



An  
Bord  
Pleanála

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

**Inspector's Report on  
Recommended Opinion  
307543-20**

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Strategic Housing Development	215 Apartments, 2 Pastoral Residences and creche facilities as well as all associated ancillary facilities
Location	Nullamore House, Richmond Avenue South and Milltown Road, Dartry, Dublin 6
Planning Authority	Dublin City Council
Prospective Applicant	Glenavy Educational Foundation CLG
Date of Consultation Meeting	25 <sup>th</sup> November 2020
Date of Site Inspection	9 <sup>th</sup> October 2020
Inspector	F. Fair

## 1.0 Introduction

- 1.1.1. 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 and the documentation received from the prospective applicant, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

## 2.0 Site Location and Description

- 2.1.1. The subject site (c.1.89 ha) is located within an urban context in close proximity to Milltown/Dartry. The lands are currently in the ownership of University Hostels Ltd and a small portion of land is in the ownership of Dublin City Council. The prospective applicant has enclosed letters of consent from both parties.
- 2.1.2. There are a range of existing buildings within the subject site including Nullamore House and its associated ancillary buildings and gardens. None of the existing buildings are listed as Protected Structures in the Dublin City Development Plan.
- 2.1.3. The site has been in Institutional use primarily as an Educational Centre and provided associated ancillary residential accommodation for members of Opus Dei since the 1950s. The organisation has evaluated its future needs in this location and the vast majority of the site is now surplus to requirements. There is an opportunity to release the underutilised lands for development, whilst also providing pastoral accommodation facilities to meet the future needs of the organisation at this location.
- 2.1.4. The site addresses existing street frontages along the Milltown Road and Richmond Avenue South and is currently accessed via a main vehicular/pedestrian access via Richmond Avenue South and a vehicular/pedestrian gated access from the Milltown Road. The lands are generally bound by existing residential development at Temple Park to the north, Milltown Road to the south, Richmond Court Apartments and the Milltown LUAS Stop (along the Green LUAS line) to the east and existing residential development at South Hill to the west. The Dropping Well Public House and Milltown Golf Course are all located close to the southern boundary of the site.

2.1.5. The site is well served by public transport as the Milltown Luas stop is c. 120m (c. One minute walk) from the subject site. The 44 and 61 bus stops are located 500-550m from the site.

### 3.0 Proposed Strategic Housing Development

3.1.1. Permission for 5 No. residential apartment blocks (Blocks A to E), the refurbishment and addition of new extensions to the existing Nullamore House (identified as Blocks F and G) and 2 no. pastoral residences (Block H).

- The proposed development ranges in height from 3 storeys (the existing Nullamore House) with the new built elements of the proposal ranging from 4 to 8 storeys (with associated setbacks).

- A total of 215 no. apartments are proposed (in Blocks A to E and Nullamore House Blocks F & G): comprising 70 no. one bed apartments, 106 no. two bed apartments, 30 no. three bed apartments, and 9 no. studio apartments.

- The refurbishment and new extensions to Nullamore House (Block F and G) will provide 20 no. apartments (4 no. apartments in the main Nullamore House and 16 no. apartments in the new extensions), as well as associated residential amenity facilities (including gym and associated facilities (c.269 sqm), a function room (c.73 sqm), a screening room (c.32sqm), a lounge facilities (c. 38 sqm), a management suite ( c. 32sqm) and a creche (c. 257 sqm)).

- Each apartment has associated private open space in the form of balconies and winter gardens, as well as access to communal areas (including kitchen gardens and roof terraces at Blocks A,B,C,D and E) and public open space provisions (including the formal landscaped area at Nullamore House, designated play areas and natural play areas) with hard and soft landscaping treatment.

- The 2 no. pastoral residences (Block H) will be divided into 2 separate residences (the west house with 12 no. bedrooms and the east house will have 16 no.

bedrooms), associated ancillary residential and pastoral amenities as well as associated communal open space provisions (including terraces and kitchen gardens).

- Associated ancillary car parking, bicycle parking, storage facilities, plant, bin storage arrangements for the overall development will be provided at basement level. In addition staff facilities for the pastoral residences will be provided at basement level. A small quantum of car parking is proposed at surface level; overall the proposed car parking and cycle parking provisions are as follows:
  - 215 no. basement car parking spaces to serve the proposed apartments,
  - 24 no. basement car parking spaces to serve 2 no. pastoral residents (Block H)
  - 5 no. surface car parking spaces associated with the creche (Nullamore House Block F and G)
  - 3 no. surface visitor car parking spaces (Block H – at the pastoral residence located to the west)
  - 540 no. bicycle spaces serving the proposed apartments and 20 no. bicycle spaces serving the proposed pastoral residences (all at basement levels).
  - The proposal provides for revised and realigned vehicular and pedestrian/cyclist access arrangements and junction improvements at Richmond Avenue South. This will require the removal of part of the existing stone wall at the north western boundary of the site.
  - The decommissioning of the existing gated vehicle access and piers at the Milltown Road and the incorporation of these in situ into a new boundary wall along the Milltown Road boundary.
  - The provision of 2 no. new gated vehicular and pedestrian entrances via the Milltown Road to the pastoral residences (Block H)
  - Creation of new public realm connections through the subject site in the form of a cycle path and pedestrian path linking the Milltown Green Line LUAS station (via Richmond Avenue South) and the Milltown Road via 2 no. new pedestrian/cycle entrances. This connection will include a platform lift (generally to the north west of Block E) to facilitate Universal Access.
  - The site development works and infrastructural works include foul and surface water drainage, attenuation tanks, green/blue roofs, SuDs arrangements, hard and

soft landscaping, new boundary walls treatments along part of the northern site boundary and southern site boundary addressing the Milltown Road, the existing garden wall west of Nullamore House to be dismantled and rebuilt, 1 no. substation (c. 27 sqm), public lighting, new internal streets, cycle paths, pedestrian paths and all associated ancillary site development works (including the demolition of existing extensions (with a combined area c. 959.3 sqm) to Nullamore House, existing sheds and all other existing buildings (c. 183 sqm) on site).

3.1.2. A Material Contravention statement has been submitted with regards to building height. The proposed development ranges in height from 3 to 8 storeys (plus setback). The highest elements of the proposed development, are as follows:

- Blocks A, C, D and H – have overall heights of up to approximately 25.2 m.
- Block E – has an overall height of up to approximately 27.6 m.

Certain Blocks within the subject site are in excess of the (up to 24 m height set out in the Dublin City Development Plan) which is the recommended height for residential development at a rail hub (such as the Milltown LUAS Stop).

3.1.3. The Material Contravention statement submitted with the pre application states:

'It is respectfully requested that An Bord Pleanála have regard to the justification set out within this statement and determine that a Material Contravention can be permitted under the provisions of the Act.

This approach can be taken on the basis of the provisions of section 37(2)(b) (i) and (iii) of the Planning and Development Act, 2000 (as amended) and notably on the basis that:

- The proposed development is of strategic importance, that being that the proposal qualifies as a Strategic Housing Development by virtue of the nature of the definition identified under the Planning and Development (Housing) and Residential Tenancies Act, 2016.
- Permission can be granted for the proposal given the clear compliance of the proposed development with national policy and Section 28 guidance on the matter of height and specifically the recent publication of the following documents:

- 'Urban Development and Building Height - Guidelines for Planning Authorities (2018)'
- 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2018)'; and
- 'Project Ireland: National Planning Framework 2040'.

3.1.4. The proposed development releases the full potential of this underutilised, brownfield, zoned site to deliver critically required homes in an excellent urban location, proximate to public transport services. This accords with the National Policy Mandate in respect of delivery of housing and building height.

3.1.5. The following details are noted: **Table 1**

Parameter	Site Proposal
Application Site	1.89 ha
No. of Units	215 apartments 2 No. Pastoral Residences
Other Uses	- A creche (c.257 sq. m), - Gym and Ass. Facilities) c.269 sqm), - A function room (c.73 sqm), - A screening room (c.32sqm), - Lounge facilities (c.38 sqm), - Management suite (c. 32sqm)
Residential Density	114.81 units / ha
Site Coverage	27%
Building Height	3 - 8 Storeys
Public Open Space provision:	3,610 sq. m (19%)
Car Parking	247 spaces (0.6 spaces per unit)
Bicycle Parking	560 spaces

Part V	20 units
Dual Aspect	63%
Vehicular Access	The primary access to the development will be via a junction located on Richmond Avenue South to the north of the site; secondary access points will be located on Milltown Road to the south.

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

<b>Apartment Type</b>	<b>No.</b>	<b>Percentage</b>
Studio	9	4 %
1 bed	70	33 %
2 bed	106	49 %
3 bed	30	14 %
<b>Total</b>	<b>215</b>	<b>100%</b>

### 3.1.6. Height

The new build elements of the proposal ranges in height from 3 - 8 storeys as follows:

**Table 3 Block Height**

Block A	5/6/7 Storey Block	
Block B	4/5/6 Storey Block	
Block C	5/6/7 Storey Block	
Block D	5/6/7 Storey Block	
Block E	6/7/8 Storey Block	
Block F	(Nullamore House) 4 Storey ext. set back from main house	
Block G	(Nullamore House) existing 2 Storey over basement	
Block H	(containing the 2 no. pastoral residences) 4/5 Storey	

#### 4.0 National and Local Planning Policy

##### 4.1.1. National

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

- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’)
- ‘Sustainable Urban Housing: Design Standards for New Apartments’ (2018)
- ‘Design Manual for Urban Roads and Streets’ (2013)
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’) (2009)
- ‘Architectural Heritage Protection- Guidelines for Planning Authorities
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018)



#### 4.1.2. Local

4.1.3. The statutory Development Plan for the area is the Dublin City Development Plan 2016-2022. Within the City Development Plan (hereafter CDP) the majority of the site is zoned for 'Z15 - Institutional and Community' in the Dublin City Development Plan 2016-2022, with a zoning objective to 'protect and provide for institutional and community uses'. The southern part of the site (along the Milltown Road) is zoned for 'Z1 - Sustainable Residential Neighbourhoods', with a zoning objective to "protect, provide and improve residential amenities."

4.1.4. Under this land use zoning objective, residential development is 'open for consideration'.

4.1.5. There is a requirement for proposals on Z15 zoned lands to be accompanied by a Masterplan that sets out a clear vision for the zoned lands and to provide for the identification of 25% of the lands for open space and/or community facilities. The masterplan is to incorporate landscape features which retain the essential open character of the lands zoned Z15. It must also ensure that the space will be provided in a manner designed to facilitate potential for future public use and protect existing sporting and recreational facilities which are available predominantly for community use.

## 5.0 **Planning History**

5.1.1. There is no recent planning history pertaining to the subject site.

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

6.1.1. A series of formal pre-application meetings under Section 247 of the Act were undertaken with Dublin City Council (the Planning Authority) on the 20<sup>th</sup> September 2018 and the 9<sup>th</sup> May 2019.

## 7.0 **Submissions Received**

7.1.1. Irish Water

Irish Water has issued a conformation of feasibility for this development for 226 residential units.

Water: In order to accommodate the proposed connection at the Premises, upgrade works are required to the existing Irish Water network. 480 metres (approx.) of existing 6" CI (~1945) pipeline to be upgraded to 150mm ID. Should the applicant wish to progress with the connection they will be required to fund this network extension which will be delivered by Irish Water. Any consents required for these works that are not in the public domain are the responsibility of the applicant.

Wastewater: A new connection to the existing network is feasible without upgrade. The storm water connection must be made to a storm water network that does not discharge to an Irish Water combined / foul sewer.

## **8.0 Forming of Opinion**

Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the planning authority submissions and the discussions which took place during the tripartite consultation meeting. I shall provide brief detail on each of these elements hereunder.

## **9.0 Documentation Submitted**

The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. This information included, inter alia, completed application form, planning report, Part V documentation, IW pre connection enquiry, and accompanying drawings, a Planning Report and Statement of Consistency, material contravention statement, environmental screening statement, architectural design statements, Part V details, Housing quality assessment and development statistics, Landscape Design Statement, Traffic Impact Assessment, DMURS Compliance Statement, Site Specific Flood Risk Assessment, CoF From IW, Outline Construction

Management plan (CMP), RSA stage 1 and 2, Ecological Impact Assessment (incl. bat assessment), Screening Report for AA, Natura Impact Statement (NIS) Arboricultural report, daylight and sunlight assessment report, public lighting services and report, record and assessment of Nullamore House, Photomontages, Landscape and Visual Impact Assessment, Scale model of proposed development.

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

## 10.0 Planning Authority Submission

10.1.1. In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Dublin City Council, submitted their opinion in relation to the proposal. This were received by An Bord Pleanála on 7<sup>th</sup> August 2020.

10.1.2. The planning authority's 'opinion' included the following matters: copies of record of section 247 consultation, zoning and site designations, site description, planning history; opinions from other departments and an assessment of the proposal.

### **The report addresses the following:**

#### Compliance with Zoning:

10.1.3. The zoning objective requires that where there is an existing institutional and/or community use, any proposed development for 'open for consideration' uses such as the current residential proposal shall be required to demonstrate to the planning authority:

- How the proposal is in accordance with and assists in securing the aims of the zoning objective;
- How it secures the retention of the main institutional and community uses on the lands (including space for any necessary expansion of such uses);
- How it secures the retention of existing functional open space e.g. school playing fields; and
- The manner in which the nature and scale of the proposal integrates with the surrounding lands.

- 10.1.4. The zoning objective indicates that a masterplan may assist in demonstrating how these requirements may be satisfied. The masterplan shall set out a clear vision for the lands zoned Z15, to provide for the identification of 25% of the lands for open space and/or community facilities. The masterplan must incorporate landscape features which retain the essential open character of the lands zoned Z15. It must also ensure that the space will be provided in a manner designed to facilitate potential for future public use and protect existing sporting and recreational facilities which are available predominately for community use. The 25% public open space shall not be split up, unless site characteristics dictate otherwise, and shall comprise mainly of soft landscaping suitable for recreational and amenity purposes and should contribute to, and create linkages with, the strategic green network.
- 10.1.5. The documentation submitted indicates that that the institutional use on the bulk of the subject site has ceased, pending redevelopment of the site. It is argued that the lands therefore do not function as intended by the Z15 zoning objective. It is noted that the proposed development provides for 25% public open space within the Z15 portion of the site in the form of a central park, running through the heart of the scheme. The landscape proposals incorporate a new green link (in the form of a pedestrian/cycle path) providing a new public route through the subject site from the Milltown LUAS stop (to the east of the site) to the Dodder River walkway (to the south).
- 10.1.6. Overall, the open space provision across the entire site is approximately 3,610 sqm on a site of approximately 1.89 ha. This equates to 19% of the overall site area. The Public Open Spaces can be sub-divided into four distinct categories:
1. The central Parkland Corridor
  2. The environs to Nullamore House
  3. The perimeter zones
- 10.1.7. The Z15 zoning requires the provision of 25% of the lands for open space and/or community facilities as part of a masterplan where redevelopment for other uses is proposed. It is considered that the proposal falls well short of this requirement due to the usability and quality of the proposed open space. While a new green link and permeability through the site from the Luas to Milltown Road is welcome, it is

considered that the quantity and quality of open spaces indicated would not be in accordance with the zoning objective.

10.1.8. The Parks and Landscape Services Department also notes concern regarding the proposed open space provision and compliance with the zoning objective. The Parks report notes that the Z15 zoning requires that the masterplan must incorporate landscape features, which retain the essential open character of the lands, and it is considered that the proposed layout does not achieve this. The Park and Landscape Services require that the exact proposed provision of public open space requires clarification. It also notes that the inclusion of vehicular space as suggested on page 10 of the Landscape Design Statement, is not acceptable. Clarity on the proposed provision and calculation of area of public open space should be submitted for comment.

10.1.9. The public open space should be positioned to help maintain the open character of the lands, to contribute to a green network and to retain existing trees.

#### Plot Ratio, Site Coverage and Density

10.1.10. It is considered that the site is considered suitable for high density development given the location adjacent to the Luas and a number of bus routes. However, while the site is considered suitable for high density development, Section 16 – Development Standards of the City Development Plan, requires that the density of a proposal should respect the existing character, context and urban form of an area and seek to protect existing and future residential amenity. In this regard, concerns are raised in relation to the visual impact of the development proposed due to its scale and with the quality of residential accommodation proposed, which may indicate that the proposed scheme is of excessive density for the site.

10.1.11. There are concerns regarding the visual impact of the proposal on the visual amenities of the area due to the topography of the site and the height and scale proposed. The applicant is therefore requested to reconsider the overall height and scale of the development in particular Blocks E, D & C given the elevated nature of the site along with the substantial difference in ground levels from Nullamore House to Milltown Road. The layout of the scheme should also be reconsidered to improve

the visual connection of Nullamore House through the site from Milltown Road. This should be supported by an updated Landscape and Visual Impact Assessment with additional views of the proposal from the Dodder River Valley to the south, Milltown Road to the east and from South Hill.

10.1.12. Conclusions:

- The Parks and Landscape Service are seriously concerned regarding the proposed public open space provision & calculation and the proposed high loss of existing trees as part of the development. The Parks and Landscape Services report notes that the Z15 zoning requires that the masterplan must incorporate landscape features, which retain the essential open character of the lands, and it is considered that the proposed layout does not achieve this. In this regard the applicant should;

- reconsider the location and quantum of public open space:

- Clarify the exact provision and calculation of area of public open space.

The applicant is also advised that the inclusion of vehicular space as suggested on page 10 of the Landscape Design Statement, is not acceptable.

- The planning authority would raise concerns that the proposed development could potentially impact the residential amenity of the existing rear gardens of adjacent dwellings to the west in South Hill, by way of overlooking from proposed balcony and terraced areas. The applicant should demonstrate that the proposal will respect and not have a detrimental impact on the residential amenities of the adjacent properties.

- The planning authority is concerned regarding the orientation and amenity of north facing apartments on the lower floors in particular in Blocks A & G. The number of north facing single aspect units has not been indicated in the documentation. This should be addressed in any application. The applicant should submit details, including photomontages, of the views that the single aspect north facing apartments on the lower floors would have and detail any compensatory measures for these single-aspect north-facing units.

- As per Section 16.10.4 of the Dublin City Development Plan 2016-2022, a Community and Social Infrastructure Audit is required to be submitted to assess

whether there are any shortfalls in terms of community facilities and social infrastructure and demonstrate how the proposal will contribute to the range of supporting community infrastructure. In conjunction with carrying out a community and social audit, it is considered that the applicant should provide details of the size/capacity of the local childcare facilities in order to inform assessment in respect of the proposed non-provision of on-site childcare facilities.

- Having regard to the report on file from the Transportation Planning Division the following information is requested:

a) The applicant has included an unnamed laneway which is in the charge of Dublin City Council in their works. The applicant has submitted a letter of consent from Dublin City Council permitting them to include part of the footpath and roadway along this lane. There appear to be two residential units which use the laneway to access Richmond Avenue South. No details have been submitted in relation to the manner of closing off this lane at the eastern end. The applicant should include detailed drawings, in plan and elevation, of the proposed measures to close off this laneway to traffic at the east and also to confirm that it will remain open to cycle and pedestrian access.

b) The principle of the proposed vehicular entrances onto Milltown Road is acceptable to this division. Notwithstanding this, the applicant should be requested to submit more detailed information regarding the likely extent of use of these entrances. In this regard, information should be provided in relation to the use of the pastoral residences, the age profile of residents, the expected trip generation, use of buses etc. Examination of similar such developments in urban areas could be useful in this instance. Cycle parking for this element should also be designed to be accessible and useful for cyclists of all ages and abilities.

c) The applicant is requested to submit a drawing indicating any proposed areas which are proposed to be taken-in-charge by Dublin City Council. All works are required to be designed in accordance with the Construction Standards for Roads and Street Works in Dublin City Council.

- d) The applicant is requested to designate some car parking spaces as car club spaces, preferably at ground level rather than basement.
- e) The applicant is requested to provide 10% electric charging points and future proof all car parking spaces for electric charging points.
- f) No details of the proposed cycle parking system have been submitted. The applicant has not shown segregated cycle and car traffic on the access ramp to the basement, given the size and storage capacity of the basement it is advised that consideration should be given to this issue.

The applicant is also requested to review the possibility of the incorporation of a resident cargo-bike sharing for residents. It should be noted that resident and staff cycle parking shall be kept secure and a key/fob access should be required to enter bicycle compounds. All cycle parking shall allow both wheel and frame be locked to the parking stand. The applicant should also demonstrate where additional cycle parking could be accommodated should demand for same arise.

g) No information has been submitted in relation to visitor cycle parking. Covered visitor cycle parking should be located proximate to the entrance to each block, the stands should allow for the locking of both wheel and frame. The applicant should consider providing the possibility of parking at the crèche for larger bikes such as cargo bikes for parents dropping off/ picking up.

h) It is noted that there is storage proposed at basement level to serve the apartments. Many of these storage spaces have doors which open out onto a car parking space. It would appear that there would be a conflict between the storage space for the apartments and the car storage, particularly if storage area and adjacent car parking space are not assigned to the same resident. The applicant does not state that the storage units and car parking will both be allocated to the same apartment. A more satisfactory solution should be submitted at application stage or confirmation that the storage and car parking would belong to the same unit.



i) The cycle/ pedestrian path through the site, linking Milltown Road and Richmond Avenue South, appears to be undersized in terms of catering to cycle, pedestrian and universal access.

The applicant should be requested to submit details of the width of the proposed path and the possibility of widening it at the sections where all users will overlap. The applicant should show the levels along the path on any revised drawings. The applicant should also include a bike access ramp on the stairway next to the universal access lift to allow cyclists to use this should the lift be out of order. In this regard the applicant should also consider a similar ramp for buggies along the steps.

j) The applicant should submit auto track drawings for fire and waste trucks at the Milltown Road entrance. It appears from the auto tracking submitted for Richmond Avenue South that the movements of both the fire and waste truck will overspill onto the green space to the north of the carriageway within the site. It is noted from the Landscape Masterplan that there are existing trees to be retained in this area. The applicant should clarify if these movements will interfere with these trees or their root protection zone.

k) The applicant should submit a Preliminary Waste and Servicing Plan at application stage which includes clarity on waste collection, where bins are to be stored while waiting for collection etc.

l) No MMP or Residential Travel Plan has been submitted with the pre-planning. It is considered that this should form part of the application and should include mitigation measures proposed to promote alternative modes of travel other than the car, addressing the mobility requirements of both residents and staff. Modal split targets for the proposed development should be provided to allow a review of the proposed development, location, proposed parking provision and access to other transport modes. A MMP can include softer measures such as the implementation of a Welcome Pack for residents. The MMP should include the appointment of a Mobility Manager for the scheme and the carrying out and monitoring annual residential travel surveys or Personalised Travel Planning etc.

On balance however, on the basis of the information received, it is considered that the development as proposed is consistent with the relevant provisions of the City Development Plan 2016-2022.

## 11.0 Consultation Meeting

11.1.1. A Section 5 Consultation meeting took place by way of conference call on the 25<sup>th</sup> November 2020, commencing at 2.00 pm. 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.

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

1. Development Strategy having regard to the zoning for the lands, set out in the Dublin City Development Plan 2016 – 2022. Compliance with Z15 Zoning.
2. Visual Impact (scale, massing, height, topography of the site).
3. Residential Amenity (existing and proposed) in the context of the ‘Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities’, March 2018.
4. Response to the Issues Raised in the Planning Authority Opinion, submitted to An Bord Pleanála on the 7<sup>th</sup> August 2020.
5. Any Other Matters

11.1.3. In relation to Development Strategy An Bord Pleanála representatives sought further elaboration / discussion / consideration on the following:

- There is a need to address the Institutional Lands Objective, as set out in the Dublin City Council Development Plan 2016 – 2022, in any application. How the proposal is in accordance with and assists in securing the aims of the zoning Objective - ‘Z15 Zoning’ for Institutional Lands

- Consideration of how the proposal secures the retention of existing functional open space.
- Further consideration of the manner in which the nature and scale of the proposal integrates with the surrounding lands.
- Further justification and explanation on 'Pastoral Residences' is required. Provision of a clear rationale and examination of the need for the pastoral residents - whether it is a commercial entity, how it fits within the legal definition of SHD.
- What standards were used for the Pastoral Residence Accommodation – Any application to detail rationale for size and layout, clarify the use and why, if appropriate, local or national residential standards should not apply to that block (Block H).

11.1.4. In relation to Visual Impact (scale, massing, height, topography of the site), An Bord Pleanála representatives sought further elaboration / discussion / consideration on the following:

- Further justification of the proposed development in terms of urban design considerations such as building height and the bulk, scale and mass of blocks; architectural treatment; and interface with Nullamore House, adjoining properties to the north and west (Temple Park and South Hill Estate) and architectural treatment. There is a need for submission of a detailed Urban Design Statement and an Architectural Statement, detailing finishes, use of materials and variety in design.
- Greater visual analysis of the development by way of clear CGI's, long-range views and photomontages from the wider area.
- Justification for height and bulk of the blocks, in particular E, D & C, given the elevated position of the site, site levels, the loss of trees and the modest scale and character of existing development.

11.1.5. In relation to residential amenity (existing and proposed), An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Further justification is required of (internal and external) open space provision, aspect of units and access to daylight and sunlight. In the context of the

‘Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities’, March 2018.

- Detailed analysis of impact of the development on surrounding residential amenity, perceived overshadowing, overlooking, overbearing impacts, in particular to properties in South Hill to the west of the subject site.
- Detailed analysis of amelioration of potential overlooking.
- Justification that the open space provision accords with Z15 zoning which includes to provide for the identification of 25% of the lands for open space and/or community facilities. How the proposal secures the retention of the main institutional and community uses on the lands, incl. in particular how it secures the retention of the existing functional open space and integration with surrounding lands.
- Details relating to landscape design, play rational and provision, the quantum and quality of the open space provided, accessibility.
- Details of the number and percentage of dual and single aspect apartments in the context of the minimum standards set out in ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’ (2018). It is important that the proposal meets and preferably exceeds the minimum standards in terms of dual aspect and justification is required for compliance with dual aspect of 33%. In the interests of clarity clear delineation / colour coding of floor plans indicating which of the apartments are considered by the applicant as dual / single aspect and the number and location of single aspect north facing apartments.

11.1.6. An Bord Pleanála sought further elaboration/discussion/consideration of the issues raised in the Planning Authority Opinion, submitted to An Bord Pleanála on the 07.08.2020.

- Matters raised within the PA Opinion and Appended County Council Department reports submitted to ABP on the 07.08.2020 and set out above in section 10.1.12 of this report ‘conclusions’.

- Clear justification for the quantum of open space proposed and clarity on how public open space is calculated.
- Justification for the loss of trees. It is noted that the Parks Department report (on file) notes there is a proposed loss of 80 trees or approximately 80% of the tree population, which is considered a high loss rate. There is a need to address how trees will be protected during construction, a robust CMP and Arborist Assessment.
- Further consideration regarding the usability of the open space/linear park due to the levels across the site. The site at present slopes down 7.5m from Nullamore House to the Milltown Road
- Further consideration of views towards Nullamore House being less restricted from Milltown Road to the south.
- Clarify issues pertaining to drainage connections and agreements with IW and the Drainage Department of Dublin City Council

11.1.7. In relation to Any Other Matters, the Planning Authority emphasised the applicant should consider:

Further elaboration/discussion on:

- Landscaping and extent of tree retention and protection,
- Ecology, Biodiversity and wildlife (impacts upon protected species and associated habitats for Bats, Birds and Badgers).
- Ensure that all documentation is consistent
- Detail of consultation, if any, which has taken place with surrounding residents.
- Impact on existing residential amenity, concerns of residents.
- Vehicular Access and Inclusion of Laneway to the north
- Cycle and pedestrian path undersized
- Community and social infrastructure audit is required.
- Taking in charge proposal required, if applicable.
- Accessibility to pastoral residences, expected trip generation, age profile of residents, use of buses.

- Clear delineation of cycle parking, layout of the basement storage and assignment of car parking spaces.

11.1.8. 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-37543-20' 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.

#### **Submission from Irish Water**

11.1.9. Irish Water has issued a Confirmation of Feasibility which confirms that subject to a compliant water and wastewater layout and a valid connection agreement being put in place between Irish Water and the developer, the proposed connection(s) to the Irish Water network(s) can be facilitated, subject to upgrade works to the Irish water network to be agreed with IW and paid for by the developer.

### **12.0 Conclusion and Recommendation**

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

12.1.2. I have examined all of the information and submissions before me including the documentation submitted by the prospective applicants, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the section 28 Ministerial Guidelines and local policy via the statutory plans for the area.

12.1.3. Having regard to all of the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act 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.

12.1.4. I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

### 13.0 Recommended Opinion

13.1.1. An Bord Pleanála 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.

13.1.2. 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.**

13.1.3. 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:

1. Development Strategy - The documentation at application stage requires further justification with regards to how the proposal assists in securing the aims of the Z15 zoning objective; how it secures the retention of the main institutional and community uses on the lands; how it secures the retention of

existing functional open space and the manner in which the nature and scale of the proposal integrates with surrounding lands.

2. Scale and Massing - Further consideration/justification of the documents as they relate to the scale, form, visual impact, materials and finishes to the proposed buildings, in particular given the elevated position and change in levels across the site. The further consideration / justification should address the proposed scale and massing given, inter alia, the receiving transitional nature of the environment, including single storey and two storey development in proximity of the site to the west in South Hill and location of the site outside of a Major town centre or District centre zone. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

13.1.4. 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. A detailed statement of consistency and planning rationale, clearly outlining how in the prospective applicant's opinion, the proposal is consistent with local planning policies having specific regard to the zoning objective of the site, Z15 Institutional and Community and its applicability to the development site in question having regard to the concerns raised in the tripartite meeting.
2. A detailed statement, which should provide adequate identification of all such elements and justification as applicable, where the proposed development materially contravenes the Development Plan other than in relation to the zoning of the land, indicating why permission should, nonetheless, be granted, having regard to a consideration specified in section 37(2)(b) of the Act of 2000.



3. Further justification and explanation on the nature and use of 'Pastoral Residences' is required, having regard inter alia to the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, March 2018.
  - Whether it is a commercial entity, how it fits within the legal definition of SHD (e.g. is it consistent with 'other uses' pursuant to Section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016).
  - What standards were used for the Pastoral Residence Accommodation
  - Detailed rationale for size and layout,
  - Clarification of the use and why, if appropriate, local or national residential standards should not apply to that block (Block H).
  
4. A detailed schedule of accommodation which shall indicate compliance with relevant standards in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' 2018. It is important that the proposal meets and preferably exceeds the minimum standards in terms of dual aspect and justification is required for compliance with dual aspect of 33%, should this be the case. In the interests of clarity clear delineation / colour coding of floor plans indicating which of the apartments are considered by the applicant as dual / single aspect and the number and location of single aspect north facing apartments.
  
5. A Construction Environmental Management Plan (CEMP) that addresses, inter alia, tree protection during construction phase and an Arborist Assessment required clearly indicating:
  - monitoring of tree protection and mitigation measures;
  - adherence to tree protection measures;
  - supervision of works;
  - post construction assessment and measures to promote / assess regular health and condition of trees.
  - A full and detailed Green Infrastructure Plan,
  - Landscaping Plan,
  - Arboriculture drawings and engineering plans that take account of one another.

6. Clarification at application stage regarding connection to water and drainage infrastructure having regard to issues raised in the Irish Water submission dated 11.08.2020
7. Clarification at application stage how proposed pedestrian, cycle and vehicular links through the site and connectivity with the wider area; are to be delivered, in particular, give the change in levels across the site.
8. An Assessment which details the rationale for the proposed location and quantum of basement storage, car parking and cycle parking spaces, having regard to, inter alia, Chapter 4 (Communal Facilities in Apartments) of the 'Sustainable Urban Housing: Design Standards for New Apartments' (2018).
9. Detailed landscape drawings that illustrate hard and soft landscaping, useable communal open space, meaningful public open space, quality audit and way finding. The public open space shall be usable space, accessible and overlooked to provide a degree of natural supervision. Details of play equipment, street furniture including public lighting and boundary treatments should be submitted.
10. A response to matters raised within the PA Opinion and Appended City Council's departments comments submitted to ABP on the 07.08.2020.
11. Full and complete drawings, including levels and cross sections showing how the development will interface with adjoining lands (Milltown Road) to the south and residential lands particularly to the west (South Hill).
12. A report that addresses issues of residential amenity (both existing residents of adjoining development and future occupants), specifically with regards to potential overlooking, overshadowing and overbearing. The report shall include full and complete drawings including levels and cross-sections

showing the relationship between the proposed development and adjacent residential development.

13. Views / photomontages of the proposed development from the surrounding area.

14. A report that specifically addresses the proposed building materials and finishes and the requirement to provide high quality and sustainable finishes and details.

15. A construction and demolition waste management plan.

13.1.5. Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

1. Irish Water
2. Department of Culture Heritage and the Gaeltacht
3. An Taisce
4. Heritage Council
5. Fáilte Ireland
6. An Chomhairle Ealaíonn

**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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Fiona Fair  
Senior Planning Inspector  
15.12.2020