



An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion
ABP-307162-20**

Strategic Housing Development	Demolition of existing buildings, 290 no. apartments, childcare facility.
Location	The Goat, Goatstown, Dublin 14
Planning Authority	Dun Laoghaire Rathdown County Council
Prospective Applicant	Charjon Investments Ltd.
Date of Consultation Meeting	19 th May 2020
Date of Site Inspection	17 th July 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 has a prominent location at the junction of Goatstown Road / Lwr Kilmacud Road and Mount Anville Road / Taney Road in Goatstown, Dublin 14. It is c. 7 km from Dublin city centre, 2 km from UCD Belfield, 1.4 km from Dundrum Town Centre and 1 km from Dundrum Luas stop. Proposed Bus Connects route S6 runs to the north of the site, along Taney Road / Mount Anville Road and proposed Bus Connects route 10 runs to the east, along Goatstown Road / Lower Kilmacud Road.
- 2.2. The site has a stated area of c. 1.54 ha and comprises:
- The Goat public house. The original building has been extensively modified and extended over the years;
 - Car park with access to Lwr Kilmacud Road and Taney Road;
 - Undeveloped lands to the rear / west of The Goat public house;
 - Two storey commercial block on the southern side of the site, 'The Goat Centre' containing a mix of neighbourhood centre uses including a pharmacy, a betting office and a hair salon;
 - Nos. 240 and 242 Lwr Kilmacud Road, two single storey cottages with gardens to the rear / west;
 - Car park accessed from Drummartin Road and Taney Road.

The site has extensive frontages to Drummartin Road and Taney Road to the north and east. There are residential areas to the immediate west and south, i.e. Birchfield Park and Drummartin Terrace.

3.0 Proposed Strategic Housing Development

3.1. The proposed development involves the demolition of The Goat commercial centre, the removal of various extensions to The Goat public house and the construction of a mixed use scheme, with the following key points:

No. of Residential Units	290 no. apts (Build to Sell)
Other Development	56 no. bedroom hotel; 5 no. retail units; C.O.U. of 240 and 242 Lwr Kilmacud Road to creche; Extension to existing public house (676 sq.m.)
No. of Blocks	4
Height	5-8 storeys over two level basement and undercroft area
Residential Density	Stated net density 188 units / ha
Amenity Space	Public + communal open space provision 7,621 sq.m
Roads	Vehicular access from Taney Road and Lwr Kilmacud Road Cycle Lane from Lwr Kilmacud Road to Taney Road; Loading bay at Taney Road; Drop-off zone at Lwr Kilmacud Road; Pedestrian crossing
Cycle Parking	422 no. spaces
Car Parking	475 no. spaces in undercroft / basement
Part V	18 no. 1 bed units, 10 no. 2 bed units, all in Block 2

Childcare	Capacity for 55 no. children, Childcare Capacity Audit submitted
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The proposed site layout indicates works at the road frontages outside the red line site boundary, on lands that are in the control / ownership of Dun Laoghaire Rathdown County Council.

3.10. The proposed housing mix may be summarised as follows:

Unit Type	No. of Units	%
1 bed	87	30%
2 bed	197	68%
3 bed	6	2%
Total	290	

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

4.0 Planning History

4.1. D20A/0093

4.1.1. Retention permission granted for illuminated pharmacy sign at Unit 5, The Goat Centre.

4.2. D19A/0831

4.2.1. Permission granted for retention of timber lattice type fence and retractable awning forming first-floor function room smoking area.

4.3. D18A/1052

4.3.1. Permission refused for retention of signage and mural on Taney Road boundary.

- 4.4. **D17A/0303 and D16A/0366**
- 4.4.1. Permission granted for single storey pharmacy and associated works at The Goat Centre under reg. ref. D16A/0366. Permission granted for second storey over pharmacy under planning application reg. ref. D17A/0303.
- 4.5. **D14A/0736**
- 4.5.1. Permission granted for retention of animal field shelter.
- 4.6. **D14A/0712**
- 4.6.1. Permission granted for retention of parcel motel.
- 4.7. **D14A/0203 PL06D.244129**
- 4.7.1. Permission granted for change of use of first-floor office to restaurant, along with other minor amendments at The Goat Centre. First Party appeal to remove conditions r.e. development contributions. ABP decision to remove relevant conditions.
- 4.8. **D11A/0536**
- 4.8.1. Permission granted for construction of a taxi kiosk/office in car park.
- 4.9. **D04A/0292**
- 4.9.1. Permission granted for change of Unit 1 at The Goat Centre from retail/hairdressing unit into a betting office with associated amendments to shop fronts and signage.
- 4.10. **D03A/0444**
- 4.10.1. Permission granted for retention of temporary taxi cab hire office to be maintained in position on a temporary basis for a period of 2 years pending redevelopment at the Goat Public House.
- 4.11. **D02A/0217**
- Planning application for mixed-use development comprising nine blocks ranging in height from 2, 3, 4 and 5 storeys and comprising 10 no. retail units, 5 no. enterprise units, 80 no. apartments, 66 no. apartments for short-term letting, medical centre, creche and 2 no. restaurants. Application deemed withdrawn as no response received to request for further information.

4.12. **D01A/0811**

4.13. Planning permission refused for mixed-use development comprising nine blocks ranging in height from 2, 3, 4 and 5 storeys and comprising 10 no. retail units, 21 no. office/light industrial units, 70 no. apartments, 44 no. apartments for short-term letting, medical centre, creche and two restaurants. It was also proposed to demolish No. 240 and No. 242 Kilmacud Road Lower. Reasons for refusal related to:

- Material contravention of county development plan policy with respect to office development in residential zones.
- Inadequate separation distances between directly opposing windows of apartment blocks.
- Insufficient details regarding the management and function of Block G.
- The application was deemed premature by reason of deficiencies in the receiving foul sewage system and the time within which the constraints can reasonably be expected to cease.

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
- Childcare Facilities Guidelines for Planning Authorities
- Design Manual for Urban Roads and Streets (DMURS)

- The Planning System and Flood Risk Management Guidelines for Planning Authorities

5.2. Dun Laoghaire Rathdown County Development Plan 2016-2022

- 5.2.1. Most of the site is zoned 'Objective NC – To protect, provide for and/or improve mixed-use neighbourhood centre facilities'. The uses 'Residential', 'Public House', 'Childcare Service' are Permitted in Principle and the use 'Hotel' is Open For Consideration. A strip of land on the western side of the site is zoned 'Objective A – To protect and or improve residential amenity'.
- 5.2.2. Specific Local Objectives Map 1 Clonskeagh / Dundrum:
- Proposed QBC routes on both road frontages
 - SLO 2 To implement and develop the lands in Goatstown in accordance with the Goatstown LAP
 - SLO 6 To promote potential additional future uses of the Dublin Eastern Bypass reservation corridor, including a greenway/cycleway, a pedestrian walkway, biodiversity projects, recreational opportunities – inclusive of playing pitches - and public transport provision such as Bus Rapid Transit services, pending a decision from Transport Infrastructure Ireland/Central Government in relation to the future status of the Bypass. Any potential additional future short-term uses of the reservation corridor will be subject to a joint feasibility study to be undertaken by TII and the NTA.
- 5.2.3. 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.

Policy RES4: Existing Housing Stock and Densification:

It is Council policy to improve and conserve housing stock of the County, to densify existing built-up areas, having due regard to the amenities of existing established residential communities and to retain and improve residential amenities in established residential communities.

Policy RES7: Overall Housing Mix:

It is Council policy to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided within the County in accordance with the provisions of the Interim Housing Strategy.

5.2.4. Policy UD6: Building Height Strategy

It is Council policy to adhere to the recommendations and guidance set out within the Building Height Strategy for the County.

- 5.2.5. Section 8.2.8.2 Communal open space. Requirement of 15 sq.m- 20 sq.m. of Open Space per person, based on a presumed occupancy rate of 3.5 persons in the case of dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms. A lower quantity of open space (below 20 sq.m per person) will only be considered acceptable in instances where exceptionally high quality open space is provided on site.

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 10th April 2022.

- 5.3.2. The Goat site is one of three Neighbourhood Centres within the LAP area. Policy NC1:

It is an objective of the Plan that new development located within neighbourhood centres shall incorporate a range of uses that contribute towards the creation of a sustainable community and a vibrant urban village. Redevelopment of the neighbourhood centres should provide for improved pedestrian access between the neighbourhood centres and the residential hinterland.

LAP section 3.4:

In terms of size, the principle neighbourhood centre is located at Goatstown Crossroads and includes lands at 'The Goat' and the Topaz garage opposite. Apart from 'The Goat' public house, which undoubtedly acts as a local focal point, there is an overall lack of identity and sense of place associated with this centre. This is largely due to the dominance of the road network in the area and the absence of any defined or discernible streetscape, either within or on the edges of the site. The lack of identity is possibly also influenced by the limited retailing offer which, in turn, is probably a consequence of the Plan area's proximity to the major shopping centres at Dundrum and Stillorgan.

Goatstown Crossroads provides a low quality urban environment with through traffic taking precedence over the 'sense of place' function of streets. Road access and vehicular movements continue to have priority over pedestrians and cyclists. There is a notable lack of active street frontage at the Crossroads.

'The Goat' is the only public house in the local area. It is undoubtedly important in terms of its social function and its contribution to the character of the area and local identity. Historic photographs of the area indicate that a commercial use at this location is long established. It is considered that a public house function should continue to form part of any future development / redevelopment proposals for this area.

Opposite the Goat, a filling station, two commercial units and a garden centre occupy the lands on the northern side of Taney Road. These units are well set back from the road and as a result fail to establish any discernible or defined streetscape. This further weakens and dilutes the Crossroad's character and sense of place.

The potential to create any form of identity and enhancement of sense of place in the wider Plan area will be strongly influenced by any coherent redevelopment proposals for the lands at 'The Goat' and at the Topaz garage and its adjoining retail units. New development at these sites should include a variety and mix of uses to properly reflect the neighbourhood centre status of the site and incorporate a layout and design that creates a distinctive urban village centre. Detailed design guidance in this regard is set out in the Site Framework Strategies (Section 6).

5.3.3. Architectural heritage policy AH2:

It is an objective of the Plan to facilitate the reuse of older buildings while maintaining their character and special interest.

LAP section 3.7:

In addition to Protected Structures, there are a number of historic buildings within the Plan area that contribute to the area's character and local identity. While these buildings do not warrant inclusion in the Record of Protected Structures they are highly valued by the community for their local historic interest and contribution to the area's sense of place. Examples of such buildings include Drummartin Terrace, the terrace of cottages located northeast of Goatstown Crossroads and the vernacular two-storey structure that forms part of 'The Goat' public house.

Also policy AH4:

It is an objective of the Plan to investigate the designation of Drummartin Terrace as an Architectural Conservation Area (ACA)

5.3.4. LAP Policy UD4:

It is an objective of the Plan that any redevelopment of the prominent and highly visible 'Goat' site shall be based on a design approach that is influenced by, and responds sympathetically to, the historic character of the area - most notably the mature trees, stone walls and various historic buildings; including Drummartin Terrace that flanks the southern boundary of the site. Any redevelopment proposals shall incorporate a diversity of uses and housing typology, varied plot widths and heights and shall include a rich mix and palette of materials and shall avoid excessive obtrusive signage. The public realm component of any redevelopment scheme shall be of a high quality with particular emphasis on paving, tree planting and street furniture.

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.

5.3.5. The subject site is identified as a 'key site' which has potential for redevelopment within LAP Section 6 - Site Framework Strategies. LAP section 6.2 states in relation to the subject site:

Redevelopment of the site would provide an opportunity to establish a more defined urban village centre with attractive and active streetscape. The challenges to be addressed in redeveloping the site include providing a design response that is appropriate to the local context, protecting the residential amenity of neighbouring properties, providing an attractive village streetscape and creating a high quality environment for future occupants.

5.3.6. LAP Table 6.1 provides the following guidance for the development site:

Zoning	'NC' - 'To protect, provide for and / or improve mixed-use neighbourhood centre facilities'
Height	3-storey benchmark (with possible setback floor or occupied roof space) 2-storey at boundaries with existing residential development
Density	In accordance with County Development Plan Design Objectives
Design Objectives	<ul style="list-style-type: none"> • Fine urban grain • Emphasis on vertical proportions • Facades broken up • High quality architecture • Provide for active streetscape • Provide for a mix of commercial and residential uses appropriate to a neighbourhood centre and in accordance with County Development Plan zoning objective. • Consider provision of live / work units • Retain public house use • Any redevelopment should include retention of the existing vernacular three-bay two-storey structure that fronts onto Lower Kilmacud Road • Creation of a new pedestrian friendly street

	<ul style="list-style-type: none"> • Finishes and materials, which enhance the local streetscape and village identity • Own door access for residential uses where appropriate
Open Space	<ul style="list-style-type: none"> • Creation of a new attractive civic space • Provision of high quality private amenity space for residential units • Provision of high quality useable public open space for residential element • Clear demarcation between public and private open space
Signage	<ul style="list-style-type: none"> • Any redevelopment proposals should include a signage strategy • Shopfronts and signage shall not be intrusive or excessive and shall be of a high quality and make a positive contribution to the streetscape
Movement	<ul style="list-style-type: none"> • Rationalisation of existing entry point from Lower Kilmacud Road • Parking may be provided in the form of underground, surface level or small scale 2-3 storey car-parks • Inclusion of road safety audit • Cycle Parking to be provided
Public Realm	<ul style="list-style-type: none"> • Public realm strategy to be included • Suitable paving • Tree Planting along street width and in any new civic space • Outdoor seating in civic space • Provision of street furniture • Provision of street lighting • Redevelopment should include under grounding of wirescape

5.4. Material Contravention Statement

5.4.1. The applicant has submitted a Material Contravention Statement in relation to material contravention of the Goatstown LAP policy UD6 on building height, specifically in relation to the requirement that height should graduate down to a

maximum of two-storey along the site boundaries where they adjoin existing low-rise development.

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; EIAR Screening Report; Townscape and Visual Impact Assessment; Childcare Capacity Audit; Part V Documentation; Response from Irish Water in respect of Pre-Connection Enquiry; Architectural Design Statement; Schedule of Accommodation; Architectural Drawing Pack; Design Rationale – Landscape Architecture; Landscape Drawing Pack; DMURS Statement of Consistency; Engineering Services Report; Flood Risk Assessment; Transport Impact Assessment Report; Outline Construction Methodology and Phasing Management Plan; Engineering Drawing Pack; Operational Waste Management Plan; AA Screening & NIS; Ecological Impact Assessment and Bat Survey; Sustainability, TGDL and NZEB Report; Daylight and Sunlight Report; Archaeological Assessment; Verified Photomontages; Arboricultural Assessment, Arboricultural Impact and Tree Protection Strategy Report; Public Lighting 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 15th June 2020. The planning authority's 'opinion' included a planning report, as well as technical reports from the Drainage, Transportation, Housing, Landscaping and Environment. The main points made may be summarised as follows:

6.3.2. Principle of Development

- Proposed uses are acceptable in principle under the relevant zoning objectives.
- Retention of existing public house is in accordance with the LAP site framework strategy. The proposed hotel use would complement this use and is also acceptable.
- Reservations regarding the limited amount of retail floor space that would be provided within the development given its scale and the extent of NC zoned lands on the site. The combined floor area of the proposed 5 no. retail units is not much greater than the commercial floor area of the existing 'The Goat Centre'. Opportunities to provide additional floor retail floor space and active frontage along the south eastern perimeter of the proposed plaza, where undercroft car parking is currently proposed, should be explored.
- The proposed apartments are acceptable given the predominance of traditional housing in the area. The proposed mix of apartments accords with SPPR 1 of the Design Standards for New Apartments. The proposed residential density is significantly higher than comparable infill developments in the surrounding area and is above what the planning authority would consider appropriate for this site, given the extent of non-residential uses also proposed.
- The planning authority welcomes the proposed provision of a childcare facility.

6.3.3. Design and Layout, Visual Impacts

- The proposed site layout would generally deliver the site layout related objectives set out in the LAP.
- The layout of the proposed blocks within the site and relative to the properties at Birchfield Lawn and Drummartin Terrace is acceptable in principle given the separation distances that would be achieved. Instances where the separation distance between Blocks 01 and 03 and Blocks 03 and 04 falls below the required 22 metre separation distance should however be reviewed as the Planning Authority has serious concerns as to the impact on existing residential amenity. The scale of built form adjoining existing residential property needs to be carefully considered and any adverse overlooking / overbearing impacts addressed. In addition, mitigation measures e.g. staggered windows / opaque glazing to secondary windows can be employed if required.
- Concerns regarding the pinch point between proposed Block 4 and the public footpath adjoining the northern gable of the existing public house to be retained. The proposed hotel block would project into and overhang the public footpath. It is recommended that a minimum 4m setback be provided at this location.

6.3.4. Building Height and Residential Density

- The subject site is located in a suburban area characterised by two storey houses. The benchmark height for the site as set out in the Goatstown LAP is consistent with the current Urban Development and Building Height Guidelines (ref. section 1.9 of same) and the National Planning Policy Framework strategic outcomes that informed the guidelines.
- The proposed density of 188 units / ha is 3.7 times the minimum net density of 50 units / ha for sites within 1km of a light rail stop, as set out in the Sustainable Residential Densities for Urban Areas Guidelines and the County Development Plan. The site is located on the outer edge of this 1km catchment.
- Whilst the applicant states that the density of development proposed is comparable to, and less than, those of a number of SHD schemes approved by ABP in Dún Laoghaire-Rathdown, details of planning applications relating to

comparable sites and subject to the same building height policy have not been provided.

- The nearest infill developments of relevance are the Trimblestown and Roebuck Park schemes referenced in the Goatstown LAP, the Roebuck Hill development on Mount Anville Road and the recently completed Grove House development on Goatstown Road. None of these developments exceed five storeys in height. The Roebuck Hill development is particularly relevant as it comprises a mixed-use scheme located at the Mount Anville Road/Roebuck Road crossroads, approximately 1km from the N11 QBC and the core of UCD. It comprises 96 no. apartments and 4 no. commercial units on a 0.8 ha site, providing for a density of 120 units/ha. The scale and density of that development is considered an appropriate and sustainable response to the site location.
- The submitted Statement of Consistency does not demonstrate compliance with the County Development Plan Building Height Strategy or Policy UD6 of the Goatstown LAP.
- The planning authority considers that the development does not, by reason of its excessive height, respond to the surrounding built environment or integrate in a cohesive manner with the wider urban area within which it is situated.
- Given the scale of the proposed buildings, it is recommended that potential for wind impacts on the micro-climate of public and communal areas be assessed.
- Concerns that the 5-8 storey height of the development would be entirely out of character with the established pattern of development in the area, would appear visually obtrusive on the streetscape and would be visually overbearing on adjoining properties. It is considered that the development would give rise to an abrupt transition in building height with the surrounding properties and the existing vernacular building to be retained on the site.

6.3.5. Standard of Accommodation

- All apartments would exceed the minimum floor areas as set out in SPPR 3 of the Apartment Guidelines. Over 50% of the units would be dual aspect in accordance with SPPR 4 of the Guidelines. Notes compliance with standards relating to floor to ceiling heights, lift and stair cores.

- Notes submitted Daylight and Sunlight report. Further clarification required of some aspects of this report and compensatory design solutions may be required in some instances. Concerns regarding the number of apartments that fail to meet minimum daylight and sunlight standards.
- Private open space provision complies with the quantitative requirements of the Apartment Guidelines.

6.3.6. Open Space and Public Realm

- The development would require 6,705 - 8,940sq.m of communal open space to comply with the requirements of development plan section 2.2.7.1. It would require 1,781 sq.m. of communal open space to comply with the standards of the Apartment Guidelines.
- The development provides 4,868sq.m of open space at podium level (c. 32% of the site area). The civic plaza is not considered reckonable public/communal open space as it largely functions as a pedestrian thoroughfare serving the commercial elements of the proposed development. This provision exceeds the requirement of the Apartment Guidelines. It falls below the development plan standard of 15 – 20 sq.m per person, however it exceeds the default minimum of 10% of the site area. The quantity of communal open space proposed is acceptable but should be subject to a special development contribution towards the maintenance and enhancement of the public open space at Deer Park, c.750m from the site, as per the recommendation of Parks and Landscape Services.
- The Daylight and Sunlight report indicates that 85% of the communal open space would receive a minimum of two hours of sunlight between the equinoxes i.e. for half the year, in excess of the 50% requirement set out in the BRE Guidelines.
- Concerns regarding the quality of the open space between Block 1 and Block 2, which are 4-7 storeys over podium level. A wind study should be undertaken given the tunnelling effect these buildings may have and the potential impacts of the usability of the communal open space.
- Parks and Landscape Services have concerns regarding the footprint and height of the proposed buildings and their impact on the usability of the open spaces.

Overshadowing and the pinched nature of several spaces have been identified as the key issues in this regard.

- The proposed public realm improvements are generally welcomed.
- Transportation Planning Section notes that Block 4 would overhang the public footpath and would create an undesirable pinch point, seeks a minimum 4m set back of at this location.
- The proposed public realm along Taney Road is unsatisfactory. Parks and Landscape Services state concerns about loss of 2 no. Category A trees and 9 no. Category B trees at this frontage, which contribute to the leafy suburban character of the area. Transportation Planning Section states that the applicant should justify the use, location and length of the proposed loading bay on Taney Road having regard to impacts and conflicts with pedestrians and cyclists. A grass verge containing street trees should be provided along the Taney Road where the set-down / loading bay would be located. There is potential to access and service the commercial units on the site from the undercroft car park and potentially by way of managed access to the plaza area within the site.
- Parks and Landscape Services also seek provision for landscaping along other site frontages. Hard and soft landscaping at Lwr Kilmacud Road should be agreed with the Parks and Landscape Services before making a planning application.
- The planning authority is generally satisfied that the proposed civic space would meet the objectives of the Goatstown LAP, however, it is considered that greater animation should be provided along the south eastern perimeter of the space by way of additional commercial floor space where undercroft car parking is currently proposed.

6.3.7. Access, Car and Cycle Parking

- No objection to proposed relocated vehicular entrances on Taney Road and Lwr Kilmacud Road.
- Transportation Planning Section seeks a minimum 4m setback at the pinch point at the junction of Taney Road and Lwr Kilmacud Road to allow for a segregated cycle lane and improved pedestrian environment.

- Applicant is requested to ensure provision of an adequate public footpath with landscaping as well as a National Cycle Manual standard cycle track / lane on all site frontage.
- Transportation Planning Section is satisfied that the overall quantum of car parking is acceptable.
- Transportation Planning Section considers the provision of residential cycle parking to be low given the reduced provision of car parking and with regard to the standards of the Apartment Guidelines. Recommends an increased provision of short stay cycle facilities for residential and commercial uses including provision of shared bicycle facilities, also provision for larger footprint cargo bicycles at a rate of 10% of the overall cycle parking provision.
- Concerns about set back at Taney Road frontage as above. Transportation Planning considers that the majority of servicing should be managed within the development site and not rely on use of adjoining public roads for set down of service vehicles. Also concern that the proposed cycle lane inside the set-down / loading bay would give rise to conflicts with cyclists and may endanger public safety. Clarification of the public lighting at this location also required.

6.3.8. Surface Water Drainage and Flood Risk

- Drainage Planning Section states that the surface water drainage proposals are seriously deficient in content of what should be submitted if constructive feedback is to be provided.
- Information and clarifications required on several matters, as set out in the report of Drainage Planning Section dated 20th May 2020.

6.3.9. Impacts on Residential Amenities

- The separation distance between the development and Drummartin Terrace and Birchfield Lawn is acceptable for the purposes of safeguarding the privacy of these properties. The screening afforded by existing mature trees along the south eastern boundary of the site is also noted
- The development would appear visually obtrusive and overbearing when viewed from surrounding properties and particularly Drummartin Terrace and Birchfield Lawn.

- No photomontage from Drummartin Terrace or from the rear of surrounding properties.
- The Daylight and Sunlight report does not assess the impact of the development on the daylight levels of adjoining properties or the shadow cast on surrounding private amenity areas. A more comprehensive study should be undertaken.
- The applicant should review building height having regard to the aspect and orientation to the rear of these properties and the impact the proposed development would have on same, also with regard to LAP Policy UD6 which restricts building heights to a maximum of two storeys along shared boundaries with adjoining residential properties.
- Having regard to the value and sensitivity of views along approach roads and from adjoining residential areas at Birchfield Lawn and Drummartin Terrace, it is considered that the development would give rise to a substantial and abrupt change in scale which would have a negative impact on these areas. It would appear visually obtrusive and incongruous on the streetscape and would not be in keeping with the character of the area.
- The applicant is advised to reconsider the scale of the development having due regard to the suburban character of the surrounding area. The applicant is referred to the more modest scale of the four and five storey infill developments at Trimbleston, Roebuck Hill and Grove House.

6.3.10. Childcare

- The planning authority is satisfied that the proposed childcare facility would cater for the childcare needs of the development. The location of the proposed childcare facility is also acceptable.

6.3.11. Planning Authority Conclusion

- The planning authority has serious concerns regarding the height of the development, which would appear visually obtrusive and incongruous on the streetscape and visually overbearing when viewed from adjoining properties on Birchfield Lawn and Drummartin Terrace. In this regard, the proposed development would materially contravene the policy provisions of the Goatstown LAP. The planning authority also has concerns that the proposed building

heights, and resultant massing, would adversely impact the sunlight and daylight levels achieved in a number of apartment units, which would not meet the BRE guidelines recommended standards, and may give rise to a wind tunnelling effect within the communal open space located at podium level.

- The applicant is advised to revise the proposed building heights having regard to the building height policy of the County Development Plan and the Goatstown LAP, and to have consideration to the heights of previously approved infill developments in the area.
- The planning authority also recommends that additional commercial floor space be provided on this substantial neighbourhood centre zoned site.
- The applicant should be referred to the outstanding requirements of the Transportation Planning Section with respect to cycle parking and works to the public realm / site frontages and is advised to consult with the Drainage Planning Section prior to making a planning application.

6.4. Irish Water

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

- In respect of Water: Upsizing of existing 6" CI main in Lower Kilmacud Road to 200mm ID for approx. 190m is required. Irish Water currently does not have any plans to commence upgrade works to its network in this area. Should the applicant wish to progress with the connection, the upgrade works will be calculated in a connection offer fee for the development.
- In respect of wastewater: The existing 225mm clay sewer in Lower Kilmacud Road is out of capacity. The sewer has to be upgraded downstream of the site for approx. 1.2km up to the Goat Pub, prior to the connection. The concept design works have been completed by Irish Water as part of the Local Network Reinforcement Programme. The upgrade works are on the Irish Water Capital Investment Plan, however, the applicant may be required to provide a contribution. Estimated completion time of the upgrade is Q4 2022.

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 17th July 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. Proposed mix of residential and commercial land uses with regard to site specific objectives set out in the Goatstown LAP.
 2. Height, Quantum and Scale of Development with regard to Goatstown LAP, County Development Plan policy and national planning policy, quality of residential accommodation and potential impacts on visual and residential amenities.
 3. Roads layout, pedestrian and cycle connections, set down area on Taney Road, car and cycle parking provision.
 4. Surface Water Drainage issues (as per report of DLRCC Drainage Planning dated 20th May 2020)
 5. Any other matters
- 6.5.3. In relation to the proposed mix of residential and commercial land uses with regard to site specific objectives set out in the Goatstown LAP, ABP representatives sought further elaboration / discussion on:
- Proposed quantum and mix of commercial, residential and retail land uses in the context of the LAP
 - Compatibility of the proposed development with the relevant Neighbourhood Centre land use zoning
 - Consistency of the proposed floor areas and quantum of residential and other land uses in the proposed development with the definition of Strategic Housing Development set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended)

6.5.4. In relation to Height, Quantum and Scale of Development with regard to Goatstown LAP, County Development Plan policy and national planning policy, quality of residential accommodation and potential impacts on visual and residential amenities,

ABP representatives sought further elaboration / discussion on:

- LAP site specific objectives of height, design and layout
- Quality of residential accommodation to be provided
- Visual impacts, particularly on adjoining residential areas
- Removal / retention of existing trees at the site and proposed landscaping scheme
- Microclimate impacts to be an integral part of the design process

6.5.5. In relation to roads layout, pedestrian and cycle connections, set down area on Taney Road, car and cycle parking provision, ABP representatives sought further elaboration / discussion on:

- Overall roads layout and traffic impacts
- Pedestrian and cycle connections with regard to LAP objectives
- Set down area at the creche on Lower Kilmacud Road
- Issues raised by PA in relation to the Taney Road frontage
- Proximity to the site boundaries
- Traffic issues at the approach to the Taney Road / Lower Kilmacud Road junction
- Pinch point at Taney Road and Kilmacud Road junction
- Car and cycle parking provision

6.5.6. In relation to surface water drainage issues, ABP representatives sought further elaboration / discussion on:

- Applicant to address drainage issues raised in PA Opinion.

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

- No additional matters raised by ABP.

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-307162-20', 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 all of the above, I recommend that further consideration and/or possible amendment of the documents submitted are required at application stage in respect of the following element:

Proposed Mix of Land Uses

Building Height

Potential Impacts on Visual and Residential Amenities

Road Frontages and Interaction with the Public Realm

details of which are set out in the Recommended Opinion below.

- 7.4. 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.

- 7.5. 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. Proposed Mix of Land Uses

Having regard to the 'NC Neighbourhood Centre' land use zoning objective pertaining to most of the application site, the applicant is advised to submit a justification / rationale for the proposed quantum of residential, commercial and retail development within the scheme with regard to the site specific guidance provided in

sections 3.4 and 6.2 of the Goatstown Local Area Plan 2012 (as extended), also Table 6.1 of same. The applicant is advised to consider the Neighbourhood Centre function of the site in the wider area in this regard.

The applicant is also advised to note the definition of Strategic Housing Development set out in Section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended), in particular the following:

(i) the cumulative gross floor area of the houses, student accommodation units, shared accommodation units or any combination thereof, comprises not less than 85 per cent, or such other percentage as may be prescribed, of the gross floor space of the proposed development or the number of houses or proposed bed spaces within student accommodation or shared accommodation to which the proposed alteration of a planning permission so granted relates, and

(ii) the other uses cumulatively do not exceed—

(I) 15 square metres gross floor space for each house or 7.5 square metres gross floor space for each bed space in student accommodation, or shared accommodation, in the proposed development or to which the proposed alteration of a planning permission so granted relates, subject to a maximum of 4,500 square metres gross floor space for such other uses in any development, or

(II) such other area as may be prescribed, by reference to the number of houses or bed spaces in student accommodation or shared accommodation within the proposed development or to which the proposed alteration of a planning permission so granted relates, which other area shall be subject to such other maximum area in the development as may be prescribed;

The applicant is advised to clarify how the proposed development meets the above definition of Strategic Housing Development with regard to the quantum of land uses proposed.

8.5. 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.

8.6. 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 Drummartin Terrace and Birchfield Lawn and other adjacent residential areas to include:

- Detailed elevations and cross sections indicating existing and proposed levels relative to the adjoining public roads and to adjacent residential properties and open spaces within Drummartin Terrace and Birchfield Lawn.
- Visual Impact Assessment to include verified photomontages of the development from Drummartin Terrace and Birchfield Lawn as well as adjoining public roads. The VIA should include views of the development with both winter and summer vegetation and 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. Road Frontages and Interaction with the Public Realm at Taney Road and Lower Kilmacud Road

Further consideration/justification of the documents as they relate to the development frontages to Taney Road and Lower Kilmacud Road and to the public open spaces within the scheme to address the following issues:

- Provision of active frontages to public roads and at public spaces within the scheme in accordance with the site specific objectives set out in the Goatstown LAP;
- Provision of a positive contribution to the public realm at both road frontages, to include boundary treatment, pedestrian and cycle facilities and hard and soft landscaping;
- Delivery of a high quality of public realm and way finding at the public open spaces within the development, including detailed landscaping proposals and consideration of microclimate impacts;
- Delivery of façades that relate 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 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 on Taney Road and 'drop off zone' at Lower Kilmacud Road;
- Letter of consent from Dun Laoghaire Rathdown County Council or any other relevant landowner to carry out any proposed works outside the red line site boundary;
- Applicant is requested to ensure provision of an adequate public footpath with landscaping as well as a National Cycle Manual standard cycle track / lane on all site frontage;

- Provision of satisfactory public lighting.

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.
2. 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.
3. 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.
4. 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.

5. 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.
 6. 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 for each of the proposed land uses and a Mobility Management Plan.
 7. Rationale for proposed cycle parking provision – quantum, design and layout.
 8. Statement of Compliance with the Design Manual for Urban Roads and Streets (DMURS).
 9. Road Safety Audit and Quality Audit
 10. Surface water drainage proposals to address issues raised in the report of DLRCC Drainage Planning Section dated 20th May 2020.
 11. 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.

Sarah Moran

Senior Planning Inspector

24th July 2020