



An  
Bord  
Pleanála

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

**Inspector's Report on  
Recommended Opinion  
ABP-306829-20**

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**Strategic Housing Development**

241 no. student accommodation units

**Location**

Victor Motors, Goatstown, Dublin 14

**Planning Authority**

Dun Laoghaire Rathdown County  
Council

**Prospective Applicant**

Orchid Residential Ltd.

**Date of Consultation Meeting**

19<sup>th</sup> May 2020

**Date of Site Inspection**

15<sup>th</sup> May 2020

**Inspector**

Sarah Moran

## 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 is a car showroom and associated forecourt located in a suburban area on the eastern side of Goatstown Road (R132), Dublin 14, c. 6 km to the south of Dublin city centre, c. 1.5 km from Dundrum town centre and c. 0.8 km from the UCD Belfield campus. There is a large infill residential development to the north and east, Trimbleston, which dates to the mid 2000s (PL06D.130581 D04A/0707). It comprises houses, duplex units and apartments which range from 2 to 5 storeys. Goatstown Road is currently served by the no. 11 Dublin Bus and the site is within walking distance of the Dundrum and Windy Arbour stops on the Green Line Luas.
- 2.2. The site has a stated area of 0.34 ha. It is bound as follows:
- Goatstown Road frontage to the west. Large two storey houses on the opposite side of Goatstown Road.
  - Two storey neighbourhood centre at the junction of Willowfield Park and Goatstown Road to the south. Currently contains retail and café units.
  - Three storey duplex blocks, two storey houses and a five storey apartment block with associated open space in Trimbleston to the north and east.

## 3.0 Proposed Strategic Housing Development

- 3.1. The proposed development involves:
- Demolition of the existing buildings on the site;

- 241 no. student accommodation units in 3 no. connected blocks ranging in height from 4 to 6 storeys;
- 6 no. studio units, 40 no. clusters of 4-7 bedrooms (235 bedspaces);
- Single storey laundry room and bicycle parking area to the rear of site;
- Development includes an office, kitchen/tearoom, 2 no. student lounges, launderette and refuse area. Internal amenity space totals 573 sq.m. External landscaped amenity space is provided through a combination of roof terraces at 4<sup>th</sup> and 5<sup>th</sup> storey level and a central courtyard space, total 1,080 sq.m. Total amenity space equates to 1,653 sq.m;
- 2 no. accessible car parking spaces and 3 no. spaces at a set down / pick up area at Goatstown Road. 188 no. secure bicycle parking spaces for visitors and residents, provided in two ground floor, covered and secure parking areas, a visitor parking area to the front of the site and a residential area within the central courtyard;
- All ancillary servicing, refuse storage, and infrastructure within the application site, with a substation proposed to the rear of the site.
- The student accommodation is to be managed by the Fresh Property Group, an international company that manages Purpose Built Student Accommodation in the UK and Ireland.

The prospective applicant has submitted an AA Screening Report and an EIA Screening Report.

## 4.0 Planning History

### 4.1. Development Site

#### 4.1.1. D12A/0486

Permission granted for modification to the front and side facades of existing building to include for raising height of part of existing front facade and for recladding over existing cladding to front elevation and part of side elevation.

#### 4.1.2. D10A/0623 PL06D238413

Permission refused by the Board and by the planning authority for the refurbishment, extension and change of use of motor sales premises to use as a neighbourhood shop with ancillary off license sales. The Board refused for three reasons. Reasons (1) and (2) related to the scale of retail development and car parking, development plan retail policies and the Objective A residential zoning of the site. Refusal reason no. (3) related to the location of the site at a curvature in close proximity to two signalised junctions on the Goatstown Road (R132), a principal commuter route, and exacerbation of existing traffic congestion in the area.

4.1.3. D07A/0984 PL06D227350

Permission refused by the Board and the planning authority for demolition of the existing structure and construction of a single 3-6 storey block, over part single and part two levels of basement, comprised of 49 apartments. The Board refused permission for one reason relating to development plan standards and to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, development would constitute overdevelopment of the site and, by reason of its height, scale, mass and bulk relative to adjoining buildings and structures and its proximity to the boundaries of the site, would result in a substandard quality of open space within the site due to the effects of overshadowing, be visually obtrusive, particularly when viewed from the south and east along the Goatstown Road and would depreciate the value of property in the vicinity.

4.1.4. D04A/0828

Permission granted for demolition of the existing structure and construction of a 3, 4 and 5 storey apartment block comprised of 30 apartments (2 no.1 bedroom, 28 no. 2 bedroom), 4 duplex units (a 2 bedroom and 3 no. 3 bedroom) and 50 car parking spaces at basement level.

## 5.0 National and Local Planning Policy

### 5.1. Section 28 Ministerial Guidelines

5.1.1. Having considered the nature of the proposal, the receiving environment and the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant section 28 Ministerial Guidelines and other national policy documents are:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual)
- Design Standards for New Apartments Guidelines for Planning Authorities
- Design Manual for Urban Roads and Streets
- Urban Development and Building Heights Guidelines for Planning Authorities
- Rebuilding Ireland- National Student Accommodation Strategy
- Dept. of Education and Science Guidelines on Residential Developments for 3<sup>rd</sup> Level Students Section 50 Finance Act (1999) and the subsequent supplementary document (2005)

## 5.2. **Dun Laoghaire Rathdown County Development Plan 2016-2022**

5.2.1. The site is zoned 'Objective A – to protect and or improve residential amenity'. Goatstown Road is identified as a proposed quality bus/bus priority route.

5.2.2. Policy RES 3 Residential Density:

*It is Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development. In promoting more compact, good quality, higher density forms of residential development ...*

*Where a site is located within circa 1 kilometre pedestrian catchment of a rail station, Luas line, BRT, Priority 1 Quality Bus Corridor and/or 500 metres of a Bus Priority Route, and/or 1 kilometre of a Town or District Centre, higher densities at a minimum of 50 units per hectare will be encouraged.*

5.2.3. Policy RES12 Provision of Student Accommodation:

*It is Council policy to facilitate student accommodation on student campuses or in locations which have convenient access to Third Level colleges (particularly by foot, bicycle and high quality and convenient public transport) in a manner compatible with*

*surrounding residential amenities. In considering planning applications for student accommodation the Council will have regard to the 'Guidelines on Residential Developments for Third Level Students' and its July 2005 Review (particularly in relation to location and design).*

Section 8.2.3.4 (vii) refers to student accommodation. The following points are noted:

- All proposals for student accommodation should comply with the Department of Education and Science Guidelines on Residential Development for Third Level Students (1999), the subsequent supplementary document (2005) and the 'Student Accommodation Scheme', Office of Revenue Commissioner (2007) - dealing with matters arising from the Guidelines and providing clarity in relation to definitions of 'students' and 'educational institutions' and recommendations in relation to minimum bed-space and other similar requirements.
- When dealing with planning applications for student accommodation off-campus developments a number of criteria will be taken into account including:
  - The location of student accommodation within the following hierarchy of priority:
    - On Campus
    - Within 1km distance from the boundary of a Third Level Institute
    - Within close proximity to high quality public transport corridors (DART, N11 and Luas), cycle and pedestrian routes and green routes

In all cases such facilities will be resisted in remote locations at a remove from urban areas.

- The potential impact on residential amenities. Full cognisance will be taken of the need to protect existing residential amenities particularly in applications for larger scale student accommodation, and such accommodation will not be permitted where it would have a detrimental effect.
- The level and quality of on-site facilities, including storage facilities, waste management, covered cycle parking and associated showers and locker, leisure facilities, car parking and amenity.

- The architectural quality of the design and also the external layout, with respect to materials, scale, height and relationship to adjacent structures. Internal layouts should take cognisance of the need for flexibility for future possible changes of use.
- The number of existing similar facilities in the area. In assessing a proposal for student accommodation the planning authority will take cognisance of the amount of student accommodation which exists in the locality and will resist the over-concentration of such schemes in any one area in the interests of sustainable development and residential amenity.

**5.3. Goatstown Local Area Plan 2012 (as extended)**

5.3.1. The Goatstown LAP was adopted in April 2012. It was subsequently extended up to and including 10<sup>th</sup> April 2022.

5.3.2. LAP Policy UD6:

*It is an objective of the Plan that a benchmark height of three storeys (with a possible additional set back floor or occupied roof space) shall apply on the sites of the Goat Public House, Topaz garage and adjoining retail units and the former Victor Motors site. Height should graduate down to a maximum of two-storey along the site boundaries where they adjoin existing low-rise development.*

5.3.3. The subject site is identified as a ‘key site’ which has potential for redevelopment within LAP Section 6 - Site Framework Strategies. LAP section 6.5 states:

*Any redevelopment of the former Victor Motors site should be designed to complement the Trimbleston development in terms of building height and building line.*

5.3.4. LAP Table 6.4 provides the following guidance for the development site:

|                          |   |
|--------------------------|---|
| <b>Zoning</b>            | ‘A’ - To protect and/or improve residential amenity   |
| <b>Height</b>            | Benchmark height of three storeys (with possible setback floor or occupied roof space depending on site levels)               |
| <b>Density</b>           | In accordance with County Development Plan Design Objectives  |
| <b>Design Objectives</b> | <ul style="list-style-type: none"> <li>• High quality design</li> <li>• Positive contribution to local streetscape</li> </ul> |

|                    |  |
|--------------------|--|
|                    | <ul style="list-style-type: none"> <li>• Height should harmonise with neighbouring developments fronting onto Goatstown Road</li> <li>• Building line should continue on from the building line established by the Trimbleston development</li> <li>• Careful consideration of location and design of ESB substations and bin storage</li> <li>• Minimise impact on adjoining residential amenities</li> </ul> |
| <b>Movement</b>    | <ul style="list-style-type: none"> <li>• Facilitate permeability</li> <li>• Primarily underground car parking</li> <li>• Cycle parking to be provided</li> </ul>   |
| <b>Landscaping</b> | <ul style="list-style-type: none"> <li>• High quality usable public open space to be provided - this should not be unduly overshadowed</li> <li>• High quality private open space to be provided</li> <li>• Tree planting to be provided along site frontage</li> </ul>  |

## 6.0 Forming of the Opinion

6.1. 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.

### 6.2. Documentation Submitted

6.2.1. 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. This information included, inter alia, the following:

Completed Application Form; Statement of Consistency; EIA Screening Report; Irish Water Confirmation of Feasibility; Student Management Plan; Architectural Drawings and Schedule; Architectural Design Statement including Accommodation Quality Assessment; Daylight and Sunlight Analysis; Landscape Rationale Report and Drawings; Archaeological Assessment; Civil Engineering Infrastructure Report,



including Site Specific Flood Risk Assessment and Traffic Assessment; Engineering Drawings; Outline Construction Environmental Management Plan; Construction and Demolition Waste Management Plan; Operational Waste Management Plan; Sustainability/ Energy Efficiency Report; AA Screening Report.

- 6.2.2. 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.
- 6.2.3. I have reviewed and considered all of the above-mentioned documents and drawings.

### **6.3. Planning Authority Submission**

- 6.3.1. In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Dun Laoghaire Rathdown County Council, submitted a copy of their section 247 consultations with the prospective applicant and also their opinion in relation to the proposal. These were received by An Bord Pleanála on 7<sup>th</sup> May. The planning authority's 'opinion' included the following matters:

#### **6.3.2. Principle of Development**

- The development is generally acceptable in principle under the 'A' zoning objective that applies to the site, subject to compliance with the relevant policies, standards, and guidelines set out in the County Development Plan, the Goatstown Local Area Plan and relevant Section 28 Ministerial Guidelines.
- The site is considered to meet the requirements of development plan section 8.2.2.4(xii) regarding student accommodation with regard to proximity to the UCD Belfield campus, Dundrum Luas stop and the availability of pedestrian and cycle connections to UCD. There is not a high concentration of purpose built student accommodation in the locality. The site is therefore considered an acceptable location for student accommodation.

#### **6.3.3. Design and Layout, Visual Impacts**

- The design and external finishes of the proposed building are generally acceptable.

- The development would provide a desirable active frontage along Goatstown Road. The proposed trees along the road frontage will enhance the sylvan nature of Goatstown Road and are welcomed. The applicant should consider providing a concierge / reception area at ground floor that is visible from the public road and signals the main entrance to the building. The proposed shared surface paving and street trees are welcomed. Details of the proposed 1.2m high wall along the site frontage should be provided.
- The resolution of the interface between the site and the public realm at the roadside boundary was raised with the applicant at the section 247 meetings, particularly with regard to the layout of the cycle parking at the site's north west corner. A preference for a soft and spacious edge was given by the planning authority. Little progress appears to have been made on this issue.
- The proposed block layout, which has largely been informed by the orientation of the site and the location of adjoining buildings, is acceptable. It is noted that a separation distance of 22m is achieved between existing and opposing blocks. However, the planning authority has concerns regarding the extent to which the proposed block to the north of the site extends beyond the front building line of the bookend block on the adjoining site to the north. This could be visually obtrusive and appear incongruous in the streetscape. The protruding gable of this block would present a blank brick elevation. The urban design strategy for this site set out in the Goatstown LAP states that the building line of the Trimbleston development should be continued.
- Several anomalies are noted in the submitted drawings.
- Applicant to submit details of compliance with the 12 criteria of the Urban Design Guidelines.
- Applicant should provide verified photomontages of the development from Goatstown Road (north and south of the site), from within the Trimbleston development (facing the duplex block to the east of the site) and from Willowfield Park.

#### 6.3.4. Open Space

- Proposed communal open space amounts to 31.7% of the site area and 4.5 sq.m. per student. This quantum is acceptable with regard to the Apartment Guidelines standards for studio units and development plan guidance.
- The proposed green roofs are to be used as 'intensive' green roofs as per development plan standards and therefore cannot also be used to justify reduced open space requirements at street level. The SUDS and biodiversity value of the roof terraces is questionable with regard to the proposed landscaping and ratio of hard surfaces.
- The proposed communal open space should primarily be located at ground floor level where there is greater passive surveillance. The service building and cycle parking occupy a large part of the internal courtyard space. The applicant should be requested to explore proposals that incorporate these uses into the footprint of the main building on the site to free up open space at ground floor level. This would also provide an opportunity for more user friendly 'Sheffield' type bicycle parking along the eastern boundary of the site as well as more meaningful green roof solutions at roof level. The provision of trees over attenuation areas is not acceptable.
- Note comment of DLRCC Parks and Landscape Services.
- Further sunlight analysis of the ground level communal open space is required.

#### 6.3.5. Density and Height

- The Goatstown LAP provides for benchmark height of three storeys at the site, with a possible set back fourth floor or occupied roof space (LAP Policy UD6). The proposed building height materially contravenes policy UD6.
- The Trimbleston apartment buildings to the north of the site are generally three to five storeys in height. The parade of shops to the south of the site is two storey and the prevailing building height in the area is two storeys.
- The planning authority notes SPPR 3 of the Urban Development and Building Height Guidelines for Planning Authorities. The PA does not concur with the submitted Statement of Consistency. It is considered that the height of the block to the north of the site is excessive and does not respond to the height of the bookend block of the adjoining Trimbleston development. A reduction in height is warranted at this location. The planning authority also considers that the

proposed four storey block to the south of the site does not adequately respond to the scale of the two storey houses to the east of the site (Nos. 165 and 166 Trimbleston) and would result in an abrupt transition in scale between the more sensitive receiving environment to the south and east of the site and at Goatstown Road. A three, four and five storey development was granted at the site under reg. ref. D04A/0828 and a three to six storey development at the site was refused permission under reg. ref. D07A/0984 and PL06D.238413.

#### 6.3.6. Standard of Accommodation

- The development is considered with regard to the Guidelines on Residential Developments for 3<sup>rd</sup> Level Students published by the Dept. of Education and Science (1995) and the subsequent supplementary document published in 2005.
- Notwithstanding the high proportion of larger sized clusters containing 7 and 8 no, bedrooms (32.5%), the proposed number of bedrooms per cluster comply with the student housing standards.
- Whilst the proposed clusters exceed the required minimum gross floor area, four units exceed the maximum GFA for a unit, including P14, P23 and P32 on the first, second and third floors and P37 on the fourth floor. There appears to be an anomaly regarding the stated GFA of the bedrooms of clusters nos. P10, P19 and P28, this requires clarification. The excessive sizes of P10, P19 and P28 appear to arise from the inefficient layout of the clusters. The applicant could consider reallocating one bedroom from these clusters to the adjoining five bed cluster.
- All of the proposed clusters would have a living / kitchen / dining area in excess of the minimum student housing standard of 4 sq.m. per bed space. The sizes of the proposed bedrooms meet the student housing standards. Further clarification and details of bedroom floor plans are required. Applicant to clarify which living / kitchen / dining areas would serve proposed accessible en suite bedrooms.
- Further clarification of the daylight analysis required, including analysis of the bedrooms with angled windows on the southern side of the site.
- Clarification required regarding location of concierge / reception area.
- The total floor area of the proposed internal communal facilities and amenities falls 365.5 sq.m. short of the student housing standard of 12% of the total GFA of

the proposed development, i.e. 849.5 sq.m. Notwithstanding same, it is considered that the quantum of communal facilities and amenities proposed may be acceptable for a development of a reduced scale. It is regrettable that 20 no. units would not have direct access to the communal lounges at ground floor level from within the building, the applicant should review this matter.

#### 6.3.7. Impacts on Residential Amenities

- The planning authority has concerns regarding impacts on residential amenities.
- Overshadowing impacts on adjacent communal open space within Trimbleston. A sunlight / overshadowing impact assessment should be submitted.
- Overlooking impacts on the penthouse apartment on the fifth floor of the Trimbleston apartment building to the immediate north of the site.
- The visually overbearing appearance of the blank four storey gable of the proposed block to the south of the site as viewed from nos. 165 and 166 Trimbleston. The Board is referred to its decision with respect to PL06D.227350, which comprised a similar block at this location, in this regard.

#### 6.3.8. Access, Car and Cycle Parking

- Transportation Planning Section has no objection to the proposed access arrangements but seeks further detailed information. The applicant is requested to consider facilitating pedestrians and cyclists at the southern boundary of the site and to investigate the potential for provision of a link to Willowfield Park adjacent to the neighbourhood centre.
- The proposed cycle parking amounts to 0.67 no. spaces per unit, which is considered reasonable given the proximity of the site to the UCD Belfield campus and to public transport services. The cycle parking provision is generally satisfactory to the Transportation Planning Section.
- Transportation Planning Section seeks 1 car parking space per 15 no. bed spaces, i.e. 15 no. car parking spaces as per the development plan car parking standard for hostel accommodation. The development is 14 no. spaces short of this standard when set down spaces are discounted. Concerns that the development could lead to overspill parking in surrounding residential areas.

- Transportation Planning Section also seeks future provision for electric vehicle charging points within the development in accordance with development plan standards.
- Further details are required by the Transportation Planning Section including detailed layouts, Quality Audit, Noise Assessment and detailed Construction Management Plan.

#### 6.3.9. Site Services

- The report of DLRCC Drainage Planning Section raises several issues regarding surface water proposals and seeks further consultation with the applicant in advance of any application being lodged.

#### 6.3.10. Part V

- The report of DLRCC Housing Section states that the provision of off-campus student accommodation is not considered to be exempt from Part V requirements. Alternatives to on-site compliance are available to the applicant. The Council seeks off-site social housing as the preferred compliance option. A condition requiring Part V agreement is advised in the event of a future decision to grant permission.

#### 6.3.11. Planning Authority Conclusion

- The proposal is generally welcomed to improve the housing mix in the area and provide student accommodation close to Belfield campus.
- The planning authority has outstanding concerns in relation to visual impacts; building height; interface with the public realm along Goatstown Road; several aspects of the design of the student accommodation; quality of the proposed communal open space; under provision of car parking; further details of submitted surface water drainage proposals; impacts on residential amenities; requirement for verified photomontages.
- The planning authority considers that the proposed development would constitute overdevelopment of the site, detract from the residential and visual amenity of the area and would not provide for a high standard of residential amenity for future residents.

#### 6.4. **Irish Water**

6.4.1. The submission of Irish Water notes the following in relation to the water network and water treatment:

- The development is considered feasible with water network upgrades. The developer will be required to fund upgrade works as part of a connection agreement with Irish Water.
- Upgrade works are required to increase the capacity of the Irish Water foul sewer network, i.e. the existing sewer on the Goatstown Road. Irish Water currently has a project planned which will provide the necessary upgrade and capacity from the head of the existing sewer at Larchfield Road. This upgrade project is scheduled to begin Q2 2020 (subject to change) and the proposed connection could be completed as soon as practically possible after this date. The applicant is required to fund the upgrade works for the remaining 80m of sewer from Larchfield Road to the development.

## 6.5. Consultation Meeting

6.5.1. A section 5 Consultation meeting took place via Microsoft Teams (having regard to the Covid-19 crisis) on the 19<sup>th</sup> May 2020. 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.

6.5.2. The main topics raised for discussion at the tripartite meeting were based on the Agenda that issued in advance and contained the following issues:

1. Height, Quantum and Scale of Development with Regard to the Goatstown LAP, Development Plan Policy and National Planning Policy
2. Impacts on Visual and Residential Amenities
3. Quality of Student Accommodation, Open Space and Ancillary Facilities
4. Vehicular Access, Car and Cycle Parking
5. Surface Water Drainage issues as raised by Dun Laoghaire Rathdown County Council Drainage Planning Section
6. Any other matters

6.5.3. In relation to the Height, Quantum and Scale of Development with Regard to the Goatstown LAP, Development Plan Policy and National Planning Policy and Impacts

on Visual and Residential Amenities, ABP representatives sought further elaboration / discussion on:

- PA Opinion raises issues in relation to above
- Applicant to consider the scale and height of the development in relation to a possible Material Contravention of Goatstown LAP, policy UD6 and with regard to SPPR 3 of the Urban Development and Building Heights Guidelines for Planning Authorities, along with relevant legislative provisions for Material Contravention
- Applicant to consider previous SHD cases that were considered to be Material Contraventions of the DLR County Development Plan and the relevant policy context
- Applicant to submit details of the relationship between the proposed development and adjoining sites / buildings including elevations, cross sections, consideration of potential overlooking and overshadowing
- Applicant to submit details of external finishes including brick details

6.5.4. In relation to Quality of Student Accommodation, Open Space and Ancillary Facilities, ABP representatives sought further elaboration / discussion on:

- Prospective applicant to have regard to internal floor plans and student clusters. May consider relevant guidance in DCC Development Plan in relation to student accommodation (noting that this document does not have any status in this jurisdiction), also national standards for student accommodation.
- Daylight analysis required for habitable rooms within the development, prospective applicant to identify the specific rooms analysed.
- PA have raised issues in relation to the quality of the communal open space, both the surface level courtyard and the roof gardens.
- The facilities and amenities provided in student accommodation may be considered with regard to the specific context of the site and nearby student services / amenities, e.g. proximity to UCD Belfield campus. Prospective applicant to justify the proposed amenities at this location.
- Prospective applicant to address ongoing and long-term management of the student accommodation, including the roof gardens.



6.5.5. In relation to Vehicular Access, Car and Cycle Parking, ABP representatives sought further elaboration / discussion on:

- Applicant to consider issues raised by the PA in relation to the set down area at the Goatstown Road frontage, including accessible parking.
- PA raised issues relating to quantum of car parking relative to Development Plan parking standards, prospective applicant reliant on reduced car parking and needs to justify same, including details of parking management.
- There is a Development Plan objective relating to bus corridor (QBC) on Goatstown Road but this is not included in BusConnects
- Apartment Guidelines provide standards for bicycle parking but proposed development is student accommodation, prospective applicant to have regard to how ABP have dealt with bicycle parking in other student accommodation developments
- Concerns raised in relation to landscape treatment at front of proposed development, interface with pedestrian and cycle routes on Goatstown Road.

6.5.6. In relation to Surface Water Drainage issues, ABP representatives sought further elaboration / discussion on:

- Address drainage issues raised in PA Opinion including design of green roof and SUDS measures
- Address corrected calculations in application
- Ensure integration between landscaping and drainage proposals

6.5.7. In relation to any other matters, ABP representatives sought further elaboration / discussion on:

- No additional matters raised by ABP.
- Prospective applicant raised issue of Part V and student accommodation, notes that ABP have not required Part V in other student accommodation cases where Part V is required by statutory plan but is not applicable to student accommodation.
- PA raised the issue of the interface with the public realm at Goatstown Road, applicant to address this issue in the application.

6.5.8. 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-306829-20' 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. 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.
- 7.2. 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 development plan for the area.
- 7.3. 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 **requires further consideration and amendment** in order to constitute a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 7.4. 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. 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.
- 8.2. 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 **requires further consideration and amendment** to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.
- 8.3. In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development:
- 8.4. Building Height

Further consideration of the documents as they relate to the building heights proposed in the development, including visual impacts, impacts on residential amenities and the achievement of a satisfactory transition in scale between the proposed development and adjacent properties. This consideration and justification should have regard to, inter alia, the guidance provided in the Building Height Strategy of the Dun Laoghaire Rathdown County Development Plan 2016-2022, the site specific guidance provided in the Goatstown Local Area Plan 2012 (as extended) and Policy UD6 of same and the Urban Developments and Building Height Guidelines for Planning Authorities 2018. The applicant is to consider whether the development constitutes a Material Contravention of the Building Height Strategy set out as Appendix 9 of the Dun Laoghaire Rathdown County Development Plan 2016-2022. If considered necessary, the applicant is to submit a Material Contravention Statement and to publish a Newspaper Notice in accordance with the requirements of section 8(1)(a)(iv) of the Planning and Development (Housing) and

Residential Tenancies Act 2016. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted.

#### 8.5. Provision of Communal Open Space and Student Facilities and Amenities

Further consideration of, and if necessary, further justification for, the quantum and distribution of public open space provided to serve the development, also internal communal services and amenities for residents of the scheme, to address the following matters:

- Hard and soft landscaping and SUDS measures, including the detailed layout, accessibility and management of roof gardens (if provided);
- Potential integration of cycle parking and refuse storage into the ground floor of the development.

This consideration / justification should have regard to the Department of Education and Science Guidelines on Residential Developments for 3<sup>rd</sup> Level Students Section 50 Finance Act 1999, Policy RES12 and section 8.2.3.4 of the Dun Laoghaire Rathdown County Development Plan 2016-2022 and other relevant guidance on student accommodation. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted.

#### 8.6. Potential Impacts on Residential and Visual Amenities

Further consideration/justification of the documents as they relate to potential impacts on residential and visual amenities at Trimbleston and Willowfield Park and other adjacent residential properties to include:

- Detailed elevations and cross sections indicating existing and proposed levels relative to the Goatstown Road and to adjacent residential properties and open spaces within Trimbleston and Willowfield Park.
- Visual Impact Assessment to include verified photomontages of the development from Goatstown Road (north and south of the site), from within the Trimbleston development and from Willowfield Park. The VIA should include views of the development with both winter and summer vegetation and to include any plant or other structures on the roof of the proposed development, in order to give as accurate a representation as possible.

- Assessment of overshadowing and impacts on natural daylight in adjacent habitable rooms, communal open spaces and private amenity areas having regard to BRE guidance.
- The proposed development is to be designed to avoid direct overlooking of adjacent residential properties.

The further consideration of this issue may require an amendment to the documents and/or design proposals submitted relating to density and layout of the proposed development.

#### 8.7. Frontage and Interaction with the Public Realm at Goatstown Road

Further consideration/justification of the documents as they relate to the development frontage to Goatstown Road to address the following issues:

- Delivery of a façade that relates well to surrounding development, with a high quality of design and finish, to include consideration of the existing building lines, heights and setbacks at this location;
- Provision of an active frontage to Goatstown Road at ground floor level, to include consideration of the location of the proposed concierge / reception area;
- Provision of safe vehicular, pedestrian and cycle access to the development with regard to DMURS and to the safe provision of accessible car parking and cycle parking, to include consideration of the proposed set down area;
- Provision of a positive contribution to the public realm at Goatstown Road, to include boundary treatment, pedestrian and cycle facilities and hard and soft landscaping.

The further consideration of these issues may require an amendment to the documents and/or design proposals submitted relating to density and layout of the proposed development.

- 8.8. 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. Housing Quality Assessment, to consider the Department. of Education and Science Guidelines on Residential Developments for 3<sup>rd</sup> Level Students Section 50 Finance Act 1999, Policy RES12 and section 8.2.3.4 of the Dun Laoghaire Rathdown County Development Plan 2016-2022 and other relevant guidance on student accommodation.
2. Student Accommodation Management Plan to provide details of the ongoing management of the proposed student accommodation, including any use of the facility as tourist accommodation outside of term times.
3. Daylight/Sunlight analysis, showing an acceptable level of residential amenity for future occupiers of the proposed development, which includes details on the standards achieved within specific habitable rooms within the development, in communal open spaces and in public areas within the development.
4. A report that specifically addresses the proposed materials and finishes to the scheme including specific detailing of finishes, 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. The report should also demonstrate that the development provides the optimal architectural solution and sustainable development of the site and in this regard, the proposed development shall be accompanied by an architectural report and accompanying drawings which outlines the design rationale for the proposed height and design strategy having regard to inter alia, national and local planning policy, the site's context and locational attributes.
5. Comprehensive landscaping proposals to include details of hard and soft landscaping, outdoor exercise equipment (if provided), boundary treatments, delineation of public and communal open space provision, pedestrian and cycle facilities, public lighting, car and cycle parking areas and refuse storage areas.
6. Topographical survey of the site and detailed cross sections to indicate existing and proposed ground levels across the site, proposed FFL's, road levels, open

space levels, drainage infrastructure, landscaping, etc. relative to each other and relative to adjacent lands and structures including public roads.

7. Rationale for proposed car parking provision with regard to development plan car parking standards, to consider the proposed car parking provision in the context of the available pedestrian and cycle facilities and public transport connections in the area, also details of car parking management and a Mobility Management Plan.
  8. Rationale for proposed cycle parking provision – quantum, design and layout.
  9. Statement of Compliance with the Design Manual for Urban Roads and Streets (DMURS).
  10. Road Safety Audit and Quality Audit
  11. Additional drainage details having regard to the report of DLRCC Drainage Planning Section (undated).
  12. AA Screening Report
- 8.9. 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. Failte Ireland (in relation to the provision of tourist accommodation at the development)
  5. Department of Culture, Heritage and the Gaeltacht (National Parks and Wildlife Service)

**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.

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Sarah Moran

Senior Planning Inspector

29<sup>th</sup> May 2020