



An  
Bord  
Pleanála

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

## **Inspector's Report on Recommended Opinion ABP-305430-19**

---

### **Strategic Housing Development**

Student Accommodation Development consisting of:

- Demolition of Cunningham House, the Sports Hall, a shed and part of historic random rubble wall to the rear of Oldham House.
- 355 no. purpose-built student bed spaces comprising of 2 no. 4 bed units, 12 no. 5-bed units; 1 no. 6-bed unit; 7 no. 7-bed unit and 29 no. 8 bed units in two interconnected blocks [Blocks A and B], predominantly 4 storey in height with Block A rising to 8 storeys to the north-west.
- 4 no. staff/assistant warden apartments (3 no. two-bed apartments and 1 no. three-bed apartments) located in a 3 storey block [Block C].

- 3 no. classrooms providing a total of 143.7sqm of teaching gross floor area. It is intended that these teaching spaces will be available for use by the Botany Department and will complement the existing teaching and research activities at Trinity Hall.

- A replacement multi-use Sports Hall, together with the adjoining Forum amenity space, resulting in a total amenity area 1047sqm, in a single storey block between, with plant and changing facilities provided at an extended basement level.

**Location**

Trinity Hall, Dartry, Dublin 6.

**Planning Authority**

Dublin City Council.

**Prospective Applicant**

The Provost Fellows, Foundation Scholars and other Members of the Board of the College of the Holy and Undivided Trinity of Queen Elizabeth near Dublin.

**Date of Consultation Meeting**

23<sup>rd</sup> October 2019.

**Date of Site Inspection**

11<sup>th</sup> & 13<sup>th</sup> October 2019.

**Inspector**

Daire McDevitt

## **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 subject site is located c.3km to the south of Dublin City Centre, in a predominantly residential area on the eastern side of Dartry Road. It is located in the inner suburban area of Rathgar, south of Rathmines town centre. The site forms part of the established Trinity Hall student residences located to the south of Palmerstown Park, to the east of Dartry Road and north of Temple Road, to the west of Temple Square residential development.

2.2 Trinity Hall is the main halls of residences for students of Trinity College and comprises three principal residential blocks (c.925 student bed spaces and 14 no. staff/warden apartments) dating from c. 2004 within a parkland setting. Block 1 is 7 storeys and contains a number of services including restaurant, shop, reception, administrative offices and student accommodation on upper floors and adjoins Oldham House and Purser House in the centre of the site Block 2 is 6 storeys and is located to the north-west of the site and fronts onto Dartry Road. Block 3 varies in height from 3 to 5 storeys and is located to the south west fronting onto Dartry Road. Cunningham House dating from the 1970s, which is proposed to be demolished as part of the development, is 3 storeys in height and is located at the south eastern corner of the Trinity Hall Campus fronting onto Temple Road. A Sports Hall, which is also proposed to be demolished, adjoins Oldham House to the east. The north east corner of the complex includes facilities used by the University's Botany Department which includes a botanic garden and associated buildings and structures accommodating the teaching and research function of the Department.

- 2.3 There are 3 protected structures within the Trinity Hall complex, Purser House, Oldham House and Greenane House, all of which are two storey over basement buildings located towards the centre of the larger site. Adjoining the site is Esterel (protected structure), a two storey Georgian building with a rear annex and is the Brazilian Ambassador's Residence. Temple Square, to the east of the site consists of two and three storey modern townhouses with a single storey house on the corner with Temple Road.
- 2.4 The Trinity Hall Campus has a strong sylan character and includes the arboretum of specimen trees located between the Botany Department garden and Cunningham House.
- 2.5 The application site has a stated area of 0.98ha and is part of the Trinity Hall complex. Cunningham House (student accommodation for 70 bed spaces), Sports Hall and Shed along with 32 car parking spaces currently occupy the site, these shall be demolished/removed as part of the proposed development.
- 2.6 Access to Trinity Hall is via the primary vehicular entrance on Dartry Road, A secondary gated entrance exist to the south west on Temple Road which is primarily used for maintenance access and is generally closed to the public. Another vehicular access gate located with southeast of the site is not in use.
- 2.7 The site is served by the 140 bus from Cowper Road, the 14, 15, 15a, 15b and 65b on the Rathgar Road. It is c. 800m from the Green Luas Line at Milltown.

### **3.0 Proposed Strategic Housing Development**

- 3.1 The proposed development provides for a purpose built student accommodation on lands already accommodating student residences, Trinity Hall Campus. The proposal provides for the extension of the existing student accommodation use at this site.

The development comprises of 4 no. connected blocks as follows:

**Block A:** An 'L' shaped block forming the northern and part of the eastern sides of the proposed development with the Botanic Gardens to the north and Temple Square to the east. It is 4 storeys along the eastern edge rising in height to 8 storeys to the northwest. Study space/classrooms associated with the Botany Department is provided at ground floor level with student accommodation amenity spaces provided

at first floor level. A staff/warden apartment is provided at second floor level. The balance of the floor space is for student accommodation uses over ground to sixth floor levels.

**Block B:** A 'U' shaped building which primarily fronts on to Temple Road and forms the corner with Temple Square to the east and the rear boundary of 'Esterel' to the west. It is 4 storeys in height with student accommodation provided at ground to third floor. Together Blocks A&B form a perimeter block, echoing a historic quadrangle arrangement, which contains the proposed student accommodation units and encloses the central courtyard which will provide external amenity space for future residents.

**Block C:** Is located to the rear of Greenane House and north of the boundary with 'Esterel'. It is 3 storeys in height. Ancillary student accommodation amenity spaces are provided at ground and first floor level and 3 no. staff/warden apartments provided at second floor.

**Forum:** Is located at the northwest corner of the site near Oldham House. The Forum is single storey in height over an existing extended basement level. The Forum comprises an indoor court/sports hall and covered podium space which connects the proposed student accommodation with the wider Trinity Hall campus and provides for a range of ancillary recreational and amenity spaces. A series of outdoor spaces and terraces are provided at roof level.

No works are proposed to Oldham House and Greenane House (Protected Structures) save works necessary for the demolition and replacement of the modern Sports hall (Abutting Oldham House). The proposed development also provides for the reinstatement of garden setting and amenity to the front curtilage of Oldham House and Greenane House.

Minor repositioning of the existing access gates onto Temple Road, moving it c.5m westward to facilitate maintenance and emergency access only.

A security hut is proposed at the main entrance to Trinity Hall from Dartry Road

The proposal is a 'no car' scheme.

### 3.2

<b>Parameter</b>	<b>Site Proposal</b>
Site Area	0.98ha
Residential (staff/warden apartments)	4 units
Student Accommodation	355 student bed spaces (51 units)
Study Space/Classrooms	117sq.m (including storage)
Multi Use Sports Hall and Forum Amenity Space	1027sq.m
Security Hut	
Car Parking	0
Bike Parking	182
Plot Ratio	1:1.18
Site Coverage	33%
Part V	N/A

### 3.3 The Unit mix is as follows:

<b>Unit Type</b>	<b>No.</b>	<b>Gross floor space m2</b>
<b>Staff/Warden Apartments</b>		
2 bed apartment	3	306
1 bed apartment	1	114
Total	4	420
<b>Student Accommodation</b>		
4 bed unit	2	
5 bed unit	12	
6 bed unit	1	

7 bed unit	7	
8 bed unit	29	
Total Student Accommodation.	51	8584
TOTAL Residential		9004
<b>Ancillary Uses</b>		
Classrooms		117
Sports Hall & Forum Space (internal Amenity Area)		1027 (685 at basement level)
<b>Cumulative GFA of non-residential uses</b>		1144
<b>Cumulative GFA of residential accommodation and other uses</b>		10884
<b>Residential uses as % of GFA</b>		(89.5%)

## 4.0 Planning History

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

**PA File Ref. No 1737/72** refers to the grant of planning permission for Cunningham House.

**PA File Ref. No. 1101/99 (ABP Ref. PL.29S.117164).** Permission granted for three new student residence buildings containing 832 bedrooms arranged in 180 apartments, ranging from three to seven storeys in height, new central support facilities including a 400 seater dining facility, laundrette, student shop, reception area and stores. Permission was also granted for the refurbishment of Trinity Hall, the removal of a single storey gate lodge and existing link between Trinity Hall and Purser House, three storey annex to Trinity Hall and an existing two storey glazed lobby to the sports hall. Construction of a new atrium between Trinity Hall and the sports hall and associated works to include a new avenue and enclosed arboretum, new perimeter treatment to the site boundary and a new square for vehicular and

pedestrian use.

Condition No. 2 required the omission of a floor from Block 3 and condition No. 3 limited the use of the development to no purpose 'other than that specified as student residences' and for no persons 'other than those whose purpose is education at the University of Dublin Trinity College'.

The following applications relate to the use of the permitted student residences:

**PA File Ref. 0577/03 (ABP Ref. PL.29S.202698)** permission granted for the temporary amendment to condition no. 3 of ABP PL. Ref. 29S.117164 to permit occupancy for a specified period of time by the delegations, assigned volunteers and other participants in the 2003 Special Olympics World Summer Games.

**PA File Ref. 3645/17 (ABP Ref. 300092-17)** permission was granted in 2018 for the change of use of student accommodation to 30 no. classrooms temporarily outside the academic term time.

**PA File Ref. 3074/17 (ABP Ref. 300133-17)** permission was granted in 2018 to amend condition no. 3 of ABP PL.29S.117164 to facilitate the use of existing student accommodation as temporary tourist or visitor accommodation only outside of academic term time and to accommodate any student registered in a Higher Education Institute during the academic term times at Blocks 1, 2 and 3.

## **5.0 National and Local Planning Policy**

### **5.1 National Policy**

Having considered the nature of the proposal, the receiving environment, the documentation on file, including submission from the planning authority, I am of the opinion, that the directly relevant section 28 Ministerial Guidelines are:

- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual'), 2009.
- 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities'
- 'Urban Development and Building Height, Guidelines for Planning Authorities', 2018.



- ‘Design Standards for New Apartments – Guidelines for Planning Authorities’, as updated March 2018.

Other relevant national guidelines include:

- Project Ireland 2040, National Planning Framework.
- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.
- Dept. of Education and Skills ‘National Student Accommodation Strategy’ (July 2017)
- Dept. of Education and Science ‘Guidelines on Residential Developments for 3<sup>rd</sup> Level Students Section 50 Finance Act 1999’ (1999).
- Dept. of Education and Science ‘Matters Arising in Relation to the Guidelines on Residential Developments for 3<sup>rd</sup> Level Students Section 50 Finance Act 1999.’ (July 2005).
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, August 2018.
- ‘Architectural Heritage Protection Guidelines for Planning Authorities’, 2011.
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’), 2009.
- ‘Design Manual for Urban Roads and Streets’ (DMURS), 2013.

## 5.2 Local Policy

### **The Dublin City Development Plan 2016-2022**

The site is zoned ‘**Z1 – Sustainable Residential Neighbourhoods** – The objective is to protect, provide and improve residential amenities.

**Section 16.7.2** provides guidance on Height Limits and Areas for Low-Rise, Mid-Rise and Taller Developments. The site is located within the ‘outer city’ and ‘low rise’ where up to 16m is permitted for residential.

**Section 16.10.7** sets out guidance for student accommodation.

**Section 11.1** deals with Architectural Heritage.

There are a number of protected structures (Purser House (RPS No. 2244), Grennane House (RPS No 2245) and Oldham House (RPS No 2243) within the Trinity Hall Campus and immediately adjoining it is 'Esterel (RPS No 8041).

The site is also in proximity to a Zone of Archaeological interest.

## **6.0 Forming of Opinion**

### **6.1 Introduction**

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

### **6.2 Documentation Submitted**

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

6.2.2 The information submitted included *inter alia*: a completed SHD Application form and cover letter including but not limited to, Schedule of documents; Statement of Consistency, Material Contravention Statement, Architectural Design Report, Draft CGIs, Landscape Strategy, Environmental Report, AA Screening report, Natura Impact Statement, Ecology Assessment, Archaeological/Trial Pit Monitoring, Architectural Heritage Impact Assessment, Arboricultural Assessment, Construction and Environmental Management Plan, Civil Engineering Infrastructure Report for Planning, Daylight, Sunlight and Overshadowing Study.

6.2.3 A Material Contravention Statement is submitted. The relevant consideration relates to Section 16.7.2 of the Dublin City Development Plan 2016-2022 which stipulates a maximum permissible height of 16m for outer city locations including the proposed site. The Statement refers to the strategic importance of the development given its

scale and capacity (exceeds 200 student bed spaces) and the Urban Development and Building Height Guidelines for Planning Authorities 2018 in particular Section 31 and SPPR3.

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

### **6.3 Planning Authority Submission**

6.3.1 In compliance with section 6(4)(b) of the Act of 2016 the planning authority for the area in which the proposed development is located, 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 11<sup>th</sup> of October 2019.

6.3.2 The Planning Authority's 'opinion' included the following matters: copies of records of Section 247 consultations, planning history, site location and context, zoning, policy and appendices containing internal reports.

6.3.3 The planning authority's opinion refers to key planning considerations as follows:

Principle of Development:

- The site is zoned 'Z1' –To protect, provide and improve residential amenities. Student Accommodation is not referred to as a 'permitted or 'open for consideration' use. Residential development is consistent with the zoning. For the purposes of SHD, Student accommodation is defined as 'residential' development under the Planning and Development (Housing) and Residential Tenancies Act, 2016. On this basis, it is considered that the proposed student accommodation is permissible on Objective Z1 land. Both 'education' and 'recreational buildings' are identified as permissible uses on Objective Z1 zoned lands.

Development Plan Policy:

- The proposed development will increase residential accommodation, enhance existing recreational amenity space provision, provide ancillary and complementary facilities and provide additional facilities for the Botany Department. It will form a fully integrated extension to the existing Trinity Hall residences and will have access to, and use of, existing facilities and amenity

spaces provided within that scheme, in addition to those proposed as part of this application.

- The planning report submitted with the application includes a rationale for the proposed student accommodation. The proposed development results in the consolidation of student accommodation provision at the existing Trinity Hall residences.
- The open space provision appears to be in compliance with the provisions set out in the Development Plan. A daylight and sunlight assessment has also been submitted for the open space areas.
- With regard to the pattern and distribution of student accommodation, an assessment of purpose-built student accommodation within a 1km radius of the proposal and the level of concentration has been undertaken.

#### Impact on Residential Property:

- Details have been submitted showing compliance with relevant standards required for student accommodation and apartments.
- A daylight, sunlight and overshadowing study has been submitted. Overall the development will have a minimal adverse effect on the adjacent properties, exceeding the BRE guidelines.
- However, the four storey blank elevation of Block B, adjacent to the courtyard area is highlighted as an issues as there are concerns regarding the amount of light that will be available to the kitchen area serving 8 bedrooms units on each of the 4 floors.
- The Planning Authority concluded that it is anticipated that no negative impacts to the existing residential amenity of neighbouring property as a result of overshadowing, overlooking or overbearing appearance.

#### Height:

- The subject site is located in the 'outer city' area and 'low rise' category in the current City Development Plan. Accordingly a maximum permissible building height of 16m (commercial and residential) above ground level applies on the site. The proposal exceeds the maximum building heights provided for the Plan with a maximum height of 26m for the 8 storey element proposed.
- It is noted that the statutory guidelines issued by the Department of Housing, Planning and Local Government in 2018 now form the basis of assessment of

building heights in the city, and require building heights to be assessed in accordance with a range of criteria. These criteria are detailed in the report submitted by the prospective applicant and notes that the criteria have been addressed in the Material Contravention Statement submitted with the pre application submission.

- The height of the proposal is modulated throughout the site, rising to a maximum overall height of 26m towards the rear of the site in Block A (8 storey) and stepping down in height at the south eastern section and south western corners of the site which are adjacent to the protected structures, No. 3 Temple Road (Esterel), the existing residential properties in Trinity Hall.
- Having regard to the existing context of the site with considerable height already permitted, the location of the 8 storey element of the proposal and the design and finish of the scheme, it is considered that the visual impact of the proposed development is acceptable. The scale of the development proposed can be accommodated at this location without detriment to the visual amenities of the area.
- The Planning Authority would have no objection in principle to the proposed height, having regard to Urban and Building Height Guidelines for Planning Authorities, December 2018, the layout of the proposal and to the fact that there is already 7 storey student accommodation buildings on the existing campus.

#### Impact Upon Existing Trees/Landscaping:

- The Parks Department Report on the pre application submission noted concerns regarding the development layout, and in particular the layout position and height of Block A due to its direct impact on specimens within the arboretum and possible daylight reduction issues on the wider arboretum collection.
- Further clarification on the impact mitigation of construction and building height by establishing a buffer to minimise their impact on the arboretum and the wider activities of the Botanical Gardens. The report also noted that the views of the TCD Department of Botany should be sought.

#### Conservation- Impact on Protected Structures:

- There are three protected structures on the Trinity Hall campus: Purser House (RPS No. 2244), Oldham House (RPS No. 2243) and Greenene House (RS No. 2245), while 'Esterel' House (RPS No. 8041) lies outside the campus to the south-west corner of the application site.
- An Architectural Heritage Impact Assessment has been prepared and assess the impact of the proposal with regard to impacts on the urban area character, character of the protected structure and the special architectural historic and cultural interests.
- Generally, the Impact Assessment finds that the massing and scale of the new buildings reflects that of the recent multi-storey development to the west which generates a more urban character. The Impact Assessment notes that the proposal significantly enhanced the setting of Oldham and Greenane House when viewed from the west and serves to re-establish the historic north-south relationship between these houses. The reduction in the historic garden to Greenane and associated removal of eastern boundary will have a significant impact on the setting of this house. This impact is mitigated by the creation of a landscaped space to the rear of Greenane which serves to maintain and emphasise the building continued spatial independence.

**Traffic:**

Refers to Road and Traffic Division Report.

**Archaeology:**

- Given its location proximate to Rathmines Castle, appropriate mitigation measures should be put in place to ensure all topsoil stripping of previously undisturbed areas will be monitored by a suitably qualified archaeologist.

**Drainage:**

- A Site Specific Flood Risk Assessment has been undertaken. No risk of flooding is noted. The relevant Map PFRA shows that there is not a risk of flooding on the proposed site.

**Statement of Consistency:**

The Planning Authority has considered the Statement of Consistency and is satisfied that the application is consistent with the relevant National, Regional and Local policies.

#### Statement of Material Contravention:

The Statement of Material Contravention with the City Development Plan is noted. This Statement refers to the Urban Development and Building Heights – Guidelines for Planning Authorities, December 2018.

The Planning Authority concluded that the proposed development for student accommodation is considered acceptable in principle, including the height of the proposal, having regard to the nature of the development permitted on the onsite and national and, based on the information received, is consistent with the relevant provisions of the County Development Plan 2016-2022. However the following issues should be addressed at application stage:

1. The applicant is requested to reconsider the design and fenestration of the four storey blank elevation of Block B, adjacent to the courtyard area as there are concerns regarding the amount of light that will be available to the kitchen area serving 8 bedrooms units on each of the 4 floors. The introduction of windows in this elevation to provide additional light to the kitchen space in addition to providing passive surveillance of the courtyard area is required.

#### Transportation Planning Division

The Transportation Section is broadly satisfied with the scope of documentation submitted and the range of issues addressed. The main provisions of this report indicate that the principle of car free student accommodation development is acceptable. A number of issues are highlighted that should be addressed within the application documentation including a Student Management Plan, a draft Mobility Management Plan. Further clarity required on pedestrian and cyclist access, details of carparking for the wider campus, bicycle parking.

#### Engineering Department – Drainage Division

The Drainage Section is broadly satisfied with the scope of the documentation submitted and the range of issues addressed.

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

#### 6.4 Submission from Irish Water

Irish Water confirms that subject to a complaint 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 network can be facilitated.

### **7.0 Consultation Meeting**

7.1 A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on 23<sup>rd</sup> October 2019, commencing at 2:30pm. Representatives of the prospective applicant, Dublin City Council and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

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

1. Development Strategy for the site to include building heights, site layout and integration with the existing campus facilities and amenities and connectivity & permeability.
2. Design.
3. Architectural Heritage Protection.
4. Parking.
5. Other Matters:
  - a. Sports Hall.
  - b. Student Management Plan.

7.3 In relation the development strategy and the Integration of proposed scheme with the existing campus at Trinity Hall and potential impacts on existing and proposed facilities for students and staff. ABP representatives sought further discussion/elaboration having regard to the capacity of the existing and proposed to facilities and amenities to accommodate existing and proposed occupiers/users.

7.4 In relation trees having regard to comments from Parks and Landscape Division, ABP representatives sought further discussion/elaboration on this issue, paying



particular attention to the impact on the arboretum. The requirement to consult with the Botany Department was also highlighted.

- 7.5 In relation to design and having regard to comments from the planning authority, ABP representatives sought further discussion/elaboration in relation to building height, elevations and set back with particular regard to the treatment of Temple Road.
- 7.6 In relation to architectural heritage protection, ABP representatives sought further discussion/elaboration on this issue, in particular the impact of the proposed development on the protect structures.
- 7.7 In relation to parking having regard to comments from Transportation Planning Division, ABP representatives sought further discussion/elaboration with regard to connectivity and permeability to include vehicular, cyclist and pedestrian movements and set down, including the requirement for a Student Management Plan and Draft Mobility Management Plan.
- 7.8 In relation to the use of the sports hall, ABP representatives sought further discussion/elaboration with regard to its users where restricted to Trinity Students, , hours of operation and management.
- 7.9 Both the prospective applicant and the planning authority were given an opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting ABP-305430-19' which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

## **8.0 Conclusion and Recommendation**

- 8.1 Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 and as amended by Section 50 of the Planning and Development (Amendment) Act 2018.

- 8.2 I have examined all of the information and submissions before me including the documentation submitted by the prospective applicant, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the section 28 Ministerial Guidelines, and local policy via the statutory plans for the area.
- 8.3 Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **constitutes a reasonable basis for an application** under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 8.4 I would recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision-making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

## **9.0 Recommended Opinion**

- 9.1 An Bord Pleanála refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.
- 9.2 Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála is of the opinion that the documentation submitted **constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**
- 9.3 Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that, in

addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission

1. Notwithstanding that the proposal constitutes a reasonable basis for an application, demonstrate/justify the suitability of the proposed site to accommodate the proposed height particularly in the context of the adjoining residential properties.
2. Notwithstanding that the proposal constitutes a reasonable basis for an application, further consideration (or justification if elevations are to be retained) of the southern elevation to Block C along Temple Road and the elevations of Block B that address the courtyard.
3. A report that addresses how the proposed development integrates with the existing Trinity Hall campus. In particular this should address and identify the existing and proposed amenities and facilities and the capacity to accommodate existing and proposed student/staff numbers, specifically how the development will accommodate access to the facilities/amenities. Details of the management of the sports hall and its users should also be addressed.
4. An arboricultural report that address the potential impact of the proposed development on the adjoining facilities, in particular on the Botany Department's arboretum. In this regard comments/observations from the Botany Department of TCD may be of benefit to the application process.
5. A draft Mobility Management Plan. Also, a site layout plan which clearly identifies the existing car and bicycle parking within the wider Trinity Hall Campus, identifying the spaces to be retained and those to be removed.
6. A construction and demolition waste management plan.

## 7. A Student Accommodation Management Plan.

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. Minister for Culture, Heritage, and the Gaeltacht
3. Heritage Council
4. An Taisce – the National trust for Ireland.
5. Fáilte Ireland.
6. An Chomhairle Ealaíon.

### **PLEASE NOTE:**

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

---

**Dáire McDevitt**

**Planning Inspector**

**4<sup>th</sup> November 2019**