



An  
Bord  
Pleanála

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

**Inspector's Report on  
Recommended Opinion  
ABP-309990-21**

---

<b>Strategic Housing Development</b>	227 no. apartments and associated site works.
<b>Location</b>	Lands at Knockrabo, Mount Anville Road, Goatstown, Dublin 14
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Prospective Applicant</b>	Knockrabo Investments DAC
<b>Date of Consultation Meeting</b>	2 <sup>nd</sup> September 2021
<b>Date of Site Inspection</b>	23 <sup>rd</sup> August 2021

## **1.0 Introduction**

- 1.1. Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority and the documentation received from the prospective applicant, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

## **2.0 Site Location and Description**

- 2.1. The subject site is located in Goatstown and is bounded to the south by Mount Anville Road, to the east by Phase 1 of the overall Knockrabo development, to the southwest by Cedar Mount (a protected structure) and to the north by the reservation corridor for the Dublin Eastern By-Pass (DEBP). The total site area is approximately 1.78 hectares. The site is accessed from a circa 100m section of constructed entrance road, Knockrabo Way.

## **3.0 Proposed Strategic Housing Development**

- 3.1. The proposed development will consist of the following:
- Construction of 227 no. residential units in 4 no. separate apartment blocks ranging in height from 2 to 7 storeys which includes 76 no. 1 bed units, 145 no. 2 bed units and 6 no. 3 bed units;
  - Balconies/Winter gardens are provided on all elevations at all levels for the 4 no. apartment blocks with (Private) Terraces provided at top floor levels and a communal Roof Terrace of c. 198 sq m to be provided on Block F.
  - Provision of 511 no. bicycle parking spaces comprising 387 no. residential and 124 no. visitor bicycle parking spaces;

- Provision of 178 no. car parking spaces comprising of 125 no. residential podium car parking spaces, 35 no. residential on-street car parking spaces and 16 no visitor/drop off on-street car parking spaces; and 2 no. car sharing on-street parking spaces.
- Provision of 538.1 sq m internal tenant amenity space.
- The main vehicular access will be from Knockrabo Way;
- All other ancillary site development works to facilitate construction and the provision of site services, piped infrastructure, 2 sub-stations, public lighting, plant, bin stores, bike stores, boundary treatments and hard and soft landscaping.
- The application does not impact on the future access to the Reservation for the Dublin Eastern Bypass.

The following development parameters are noted:

Parameter	Site Proposal		
Application Site	c1.78 ha		
No. of Dwelling Units	277	Other Uses	n/a
Density	157.1 net		
Height	2 to 7 storeys (over podium)		
Car Parking	178 (125 residential podium spaces/35 residential on street/16 visitor; drop off); 2 car club spaces		
Part V	22 no. units		

3.3 The breakdown of the residential units is described as follows:

Unit Type	1 bed	2 bed	3 bed	Total
Duplex/Apartments	76	145	6	227
%	33%	64%	3%	

## 4.0 National and Local Planning Policy

### 4.1. National Planning Framework

The National Planning Framework supports increases in densities generally, facilitated in part by increased building heights. It is set out that general restrictions on building heights should be replaced by performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth (NPO Objectives 13 and 35 refer). Objective 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages. Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

### 4.2. Regional Policy

#### Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 (RSES)

The primary statutory objective of the Strategy is to support implementation of Project Ireland 2040 - which links planning and investment through the National Planning Framework (NPF) and ten year National Development Plan (NDP) - and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the Region.

- RPO 3.2 - Promote compact urban growth - targets of at least 50% of all new homes to be built, to be within or contiguous to the existing built up area of Dublin city and suburbs and a target of at least 30% for other urban areas.
- RPO – 4.1 – Settlement Hierarchy – Local Authorities to determine the hierarchy of settlements in accordance with the hierarchy, guiding principles and typology of settlements in the RSES.
- RPO 4.2 – Infrastructure – Infrastructure investment and priorities shall be aligned with the spatial planning strategy of the RSES.

The site lies within the Dublin Metropolitan Area (DMA) – The aim of the Dublin Metropolitan Area Strategic Plan is to deliver strategic development areas identified

in the Dublin Metropolitan Area Strategic Plan (MASP) to ensure a steady supply of serviced development lands to support Dublin's sustainable growth.

Key Principles of the Metropolitan Area Strategic Plan include compact sustainable growth and accelerated housing delivery, integrated Transport and Land Use and alignment of Growth with enabling infrastructure.

#### Transport Strategy for the Greater Dublin Area 2016-2035

The Transport Strategy for the Greater Dublin Area 2016-2035 provides a framework for the planning and delivery of transport infrastructure and services in the Greater Dublin Area (GDA). It also provides a transport planning policy around which other agencies involved in land use planning, environmental protection, and delivery of other infrastructure such as housing, water and power, can align their investment priorities.

The Strategy sets out the necessary transport provision, for the period up to 2035, to achieve the above objective for the region, and to deliver the objectives of existing national transport policy, including in particular the mode share target of a maximum of 45% of car-based work commuting established under in "Smarter Travel – A Sustainable Transport Future".

#### **4.3. Section 28 Ministerial Guidelines**

The following is a list of section 28 Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual').(2009)
- 'Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities' (Updated December 2020)
- Urban Development and Building Height, Guidelines for Planning Authorities, 2018.
- 'Design Manual for Urban Roads and Streets' (DMURS) (2019) / DMURS Interim Advice Note – Covid 19 (2020)

- 'The Planning System and Flood Risk Management' including the associated 'Technical Appendices'.
- 'Childcare Facilities – Guidelines for Planning Authorities'.
- Regulation of Commercial Institutional Investment in Housing – Guidelines for Planning Authorities – May 2021

#### 4.4. Local Policy Context

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

- 4.4.1. The subject lands are zoned Objective 'A', which is 'To protect and-or improve residential amenity'.
- 4.4.2. The site is also subject to a Strategic Road Reservation. This reservation is for the Eastern Bypass, specifically to provide a construction access to same to facilitate its completion. There is a Specific Objective on the site to preserve Trees and Woodlands. There are three protected structures contained within the overall Knockrabo lands comprising two gatelodges and Cedar Mount House situated to the west of the development site. These protected structures are not part of the application site boundary.
- 4.4.3. Policy RES 3 Residential Density:

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

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

Policy RES4: Existing Housing Stock and Densification:

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

*residential communities and to retain and improve residential amenities in established residential communities.*

Policy RES7: Overall Housing Mix:

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

4.4.4. Policy UD6: Building Height Strategy

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

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

**Goatstown Local Area Plan 2012 (as extended to 2022)**

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

- 4.4.7. Relevant Objectives include but are not limited to:

- Residential Development Objectives RD 1
- Architectural heritage objectives AH1 and AH3:
- Open Space & Biodiversity Objectives including OS5 to preserve trees located along Mount Anville Road
- Urban Design Objectives UD1, 2, 3, 5 (Height), 7 (Density)
- MT2 (Eastern Bypass Reservation)
- MT3 (Blueline)
- MT7 and 8 (Car Parking)

- 4.4.8. Section 6.4 sets out development guidance for 'Knockrabo Sites'.

4.4.9. LAP Table 6.3 provides the following guidance for the development site:

<b>Zoning</b>	'A' - To protect and/or improve residential amenity
<b>Height</b>	<p>Variation of height</p> <p>Benchmark height of four or five storeys depending on levels (with possible setback floor or occupied roof space on four storey buildings)</p> <p>Maximum height of two storeys along boundaries with existing residential properties</p>
<b>Density</b>	In accordance with County Development Plan
<b>Design Objectives</b>	<p>Respect the residential amenity of adjoining properties</p> <p>Provide for a mix of residential units that enhances the overall residential mix within the plan area</p> <p>High quality architectural design that makes a positive contribution towards the local built environment</p> <p>Provide a sensitive response to the streetscape along Mount Anville Road</p> <p>Protect and provide for the reuse of the existing Gate Lodge, which is a protected structure</p> <p>Integrate Gate Lodge in any redevelopment proposal</p> <p>Design to provide for a high standard of residential amenity in terms of orientation, internal layout, private open space and public open space</p> <p>Address and maximise orientation</p> <p>Provide measures to mitigate noise impact from any future road / BRT</p> <p>Consider location and design of ESB substations and bin storage</p>
<b>Open Space</b>	Residential units to be provided with adequate high quality useable private open space



	Provide high quality useable public open space Provide a safe suitably located play area for children
<b>Landscaping</b>	Protect and enhance existing biodiversity - habitat assessment to be carried out Retain and integrate existing mature trees and planting Provide a detailed tree survey, landscape plan and planting plan
<b>Movement</b>	Permeability analysis to be carried out Provide for direct, safe pedestrian and cycle links Cycle parking to be provided for residents and visitors Mixture of underground and surface level car parking Minimise traffic impacts on the residential amenities of adjoining estates through the promotion of walking/cycling and traffic calming or other equivalent measures, where appropriate.

## 5.0 Planning History

### Western Portion (including subject site):

D17/1124 – Grant - 93 units – Block E omitted by condition in order to protect setting of the Protected Structure

### Eastern Portion (excludes the subject site)

D16A/0960 – Grant- 18 apts/3 houses – (Phase 1 A)

D16A/0821 – Grant - Amend D13A/0689/APB 243799 – increase in apts from 41-51 (total increase from 88 to 98)

D13A/0689/APB 243799 – Grant - 88 dwellings

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

- 6.1. A section 247 pre-application consultation took place with Dun Laoghaire Rathdown County Council on 24<sup>th</sup> November 2020 and details of same are set out in Appendix A of the Planning Authority's submission on this pre-application.

## **7.0 Irish Water Submission**

- 7.1. Irish Water: Irish Water has issued the applicant a Confirmation of Feasibility for connections to the Irish Water network. The applicant is required to provide additional details to Irish Water prior to advancing to SHD application.

## **8.0 Forming of the Opinion**

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

### **8.2. Documentation Submitted**

- 8.2.1. The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017 and I have had regard to same.

### **8.3. Planning Authority Submission**

- 8.3.1. In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Dun Laoghaire Rathdown County Council have submitted a copy of the record of their section 247 consultations with the prospective applicant and their opinion in relation to the proposal.
- 8.3.2. Dun Laoghaire Rathdown County Council has also submitted a report on this pre-application submission which I have summarised below. Issues raised within the internal reports are also summarised below.

Legal/Procedural

- Procedural Issues with part implementing D17/1124 - undertaking works to Cedar Mount House as permitted under D17/1124 and surrounding lands but not to implement the remainder of D17/1124
- Cannot operate two mutually inconsistent planning permissions at the same time
- Must apply for a variation of the permission.

#### Design/Density/Standards/Amenity

- Proposed density is 157.1 unit/ha – overall net density for the entire site is 83 units/ha – in principle density is welcomed
- Height – subject to criteria within the Goatstown LAP – contravenes development guidance in the LAP – Material Contravention Statement submitted
- Notwithstanding – development of Blocks F, G and H would present a strong urban edge to the Dublin Eastern By-Pass
- Concerns raised regarding proposed development of Block E – impact on Cedar Mount House/single storey gate lodge/trees – recommend Block E is omitted/retention of 2 no. Cat A1 trees recommended
- Dual Aspect – a number of units are not true dual aspect
- ADF of north facing units has not been analysed/unclear if kitchen areas have been included in the assessment
- Concern re location of tenant amenity facilities to the north-west – should be more centrally located
- Pinch points to the north-western corner of the site
- Mix is acceptable
- Overlooking between Block G and H/Overlooking from proposed balconies (Block H) of existing dwellings on Mount Anville Road

#### Transport

- Permeability/Desire lines could be improved
- 1 space per unit recommended

### **8.2.3 Dun Laoghaire-Rathdown County Council Internal Reports**

Transport – Car parking ratio of 1:1 would be acceptable – underprovision as proposed/should comply with standards as relates to parking and loading bays/disabled parking/set-down/drop off/cycle parking/motorcycle parking/EV charging points. Assessment of traffic noise from the proposed Eastern Bypass is recommended. Additional details of pedestrian access and desire lines required/access to adjoining lands/noise reduction measures/updated travel plan/car parking/amended crèche parking/cycle parking.

Housing – Condition recommended.

Parks and Landscape Services – Look at possibility of retaining Cat A1 Tree No. 802/Loss of the 3 No. A1 trees difficult to agree to/Conditions recommended

Conservation – Main concern is Block E/Previously omitted by DLR under D17A/1124 to protect the setting of the Protected Structures on site/Block E should be omitted from the Scheme.

Drainage – Additional details required in relation to surface water drainage and flood risk.

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

#### 8.4. **Consultation Meeting**

8.4.1. A Section 5 Consultation meeting took place via Microsoft Teams on the 2nd September 2021. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. The main topics raised for discussion at the tripartite meeting were based on the agenda that issued in advance and contained the following issues:

1. Principle/Procedural Issues/Planning History
2. Conservation and Design including impact on Protected Structures, height and layout
3. Proposed residential amenity/daylight & sunlight/open space provision
4. Existing Residential Amenity
5. Transport
6. Trees/Ecology

## 7. Site Services

## 8. AOB

8.4.2. Both the prospective applicant and the planning authority were given an opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting 309990-21' which is on file.

8.4.3. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

### 8.5. **Conclusion**

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

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

8.5.3. Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act constitutes a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

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

## 9.0 Recommended Opinion

The Board refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request

- (i) constitute a reasonable basis for an application under section 4 of the Act, or
- (ii) Require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, **An Bord Pleanála is of the opinion that the documentation submitted would constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**

Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission arising from this notification:

1. Further justification, and where appropriate amendment/omission, for the provision of proposed Block E within the site, having regard to the concerns of the Planning Authority as expressed at the Tri-Partite Meeting and as set out in the Planning Authority's submission on this proposal, including that as set out within the report of the Conservation Officer.
2. Justification, and where appropriate amendment, to demonstrate that the proposed car parking quantity is appropriate, having regard to local, regional and national policy on same. In addition, it should be demonstrated road and pedestrian layouts, including footpath provision, permeability, design and materiality of the different street types within the street hierarchy complies with DMURS. To this end, matters raised in at the Tri-Partite Meeting and as set out in the Planning Authority's submission on this proposal, including that as set out

within the Transportation report should be addressed in any report/justification relating to the outlined transport issues.

3. A report (or reports) that addresses issues of residential amenity (both existing residents of nearby development and future occupants), specifically with regards to an amended daylight/sunlight/overshadowing analysis, overlooking, visual impact and noise. The report(s) shall include full and complete drawings including levels and cross-sections showing the relationship between the proposed development and nearby residential development. The daylight/sunlight/overshadowing analysis shall have regard to the requirements of 'Building Research Establishment (BRE) Report 209 "Site Layout Planning for Daylight and Sunlight – a guide to good practice, 2nd Edition, 2011' and BS8206 – Part 2: 2008 Code of Practice for Daylighting, where applicable, and in relation to surrounding developments, should include a detailed analysis of all dwellings and amenity spaces with the potential to be impacted by the proposed development.
4. A Housing Quality Assessment (HQA) which provides the specific information regarding the proposed apartments/duplex units as required by the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (December, 2020). The assessment should also demonstrate how the proposed apartments comply with the various requirements of those guidelines, including its specific planning policy requirements.
5. A report that specifically addresses the proposed materials and finishes to the scheme including specific detailing of external finishes, the treatment of balconies and boundary treatments.
6. Drainage details such as would clearly address and respond to comments within the internal report from the Drainage Division of the Planning Authority, and having regard to the submission from Irish Water, namely additional details as relates to surface water proposals and additional details as relates to Flood Risk.
7. Additional CGIs/visualisations/3D modelling.
8. All supporting technical/environmental reports to be updated as required.
9. A plan of the proposed open spaces within the site clearly delineating public, communal and private spaces.

10. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority.

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

1. The Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs
2. The Heritage Council
3. An Taisce
4. Irish Water
5. National Transport Authority
6. Transport Infrastructure Ireland
7. Minister for Transport, Tourism and Sport
8. Dun Laoghaire Rathdown Childcare Committee

**PLEASE NOTE:**

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

---

Rónán O'Connor  
Senior Planning Inspector

Date: 3<sup>rd</sup> September 2021