0 Planning History

Subject site:

ABP 301835-18 (Reg Ref 4040/17)

Amendments to previously permitted development Reg.Ref. 2186/15 (An Bord Pleanála Ref.: PL29S.245164) as amended by Reg. Ref. 2825/17 to include an addition floor level on Blocks E, F & G associated elevation changes, alteration to the basement and removal of 2 apartment units in Block G to accommodate a crèche and all associated works.

ABP 301600-18 (Reg Ref 3781/17)

Demolition of No 115-119 Harolds Cross Road and the construction of two Blocks, J1 & J2.

Reg Ref 4544/17

Amendments to Reg. Ref: 2186/15 (PL29S.245164) amendments to Block D1 to consist of the replacement of previously proposed office area (conditioned by An

Bord Pleanála for community use under Condition 4 of An Bord Pleanála Ref: PL 29S.245164) and 3 no. previously permitted residential units (1 no. 1 bed, 1 no. 1 bed plus study and 1 no. 2 bed) in Block D1 with resident's amenity facilities comprising of: a concierge, residents lounge, multi-function room, meeting room and co-working spaces, gym with revised terrace at lower ground floor on northern elevation and associated facilities; manager's office; and all associated works (total tenant amenities floor space provided is c.396sqm). Minor elevational amendments are also proposed as part of this application. This application will reduce the number of units in Block D from 13 no. to 10 no. resulting in an overall decrease from 156 no. to 153 no. residential units.

ABP- 300031-17 (Reg Ref 2825/17)

Modifications of a previously permitted development PL29S.245164 (Reg Ref 2186/15) for an increase in units and reconfiguration and elevation amendments at Blocks E, F and G and reconfiguration of basement car park providing for increase in parking spaces and associated site works.

Condition No 1 required compliance with Condition No 4 of the parent permission Reg Ref 2186/85 (PL29S.245164) and “community related purpose”.

Reg Ref 2826/17

Replacement of three residential units with residential amenity facility including concierge, residents lounge, multi- function room, meeting room, co working space, gym and associated facilities. Block D would be reduced to 10 units instead of 13 and the overall units within the development would decrease from 156 to 153.

Appeal PL248916 was withdrawn.

PL29S.245164 (Reg Ref 2085/15)

156 apartments in six blocks (Block A-G). Block C includes the change of use of the former Bethany Orphanage to 6 residential units. Block D comprises a change of use of convent to 13 units. The nun’s chapel is to be converted to and residential building and the main chapel and office. A basement carpark includes 155 car parking spaces.

Condition No 2- Block H shall be omitted and replaced with a proposal for a revise area of public open space.

Condition No 3- Block J shall be omitted and any redevelopment shall be the subject of a separate planning application.

Condition No 4- The proposed mezzanine in the chapel omitted and the chapel used for community related purpose and not office.

Condition No 9 All trees to be retained within the site unless specifically authorised by the planning application.

5.1.1. **Section 247 Consultation(s) with Planning Authority**

It is stated by the prospective applicants in the submitted documentation that a Section 247 pre-application consultation took place with the planning authority on 15 March 2019. Details of the meeting are submitted.

6.0 **Forming of an Opinion**

- 6.1.1. 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 a brief detail on each of these elements hereunder.

Documentation Submitted

- 6.1.2. 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.
- 6.1.3. The information submitted included the following: a Completed Application Form; Strategic Housing Development Pre-Application Request Form; Part V Proposal; Irish Water Confirmation of Feasibility; Cover Letter; Architectural Drawings and Design Statement; Housing Quality Assessment; Landscape Specification; Landscape and Visual Appraisal; EIA Screening Report; Statement of Consistency; Statement of Material Contravention; Engineering Drawings; Engineering Services Report; Traffic Impact and Parking Strategy; DMURS Statement; Operational Waste Management Plan; Daylight Sunlight Report; Archaeological Report; AA Screening; Sustainability Report and Energy Statement; Photomontages and CGIs; Building Life

Cycle Report an Estate Management Strategy; Arboriculture Report; Fire Safety and Access & Use Strategy; Conservation Compliance Report; Environmental Management Plan; Site Traffic Management Plan; Construction Stage Safety and Health Plan and a Construction Stage Waste Management Plan.

- 6.1.4. I have reviewed and considered all of the above mentioned documents and drawings.

Planning Authority Submission

- 6.1.5. 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 29 August 2019.
- 6.1.6. The planning authority's 'opinion' included the following matters: planning history; zoning objective and policy, AA screening and EIA screening and pre-planning discussions. The main issues centred on the following: overall height clarification 19.6 metres or 24.3 metres; address the issues raised by the Transportation Planning Division and Drainage Division concerning a number of technical issues.
- 6.1.7. The planning authority conclude that only these main issues require clarification in the event of the lodgement of an application.

Submission from Irish Water

- 6.1.8. A submission was received from Irish Water and is available on file. In summary, the submission states that 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 connections.

The Consultation Meeting

- 6.1.9. A section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 12 September 2019, commencing at 11.30am. 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.
- 6.1.10. 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. Tenure type and scope of application
2. Public Realm – Harold's Cross Road interface
3. DMURS – carriageway width and updates
4. Any other matters

In relation to tenure type and scope of application, ABP representatives sought further elaboration/discussion on the proposed tenure type for the development. It was noted that previous iterations of the permitted development may have been intended as build for rent and this should be clarified. In particular, the inclusion of a number of resident's facilities and amenities provided in the renovated older structures should be detailed. The applicant clarified that the entire development would be a conventional build to own scheme and that resident's facilities would be detailed if an application is lodged.

In relation to Public Realm – Harold's Cross Road interface, ABP representatives sought further elaboration/discussion on whether there would be any design changes to the development as it presents to the Harold's Cross Road. The applicant stated that there would be no design changes to the Harold's Cross Road elevations and that the proposed amendments would be confined to blocks E, F and G.

In relation to DMURS – carriageway width and updates, ABP representatives sought further elaboration/discussion around the short access street and DMURS standards in relation to recent updates to the guidelines. The applicant noted that updates had been made to the DMURS guidelines and that given the short distance of the access street, excessive vehicle speeds were not envisaged. In any case no changes are proposed to the access street as it is permitted.

In relation to the other matters, ABP representatives highlighted that a report should address the rationale for the selection of materials for the upper floors. The planning authority reiterated issues to do with green roof design and surface water run-off rates and directed the applicant to their opinion submitted to the Board for reference.

Both the prospective applicant and the planning authority were given an opportunity comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting 305051' 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.

7.0 Conclusion and Recommendation

- 7.1.1. 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.
- 7.1.2. 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, submissions received from statutory consultees referred to under Section 6(10) of the Act 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.
- 7.1.3. 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.
- 7.1.4. 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.

8.0 Recommended Opinion

- 8.1.1. 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.

- 8.1.2. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, and submissions received from statutory consultees referred to under Section 6(10) of the Act, 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.

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 report or statement that addresses the intended tenure or ownership of the proposed development i.e. 'build-to-rent', owner occupation or for individual lease. In addition to the drawings that detail the proposed amendments to blocks E, F and G, the applicant should detail all other permitted or proposed development on the site as outlined. For instance, complete drawings should be included that detail blocks A, B, C, D, J1 and J2, as they were previously permitted on the site.
2. A report that addresses the selection rationale for the proposed building finishes and materials, specifically for upper storeys.
3. Full and complete analysis and drawings that detail the impact of the proposed development on the residential amenity of future and existing residents in relation to daylighting, overshadowing and overlooking.
4. Details of existing and proposed levels across the development site relative to adjoining lands in particular contiguous residential properties. Full details of any changes in levels proposed should be provided.

5. A mobility management strategy that shall be sufficient to justify the amount of parking proposed for cars and bicycles. In addition, the technical details required by the Council's Transportation Planning Division in their report dated 26 August 2019 regarding car/bicycle parking spaces, drop off areas and site traffic management should be addressed.
6. A site layout plan showing which, if any, areas are to be taken in charge by the planning authority.
7. A housing quality assessment which provides the details regarding the proposed apartments set out in the schedule of accommodation, as well as the calculations and tables required to demonstrate the compliance of those details with the various requirements of the 2018 Guidelines on Design Standards for New Apartments including its specific planning policy requirements.
8. A report that addresses the surface water management strategy to include an assessment of the extent of green roof incorporation if any and details of sustainable drainage systems in the management of stormwater.
9. A building life cycle report shall be submitted in accordance with section 6.13 of the Sustainable Urban Housing: Design Standards for New Apartments (2018), consideration should also be given to the long term maintenance and management of any resident amenities provided.

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. National Transport Authority
3. Department of Culture, Heritage and the Gaeltacht
4. An Taisce

5. Heritage Council
6. An Chomhairle Ealaíon
7. Fáilte Ireland
8. Dublin City 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.

Stephen Rhys Thomas
Senior Planning Inspector

03 October 2019