



An
Bord
Pleanála

**S. 4(1) of Planning and
Development (Housing)
and Residential
Tenancies Act 2016**

**Inspector's Report
ABP-308353-20**

Strategic Housing Development

Demolition of an existing building and hard surface parking area and the construction of 239 no. student bedspaces with amenity spaces, bicycle and car parking spaces and all associated site works.

Location

The car sales premises currently known as Vector Motors (Formerly known as Victor Motors), Goatstown Road, Dublin 14.

(www.goatstownroadshd.ie)

Planning Authority

Dun Laoghaire Rathdown County Council

Applicant

Orchid Residential Limited

Prescribed Bodies

1. DAU
2. TII
3. Irish Water

Observer(s)

See Appendix 1

Date of Site Inspection

19th November 2020

Inspector

Irené McCormack

DECISION QUASHED

1.0 Introduction

This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

2.0 Site Location and Description

- 2.1.1. The development site is located in south Dublin and comprises of the lands of the Victor Motors Site on Goatstown Road, Dublin 14. The site is occupied a car showroom and associated forecourt located in a suburban area on the eastern side of Goatstown Road (R132), c. 6 km to the south of Dublin city centre, c. 1.5 km from Dundrum town centre and c. 0.8 km from the UCD Belfield campus. Trimbleston estate is located to the north and east, Goatstown road to the west and a two-storey neighbourhood centre to the south comprising a ground floor retail spaces, a café, bike repair shop and clothing shop.
- 2.1.2. The general area is characterised by residential development with a mix of new apartment buildings up to 5 storeys in height in Trimbleston which comprises a mix of houses, duplexes and apartments and older suburban detached and semi-detached two storey housing.
- 2.1.3. The boundary of the site comprises block and stone walls to the east and south respectively with screen planting existing on the adjoining sites on the opposite side of the walls. A low stone clad wall with fence above provides the boundary line to the north adjacent to the Trimbleston scheme. The roadside boundary comprises a low boundary wall with three vehicle access points onto the Goatstown Road.
- 2.1.4. The site slope gently towards the south by ca. 3 metres. The stated site area is 0.39Ha.
- 2.1.5. There are a variety of public transport options in the area. available to visitors and residents at the proposed site. The site is within or the equivalent of a 13minute walk (6-minute cycle) of the UCD campus. A cycle lane (which is currently being upgraded by the Council) directly connects the site and UCD campus.
- 2.1.6. The site is served directly by the no. 11 Bus route operated by Dublin Bus (a stop is located outside Trimbleston c.10m from the site). This connects the proposed student residence to the city centre, as well as St Patricks College Drumcondra, and DCU. The no. 17 bus route operated by Go-Ahead serves UCD from Roebuck Road, which also provides connections to Rialto and Blackrock. The Coombe Maternity Hospital in Rialto

is a UCD teaching hospital. The Green Line Luas has two stops within walking and cycling distance of the development: Dundrum and Windy Arbour.

2.1.7. Marked cycle lanes are provided on the Goatstown Road, Roebuck Road, Fosters Avenue, and the N11, allowing for safe cycle access to the main entrances to UCD, as well as to the City Centre.

3.0 Proposed Strategic Housing Development

3.1. The proposed development will consist of:

The development will consist of demolition of the existing building (c.960sqm) and hard surface parking area on site and construction of a purpose-built student accommodation development (including use as tourist or visitor accommodation outside the academic term) comprising;

- 239 no. student bedspaces (including 10 no. studios), all within a part 4 no. storey, part 6 no. storey 'U'-Shaped building (total gross floor area 6,620sqm);
- The building is 4 storeys along the southern boundary (with roof terraces at 5th storey) and part 5 and 6 storeys along Goatstown Road (with setbacks) and boundary to the north (with roof terrace at 6th storey fronting onto Goatstown Road);
- Amenity space equating to c. 2,061 sqm is provided across the site consisting of c. 1,554 sqm of external amenity in the form of a central courtyard at ground level and roof terraces and 5th and 6th storeys;
- Internal amenity space equating to c. 507 sqm is provided in the form of 2 no. ground floor lounge/study areas, kitchen/tearoom, laundry and concierge/office space;
- Provision of 188 no. bicycle parking spaces distributed at 2 no. locations within the central courtyard (stacked parking with glass roof cover) and adjacent to the front boundary (north);
- Provision for 6 no. carparking spaces comprising 2 no. disabled parking spaces and 4 no. set down parking spaces adjacent to the front entrance to the site;
- Vehicular access to the site is via Goatstown Road through 2 no. entrance points [reduction from 3 no. entrances currently];

- Ancillary single storey ESB substation and switch room and refuse store are provided at ground level;
- Provision of surface water and underground attenuation and all ancillary site development works including site wide landscaping works, planting and boundary treatments (including removal of existing planting on Goatstown Road) as well as provision of footpaths, lighting and cycle paths.

3.2. The proposed development will be used for student accommodation only during the academic year and student accommodation and/or tourist/visitor accommodation outside this time.

3.3. A summary of the parameters of the proposed development is listed below:

Parameter	Site Proposal
Application Site (minus road works)	0.39ha /0334ha.
No. of units	239 bedspaces including 40 no. clusters and 10 studios
Density	703 bed spaces per hectare or 146 no. units per ha.
Communal Open Space	1,551sqm (36% of site area)
Building Height	1 - 6 storeys
Plot Ratio	1:95
Car Parking	6 plus 1 motorbike space
Bicycle Parking	188
Vehicular Access	Goatstown Road

Mix of units/clusters broken down as follows:

Type/Size	No. of units	% of units
Studio	10	20%
5 bed cluster	22	44%
6 bed cluster	10	20%
7 bed cluster	5	10%
8 bed cluster	3	6%
	Total 50	Total 100%

3.4. The application was accompanied by the following documentation

- Letter of Consent from Dun Laoghaire Rathdown County Council
- Irish Water Statement of Design Acceptance (included at Appendix IV of the Civil Engineering Infrastructure Report)
- Statement of Consistency and Planning
- Statement of Material Contravention
- EIA Screening Report
- Urban Design Report and drawings
- Housing Quality Assessment
- Architectural Response to An Bord Pleanála
- Landscape Design Rationale and drawings
- Civil Engineering Infrastructure Report (including Flood Risk Assessment for Planning, Stage 1 Surface Water Audit)
- Quality Audit
- Civil Engineering Drawings
- Operational Waste Management Plan
- Construction Environmental Management Plan
- Construction and Demolition Waste Management Plan
- Hydrological and Hydrogeological Qualitative Risk Assessment
- Ground Investigation Report
- Building Lifecycle Report
- Archaeological Assessment
- Bat Assessment
- Acoustic Design Statement
- Ecological Impact Statement
- Screening Report for Appropriate Assessment
- Energy and Sustainability Statement
- Site Lighting Plan

- Daylight and Sunlight Assessment
- CGIS and Photomontages
- Townscape and Visual Impact Assessment
- Management Plan

4.0 Planning History

Development Site

D12A/0486 - Permission granted for modification to the front and side facades of existing building to include for raising height of part of existing front facade and for recladding over existing cladding to front elevation and part of side elevation.

D10A/0623/ PL06D238413 -Permission refused by the Board and by the planning authority for the refurbishment, extension and change of use of motor sales premises to use as a neighbourhood shop with ancillary off license sales. The Board refused for three reasons. Reasons (1) and (2) related to the scale of retail development and car parking, development plan retail policies and the Objective A residential zoning of the site. Refusal reason no. (3) related to the location of the site at a curvature in close proximity to two signalised junctions on the Goatstown Road (R132), a principal commuter route, and exacerbation of existing traffic congestion in the area.

D07A/0984/ PL06D227350 -Permission refused by the Board and the planning authority for demolition of the existing structure and construction of a single 3-6 storey block, over part single and part two levels of basement, comprised of 49 apartments. The Board refused permission for one reason relating to development plan standards and to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, development would constitute overdevelopment of the site and, by reason of its height, scale, mass and bulk relative to adjoining buildings and structures and its proximity to the boundaries of the site, would result in a substandard quality of open space within the site due to the effects of overshadowing, be visually obtrusive, particularly when viewed from the south and east along the Goatstown Road and would depreciate the value of property in the vicinity

D04A/0828 - Permission granted for demolition of the existing structure and construction of a 3, 4 and 5 storey apartment block comprised of 30 apartments (2 no.1 bedroom, 28 no. 2 bedroom), 4 duplex units (a 2 bedroom and 3 no. 3 bedroom) and 50 car parking spaces at basement level.

5.0 Section 5 Pre-Application Consultation

5.1.1. A pre-application consultation meeting took place via Microsoft Teams (having regard to the Covid-19 crisis) on the 19th May 2020. A Notice of Pre-Application Consultation Opinion issued within the required period, reference number ABP-306829-20. An Bord Pleanála issued notification that, it was of the opinion, the documents submitted with the request to enter into consultations, required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development. The following is a brief synopsis of the issues noted in the Opinion that needed to be addressed:

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.

Provision of Communal Open Space and Student Facilities and Amenities

Further consideration of, and if necessary, further justification for, the quantum and distribution of public open space provided to serve the development, also internal communal services, and amenities for residents of the scheme, to address the hard and soft landscaping and SUDS measures, potential integration of cycle parking and refuse storage into the ground floor of the development and potential Impacts on Residential and Visual Amenities.

Potential Impacts on Residential and Visual Amenities

Further consideration/justification of the documents as they relate to potential impacts on residential and visual amenities at Trimbleston and Willowfield Park and other adjacent residential properties to include detailed elevations and cross sections indicating existing and proposed levels relative to the Goatstown Road and to adjacent residential properties and open spaces within Trimbleston and Willowfield Park. Visual Impact Assessment to include verified photomontages both winter and summer vegetation and to include any plant or other structures on the roof of the proposed development, in order to give as accurate a representation as possible. Sunlight/Daylight, overshadowing and overlooking impacts.

Frontage and Interaction with the Public Realm at Goatstown Road

Delivery of a façade that relates well to surrounding development, with a high quality of design and finish, to include consideration of the existing building lines, heights and setbacks at this location, provision of an active frontage to Goatstown Road, provision of safe vehicular, pedestrian and cycle access to the development with regard to DMURS. Provision of a positive contribution to the public realm at Goatstown Road.

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

5.2. The prospective applicant was advised that the following specific information was required with any application for permission:

1. Housing Quality Assessment
2. Student Accommodation Management Plan
3. Daylight/Sunlight analysis
4. A report that specifically addresses the proposed materials and finishes to the scheme including specific detailing of finishes, landscaped areas, pathways, entrances and boundary treatment/s. The report should also demonstrate that the development provides the optimal architectural solution and sustainable development of the site and in this regard, the proposed development shall be accompanied by an architectural report and accompanying drawings which outlines the design rationale for the proposed height and design strategy having regard to inter alia, national and local planning policy, the site's context and locational attributes.
5. Comprehensive landscaping proposals
6. Topographical survey of the site and detailed cross sections to indicate existing and proposed ground levels across the site, proposed FFL's, road levels, open space levels, drainage infrastructure, landscaping, etc. relative to each other and relative to adjacent lands and structures including public roads.
7. Rationale for proposed car parking provision and details of car parking management and a Mobility Management Plan.
8. Rationale for proposed cycle parking provision – quantum, design and layout.
9. Statement of Compliance with the Design Manual for Urban Roads and Streets (DMURS).

10. Road Safety Audit and Quality Audit

11. Additional drainage details having regard to the report of DLRCC Drainage Planning Section (undated).

12. AA Screening Report

5.2.1. The covering letter submitted with the application responded to the board's opinion as follows:

Building Height

Referencing the relationship with the adjoining building heights namely the three storey dwellings to the rear of the site, the 5 storey residential apartments to the north of the site and the 2-storey neighbourhood centre to the south of the site, it is set out that the application was accompanied a Visual Impact Assessment. The proposed development is considered a 'higher building' in accordance with the building height strategy as set out in the Goatstown LAP albeit one storey higher than the adjoining Trimbleston scheme. At the highest point, the development is 2 storeys higher than the height nominated in the Goatstown LAP 2012 being 3 storeys (with possible setback floor). The scheme, at the highest point (adjacent to Trimbleston) reaches 5 storeys with the 6th floor setback at the top-level fronting Goatstown Road.

The site is ideal located in close proximity to UCD and a wide range of other service and amenities in the vicinity to justify increased density in accordance with the principles of sustainable growth. The proposed development is located within an emerging pocket of 'higher' residential development (4-6 storeys) on Goatstown Road (see below images) which is in line with national policy guidance for the development of infill sites at accessible locations. This includes;

- The Grove – 5 storeys;
- Errew House - 4 storeys; and
- Trimbleston – 4-5 storeys

The proposed scheme is consistent with the emerging trend of development which fronts Goatstown Road, a main arterial route leading to the city centre.

Section 3.4 'Suburban Infill' of the plan acknowledges that this pattern of development is a direct result of the Government document "Residential Density Guidelines" (1999).

The site is adjoined by a mixture of building heights including 2, 3 and 5 storey buildings.

As a direct response, the development has been designed to include single storey, 4 and 6 storey elements having regard to the Building Height Guidelines (2018)

Provision of Communal Open Space and Student Facilities and Amenities

A total of 2,061sqm of amenity space is provided throughout the site in the form of 1,554 sqm of external amenity space and 507 sqm of internal amenity space. This equates to 8.6sqm of amenity space per resident.

Detailed landscape plans and a landscape design rational accompany the planning application. The SUDs measures to be included in this development consist of permeable paving, green roofing, tree pits, and an attenuation tank. The proposed SUDs measures are considered to be fully in compliance with DLR Council policy and requirements.

The Relocation of the bicycle parking area was further investigated however, it was determined that the proposed location was the most suitable area on site to provide a secure and easily accessible area. A covered, stacked parking arrangement is proposed. The laundry facility was relocated from the courtyard to the ground floor of the building.

It is set out that the development is compliant with the *Guidelines on Residential Development for 3rd Level Students* (Department of Education 1999) and the supplementary document produced in 2005 and Policy RES12 and section 8.2.3.4 of the Dun Laoghaire Rathdown County Development Plan 2016-2022 as demonstrated within the Statement of Consistency and within the Housing Quality Assessment submitted.

Potential Impacts on Residential and Visual Amenities

Detailed sections are included showing the levels of existing adjoining development, relative to the proposed scheme. The proposed development has been designed to respect the amenity of adjoining development. A Townscape and Visual Impact Assessment has been prepared to include Verified Views and photomontages from 14 locations including summer and winter time views. Referencing the TVIA it is set out that the architecture and mass is compatible with the adjacent Trimbleston and nearby Grove developments which have both demonstrated that Goatstown Road is broad enough to be able to absorb higher buildings without causing detriment. The architecture and landscape design quality at Trimbleston further demonstrates how the local townscape has been positively changed in line with National Planning Framework objectives while providing built form that breaks up the mass of low-rise and ubiquitous housing types in this area. The proposal will result in a distinctive and major new building

that will add to this area's sense of place and be a significant addition to the local architecture and townscape. 'In summary, the effects, while significant will be a positive statement in terms of the townscape development, legibility and future while tying effectively in with the ambitions and objectives of the Goatstown LAP and the County Development Plan in terms of compact, appropriate and sustainable development.'

A Sunlight/Daylight Analysis Report has been prepared. The report concludes there will be negligible impact on adjoining properties with the proposal complying with BRE recommendations (available light is not reduced below 0.8 times the former value). The proposed development performs well in regard to daylight and sunlight within the site. It is noted that only two residential units adjoin the development at the upper floors of the neighbourhood centre. There is no direct overlooking of unit numbers 4 and 8 Willowfield Park. Separation distances and windowless gable walls are implemented within the proposed development to ensure minimal overlooking of nearby residences.

Frontage and Interaction with the Public Realm at Goatstown Road

A detailed response and rationale for the façade design has been included and the surrounding context and building heights has been addressed. In terms of active frontage to Goatstown Road at ground floor level, the concierge building has been positioned to front Goatstown Road. The ground floor of the building fronting Goatstown Road will accommodate the primary internal amenity space for resident use and the spaces include floor to ceiling glazing fronting Goatstown Road. This will allow for direct interaction with the street. Direct sight lines and a physical connection is also provided from the street to the concierge office via pathway .

A low wall is proposed (600mm) to match Trimbleston to the north. This will include a railing adjacent to the bike stands to ensure security of the bikes. Access to visit cycle spaces will be via coded gate entry, again to secure the bikes. As the site curves to the south, planting islands are proposed along the frontage providing pedestrian permeability through the frontage of the site and providing seamless integration with the public domain. It is proposed to remove the existing landscaping on the footpath. Due to the current upgrade of the cycle lane and the proposed entrance points to the site the proposed landscaping solution is considered appropriate at this interface.

5.2.2. The following specific information was submitted with the application:-

1. An environmental management plan for demolition and construction.
2. A Housing Quality Assessment, to consider;

- Department. of Education and Science Guidelines on Residential Developments for 3rd Level Students Section 50 Finance Act 1999,

- Policy RES12 and section 8.2.3.4 of the Dun Laoghaire Rathdown County Development Plan 2016-2022 and other relevant guidance on student accommodation

3. Student Accommodation Management Plan to provide details of the ongoing management of the proposed student accommodation, including any use of the facility as tourist accommodation outside of term times

4. 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

5. 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

6. Details of 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.

7. 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.

8. Statement of Compliance with the Design Manual for Urban Roads and Streets (DMURS).

9 Road Safety Audit and Quality Audit

10. Additional drainage details having regard to the report of DLRCC Drainage Planning Section.

11. AA Screening Report

6.0 Relevant Planning Policy

Local Policy

Dun Laoghaire Rathdown County Development Plan 2016-2022

The site is zoning 'Objective A' with the associated land use objective 'to protect and-or improve residential amenity'.

Goatstown Road is identified as a proposed quality bus/bus priority route, however the Bus Connects corridor does not include the Goatstown Road.

Chapter 2 of the Plan notes that the Council is required to deliver 30,800 units over the period 2014-2022. Figure 1.3 of the Plan indicates that there are approx. 410 ha of serviced land available which could yield 18,000 residential units.

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 RES12 Provision of Student Accommodation:

It is Council policy to facilitate student accommodation on student campuses or in locations which have convenient access to Third Level colleges (particularly by foot, bicycle and high quality and convenient public transport) in a manner compatible with residential amenities. In considering planning applications for student accommodation the Council will have regard to the 'Guidelines on Residential Developments for Third Level Students' and its July 2005 Review (particularly in relation to location and design).

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

• All proposals for student accommodation should comply with the Department of Education and Science Guidelines on Residential Development for Third Level Students (1999), the subsequent supplementary document (2005) and the 'Student Accommodation Scheme', Office of Revenue Commissioner (2007) -dealing with matters arising from the Guidelines and providing clarity in relation to definitions of 'students' and 'educational institutions' and recommendations in relation to minimum bed-space and other similar requirements.

• When dealing with planning applications for student accommodation off-campus developments a number of criteria will be taken into account including:

o The location of student accommodation within the following hierarchy of priority:

▪ On Campus

▪ Within 1km distance from the boundary of a Third Level Institute

▪ Within close proximity to high quality public transport corridors (DART, N11 and Luas), cycle and pedestrian routes and green routes

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

o The potential impact on residential amenities. Full cognisance will be taken of the need to protect existing residential amenities particularly in applications for larger scale student accommodation, and such accommodation will not be permitted where it would have a detrimental effect.

o The level and quality of on-site facilities, including storage facilities, waste management, covered cycle parking and associated showers and locker, leisure facilities, car parking and amenity.

o The architectural quality of the design and also the external layout, with respect to materials, scale, height and relationship to adjacent structures. Internal layouts should take cognisance of the need for flexibility for future possible changes of use.

o The number of existing similar facilities in the area. In assessing a proposal for student accommodation, the planning authority will take cognisance of the amount of student accommodation which exists in the locality and will resist the over-concentration of such schemes in any one area in the interests of sustainable development and residential amenity

Section 1.2.5 of the Plan states *'in addition to the major parcels of zoned development land above, the ongoing incremental infill and densification of the existing urban area will generate, overtime and on a cumulative basis, relatively significant house numbers'*

Of particular relevance is 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'*.

Chapter 2: Sustainable Communities, Chapter 5: Physical Infrastructure Strategy Chapter 8: Principles of Development and Appendix 9: Building Height Strategy, Policy RES3: Residential Density, RES7: Overall Housing Mix, Policy RES8: Social Housing, Policy SIC11: Childcare Facilities, Policy UD1: Urban Design Principles, Policy UD2: Design Statements, Policy UD3: Public Realm Design, and Section 8.2.3: Residential Development are also considered relevant.

Goatstown Local Area Plan 2012-2016 (extended until 2022)

Section 3: Development Policy, Section 4: Urban Design – Obj. UD1, UD2, UD7, UD8 UD9.

Objective UD6 states: 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.

Section 5: Movement, Obj. MT4 – prioritise sustainable transport modes, MT6-permeability and cycle link, MT7 and MT9.

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

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

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

Former Victor Motors Site - Development Guidance	
Zoning	<ul style="list-style-type: none"> 'A' - To protect and/or improve residential amenity
Height	<ul style="list-style-type: none"> Benchmark height of three storeys (with possible setback floor or occupied roofspace depending on site levels)
Density	<ul style="list-style-type: none"> In accordance with County Development Plan
Design Objectives	<ul style="list-style-type: none"> High quality design Positive contribution to local streetscape Height should harmonise with neighbouring developments fronting onto Goalstown Road Building line should continue on from the building line established by the Trimbleston development Careful consideration of location and design of ESB substations and bin storage Minimise impact on adjoining residential amenities
Movement	<ul style="list-style-type: none"> Facilitate permeability Primarily underground car parking Cycle parking to be provided
Landscaping	<ul style="list-style-type: none"> High quality usable public open space to be provided - this should not be unduly over-shadowed High quality private open space to be provided Tree planting to be provided along site frontage

National Policy

6.1.1. National Planning Framework 2018-2040

Objective 2a of the National Planning Framework 2018-2040 is a target that half of future population growth will be in the cities or their suburbs.

Objective 13 is that, in urban areas, planning and related standards including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth.

Objective 35 is to increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building height.

Objective 8 of the framework sets growth targets for Dublin City and Suburbs, proposing a c.20-25% growth in population to 2040. In achieving this, it places a great emphasis on compact growth requiring a concentration of development within the existing built-up area, including increased densities and higher building format than hitherto provided for. Brownfield sites, in particular, are identified as suitable in this context. At Section 6.6, dealing with housing, the framework refers specifically to student accommodation. It notes that accommodation pressures are anticipated to increase in the years ahead and indicates preferred locations for purpose-built student accommodation proximate to centres of education and accessible infrastructure such as walking, cycling and public transport. It also notes that the National Student Accommodation Strategy supports these objectives.

6.1.2. Eastern and Midland Regional Assembly – Regional Spatial and Economic Strategy (RSES) 2019.

The RSES is underpinned by key principles that reflect the three pillars of sustainability: Social, Environmental and Economic, and expressed in a manner which best reflects the challenges and opportunities of the Region. It is a key principle of the strategy to promote people's quality of life through the creation of healthy and attractive places to live, work, visit and study in.

The site is located within the 'Dublin Metropolitan Area'. The Metropolitan Area Strategic Plan (MASP), which is part of the RSES, seeks to focus on a number of large strategic sites, based on key corridors that will deliver significant development in an integrated and sustainable fashion. The following RPOs are of particular relevance.

RPO 5.4: Future development of strategic residential development areas within the Dublin Metropolitan Area shall provide for higher densities and qualitative standards set out in the 'Sustainable Residential Development in Urban Areas', 'Sustainable Urban Housing; Design Standards for New Apartment' Guidelines, and Draft 'Urban Development and Building Heights Guidelines for Planning Authorities'.

RPO 5.5: Future residential development in the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, supported by the development of Key Metropolitan Towns in a sequential manner as set out in the Dublin Area Strategic Plan (MASP) and in line with the overall settlement strategy for the RSES.

6.2. National Planning Framework (2018)

The National Planning Framework addresses the issue of 'making stronger urban places' and sets out a range of objectives which it considers would support the creation of high-quality urban places and increased residential densities in appropriate locations while improving quality of life and place. Relevant Policy Objectives include

- National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- National Policy Objective 13: In urban areas, planning and related standards, including in particular building height and car parking, will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to

achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

6.2.1. The National Student Accommodation Strategy 2017

The National Student Accommodation Strategy issued by the Department of Education and Skills in July 2017 aims to ensure an increased level of supply of purpose-built student accommodation (PBSA). Key national targets include the construction of at least an additional 7,000 PBSA bedspaces by end 2019 and at least an additional 21,000 bedspaces by 2024. It states that 12,432 spaces were available in Dublin in 2017 and projects that 35,806 would be required there in 2019 and 42,675 in 2024. A progress report issued in November 2019 reported that 8,229 PBSA bed spaces were completed by the end Q3, 2019, 5,254 further bed spaces were under construction, with planning permission granted for another 7,771 and sought for 2,359.

Section 28 Ministerial Guidelines

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') 2009.
- 'Design Manual for Urban Roads and Streets' 2013.
- 'Urban Development and Building Heights – Guidelines for Planning Authorities', 2018.

Other relevant guidance:

- Rebuilding Ireland- National Student Accommodation Strategy (2018)
- DHPCLG Circular PL8/2016 APH 2/2016 (July 2016): Encourages co-operation between local authorities and higher education institutes in the provision of student housing. Indicates that student accommodation should not be used for permanent residency but can be use by other persons/groups during holiday periods.
- Guidelines on Residential Development for Third Level Students, Section 50 Finance Act 1999 (Department of Education and Science, 1999).

6.3. Material Contravention Statement

The applicant submitted a Material Contravention Statement. The statement provides a justification for the material contravention of the Dun Laoghaire Rathdown Development Plan 2016 - 2022 in relation to building height and Part V provision. The statement is summarised below: -

Building Height

- Section 4.8 of Appendix 9 – ‘Height Strategy’ of the development plan allows for a maximum of 3-4 storeys in appropriate locations but that there will be situations where minor modifications up or down in height could be considered. However, it is considered in this instance that the Goatstown Local Area Plan 2012 is the applicable plan, containing specific objectives relating to the subject site and therefore there are no downward or upward modifiers applicable to the subject site.
- It is considered that in this instance the increased height should be considered in the context of the National Planning Framework Objective 3a, 4, 11 and 13, Urban Building Height Guidelines, in particular, SPPR3, National Planning Framework Objective 13 and on a site-specific design and contextual basis.
- The existing car sales room and parking is out of character with the surrounding built environment. The scale of the development is considered to integrate appropriately with its surroundings. The building height takes cognisance of the scale, height and proximity of neighbouring properties to maximise the topography of the site to ensure that the six-storey building is not obtrusive. The design approach is based on the need to protect the amenities of the surrounding residential development.
- The proposal introduces a development that is compatible with its land use zoning and adjacent development.
- The scheme seeks to optimise its location in relation to UCD and public transport infrastructure.
- The site is also considered suitable for increased height due to its frontage and access onto Goatstown Road and development is arranged on the site to optimise existing site conditions. The scheme has a clear identity, being physically separate from adjoining development and will contribute positively to the streetscape and the legibility of the road from the public domain, when compared to the current car sales.

Part V

- Appendix 2, Interim Housing Strategy of the Dun Laoghaire Rathdown County Development Plan states *'No social housing will be required in instances where it is proposed that student accommodation is to be provided on the campus of a Third Level Institution. In all other instances of student accommodation, the standard 20% social housing requirement will apply.'* Policy RES2: Implementation of Interim Housing Strategy states; *'Specific exemptions to Part V where a reduced social/ affordable element may be acceptable are Third level student accommodation of the type that has/ or would have otherwise qualified for tax relief under Section 50 of the Finance Act 1999 (Refer also to Policy RES12).'*
- The proposed scheme has been designed to meet the criteria outlined within 'The Guidelines of Residential Developments for 3rd Level Students, Section 50 of the Finance Act 1999'
- Student accommodation is a clearly defined land use in the Planning and Development (Housing) and Residential Tenancies Act 2016, separate and distinct from the definition of a "house". The definition of student accommodation states explicitly that student accommodation excludes the use as permanent residential accommodation. Therefore, student accommodation is not a "dwelling", does not fall under the definition of a "house" and is not subject to the provision of Part V of the Act
- The Sustainable Urban Housing: Design Standards for New Apartments; Guidelines for Planning Authorities which states: *"In addition to the above, as is the case with student accommodation projects, shared accommodation units will not normally be subject to Part V requirements in relation to the reservation of 10% of the units as social housing because shared accommodation would not be suitable for social housing given that they are not provided as individual self-contained residential units."*
- The Guidelines include specific design criteria relating to apartments which do not apply to the proposed arrangement of student accommodation units and therefore, the proposal cannot meet the needs of Part V housing as typically required by the Council.
- It is further stated that the *'Guidelines issued by the Minister for Housing, Planning, Community and Local Government under section 28 of the Planning and*

Development Act 2000 (2017) - 2.1 Application of Part V - Part V does not apply does not apply to student accommodation.

- Reference is made to a number of student accommodation schemes within Dun Laoghaire Rathdown Council area which have been approved by An Bord Pleanála, none of which included Part V provision; • ABP300520-17 – Former Blakes and Esmond Motors Site, Lower Kilmacud Road, Stillorgan Road (N11) and The Hill, Stillorgan, Co. Dublin; • ABP303467-19 – Avid Technology International, Carmanhall Road, Sandyford Industrial Estate, Dublin 18

7.0 Third Party Submissions

A total of 58 no. submissions were received in relation to the proposal of which three no. of these are prescribed bodies, further detailed below in Section 11.0. The remaining submissions are from residents of properties in the vicinity, residents' associations and the issues raised are similar in nature, therefore, I have summarised below:

Design

- The development is excessive in terms of height, building line and scale relative to the receiving environment.
- Adverse impact on the visual amenity and character of the area and offers not contribution to the streetscape and will erode the traditional architectural ethos of the area.
- The alignment of blocks needs to be oriented north-south rather than east-west. This would allow the southern block to be reoriented, inserting a blank gable facing Willowfield Park.
- Development does not comply with Section 6.5 of the Goatstown LAP.
- The cited planning precedents are materially different and not relevant.
- Established precedent for refusing similar development of this scale - Previous refusal D10A/0623/ABP PL.06D238413
- Inappropriate provision of amenity space in terms of size and location (roof terraces) and the central block quad is overshadowed and will become dark and damp.
- The development is not in accordance with the Urban Building Height Guidelines

2018

Impact on the amenities of the existing properties

- Excessive density of development representing overdevelopment of the site.
- Adverse impacts on residential amenity by way of overlooking, overshadowing, overbearing, noise and smells. Right to privacy and loss of sunlight and sunlight, detract from established views.
- Separation distances from adjoining development.
- Floor to ceiling canted windows overlook rear gardens nos. 10 and 12 Willow Park.
- Concerns regarding impacts associated with the use of the roof gardens.
- Anti-social behaviour in the area associated with the use as student accommodation and tourist accommodation, and this will have a negative impact on established residential amenity.
- Depreciation of property values in the area.
- The development is contrary to the zoning objective A to “protect and/or improve residential amenity”.
- Contrary to the established demographics of the area.
- Lack of amenities in the area.

Road Safety

- Increased vehicular and cycle traffic on an already congested road network.
- Lack of car parking will lead to overspill.
- Traffic implications for St. Michael’s House.
- Travel times identified incorrect.

Capacity of the area to absorb the increase in density

- Inadequate public transport services and local facilities to serve the development. LUAS already overcapacity.
- Section 2.1.3.3 of the CDP states that high density development over 50 units per hectare will be encouraged within ca. 1 km of public transport nodes. The site is

located 1.3km from the LUAS.

- There is already an adequate supply of existing and permitted off-campus student accommodation.
- Site located 2.3km from UCD. Urban Design Manual recommends 400m -800m.
- Goatstown in not a holiday destination.

Drainage

- Local history of flooding.
- Inadequate foul and surface water drainage infrastructure to serve the development.

Other Matters

- Material Contravention of the Goatstown LAP.
- The scheme is premature pending revisions to the Goatstown LAP.
- Potential to change the use of Co-living accommodation.
- Reference to inconsistencies in the submitted documentation.
- Inadequate notices and public consultation.
- Development does not appear to meet the definition of strategic Infrastructure.
- Implications of Covid-19.
- Operation and construction phase impacts.

8.0 Planning Authority Submission

In compliance with section 8(5)(a) of the 2016 Act the planning authority for the area in which the proposed development is located, Dun Laoghaire Rathdown County Council, submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála on 2nd December 2020. The report may be summarised as follows:

Information Submitted by the Planning Authority

Details were submitted in relation to the site description, proposal, pre-application consultations, planning history, interdepartmental reports and consultees. A summary of representations received was outlined and a summary of the views of the elected members as expressed at the Area Committee Meeting. The latter indicated their opposition to the proposed development.

8.1.1. The Chief Executive's report recommended that permission be refused for the proposed development for three reasons:

1. Having regard to the suburban location and character of the area, the Building Height Strategy of the Dun Laoghaire-Rathdown County Development Plan 2016-2022 and the Urban Development and Building Height Guidelines for Planning Authorities (2018); it is considered that the proposed development comprising 239 no. student bed spaces and extending to six storeys in height, would constitute overdevelopment of the subject site, by reason of its height, scale and layout, proximate to adjoining residential properties and to the Goatstown Road. The proposed development would appear visually overbearing and obtrusive when viewed from these properties and from within the streetscape, materially contravening the Dun Laoghaire-Rathdown County Development Plan 2016-2022 and contrary to the proper planning and development of the area.
2. The proposed development would give rise to adverse overlooking and daylight impacts on adjoining residential properties and would significantly impact upon and depreciate property values in the vicinity. The proposed development would, therefore, be contrary to the objective 'A' zoning of the site, which is to protect and/or improve residential amenity and to the proper planning and sustainable development of the area.
3. Having regard to the intermediate urban location of the site, it is considered that the proposed development would be reason of inadequate number of car parking spaces provided to serve the future occupants and visitors to the development, result in car parking overspill on surrounding residential roads. The proposed development would, therefore, seriously injure the amenities of properties in the vicinity and, as such, would be contrary to the Dun Laoghaire-Rathdown County Development Plan 2016-2022 and to the proper planning and sustainable development of the area.

8.1.2. The report sets out relevant national and local policies. The planning assessment in the submission states that student accommodation is acceptable in principle in this area having regard to the proximity of UCD and that the fact that there is not a high concentration of purpose-built student accommodation in the LAP area. The density reflects 147 no. dwellings / 703 bed spaces per hectare. The Development Plan sets out a minimum density of 35 units per hectare. Where a site is located ca. 1km pedestrian catchment of a rail station, Luas line, BRT, priority bus corridor or 500m bus priority route

and 1km of the town or district centre, higher densities of 50 units per hectare minimum will be encouraged. The site is ca. 1.4km from the Luas, 1.7km from Dundrum Village and UCD, with the no. 11 operating every 20mins approx. and noting that the site is not identified within the Bus Connects route, it is considered that the density the three times over the CDP standards and would constitute overdevelopment of a suburban infill site.

- 8.1.3. Whilst the proposed block layout and finishes are generally acceptable, it is considered that the six-storey block would, be reason of its excessive scale and height and forward positions relative to the adjoining four/five storey block at Trimbleston obtrusive and dominant on the streetscape and this is not ameliorated by the proposed landscaping and is not in keeping with the Goatstown LAP. The eastern block treatment is considered overbearing and the extent of communal open space at ground level is greatly reduced by service buildings. The building height materially contravenes the building height strategy of the CDP and the proposed building height does not respond to the more modest heights of the surrounding buildings and accordingly does not comply with the development management criteria set out in the Building Height Guidelines.
- 8.1.4. The unit types and internal space standards are acceptable under the Guidelines on Residential Development for Third Level Students, Section 50 Finance Act 1999 (Department of Education and Science, 1999) and supplementary document published 2005. The quality and quantity of the proposed internal communal space is considered acceptable. It is set out that the proposed Daylight and Sunlight Assessment is not fully compliant with the BRE guidelines and does not take account of the proposed 18 no. of angled windows on the south facing façade. The noise assessment relying on glazing and acoustic ventilators that offer the required level of sound insulation when windows are closed is considered regrettable. While the quantity of open space being in excess of 10% and 4sq.m per student is acceptable, the PA consider the quality of the open space deficient. The PA shares the concerns of observers with respect to the roof terraces and potential overlooking, noise and anti-social behaviour and recommends modifications to the design.
- 8.1.5. The report notes the Transportation Planning Section raised no issue with the access arrangement however the provision of 16 no. managed car parking spaces within the development is considered necessary to adequately serve the development and prevent overspill on the surrounding residential roads. The subject site is not well served by accessible public transport and the proposal to provide 2 no. accessible spaces is considered unacceptable. The quantity of bicycle parking is acceptable. The reliance on

the works in the public realm to provide movements along the frontage is considered regrettable by the PA after being raised at pre-application stage and it is considered appropriate to provide a portion of these needs within the application site.

- 8.1.6. Further engagement with Irish Water advised. Surface water drainage proposals acceptable and the Drainage Section has raised no flood risk concerns. Construction and Operational Waste Management Plans accepted in principle subject to final agreement. Part V to be addressed in line with the provisions of the CDP and Housing Strategy.
- 8.1.7. The report considers the six-storey block to the north visually overbearing will impact negatively on the established residential amenity of the adjoining dwellings by reason of proximity of site boundaries. Similarly, the PA consider the proposed four storey block to the rear (southeast) blocks would by reason of height and proximity to site boundary appear visually overbearing on the Trimbleston townhouses. It is noted that a similar block proposed under ABP 227350 was considered to have an overbearing impact on these properties. Overlooking of the penthouse to the north and rear gardens to the southeast (rear) is raised. However, it is accepted that the blinkered/angles windows to the south would not give rise to overlooking impacts, but the design is considered a poor design response. PA not satisfied that the development will not impact negatively in terms of Sunlight/Daylight noting the contents of the assessment submitted. The PA consider the six storey block excessive in height and the position forward of the established building line would represent a visually obtrusive development on the streetscape relative to the adjoining and would not conform to the character of the area. The use for summer holiday letting is noted and accepted.
- 8.1.8. Internal reports from various sections of the council were included in the submission.
- Drainage Planning Section** – report dated 10th November 2020 set out no objections subject to conditions.
- Transportation Planning Section** - report dated 25th November 2020 recommend provision of 16 no. managed car parking spaces. Bicycle parking quantum complies with DLRCC standards but falls short standards in terms of quality and the quantum is under supplied in accordance with the Apartment Guidelines 2018. The report includes a number of recommended condition.
- Parks & Landscape Services**- report dated 24th November 2020 stated no objection subject to two conditions.

Housing Section - report dated 27th October 2020 sets out that Part V is applicable for 'off-campus' student accommodation in accordance with the CDP and Housing Strategy.

Environment Section – report dated 28th October 2020 set out no objections subject to conditions.

9.0 Prescribed Bodies

Irish Water made a submission confirming that the applicant has been issued a confirmation of feasibility for connection(s) to the Irish Water network(s) subject to the following;

In respect of Water:

The development is considered feasible with the following network upgrades, 300 metres (approx.) 250 ID new main to replace existing 6" uPVC before the DMA inlet along with laying a new 15m of 200mm ID connection main from the site location to the existing 6" CI. The developer will be required to fund these upgrade works as part of a connection agreement with Irish Water. Any consents required will be the applicant's responsibility to obtain.

In respect of Wastewater:

In order to accommodate the proposed connection at the premises, upgrade works are required to increase the capacity of the Irish Water network. Approx., 270m of existing 225mm sewer in Goatstown Road needs to be upsized to 450mm. Irish Water currently has a project planned which will provide the necessary upgrade and capacity from the existing head of the ex. 450mm as far as Larchfield Road. This upgrade project is expected completed Q2 2021 (subject to change) and the proposed connection could be completed as soon as practically possible after this date. The applicant is required to fund the upgrade works for the remaining 80m of sewer going from Larchfield Road to the development. A road opening licence will be required for these upgrades.

The applicant has engaged with Irish Water in respect of design proposal for which they have been issued a Statement of Design Acceptance for the development.

Therefore, Irish Water respectfully requests the board conditions any grant as follows;

- The applicant must sign a connection agreement with Irish Water prior to any works commencing and connecting to our network.

- All development is to be carried out in compliance with Irish Water Standards codes and practices.
- Where any proposals by the applicant to build over or divert existing water or
- wastewater services the applicant is required to submit details to Irish Water for assessment of feasibility and have written confirmation of feasibility of diversion(s) from Irish Water prior to any commencement of works.

Development Application Unit - Department of Culture, Heritage and the Gaeltacht made a submission dated 10th November 2020 sets out the following:

Archaeology

A desktop Archaeological Assessment report for the development, by Irish Archaeological Consultants Ltd. on behalf of Orchid Residential Ltd, is included as part of the planning application. The Impact Assessment section of the report (5.1) states that it is unlikely that the proposed development will have any impact on any archaeological deposits.

The National Monuments Service agrees with this conclusion. No archaeological investigations are required.

Transport Infrastructure Ireland made a submission confirming dated 19th October 2020 stating that in the case of the above planning application, the Authority will rely on your planning authority to abide by official policy in relation to development on/affecting national roads as outlined in DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012), subject to the following:

- The proposed development is located in proximity to a future national road scheme. The planning authority is advised that national road schemes should be protected and kept free from any developments or accesses in accordance with national policy. The applicant should be made aware of the plans for a new road scheme should the permission be granted.
- The Authority requests that the Bord has regard to the provisions of Chapter 3 of the Department of the Environment, Community & Local Government's 'Spatial Planning and National Roads Guidelines' in the assessment and determination of the subject planning application.

10.0 Assessment

10.1. A number of observers has raised a query regarding whether the development constitutes Strategic Housing. At pre-application stage under ABP 306829-20 based on the information presented it was determined that the proposed development falls within the definition of Strategic Housing Development. With the exception of a reduction in bedspaces from 241 to 239 the principle of the development has not altered. The application relates to 200 plus student bedspaces and accordingly constitutes Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

10.2. An observation relating the scheme being premature pending revisions to the Goatstown LAP 2012 (extended 2022) was also received. In the interest of clarity, the assessment below has regard to the applicable plans currently in operation.

10.3. The following are the principal issues to be considered in this case:

- Principle of Development
- Design and Layout - Quantum of Development, Building Height, Scale and Mass
- Residential Amenity
- Other Matters
- Material Contravention
- Chief Executive's Recommendation
- EIA Screening
- Appropriate Assessment

10.4. Principle of Development

10.4.1. The proposed development includes the demolition of an existing building and hard surface parking area and the construction of a purpose-built student accommodation scheme of 239 no. student bed spaces and associated amenity space across 3 no. blocks ranging from 4 no. storeys to 6 no. storeys. The development includes internal and external amenity spaces in the form of an external courtyard, ground floor lounge area and study spaces and 2 no. roof gardens and all associated site works.

Zoning and National Policy

The site is zoned 'Objective A' with the associated land use objective 'to protect and-or improve residential amenity'. Residential uses, the definition of which includes student accommodation, is listed as a 'permissible use' on these lands and is considered an appropriate use for the site. The development would be consistent with the policies of the Planning Authority as set out in Section 2.1. *Residential Development* of the Development Plan which seek to encourage the development of underutilised and brownfield sites adjacent and close to public transport nodes.

- 10.4.2. The site is located within the Goatstown LAP. Objective RD1 of the LAP sets out that all new residential development within the Plan area shall provide for a mix of household types, sizes and tenures that both complements and enhances the existing residential mix. The subject site is identified as a 'key site' which has potential for redevelopment within the LAP.
- 10.4.3. The proposed development would be within an Outer Urban Area of Dublin City and so would contribute to various objectives of the National Planning Framework including Nos. 2a, 8 and 35. The proposed student accommodation is in keeping with the National Student Accommodation Strategy.

Student Accommodation

- 10.4.4. Observations from the public and elected representatives received have raised concern over the type of accommodation proposed which they consider would be inappropriate at this location removed from UCD resulting in a negative impact on the established residential community. It is further argued that there is ample existing on-campus and off-campus student accommodation provided.
- 10.4.5. The Dept. of Education and Skills National Student Accommodation Strategy states a target of the construction of at least an additional 21,000 student accommodation bedspaces by 2024. Development plan housing policy 'RES12: Provision of Student Accommodation' seeks to facilitate student accommodation on student campuses in locations which have convenient access to Third Level colleges, particularly by foot, bicycle and high quality and convenient public transport, in a manner compatible with surrounding residential amenities. Development plan section 8.2.3.4 (xii) sets out a hierarchy of priority for locations for student accommodation with on campus provision at the top of the hierarchy, locations within 1 km of a third level institute at the second level and locations in close proximity to high quality public transport corridors, cycle and pedestrian routes and green routes at the third tier. Matters to be considered in the

assessment of applications for student accommodation include the amount of student accommodation already extant in the locality, in order to avoid the over-concentration of student accommodation schemes in any one area.

- 10.4.6. The PA in their report accept the principle of student accommodation in the area having regard to the proximity of UCD and that the fact that there is not a high concentration of purpose-built student accommodation in the Local Area Plan area. I note a student a 'Student Demand and Concentration Assessment' was not submitted with the planning application. Notwithstanding, section 5.2 of the submitted Statement of Consistency and Planning Report notes that there is just one-off campus facility within a 1km radius of the site – Glenard University Residence containing 30 no. bed spaces. The site is located 0.85km from the UCD Bellfield Campus on Roebuck Road. The UCD Roebuck entrance is a 13-minute walk from the site, 6 minutes cycling. The site also has good connections to the various third level institutions in Dublin city centre via the Luas, Dundrum Luas Stop is ca. 1.4km on foot from the site.
- 10.4.7. Having regard to the national guidance for student bed space requirements, the location of the existing and proposed student accommodation relative to the site, the scale of the development and the proximity to UCD, I do not consider 239 no. student bed spaces would be excessive at this location.
- 10.4.8. The observers argue that the distances identified are inaccurate and misleading, I have reviewed the separation distances identified and I am satisfied that the distances identified are correct.
- 10.4.9. The observers have also raised concerns in relation to short term tourism letting stating that Goatstown is not a tourist destination. Whilst I note the concerns expressed, the proposed use of the student accommodation for short term tourism letting outside of term time is acceptable and in accordance with the definition of student accommodation under the Planning and Development (Housing) and Residential Tenancies Act 2016. Having regard to the proximity to public transport and the amenities including the wider tourist destinations served, I have no issues in this regard. Similarly, with respect to the concerns raised by the observers regarding the potential use for co-living units, I note permission is sought for student accommodation, the use of which can be controlled by way of condition should the Board be minded to grant planning permission. Alterations to any permitted use will require a separate grant of planning permission.
- 10.5. **Design and Layout – Quantum of Development, Building Height, Scale and Mass**

- 10.5.1. The subject site has frontage along Goatstown Road. Trimbleston estate comprising a mix of houses, duplexes and apartments up to 5 storeys is located to the north and east, a two-storey neighbourhood centre to the south comprising a ground floor retail spaces, a café, bike repair shop and clothing shop. The wider area reflects older suburban detached and semi-detached two storey housing.
- 10.5.2. The proposed development would be laid out in a singular block U-shape form, reflecting three interlinked blocks. A central courtyard is provided to the rear along with roof terraces. The building ranges in height from four to six storeys of approx. 20.1m adjacent to Trimbleston. In terms of materials, the development reflects a contemporary design approach, external finishes include the use of brick finish, recessed metal cladding/brick/rendered panels, protruding bay windows and glazed curtain walling with aluminium windows and doors of vertical emphasis. I have no issue with the materials and finishes proposed. I note the PA raised no particular concerns in this regard also.

Quantum of Development

- 10.5.3. The proposed development represents a residential density of 147 no. dwellings/ ca. 703 bed spaces per hectare, based on the site area of 0.34ha.
- 10.5.4. Both the PA and the observers have expressed concerns regarding the density proposed representing overdevelopment of the site by reference to policy RES3: *Residential Density* of the development plan. These points are noted, however the nature of student accommodation is fundamentally different from that of a standard apartment development, as evidenced in the different development standards that apply.
- 10.5.5. The applicant has prepared a statement to address density, as well as building height and design, and this is contained in the Planning Report and Statement of Consistency submitted with the application. Ostensibly, the report concludes that higher densities are pursued by national policy and guidelines, especially in locations that are served by public transport. Almost all of the observations from locals and elected representatives alike do not agree that this is the correct location for what is in their opinion too high a density of development when compared to the existing suburban character of the area.
- 10.5.6. A residential density of 147 dwelling units per hectare may appear in contrast to the lower density character of the immediate area. Objectives 4, 13, 33 and 35 of the National Planning Framework, RPO 5.4 and RPO 5.5 of the Regional Spatial and Economic Strategy 2019-2031 and SPPR3 and SPPR4 of the Urban Development and Building Heights Guidelines, all support higher density developments in appropriate

locations, to avoid the trend towards predominantly low-density commuter-driven developments. I am satisfied that when taken together with existing development this is the correct and most sustainable use of such well-located and serviced land.

- 10.5.7. Notwithstanding, increased residential density must be determined by a wide range of factors, including site context, amenity including overlooking/overshadowing etc. The adverse impact of overdevelopment and the specific nature and qualitative elements of the proposal need to be considered in terms of the assessment of the appropriateness of the development as proposed relative to its context. In assessing the wider considerations, it is appropriate to rely on the qualitative factors defining built form including height, scale, mass, design, open amenity space provision, and standards of public realm. I will explore these matters in more detail below.

Building Height, Scale and Mass.

- 10.5.8. The Planning Authority and the observers have expressed serious concerns with regards to the height, bulk, scale and mass of the development that would fail to result in either a contextual or high-quality design response and would result in an incompatible impact upon neighbouring residential properties and the surrounding streetscape.
- 10.5.9. The planning authority consider that the development would appear visually dominant and overbearing due to the separation distances from the site boundaries and the increased height. The PA recommend permission be refused on the basis that the proposed building height materially contravenes the building height strategy of the CDP and the proposed building height does not respond to the more modest heights of the surrounding buildings and accordingly does not comply with the development management criteria set out the Building Height Guidelines.
- 10.5.10. In relation to specific height requirements Table 6.4: *Former Victor Motors Site* of the Goatstown Local Area Plan 2012 provides for a maximum of four floors on the subject site. This is reinforced in Objective UD:6 of the LAP which also states that height should graduate down to a maximum of two-storey along the site boundaries where they adjoin existing low-rise development.
- 10.5.11. Policy UD6: Building Height Strategy of the CDP requires that developments 'adhere to the recommendations and guidance set out within the Building Height Strategy for the County'. The Building Height Strategy is set out in appendix 9 of the Development Plan. Section 4.8 of Appendix 9 of the Development Plan sets out guidance in relation to height including promotion of higher densities and increased building heights around

public transport nodes. It states that a maximum of 3-4 storeys may be permitted in appropriate locations, including prominent corner sites, on large redevelopment sites or adjacent to key public transport nodes, providing they have no detrimental effect on the existing character and residential amenity.

- 10.5.12. The development plan states that there will be situations where a minor modification up or down in height by up to two floors could be considered. This would allow for a maximum of 6 no. storeys on the site. However, it is considered in this instance that the Goatstown Local Area Plan 2012 (extended 2022) is the applicable plan, containing specific objectives relating to the subject site and therefore there are no downward or upward modifiers applicable to the subject site. The LAP provides for a maximum of four floors on site. The proposed development includes a maximum of 6 no. storeys and, therefore, having regard to specific objectives relating to the site as set in the LAP the proposed development would materially contravene the local area plan. The issue of material contravention is dealt with below.
- 10.5.13. It is considered that in this instance the increased height should be considered in the context of the National Planning Framework Objective 3a, 4, 11 and 13, Urban Building Height Guidelines, in particular, SPPR3, National Planning Framework Objective 13 and on a site-specific design and contextual basis.
- 10.5.14. Policy SPPR 4 of the Urban Development and Building Heights Guidelines for Planning Authorities” seeks that as a minimum, the densities for such edge of city locations as set out in “Sustainable Residential Development in Urban Areas (2007)” be achieved and that a greater mix of building heights and typologies be secured in planning for the future development of suburban locations.
- 10.5.15. Whilst I note the PA and observers concerns with respect to building height including reference to previous refusal D07A/0984/ PL06D227350 for a similar development of this scale, I am satisfied the increased building height can be accommodated on the site in line with national policy objectives subject to appropriate design.
- 10.5.16. In this regard section 3.2 of the Government’s *Urban Development and Building Heights – Guidelines for Planning Authorities December 2018* require a qualitative assessment to ensure that the highest standards of urban design, architectural quality and place making outcomes are achieved. In particular, the guidelines seek that a proposed development should satisfy criteria at the scale of the relevant city, district/neighbourhood/street and site/building. The specific nature and qualitative

elements of the proposal need to be considered in terms of the assessment of the appropriateness of the development as proposed relative to its context. In this particular instance my concerns relate to the application of building height on site and the implications for the mass and scale of the development.

10.5.17. The LVIA submitted with the application argues that the recent developments to the north of the site including Trimbleston and the Grove offer a variation to the low-rise housing and built townscape and the proposed development will become part of the integrity, legibility, and identity of this section of Goatstown Road. It is also argued that there is limited developable sites available at this location. Whilst I agree in principle, the design approach reflected in both examples differ from the proposed development in so far as the articulation of the individual block forms vary throughout the Trimbleston development particularly at street level reducing the mass and visual impact of the development. With respect to The Grove, I note the increased building height at this location however, the site context and building design concept is not reflective of the application site.

10.5.18. The application site has extensive road frontage onto Goatstown Road, but the depth of site is limited which restricts the development potential somewhat, in particular, having regard to the proximity to and the building typology of the existing development to the north, south and east respectively. Notwithstanding, section 3.2 of the building height guidelines establishes the importance of new development to respect and enhance its context and is well integrated with its surroundings, is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials / building fabric well considered thereby ensuring a more coherent cityscape.

10.5.19. The established building line and streetscape is a function of building scale, which is not reflected in the proposed development. Travelling along Goatstown Road, the development will project into the streetscape and having regard to the scale and mass of the proposal will constitute an intrusive feature on the street. In my opinion, the extent of horizontal emphasis extending almost the entire width of the site, the mass of the block form in terms of the arrangement, volume and U-shape configuration of the building to the north and southeast, highlights the incompatibility and scale of the development relative to the adjacent building typologies reflects limited legibility in the context of the site and the adjoining pattern of development and increases the visual impact in a wider context. While the treatment of the façade seeks to breakup the scale of the building, it is not considered that such treatment is effective in longer views having particular regard to

the parapet heights across the block, and the heights relative to the surrounding pattern of development. The blank elevational treatment on the southern approach to the site, the block design and tiered building height approach does not soften or reduce the visual impact or create an attractive vista as you approach the site. In this regard, the development does not form a cohesive part of the urban environment. The layout of the development has been compromised in order to increase overall density. This is particularly evident in views V2, V3, V6 and V8 of the submitted CGI's and photomontages.

- 10.5.20. Policy RES 3 *Residential Density* of the CDP seeks 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. Infill policy Section 2.1.3.4 Policy RES4 of the development plan seeks to encourage densification of the existing suburbs in order to help retain population levels – by 'infill' housing, such housing should respect or complement and protect the amenity of the established development.
- 10.5.21. I have considered the impact of the proposed development in the context of the scale and significance of the impact on the wider receiving environment and the relevant policy objectives. Regardless of stylistic approach, the design and placement of taller buildings should make a positive contribution to the public realm, fit harmoniously with, and reflect an appropriate transition in scale with the surrounding context as established in Policy RES3 and RES 3 and Section 4.8 of Appendix 9: Building Height Strategy of the Development Plan and Section 3.2 of the Government's *Urban Development and Building Heights – Guidelines for Planning Authorities December 2018*.
- 10.5.22. The architectural design resolution in my opinion, by reason of the bulk, scale, massing when viewed from all approaches, would represent a significant increase in built form relative to the wider streetscape. The site is currently occupied by a car sales showroom and workshop reflecting a low-rise development and therefore any development is likely to result in a significant change for the surrounding properties. Notwithstanding, I consider the design approach accentuates the perceived mass and scale of the development and greater articulation should be considered in order to achieve an appropriate sense of scale. Furthermore, the recessed streetscape offers little in the way of amenity as this area is predominately hard surface and used to accommodate car parking.

Conclusion

- 10.5.23. I consider the proposed development, by virtue of the design, bulk and form would be out of character with the context of the site, in particular, the wider streetscape setting, would be contrary to Policy RES3 and Policy RES4 of the development plan relating to the protection of existing residential amenities and the established character of areas and 'infill' development, section 4.8 of Appendix 9: Building Height Strategy of the Development Plan and Section 3.2 of the Building Height Guidelines for Planning Authorities (2018) to ensure that the highest standards of urban design, architectural quality and place making outcomes are also achieved at the scale of the relevant to site context. The proposed development would represent poor design and would be an incongruous insertion at this location. The development should be refused for this reason.
- 10.5.24. The PA in their assessment have recommended a number of alterations to the design to include the removal of the fourth and fifth floor levels reducing overall building height by two floors to a maximum 4 storeys. In addition, the recommendation also includes the removal of the third floor of the block to the rear (southeast of the site) and internal amendments at this location omitting two clusters and a studio on the ground floor and the relocation of the independent store building internal to the main structure at this location, should the Board be minded to grant planning permission. The resulting impact will reduce the development to 167 no. bedspaces only, which I note is under the threshold for Strategic Housing.
- 10.5.25. I have reviewed these recommendations, and, in my opinion, the amendments proposed are extensive and difficult to definitively assess in the absence of drawings. In any case, the alterations proposed would not address compliance with established building line and streetscape character or significantly reduce the horizontal scale and mass of the built form on the site. In my opinion, the linear articulation of the building design should be reduced, and greater modulation of individual block forms introduced.
- 10.6. **Residential Amenity**
- 10.6.1. The third parties contend that the development will have a significant negative impact upon surrounding development in terms of overlooking, overbearing and overshadowing. The PA share some of these concerns stating that the development would give rise to adverse overlooking and daylight impacts on adjoining residential properties and would significantly impact upon and depreciate property values in the vicinity.

Compliance with development plan standards

- 10.6.2. The Statement of Consistency which accompanied the application which confirms that the development is compliant with the *Guidelines on Residential Development for 3rd Level Students* (Department of Education 1999) and the supplementary document produced in 2005 and Policy RES12 and section 8.2.3.4 of the Dun Laoghaire Rathdown County Development Plan 2016-2022 as demonstrated within the Housing Quality Assessment submitted.

Shared Amenities & Landscaping

- 10.6.3. Shared amenity space comprising of indoor and outdoor communal and recreational facilities is provided a 6.6sqm per bed space. This is considered acceptable and in accordance with standards. A range of communal amenity areas including two no. multifunctional areas, study spaces, kitchen/tearoom, laundry, refuse storage etc total floor areas 487sqm are proposed. The location of the shared amenity areas fronting Goatstown Road is welcome and provides active frontage addressing the streetscape. Outdoor communal amenity areas are provided at ground floor levels, fourth and fifth floor roof terraces and amounts to 1554sqm.

- 10.6.4. A Landscape Design Report accompanied the planning application, which outlines the proposed strategy for the site including the communal external terraces. The design intention is to provide opportunities for active or passive amenity incorporating seating and gym equipment and the extensive tree planting and landscaping will allow the development to mature.

- 10.6.5. The design concept proposes the use of high-quality hard landscaping materials, including durable paving materials and appropriate soft landscaping. I note the Park Department raised no concerns in this regard.

Student Management

- 10.6.6. A Student Management Plan accompanied the application and refers to the existence of management team, with security and residential managers, which I consider sufficient management of the site.

- 10.6.7. Concerns has also been expressed by the observers in relation to the impact of Coid-19. Whilst I accept the concerns expressed, the development will be required to adhere to relevant public health guidelines and recommendations.

Overlooking

- 10.6.8. The 'Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities' and its accompanying 'Urban Design Manual' does not set rigid minimum separation distances but does require that habitable rooms and private amenity space should not be directly excessively overlooked by neighbouring residents.
- 10.6.9. A number of observers have expressed concerns regarding overlooking.
- 10.6.10. In this regard I note the windows proposed along the southern site boundary have been designed to ensure no direct overlooking of adjoining properties. I note the minimum separation distance between southern building boundary and opposing windows is approx. 15m. Notwithstanding the full-length glass window design, I am satisfied having regard to the canted window design that there will be no significant detrimental overlooking of no. 10 and 12 Willow Park or the neighbourhood centre to the south as a result. Similarly, with respect to the living areas and roof terrace to the southeast, I am satisfied that any adverse overlooking associated with the living areas can be obscured by way on louvers as suggest by the PA and the impact of the any adverse overlooking associated with the roof terrace mitigated by the boundary screen railing proposed.
- 10.6.11. With respect the northern site boundary I note the that the building here extends to 6 floors with bedroom windows looking directly north. I note the adjacent apartment block at Trimbleston has a blank façade at this location save for corner wrap around balconies at levels 1 – 4 and a large roof garden associated with a recessed penthouse at level 5. I note the separation distance between the development and Trimbleston is 13m, consequently I do not consider that there will be significant detrimental overlooking as a result of the development. I further consider that the alignment and separation between the staggered rear elevations of the proposed development and the adjacent development to the east ensure no detrimental overlooking as a result of the development. A degree of over-looking is considered reasonable in an urban environment.

Overshadowing and loss of sunlight/daylight

- 10.6.12. With respect to the development site the report notes that all bedrooms and living rooms on the ground floor would achieve an Average Daylight Factor (ADF) of 1% bedrooms, and 1.5% living areas in accordance with the BRE Guidelines. The report notes that the ADF would be greater on the upper floors , however the report fails to take account of the canted window on the southern site boundary. I note theses windows face east and will benefit from the morning sun.

- 10.6.13. Section 3.0 of the submitted Daylight and Sunlight Report addresses the impact on daylight to adjacent buildings. The assessment concludes that there will be minimal impact to daylight and sunlight on the neighbouring buildings and amenity spaces and the majority of windows exceed the target values set for sunlight. All amenity spaces will retain in excess of 0.8 times their former values for the area to receive 2 hours of sunlight on 21st March.
- 10.6.14. In relation to the proposed development six external amenity areas have been assessed four are determined to meet the criteria. The overall development exceeds 2 hours of sunlight on the 21st March for over 50% of the amenity spaces provided. I note the concerns raised by the PA and observers that there will be limited permeability of light and views as a result of the scale and layout of the block forms surrounding the open spaces at ground floor level. I agree however, I am satisfied that this is offset by the roof terraces proposed.
- 10.6.15. The shadow analysis shows different shadows being cast at sometimes of the year for the proposed scheme. The images note that the impact of the proposed development on Trimbleston to the north and east and the neighbourhood centre to the south of the application site as well as the communal open spaces and public realm within the proposed development. The images note that there is some overshadowing next to the development during March and December as expected when the sun is lower in the sky and sunlight is less prevalent. I note the shadow study submitted establishes limited impact on immediate neighbours to the east and south of the development from overshadowing by virtue of the sites aspect. Overshadowing to the north is limited to the winter months, in the evening time, when the sun is particularly low and I would not consider this to be detrimental. I further note that the balconies and roof terrace to the immediate north of the site face west and will benefit from the evening sun by virtue of orientation.
- 10.6.16. The observers and the planning authority consider the increased building height will result in overshadowing on properties of the north, east and south. In this regard, I note that any potential impact in terms of the impact of sunlight/daylight and overshadowing on the existing residential development immediate to the site must be balanced against the wider strategic objectives for the city. I am satisfied that the changes in terms of daylight and sunlight as outlined in the Daylight Sunlight report submitted with the application would be negligible and any potential adverse impact in terms of overshadowing within this outer urban area of the city must be balanced against the

need to provide a quantum of development which seeks to provide a more compact urban form. I am satisfied that the overall impacts are considered minor and appropriate in an urban context.

Overbearing

10.6.17. Concern has been expressed in relation to the overbearing impact on the development. The planning authority and observers argue that massing and proximity to the adjacent development will result in an overbearing impact on these properties and the wider streetscape setting. It is noted that the primary views of the development will be from the Goatstown Road and within Trimbleston looking south and west towards the site and from the rear of the neighbour centre properties and nos.10 and 12 Willow Park to the south looking north.

10.6.18. In my opinion, the overall scale, form and mass of the proposed development, in particular, the extent of wall mass forming the side elevations in close proximity to the site boundaries of the adjoining properties would represent an overbearing feature when viewed from Trimbleston looking west and the properties to the south, in particular, the neighbour centre reflecting a visually dominant and obtrusive form on the site. The relative enormity of the Blocks and the significant enclosing effect it would cause is something that can be readily appreciated with regard to the 3D visualisations submitted. The effect, for all intent and purposes, would deprive occupiers of any meaningful outlook laterally and vertically to the south, northwest and north respectively. Combined with the mass and scale of the overall built form (as discussed in section 10.5 above), the proposed development would represent overbearing feature when viewed from Goatstown Road and the immediately adjacent properties reflecting a visually dominant and obtrusive form on the site. The development should be refused for this reason.

Noise

10.6.19. The issue of noise generation and anti-social behaviour are concerns raised by the observers, in particular, noise associated with the use of the roof terraces. In this regard, I note the Student Management Plan accompanying the application refers to the management of anti-social behaviour including noise and noted that the roof terraces will be restricted between the hours of 11pm and 8 am. I consider this sufficient management of the site in terms of safety, noise and anti-social behaviour.

10.6.20. An Acoustic Design Statement was submitted with the application and determined that subject to good acoustic design the site is suitable for residential development.

Conclusion

10.6.21. Whilst I accept that the site is located in an outer urban area and a degree of overshadowing and overlooking can be considered, with respect to the current proposal I am not satisfied that development would not be detrimental to the established residential amenity of adjacent development to the north, east and south by virtue of overbearing. Where a development has a prejudicial impact on outlook it is highly likely that the development would be considered to be overbearing. In my opinion bulk and scale of the proposed development would appear visually overbearing and obtrusive as viewed from adjoining developments and from within the streetscape. Permission should be refused for this reason.

10.7. Other Matters

Car Parking and Cycle Parking

- 10.7.1. Vehicular access to the site is proposed from Goatstown Road via an in-out system. A total of 6 no. car parking spaces have been provided to the front of the site including 2 no. accessible spaces. Access to the rear is provided via an archway. The Transportation Planning Section have raised no concerns in this regard subject to conditions to include removable bollards to discourage unnecessary vehicular access.
- 10.7.2. The planning application proposes that zero standard car parking spaces be provided on the basis that site connectivity is consistent with criteria relating to reduced parking provision as set out in Section 8.2.4.5 of the development plan. The development will be subject to a mobility management plan.
- 10.7.3. Concerns have been raised by Transportation Planning Section and the observers regarding the lack of car parking proposed which may lead to overspill onto the adjoining residential streets. The Transportation Planning Section recommend the provision of 16 no. managed car parking spaces having regard to the fact the site is an intermediate urban location not readily accessible to public transport. The PA argue that section 4.2.3 of the apartment guidelines states that for all type of applications, where it is sought to eliminate or reduce car parking provision, it is necessary to ensure, where possible, the provision of an appropriate number of drop-off, service, visitor parking spaces and parking for the mobility impaired. The PA recommend that planning be refused as the development provides for just 2 no. accessible car parking spaces while 10 no. accessible studio units are proposed, it is also noted the no staff car parking is proposed.

- 10.7.4. The site is within comfortable walking and cycling distance of UCD. It is therefore reasonable to expect that travel between the proposed development and the college will mainly be by sustainable modes of travel. Owing to the nature of the development for student accommodation, the location 13 minutes on foot, 6 minutes cycling to UCD and 14/18 walking 6-minute cycling to and Dundrum and Windy Arbour Luas stops, I consider the provision of 6 car parking spaces acceptable in this instance.
- 10.7.5. With respect to concerns raised regarding the proximity to St. Michael's House, I note the site is removed from St. Michael's and I am satisfied that the development will not impact negatively on St. Michael's which is gated with on-site car parking for staff and visitors. I am also satisfied that the provision of six car parking spaces and associated service vehicles will not generate sufficient traffic to constitute a traffic hazard at this location. A Traffic Assessment and Road Safety and Quality Audit accompanied the planning application.
- 10.7.6. 166 no. secure **cycle parking** are proposed. The Transportation Planning Section is satisfied that the quantum is acceptable to serve the development however the use of a stacked system is not the preferred design option. Owing to the limited rear communal area, I have no issue with stacked cycle parking in this instance.

Roads

- 10.7.7. I refer to the report from Transport Infrastructure Ireland noting that the proposed development is located in proximity to a future national road scheme and that the applicant should be made aware of the plans for a new road scheme should the permission be granted. In this regard, I note the building works proposed are to be carried out wholly within the application site and will not impact on the existing road infrastructure. A letter of consent from Dun Laoghaire-Rathdown County Councils Property Management Section dated 18th September 2020 accompanied the planning application with respect to works proposed to the public footpath.
- 10.7.8. I am satisfied that the principle of 239 student bedspaces is acceptable from a Traffic and Access perspective.

Water Services

- 10.7.9. Concerns have been raised by third parties that the drainage network within the site is insufficient to cater for the development and there is a potential flood risk for adjoining properties.

10.7.10. The development is to connect to the public water supply and foul sewer. I note the correspondence on file from **Irish Water**, which states that connection to the public water supply is feasible. Similarly, connection to the public sewer in Goatstown Road is feasible subject to upgrades. In their submission Irish Water state that currently there is a project planned which will provide the necessary upgrade and capacity and this upgrade project is expected completed Q2 2021 (subject to change) and the proposed connection could be completed as soon as practically possible after this date. The applicant is required to fund the upgrade works for the remaining 80m of sewer going from Larchfield Road to the development. Subject to compliance with conditions attached to their submission Irish Water have no concerns regarding water and wastewater connections. Noting the concerns raised by the observers it would appear the upgrade works proposed will eliminate any previous drainage constraints in the area.

10.7.11. A site-specific **Flood Risk Assessment** was carried out. The report sets out that the site falls within flood zone C and the flood risk to the proposed development site is low. It is noted that the River Slang which runs in a northern direction approx. 900m west of the site has a history of flooding but there are no nearby historic events relevant to the site.

10.7.12. The proposed development includes attenuation proposals whereby it is intended that there will be a deduction in both the volume and rate of surface water discharge by way of green and blue (rainwater harvesting) roofs, permeable paving and an attenuation storage tank located in the courtyard. Detailed modelling of the surface water network was carried out and determined that the network does not flood for the 1 in 30 and 1 in 100-year storms and that the highest water level in the tank for the 1 in 1000-year storm = 43.879mOD which is greater than 0.5m below the FFL.

10.7.13. I am satisfied that the site is not at risk of flooding. The Drainage Division raised no objection to the development subject to appropriate conditions.

Archaeology

10.7.14. A desktop **Archaeological Assessment** report accompanied the planning application. The Impact Assessment section 5.1 of the report states that it is unlikely that the proposed development will have any impact on any archaeological deposits. In this regard I note the Department of Culture, Heritage and the Gaeltacht made a submission dated 10th November 2020 stating that the National Monuments Service agrees with this conclusion. No archaeological investigations are required.

Part V

10.7.15. Appendix 2, Interim Housing Strategy of the Dun Laoghaire Rathdown County Development Plan states 'No social housing will be required in instances where it is proposed that student accommodation is to be provided on the campus of a Third Level Institution. In all other instances of student accommodation, the standard 20% social housing requirement will apply.'

10.7.16. The development does not include any **Part V provision**. I note that the Board did not apply Part V requirements to the recent permission for off campus student accommodation at the Blakes and Esmonde Motors Site, Lower Kilmacud Road, Stillorgan, ref. ABP-300520-18 and at the Avid Technology International site, Carmanhall Road, Sandford Industrial Estate, ref. ABP 303467-19 . The assessments note the absence of clear guidance at a local and national level in relation to student accommodation and Part V and to the technical difficulties that might arise in terms of ownership and the management of units within a student block (term time and non-term time use) and to the configuration of the student units, which would not comply with the floorspace and amenity requirements for a conventional house/apartment.

10.7.17. The proposed development represents off-campus student accommodation and does not include Part V provision, therefore, having regard to specific objectives set in Appendix 2 of the CDP the proposed development would materially contravene the CDP. The issue of material contravention is dealt with below.

Construction Site Impacts

10.7.18. A number of the observers raise concerns regarding the **construction** phase of the project. I acknowledge there may be some short-term impacts during the construction phase, I consider that such impacts will be short term, temporary in nature and can be mitigated through appropriate construction management.

Discrepancies in the Drawings

10.7.19. The observers have raised concerns with respect to **discrepancies in drawings** submitted. I would agree and note that there are a number of examples where the documentation does not dovetail. Whilst, I consider this an error on behalf of the applicant, I am satisfied that there is sufficient information to assess the application and I am satisfied that the issues of concern arising have been considered in the assessment above.

Public Notices /Consultation

10.7.20. The observers have raised concerns regarding the lack of **public consultation**. In this regard I note that public notices associated with the development were in accordance with statutory requirements. There is no obligation on the applicant to discuss the development with the observers. The planning system is designed such that the public are informed about planning applications by way of public notices.

10.8. Material Contravention

Height

- 10.8.1. As outlined above the proposed development would materially contravene the Goatstown Local Area Plan 2012 namely Table 6.4 which provides for a maximum of four floors on the site and Objective UD:6 of the LAP which also states that height should graduate down to a maximum of two-storey along the site boundaries where they adjoin existing low-rise development. The applicants Material Contravention Statement submitted with the application addresses and provides a justification for the material contravention.
- 10.8.2. Section 37(2)(b) of the Planning and Development Act, 2000 (as amended) states that where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with *paragraph (a)* where it considers that: -
- (i) the proposed development is of strategic or national importance,
 - (ii) there are conflicting objectives in the development plan, or the objectives are not clearly stated, insofar as the proposed development is concerned, or
 - (iii) permission for the proposed development should be granted having regard to the regional spatial and economic strategy for the area, guidelines under *section 28*, policy directives under *section 29*, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or
 - (iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.
- 10.8.3. Having regard to the characteristics of the proposed development, Section 37 (2) (b) (i) and (iii) are considered relevant in this instance.
- 10.8.4. **Section 37 (2) (b)(i)**

The proposed development falls within the definition of strategic housing as set out in the Planning and Development (Housing) and Residential Tenancies Act 2016 and by the government's policy to provide more housing set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016, the proposed material contravention is justified by reference to section 37(2)(b)(i) of the act.

10.8.5. Section 37 (2) (b)(iii)

The proposed material contravention to Table 6.4 and Objective UD:6 of the Goatstown Local Area Plan 2012 is justified by reference to:-

- Objectives 13, and 35 of the National Planning Framework which support increased residential densities and building heights at appropriate locations .
- SPPR3, and SPPR4 of the 2018 Urban Development and Building Heights Guidelines, 2018 which support increased building heights and densities.

Conclusion

10.8.6. Having regard to the provisions of Section 37 (2) (b) of the Planning and Development Act, 2000 (as amended), I consider that a grant of permission, that may be considered to materially contravene the Goatstown Local Area Plan 2012 (extended 2022), would be justified in this instance under sub sections (i) and (iii) having regard to the Planning and Development (Housing) and Residential Tenancies Act 2016, by government's policy to provide more housing, as set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016, the National Planning Framework, 2018, the Regional and Economic Strategy for the Eastern and Midland Region 2019-2031 and Urban Development and Building Heights Guidelines, 2018.

Part V

10.8.7. As outlined above the proposed development would materially contravene Appendix 2, Interim Housing Strategy of the Dun Laoghaire Rathdown County Development Plan with respect to the provision of Part V. Appendix 2, Interim Housing Strategy states '*No social housing will be required in instances where it is proposed that student accommodation is to be provided on the campus of a Third Level Institution. In all other instances of student accommodation, the standard 20% social housing requirement will apply.* The subject site is located off campus. The applicants Material Contravention Statement submitted with the application addresses and provides a justification for the material contravention.

10.8.8. Noting 10.6.2 above, having regard to the characteristics of the proposed development, Section 37 (2) (b) (ii), (iii) and (iv) are considered relevant in this instance.

10.8.9. **Section 37 (2) (b)(ii)**

The proposed material contravention to Appendix 2, Interim Housing Strategy of the Dun Laoghaire Rathdown County Development Plan with respect to the provision of Part V is justified by reference to:-

- Policy RES2: Implementation of Interim Housing Strategy which states; *'Specific exemptions to Part V where a reduced social/ affordable element may be acceptable are Third level student accommodation of the type that has/ or would have otherwise qualified for tax relief under Section 50 of the Finance Act 1999 (Refer also to Policy RES12).'* The proposed scheme has been designed to meet the criteria outlined within 'The Guidelines of Residential Developments for 3rd Level Students, Section 50 of the Finance Act 1999

Section 37 (2) (b)(iii)

The proposed material contravention to Appendix 2, Interim Housing Strategy of the Dun Laoghaire Rathdown County Development Plan with respect to the provision of Part V is justified by reference to:-

- Paragraph 5.21 of the Sustainable Urban Housing: Design Standards for New Apartments; Guidelines for Planning Authorities which states: *"In addition to the above, as is the case with student accommodation projects, shared accommodation units will not normally be subject to Part V requirements in relation to the reservation of 10% of the units as social housing because shared accommodation would not be suitable for social housing given that they are not provided as individual self-contained residential units."*

Section 37 (2) (b)(iv)

The proposed material contravention to Appendix 2, Interim Housing Strategy of the Dun Laoghaire Rathdown County Development Plan with respect to the provision of Part V is justified by reference to:-

- The grant of planning permission by the Board within the Dun Laoghaire Rathdown jurisdiction for off-campus student accommodation ref. ABP-300520-18 at the Blakes and Esmonde Motors Site, Lower Kilmacud Road, Stillorgan and at the Avid Technology International site, Carmanhall Road, Sandford Industrial

Estate, ref. ABP 303467-19 whereby the Board did not apply Part V requirements.

Conclusion

10.8.10. Having regard to the provisions of Section 37 (2) (b) of the Planning and Development Act, 2000 (as amended), I consider that a grant of permission, that may be considered to materially contravene the Dun Laoghaire Rathdown Development Plan 2016-2022, would be justified in this instance under sub sections (i) (iii) and (iv) having regard to the Planning and Development (Housing) and Residential Tenancies Act 2016, by government's policy to provide more housing, as set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016, the National Planning Framework, 2018 and the Sustainable Urban Housing: Design Standards for New Apartments; Guidelines for Planning Authorities 2018.

10.8.11. I am satisfied that the proposed development represents a reasonable response to its context and is acceptable in this instance.

11.0 Chief Executives Recommendation

11.1.1. As noted above the planning authority recommended that permission be refused for 3 no. reasons. In the interest of clarity, the reasons for refusal are addressed below.

Reason no. 1

Having regard to the suburban location and character of the area, the Building Height Strategy of the Dun Laoghaire-Rathdown County Development Plan 2016-2022 and the Urban Development and Building Height Guidelines for Planning Authorities (2018); it is considered that the proposed development comprising 239 no. student bed spaces and extending to six storeys in height, would constitute overdevelopment of the subject site, by reason of its height, scale and layout, proximate to adjoining residential properties and to the Goatstown Road. The proposed development would appear visually overbearing and obtrusive when viewed from these properties and from within the streetscape, materially contravening the Dun Laoghaire-Rathdown County Development Plan 2016-2022 and contrary to the proper planning and development of the area.

11.1.2. As outlined above in Section 10.6 - Material Contravention it is my view that having regard to Section 37 (2) (b) (i) and (iii) of the Planning and Development Act, 2000 (as amended) that the material contravention of Goatstown Local Area Plan 2012 (extended 2022), is justified. Whilst I accept that the site can accommodate increased building

height subject to appropriate design, I consider the design, scale and mass of the proposed development unacceptable in this instance and in this regard, I share some of the concerns expressed by the PA. I have outlined these concerns in section 10.3 above.

Reason no. 2

The proposed development would give rise to adverse overlooking and daylight impacts on adjoining residential properties and would significantly impact upon and depreciate property values in the vicinity. The proposed development would, therefore, be contrary to the objective 'A' zoning of the site, which is to protect and/or improve residential amenity and to the proper planning and sustainable development of the area.

- 11.1.3. As outlined in section 10.4 above I have considered the impact of adverse overlooking and daylight impacts on adjoining residential properties as a result of the development and in the context of the site location I am satisfied that the changes in terms of daylight and sunlight as outlined in the Daylight Sunlight report submitted with the application would be negligible and any potential adverse impact in terms of overshadowing within this outer urban area of the city must be balanced against the need to provide a quantum of development which seeks to provide a more compact urban form.

Reason No .3

Having regard to the intermediate urban location of the site, it is considered that the proposed development would be reason of inadequate number of car parking spaces provided to serve the future occupants and visitors to the development, result in car parking overspill on surrounding residential roads. The proposed development would, therefore, seriously injure the amenities of properties in the vicinity and, as such, would be contrary to the Dun Laoghaire-Rathdown County Development Plan 2016-2022 and to the proper planning and sustainable development of the area.

- 11.1.4. As noted above in Section 10.5, it is my view that having regard to the highly accessible location of the site, the nature of the intend use as student accommodation, the provision of 6 no car parking spaces in this instance is acceptable.
- 11.1.5. It is my view, that sufficient car parking has been provided within the site and should overspill car parking become an issue it could be managed by the planning authority through the introduction of restrictive measures on the surrounding public road.
- 11.1.6. It is also noted that the applicant has stated that a Mobility Management Plan will be adopted for the site which will include specific measures to implement and achieve sustainable transport modes.

11.1.7. I have reviewed the contents of the Chief Executive's Report and the appendices attached thereto and I have had regard to the recommendation and conditions there in which the planning authority have included as part of the Chief Executives' report should the Board be minded to grant planning permission.

11.1.8. In the regard, should the Board be minded to grant planning permission, I would draw the Board's attention to condition no. 2 on the planning authority's schedule of conditions in relation to modifying the design to reduce the scale and height of the development. Condition no. 3 limiting the no. of bedspaces to 167 having regard to recommended condition no 2. Condition no. 5 relating to the presence of a 24-hour staff presence during term time.

12.0 Environmental Impact Assessment (EIA) Screening

12.1. An Environmental Impact Assessment Screening report was submitted with the application.

12.2. Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units,
- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, "business district" means a district within a city or town in which the predominant land use is retail or commercial use.)

It is proposed to construct student accommodation of 239 bedspaces on a site within an overall area of approx. 0.34ha. The site is located within an existing built-up area but not in a business district. The area is transitional in character and is bound by both low/medium density residential uses. It is noted that the site is not designated for the protection of the landscape or of natural or cultural heritage and the proposed development is not likely to have a significant effect on any Natura 2000 sites (as discussed below). The development would be in residential use. It would not give rise to waste, pollution or nuisances that differed from that arising from the other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Irish Water and Dun Laoghaire Rathdown County Council, upon which its effects would be marginal.

12.3. Having regard to: -

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),
- The location of the site on lands that are zoned for residential uses under the provisions of the Goatstown Local Area Plan 2012 (extended 2022), the provision of the Dun Laoghaire Rathdown County Development Plan 2016 – 2022 and the results of the strategic environmental assessment of the Dun Laoghaire Rathdown County Development Plan 2016 – 2022 undertaken in accordance with the SEA Directive (2001/42/EC),
- The location of the site within the existing built-up urban area, which is served by public infrastructure, and the existing pattern of residential development in the vicinity,
- The location of the site outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended) and the mitigation measures proposed to ensure no connectivity to any sensitive location,
- the guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003), and
- the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),

Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded. An EIA - Preliminary Examination form has been completed and a screening determination is not required.

13.0 **Appropriate Assessment**

- 13.1. The proposed development would not be located within an area covered by any European site designations and the works are not relevant to the maintenance of any such sites.
- 13.2. The applicants AA Screening report considered that there is no direct hydrological link to any designated sites. Therefore, the only potential for an indirect pathway is via surface water run-off.

- 13.3. The following 13 no. European sites are located within a 15km radius of the site and separation distances are listed below.

<i>European Site</i>	<i>Site Code</i>	<i>Distance</i>
South Dublin Bay SAC	000210	3.5km
South Dublin Bay and River Tolka Estuary SPA	004024	3.5km
Wicklow Mountains SAC	002122	7.5km
Wicklow Mountains SPA	004040	7.7km
North Bull Island SPA	004006	8km
North Dublin Bay SAC	000206	8.2km
Knocksink Wood SAC	000725	10.2km
Rockabill to Dalkey Island SAC	004172	9.2km
Glenasmole Valley SAC	001209	10.7km
Ballyman Glen SAC	000713	10.8km
Dalkey Islands SPA	003900	9km
Baldoyle Bay SAC	000199	15km
Bray Head SAC	000714	14km

- 13.4. The designated area of sites within the inner section of Dublin Bay, namely South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA are closer to the development site and to the outfall location of the Ringsend WWTP, River Slang and River Dodder and could therefore reasonably be considered to be within the downstream receiving environment of the proposed development and on this basis these sites are subject to a more detailed Screening Assessment.

13.5. **Screening Assessment**

The Conservation Objectives and Qualifying Interests of sites in inner Dublin Bay are as follows:

South Dublin Bay SAC (000210)
Conservation Objective - To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.

Qualifying Interests/Species of Conservation Interest: Mudflats and sandflats not covered by seawater at low tide [1140] / Annual vegetation of drift lines [1210] / Salicornia and other annuals colonising mud and sand [1310] / Embryonic shifting dunes [2110]

South Dublin Bay and River Tolka Estuary SPA (004024)

Conservation Objective – To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.

Qualifying Interests/Species of Conservation Interest: Light-bellied Brent Goose (*Branta bernicla hrota*) [A046] / Oystercatcher (*Haematopus ostralegus*) [A130] / Ringed Plover (*Charadrius hiaticula*) [A137] / Grey Plover (*Pluvialis squatarola*) [A141] / Knot (*Calidris canutus*) [A143] / Sanderling (*Calidris alba*) [A144] / Dunlin (*Calidris alpina*) [A149] / Bar-tailed Godwit (*Limosa lapponica*) [A157] / Redshank (*Tringa totanus*) [A162] / Black-headed Gull (*Chroicocephalus ridibundus*) [A179] / Roseate Tern (*Sterna dougallii*) [A192] / Common Tern (*Sterna hirundo*) [A193] / Arctic Tern (*Sterna paradisaea*) [A194] / Wetland and Waterbirds [A999]

North Dublin Bay SAC (000206)

Conservation Objective - To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.

Qualifying Interests/Species of Conservation Interest: Mudflats and sandflats not covered by seawater at low tide [1140] / Annual vegetation of drift lines [1210] / Salicornia and other annuals colonising mud and sand [1310] / Atlantic salt meadows (*Glauco-Puccinellietalia maritimi*) [1330] / Mediterranean salt meadows (*Juncetalia maritimi*) [1410] / Embryonic shifting dunes [2110] / Shifting dunes along the shoreline with *Ammophila arenaria* [2120] / Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] / Humid dune slacks [2190] / *Petalophyllum ralfsii* (Petalwort) [1395].

North Bull Island SPA (004006)

Conservation Objective – To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA

Qualifying Interests/Species of Conservation Interest: Qualifying Interests/Species of Conservation Interest: Light-bellied Brent Goose (*Branta bernicla hrota*) [A046] / Shelduck (*Tadorna tadorna*) [A048] / Teal (*Anas crecca*) [A052] / Pintail (*Anas acuta*) [A054] / Shoveler (*Anas clypeata*) [A056] / Oystercatcher (*Haematopus ostralegus*) [A130] / Golden Plover (*Pluvialis apricaria*) [A140] / Grey Plover (*Pluvialis squatarola*) [A141] / Knot (*Calidris canutus*) [A143] / Sanderling (*Calidris alba*) [A144] / Dunlin (*Calidris alpina*) [A149] / Black-tailed Godwit (*Limosa limosa*) [A156] / Bar-tailed Godwit (*Limosa lapponica*) [A157] / Curlew (*Numenius arquata*) [A160] / Redshank (*Tringa totanus*) [A162] / Turnstone (*Arenaria interpres*) [A169] / Black-headed Gull (*Chroicocephalus ridibundus*) [A179] / Wetland and Waterbirds [A999]

13.5.2. Potential indirect effects on the South Dublin Bay and River Tolka Estuary SPA (Site Code 004024), North Dublin Bay SAG (Site Code 000206), South Dublin Bay SAC (Site Code 000210) and North Bull Island SPA (Site Code 004006), relate to:

- potential sediment laden surface water run-off during site preparation and earthworks.
- During the operational phase of the development the main potential impacts relate to surface water run-off and foul water drainage.

13.5.3. In relation to potential sediment laden surface water run-off during site preparation and earthworks, I consider that the distances are such that any pollutants would be diluted and dispersed, and ultimately treated in the Ringsend plant. In relation to the operational phase of the development, I note that the development site is already entirely composed of impermeable and artificial surfaces no negative effects to surface water will occur. The development includes standard SUD's measures to enhances flow properties and water qualities. Foul water will be discharged to a foul sewer. The scale of the proposed development relative to the rest of the area served by that system means that the impact on the flows from that system would be negligible and would not have the potential to have any significant effect on any Natura 2000 site.

13.5.4. There is an indirect hydrological pathway between the application site and the coastal sites listed above via the public drainage system and the Ringsend WWTP.

In Combination or Cumulative Effects

13.5.5. This project is taking place within the context of greater levels of built development and associated increases in residential density in the Dublin area. This can act in a cumulative manner through increased volumes to the Ringsend WWTP.

13.5.6. The expansion of the city is catered for through land use planning by the various planning authorities in the Dublin area. This has been subject to AA by the planning authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas. I note also the development is for a relatively small residential development consisting of 239 student bed spaces on serviced lands in an urban area and does not constitute a significant urban development in the context of the city. As such the proposal will not generate significant demands on the existing municipal sewers for foul water and surface water. Furthermore, I note upgrade works have commenced on the Ringsend Wastewater Treatment works extension permitted under ABP – PL.29N.YA0010 and the facility is subject to EPA licencing and associated Appropriate Assessment Screening.

13.5.7. Therefore, having regard to the scale and nature of the proposed student accommodation and ancillary mixed use, and its location within the built-up area of the city which can be serviced, no Appropriate Assessment issues arise, and the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site .

AA Screening Conclusion

13.5.8. It is reasonable to conclude that on the basis of the information on the file, which I considered adequate in order to issue a screening determination, that the proposed development individually or in combination with other plans or projects would not be likely to have a significant effect on South Dublin Bay and River Tolka Estuary SPA (Site Code 004024), South Dublin Bay SAC (Site Code 000210), North Dublin Bay SAC (Site Code 000206), and North Bull Island SPA (Site Code 004006) or any European site, in view of the sites' conservation objectives, and a Stage 2 Appropriate Assessment (and submission of an NIS) is not therefore required.

14.0 Recommended Order

Reasons and Considerations

14.1.1. In coming to its decision, the Board had regard to the following:

- a) The site's location within the administrative area of Dun Laoghaire Rathdown County Council with a zoning objective for residential development;
- b) The policies and objectives in the Goatstown Local Area Plan 2012 (extended 2022) and Dun Laoghaire Rathdown County Development Plan 2016-2022;
- c) Nature, scale and design of the proposed development;
- d) Pattern of existing and permitted development in the area;
- e) The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual;
- f) The Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- g) The Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- h) The Urban Development and Building Heights Guidelines for Planning Authorities 2018;
- j) Chief Executive's Report;
- k) Submissions and observations received;
- l) The report and recommendation of the inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment screening and environmental impact assessment screening

Appropriate Assessment

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban area, the lack of direct connections with regard to the source-pathway-receptor model, the Report for the purposes of Appropriate Assessment Screening

submitted with the application, the Inspector's report and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on any European site, in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment (and submission of a Natura Impact Statement) is not, therefore, required.

Environmental Impact Assessment

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental Report submitted by the applicant, identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

- (a) the nature and scale of the proposed development on an urban site served by public infrastructure,
- (b) the absence of any significant environmental sensitivities in the area,
- (c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

the Board concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

Proper Planning and Sustainable Development

The Board considered that:

1. The proposed development, by virtue of the design, scale, bulk, building line and extent of vertical and horizontal building profile, in particular, the failure to provide for the appropriate transition in height both to the north and southeast of the site would be out of character with the context of the site and would represent a visually prominent and overbearing form of the development relative to its immediate environment and would constitute an obtrusive feature in views along Goatstown Road and would fail to integrate with the surrounding streetscape, and would be contrary to Policy RES3 and Policy RES4 relating to the protection of existing residential amenities and the established character of areas and 'infill'

development, Section 4.8 of Appendix 9: Building Height Strategy of the of the Dun Laoghaire Rathdown County Development Plan 2016-2022 and Section 3.2 of the Building Height Guidelines for Planning Authorities (2018) to ensure that the highest standards of urban design, architectural quality and place making outcomes are also achieved at the scale of the relevant to site context.

The proposed development provides an inadequate design response to this sensitive infill site, would appear visually overbearing and obtrusive when viewed from adjacent properties and from within the streetscape and be contrary to the proper planning and sustainable development of the area.

Irene McCormack

Irene McCormack
Planning Inspector

11th January 2021

DECISION QUASHED