



An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion
305255-19**

Strategic Housing Development	101 no. residential units, consisting of 11 no. studio, 26 no. 1 bedroom and 64 no. 2 bedroom, each with balcony / terrace space. Comprising 8 linked blocks ranging in height from 2-4 storeys over basement and ancillary site works.
Location	Castle Park School, Castle Park Road, Dalkey, Co Dublin
Planning Authority	Dun Laoghaire Rathdown County Council
Prospective Applicant	Curve Devco Limited
Date of Consultation Meeting	30 th September 2019
Date of Site Inspection	12 th September 2019
Inspector	F. Fair

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

- 2.1.1. The subject site, which has a stated area of circa 1.27 hectares, consists of part of the grounds of Castle Park School in Dalkey, County Dublin. The proposed site is located to the north west of Dalkey and to the south east of Dublin Bay, just 500m from Bullock Harbour. The site is within 1.4 Km of Dalkey Dart Station and 1.3 Km from Glenageary Dart Station.
- 2.1.2. The subject site forms part of the former grounds of the school property which is primarily covered by trees and dense woodland. A school overflow car park is located at the north-eastern corner of the site and this is accessed from the avenue to the school. Essentially the site is in separate possession to the school, however access / egress is to be through the protected school gateway. There is a fall across the site running in a north-west to south-east direction towards Hyde Road. The site also falls to the south-west corner. A central rock outcrop forms the highest point within the site.
- 2.1.3. Castle Park School buildings, playing fields and car parks are sited to the east and south-east. Detached housing in Castle Close is located to the north-east and an apartment development (Castle Park Residence) is located to the north-west. The rear gardens of detached residential properties on Hyde Road adjoin the site's western boundary and terraced and detached housing in Castlelands and Castlelands Grove are located to the south-west.

3.0 Proposed Strategic Housing Development

- 3.1.1. The proposed development consists of a new residential development of 101 no. apartments arranged in 8 no. blocks ranging from 2 – 4 storeys, set out over a single basement, together with a single storey tenant amenity building, all on a site of c. 1.27 ha on lands within the grounds of Castle Park School, Castle Park Road, Dalkey, Co. Dublin.
- 3.1.2. The following details are noted: Table 1

Parameter	Site Proposal
Application Site	1.27 ha
No. of Units	101 apartments
Other Uses	A single storey amenity building (140 sq. m)
Residential Density	79.5 units / ha
Site Coverage	28.5%
Plot Ratio	0.76
Building Height	2 – 4 Storey
Public Open Space requirement:	3,175 sq. m (25%)
Public Open Space provision:	4,112 sq. m (32.4%)
Car Parking	80 spaces (basement)
Bicycle Parking	152 spaces
Vehicular Access	From Castle Park Road
Part V	10 units (10%)

Table 2: The breakdown of proposed residential unit types is as follows:

Unit Type	1 bed	2 bed	studio	
GFA (m ²) / Unit	50.3 – 64.7	77.3 - 103	39.8 – 43.4	
Apartment	26	64	11	101
% Total	26%	63%	11%	100%

4.0 National and Local Planning Policy

4.1.1. 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)

4.1.2. Local

The site is zoned 'A' with the objective "To protect and/or improve residential amenity."

The site has two specific local objectives relating to it. It is designated 'Institutional Lands' with the objective: 'To protect and/or improve institutional use in open lands'. There is also an objective: 'To protect and preserve Trees and Woodlands'.

4.1.3. Built Heritage

Castle Park School – House and Entrance Gateway are protected structures.

Policies include:

Policy AR1: Record of Protected Structures

It is Council policy to:

- i. Include those structures that are considered in the opinion of the Planning Authority to be of special architectural, historical, archaeological, artistic, cultural, scientific, technical or social interest in the Record of Protected Structures (RPS).
- ii. Protect structures included on the RPS from any works that would negatively impact their special character and appearance.
- iii. Ensure that any development proposals to Protected Structures, their curtilage and setting shall have regard to the Department of the Arts, Heritage and the Gaeltacht 'Architectural Heritage Protection Guidelines for Planning Authorities' (2011).
- iv. Ensure that new and adapted uses are compatible with the character and special interest of the Protected Structure.

4.1.4. Development in Proximity to a Protected Structure

The Plan states that any proposed development within the curtilage, attendant grounds or in close proximity to a Protected Structure has the potential to adversely affect its setting and amenity. The overall guiding principle will be an insistence on high quality in both materials and design which both respects and compliments the Protected Structure and its setting. Innovative design in accordance with international best practice is encouraged.

Any proposal for development will be assessed in terms of the following:

- The proximity and potential impact in terms of scale, height, massing and alignment on the Protected Structure, to ensure that harmony produced by particular grouping of buildings and the quality of spaces and views between them is not adversely affected.
- The quality and palette of materials and finishes proposed.
- Works to the Protected Structure should take place in tandem with the proposed development to ensure a holistic approach to the site.
- Impact on existing features and important landscape elements including trees, hedgerows and boundary treatments.
- Impact of associated works including street furniture and car parking.

4.1.5. Institutional Lands

Where no demand for an alternative institutional use is evident or foreseen, the Council may permit alternative uses subject to the area's zoning objectives and the open character of the lands being retained. The Plan notes that there are still a number of large institutions in the established suburbs of the County which may be subject to redevelopment pressures in the coming years. The principal aims of any eventual redevelopment of these lands will be to achieve a sustainable amount of development while ensuring the essential setting of the lands and the integrity of the main buildings are retained.

In order to promote a high standard of development a comprehensive masterplan is required to accompany a planning application for institutional sites. Such a masterplan must adequately take account of the built heritage and natural assets of a site and established recreational use patterns. Public access to all or some of the lands may be required. Every planning application lodged on institutional lands shall clearly demonstrate how they conform with the agreed masterplan for the overall site. Should any proposed development deviate from the agreed masterplan then a revised masterplan shall be agreed with the planning authority. A minimum open space provision of 25% of the total site area (or a population based provision in

accordance with Section 8.2.8.2 whichever is the greater) will be required on Institutional Lands. This provision is required to be sufficient to maintain the open character of the site - with development proposals built around existing features and layout, particularly by reference to retention of trees, boundary walls and other features as considered necessary by the Council.

In addition to the provision of adequate open space, on Institutional Lands where existing school uses will be retained, any proposed residential development is required to have regard to the future needs of the school and allow sufficient space to be retained adjacent to the school for possible future school expansion / redevelopment.

5.0 Planning History

Planning history relating to the site and school includes the following:

5.1.1. PL 06D.249205 / Req. Ref. D17A/0551

Permission was granted for a residential development consisting of 50 no. apartments: consisting of:

- 5 one-bedroom,
- 30 two-bedroom and
- 15 three-bedroom units.

They are provided in eight blocks connected by seven glazed atria. The blocks are provided to a height of 3-4 storeys over a basement level. The development includes the provision of 80 car parking spaces at basement level, four drop-off car spaces at surface level and 60 cycle spaces at basement and surface level. Each of the apartments would have a balcony/terrace space. The development is served by public open space, a children's play area and garden pavilion. Vehicular access is provided via the existing avenue serving Castle Park School. A pedestrian/cycle access is also proposed connecting to the adjoining estate of Castle Close. The existing gate to the school from Castlelands would be used for emergency/fire tender access purposes, for pedestrian access and for temporary construction access.

5.1.2. P.A. Ref. D17A/0016

Permission was granted for an extension to a school playground.

5.1.3. ABP Ref. PL 06D.247159

Permission was refused by the Board for an overflow car park to serve the school.

5.1.4. P.A. D14A/0501

Permission was refused for 15 houses.

5.1.5. P.A. D11A/0570

Permission was granted for the installation of new entrance gates and signage.

5.1.6. P.A. D08A/0043

Permission was granted for the retention and completion of modifications to the redevelopment of the school.

5.1.7. ABP Ref. PL 06D.227213

Permission was refused by the Board for a residential development of 47 units.

5.1.8. P.A. Ref. D06A/0406

Permission was refused for a headmaster's house to replace the existing headmaster's house.

5.1.9. ABP Ref. PL 06D.215646

Permission was refused by the Board for 81 residential units.

5.1.10. ABP Ref. PL 06D.215520

Permission was granted for the redevelopment and extension of the existing school.

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

- 6.1.1. It is stated by the prospective applicant that one pre-application consultation took place with the planning authority on 9th July 2019. In addition, it is submitted that there were a number of meetings held with officials from individual departments throughout the process.

7.0 Submissions Received

7.1.1. Irish Water

Irish Water advises that subject to a valid connection agreement being put in place, the proposed connection to the Irish Water network for this development for 101 apartments can be facilitated.

The IW submission states that 'as stated in the CoF, both the water and wastewater networks must be extended to accommodate this development. No statutory consents will be required for the wastewater extension other than a road opening licence from the LA. Permission to lay a water main in the road will be required from third party owners for the water network extension'.

7.1.2. Department of Culture, Heritage and the Gaeltacht

- With Respect to Archaeology: The Department notes that there are no documents relating to archaeological impact or potential impacts at this stage.

It is the DCHG that in the event of the submission of a planning application that an Archaeological Impact Assessment should be prepared to assess the potential impact, if any, on archaeological remains in the area where development is proposed to take place.

- With Respect to Architectural Heritage: The Department notes that the proposed development is accompanied by an architectural heritage assessment. Traffic management or physical protective mechanisms for mitigating the quantum of traffic passing continuously through the gates, mitigating the risk by protection of the fabric against mechanical damage. Photomontages were taken in August, which does not give an indication of tree coverage during winter months. The presence of tree coverage should not be used to justify a development that would not satisfy requirements to protect architectural heritage should tree coverage be removed.

8.0 Forming of 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 submissions and the discussions which took place during the tripartite consultation meeting. I shall provide brief detail on each of these elements hereunder.

9.0 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, architectural drawings, a confirmation of feasibility from IW, Drainage Design Report, Traffic and Transport Assessment, Sustainability Report, NL Design Report, Aboricultural Assessment, Architectural Heritage Assessment, Design Statement, Sunlight, Daylight and Shadow Assessment, Housing Quality Assessment, Landscape Design Report, Photomontages, Appropriate Assessment Screening Report and Ecological Survey.

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

10.0 Planning Authority Submission

In compliance with section 6(4)(b) of the 2016 Act 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 16th September 2019.

The planning authority's 'opinion' included the following matters: copies of record of section 247 consultation, planning history; site location, Development Plan Policy and zoning, assessment of building height / residential accommodation and residential mix / design and massing / permeability / pedestrian flow / open space

and public realm, assessment of drainage, transportation, public lighting issues, EIAR and AA Screening, conservation issues and assessment of the proposal on Institutional Lands together with appendices containing reports of internal departments.

The report addresses the following:

- The current proposal is similar to the permitted development and therefore the views of the Conservation Officer still remain on the scheme now being proposed. The proposed apartment development is considered to negatively impact on the setting of the protected structure due to its scale, height and massing. The scheme is out of keeping with the sylvan character of the area and fails to respect the significant built heritage and landscape features of the site. It will result in a structure that is visually dominant and overpowers the protected structure to the detriment of its character and setting.
- The proposed development, which would provide for 101 apartment units, would be located on serviced lands within an established suburban area. In addition, the subject site would provide for high-density development within 1.2 Km of Dalkey SART Station and within 1.4Km of both Sandycove and Glasthule and Glenageary DART stations. In this regard, it is considered that the principle of a residential infill development at this site is acceptable.
- With regard to height the provisions of the Urban Development and building Heights Guidelines for Planning Authorities (2018) are noted, including SPR 1 which states support for increased building height and density in locations with good public transport accessibility, with planning authorities to identify areas where increased building height will be actively pursued for both redevelopment, regeneration and infill development to secure the objectives of the NPF and RSES.
- Having regard to the context and location of the subject site it is considered that the proposed development is compliant with the provision of the DRDCC Development Plan and National Policy with regard to density.
- It appears that the proposed apartment units meet the minimum standards with regard to dual aspect, minimum floor areas and private open space.

- The applicant is advised to submit details of existing childcare facilities within the area which have the capacity to accommodate childcare requirements generated by the proposed development, in addition to details of the age demographic of the area. Details relating to existing places for afterschool and full day care facilities in the immediate area is also advised.
- Details of taking in charge to be submitted at application stage.
- Issues raised in the Drainage Report, Transportation Report, Public lighting report, Conservation Reports to be addressed at application stage.
- The P.A. consider that the following matters require further consideration:
 - The visual impact
 - Additional photomontages required,
 - Details of all balcony / terrace treatments incl. screening treatments
 - The potential impact of the shadow cast by the proposed development
 - Details of existing childcare capacity and services in the immediate area
 - Impact of the proposed development on the protected structure with the adjoining Castle Park School property, by reason of overall massing and solid form.
 - Consideration of the potential impact of the proposed development on the existing educational use on the adjoining lands and preparation of a Masterplan for the subject site and adjacent Castlepark school lands
 - If this is a build to rent proposal, the development description and public notices pertaining to the proposed development should clearly state same, in line with provisions of SPPR7. If it is BTR, the full compliance with the requirements of SPPR7 would need to be demonstrated.
 - Building maintenance Report Required

Report concludes that the principle of a residential infill development at this site to be acceptable, with some concerns noted in relation to the overall scale and massing of

the development relative to the existing adjacent properties and the Protected Structure in the vicinity of the subject site.

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

11.0 Consultation Meeting

11.1.1. A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 30th day of September 2019, commencing at 10.00 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.

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

1. Development Strategy having regard to, inter alia, the two local objectives for the lands, set out in the Dun Laoghaire Rathdown County Council Development Plan 2016 – 2022.
2. Residential Amenity in the context of the ‘Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities’, March 2018.
3. Childcare Provision
4. Response to the Issues Raised in the Planning Authority Opinion, submitted to An Bord Pleanála on the 16th September 2019.
5. Any other matters

11.1.2. In relation to development strategy and the two local objectives pertaining to the site, An Bord Pleanála representatives sought further elaboration / discussion / consideration on the following:

- There is a need to address the requirement for a Masterplan and Institutional Lands Objective, as set out in the Dun Laoghaire Rathdown County Council Development Plan 2016 – 2022, in any application.
- Need to ensure that tree loss and category correlated, there is some ambiguity in the Arborist Report submitted.

- There is a need to address how trees will be protected during construction, a robust CMP and Arborist Assessment.
- Possible need for an Arborist on site during construction.
- The reports from the Department of Culture Heritage and the Gaeltacht relating to Archaeology and Architectural Heritage and the requirement for an Archaeological Impact Assessment should be addressed in any application submitted.
- Justification for the proposed amenity space (residents club building) was discussed.

11.1.3. In relation to residential amenity in the context of the ‘Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities’, March 2018, An Bord Pleanála representatives sought further elaboration / discussion / consideration on the following:

- Details of the number and percentage of dual and single aspect apartments in the context of the minimum standards set out in ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’ (2018). It is important that the proposal meets and preferably exceeds the minimum standards in terms of dual aspect (50%). In the interests of clarity clear delineation / colour coding of floor plans indicating which the apartments are considered by the applicant as dual / single aspect.
- Details of the proposed floor areas in the context of the minimum standards set out in ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’ (2018).

11.1.4. In relation to childcare provision, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Justification for the omission of a childcare facility / details or report on demographic profile of the area and childcare capacity including analysis of services in the immediate area.

11.1.5. In relation to the issues raised in the Planning Authority Opinion, submitted to An Bord Pleanála on the 16th September 2019, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Shadow Impact Assessment
- Clarify issues pertaining to drainage connections and agreements with IW and the Drainage Department of Dun Laoghaire Rathdown County Council
- Matters raised within the PA Opinion and Appended County Council Department reports submitted to ABP on the 16th September 2019

11.1.6. In regards to other matters, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Clarification regarding walking distance to Dart stations
- Address public lighting on site and agree details with the planning authority.

12.0 Conclusion and Recommendation

12.1.1. 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.

12.1.2. 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.

12.1.3. Having regard to all of 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 for strategic housing development** under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

12.1.4. 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.

13.0 **Recommended Opinion**

13.1.1. An Bord Pleanála has considered the issues raised in the pre-application consultation process and, having regard to the consultation meeting and the submission of the planning authority, is of the opinion that the documents submitted with the request to enter into consultations constitute a reasonable basis for an application for strategic housing development.

13.1.2. Furthermore, 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. The clear identification on submitted floor plans at application stage of those apartments considered by the applicant to constitute dual aspect having regard to the provisions of 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (2018).
2. A Construction Environmental Management Plan (CEMP) that addresses, inter alia, tree protection during construction phase and an Arborist Assessment required clearly indicating:
 - monitoring of tree protection and mitigation measures;
 - adherence to tree protection measures;
 - supervision of works;
 - post construction assessment and measures to promote / assess regular health and condition of trees.

3. In the event that a childcare facility is not proposed at application stage a statement of rationale for its omission, by way of, assessment and report on demographic profile of the area, including analysis of childcare capacity / services in the immediate area.
4. A Shadow Impact Assessment of the development on the wider area.
5. Clarification at application stage regarding connection to water and drainage infrastructure having regard to issues raised in the Irish Water submission dated 29th May 2019.
6. A response to matters raised within the PA Opinion and Appended County Council Department comments submitted to ABP on the 16th September 2019.
7. A map indicating walking distances to the nearest Dart Stations in the area.
8. Public lighting strategy and plan for the site that addresses, inter alia, ecological protection and health and safety for residents.

13.1.3. 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 Culture Heritage and the Gaeltacht
3. An Taisce
4. Heritage Council
5. An Chomhairle Ealaíonn
6. Fáilte 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.

Fiona Fair
Planning Inspector
15.10.2019