



An  
Bord  
Pleanála

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

### **Inspector's Report on Recommended Opinion ABP-310640-21**

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<b>Strategic Housing Development</b>	1259 residential units, 4450sq.m non-residential space, demolition of structures and part of boundary wall and provision of new access off Dundrum road.
<b>Location</b>	Central Mental Hospital, Dundrum Road, Dundrum, Dublin 14.
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council.
<b>Prospective Applicant</b>	Land Development Agency (LDA)
<b>Date of Consultation Meeting</b>	1 <sup>st</sup> October 2021.
<b>Date of Site Inspection</b>	25 <sup>th</sup> August 2021.
<b>Inspector</b>	Daire McDevitt

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## 1.0 Introduction

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

## 2.0 Site Location and Description

The site with a stated area of c.10.9 hectares forms part of the lands (11.3ha) associated with the Central Mental Hospital located on the eastern side of the Dundrum Road. Situated c.1.6km north of Dundrum Town centre and c. 200m south of Dundrum Business Park.

The site is bounded by c.4-5 m high perimeter walls with additional security fences at the entrance to the site. The overall holding contains a number of structures including the main Hospital building which is excluded from the proposed SHD application site boundaries. The SHD application site contains a mixture of newer buildings which are proposed to be demolished, a Chapel (proposed Protected Structure), Infirmary, farm complex, workshops and walled gardens. The 'Asylum' and 'Chapel' are proposed Protected Structures (along with the Hospital Building) in the draft Dun Laoghaire Rathdown County Development Plan 2022-2028.

Dundrum Road forms the only road frontage of the site and forms part of the western boundary. The bulk of the site is bounded by residential properties. Annaville Grove, Annaville Park and Anneville Terrace bound the site to the west. To the north it is bounded by Mulvey Park. Friarsland Road and Larchfield to the south. Rosemount Green also bounds the site to the south, this is an area of public open space that contains playing pitches and changing rooms.

Access to the site at present is via an existing gated entrance off the Dundrum Road and via a second security permitter and gate (to be removed). It is proposed to use this entrance along with a second proposed entrance to the south. Openings are proposed at various points to the permitter wall.

## 3.0 Proposed Strategic Housing Development

### Development Description:

The development will consist of the demolition of existing structures (6,915 sq m), including:

Former swimming pool / sports hall and admissions unit (2,750 sq m); Two storey redbrick building (310 sq m); Outbuildings and structures to rear and adjoining the Hospital Building (3,105 sq.m); Temporary structures including portacabins (750 sqm), Removal of security fence at Dundrum Road entrance;

The development will also consist of partial demolition of the perimeter wall, including: Removal of section of perimeter wall adjacent to Rosemount Green (south); Formation of a new opening in perimeter wall at Annaville Grove to provide a pedestrian and cyclist access and associated gate; Removal of section of perimeter wall at the existing Dundrum Road access; Removal of sections of wall adjacent to Dundrum Road, including the provision of a new vehicular, cyclist and pedestrian access; Removal of section of perimeter wall adjacent to Mulvey Park to provide a pedestrian and cyclist access and associated gate;

The development with a total gross floor area of c. 131,186 sq m (c. 131,547 sq m including retained existing buildings) will consist of the provision of 1,259 no. residential units comprising: Renovation, extension and change of use of 3 no. existing 'farm' buildings to provide 9 no. residential units (consisting of 1 no. one bedroom apartment; 2 no. two bedroom apartment and 6 no. three bedroom houses); 49 no. two and three storey houses (consisting of 49 no. three bedroom units) and private rear gardens; 1,201 no. apartments (consisting of 81 no. studio units; 513 no. one bedroom units; 50 no. two bedroom (3 person) units; 447 no. two bedroom (4 person) units; and 110 no. 3 bedroom units) arranged in 12 blocks ranging between 2 and 11 storeys in height, together with private and communal amenity open space provision and ancillary residential facilities.

The development will also consist of 4,350 sq m of non-residential uses, comprising: Change of use and renovation of existing 'gatehouse' building to provide a retail unit (84 sq m); Change of use and renovation of existing Chapel building to community/ amenity use (112 sq m); Change of use of existing 'infirmery' building to community / amenity / enterprise use (158 sq m); 5 no. retail / café units (1,788 sq m), 1 no. medical unit (121 sq m), A new childcare facility (501 sq m); A new community centre facility, including a multi-purpose hall, changing rooms, meeting rooms, plant, storage and associated facilities (1,587 sq m);

The development will also consist of the provision of c.3.8 hectares (c.38,312 sq m) of public open space and related play areas; hard and soft landscaping including internal roads, pathways and boundary treatments, car parking (540 spaces in total, including car sharing and accessible spaces); vehicle charging points; bicycle parking (long and short stay spaces including secure stands); storage areas; 8 no. ESB substations, piped infrastructural services and connections; plant; waste management provision; SuDS measures; sustainability measures (including green roofs and solar panels); signage; public lighting; and all site development and excavation works above and below ground.

## Development parameters:

Site Area	10.9 hectares (total landholding is 11.3ha)
Demolition (6915sq.m)	<ul style="list-style-type: none"> <li>Former swimming pool/sports hall/admissions building</li> <li>2 storey red brick building</li> <li>Outbuildings &amp; structures to the rear and adjoining Hospital Building.</li> <li>Temporary Structures (including portacabins)</li> <li>Removal of security fence at Dundrum Road entrance.</li> <li>Partial demolition of the 5m high perimeter wall (section adjacent to Rosemount Green, new opening at Anneville Grove, at existing entrance to Dundrum Road, adjacent to Mulvey Park).</li> </ul>
Residential (1259)	<ul style="list-style-type: none"> <li>Renovation, extension and change of use of 3 no. existing 'farm' buildings to 9 no. residential units (apartment &amp; houses)</li> <li>New build: 1201 apartments/duplex &amp; 49 houses in 12 blocks.</li> </ul>
Non-residential (4350sq.m)	<ul style="list-style-type: none"> <li>Change of use of 'gate house' to retail and 5 no. retail units (total 1872sq.m)</li> <li>Medical Centre (121 sq.m)</li> <li>Change of use of Infirmary building to community/amenity/enterprise (112sq.m)</li> <li>Community centre facility (1587sq.m)</li> <li>Creche (501 sq.m)</li> </ul>
Density	177uph
Height	2 to 11 storeys (apartment blocks are predominantly 4 to 7 storeys)
Dual Aspect	Each apartment block (50 %) Overall Scheme (41%)
Open Space	Public Open Space & Play areas: 3.8 hectares (35%) Communal Open Space: 1.16 hectares.
Parking	Car: 540 spaces (472 residential & 68 non-residential) (0.37spu) Bicycle: 2905 spaces (HQA refers to 2705) Motorbike: 84 spaces (63 residential & 21 non-residential)
Part V	126 units

## Unit Mix:

Type	Studio	1 bed	2 bed	3 bed	Total
Houses				55	55
Duplex			19	11	30
Apartments	81	514	576		1174
% of Total	6%	41%	40%	13%	100 % (1259)

## 4.0 Planning History

### Site:

None as per Planning Register.

### SHD Applications in the general area:

**ABP Ref No. 311287-21** refers to a current application for 115 no. apartments and creche at Frankfort Castle, Old Frankfort, Dundrum, Dublin 14. Decision due 23<sup>rd</sup> December 2021.

**ABP Ref. No. 309430-21** refers to a June 2021 grant of permission for 698 bedspace student accommodation at Our Lady's Grove, Goatstown, Dublin 14.

**ABP Ref. No. 304420-19** refers to an application for 132 residential units (19 houses and 113 apartments) at Our Lady's Grove, Goatstown, Dublin 14. Decision Quashed.

**ABP Ref. No. 310138-21** refers to an August 2021 grant of permission for 231 apartments at Mount Saint Mary's and Saint Joseph's, Dundrum Road, Dundrum

**ABP Ref. 308353-21** refers to a February 2021 grant of permission for 239 student bedspaces at the Former Victor Motors, Goatstown Road, Dublin 14.

## 5.0 Policy Context

### 5.1. National

#### Project Ireland 2040 - National Planning Framework

The NPF 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.

Table 4.1 of the framework sets growth targets for Dublin City and Suburbs, proposing a 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.

The directly relevant National Policy Objectives as contained within the NPF include:

- National Policy Objective 3a: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.
- National Policy Objective 3b: Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.

- National Policy Objective 11: In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.
- 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.
- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- National Policy Objective 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

## **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 S.28 Ministerial Guidelines are:

- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’) (2009).
- ‘Urban Development and Building Height, Guidelines for Planning Authorities’. 2018
- ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’ (2020).
- ‘Design Manual for Urban Roads and Streets’ (DMURS) (2013). Interim Advice Note- Covid 19 (May 2020).
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’).
- ‘Childcare Facilities – Guidelines for Planning Authorities’.
- Architectural Heritage Protection Guidelines for Planning Authorities’ (2011).

### **6.3 Regional**

#### **Eastern and Midland Regional Assembly - Regional Spatial and Economic Strategy 2019-2031 (EMRA-RSES)**

The RSES provides a development framework for the region through the provision of a Spatial Strategy, Economic Strategy, Metropolitan Area Strategic Plan (MASP), Investment Framework and Climate Action Strategy.

The Dublin MASP is an integrated land use and transportation strategy for the Dublin Metropolitan Area, which seeks to manage the sustainable and compact growth of the Dublin Metropolitan Area.

The strategy for the sequential development of the metropolitan area is focussed on the achievement of ambitious compact development targets of at least 50% of all new homes within or contiguous to the existing built up area in Dublin and 30% in other settlements, the MASP identifies strategic residential, employment and regeneration development opportunities on the corridors along with the requisite infrastructure investment needed to ensure a steady supply of sites in tandem with the delivery of key public transport projects as set out in the NDP.

Strategic development corridors are identified including the City Centre within the M50; North-South Corridor (DART expansion); North-West Corridor (Maynooth/Dunbooyne line and DART expansion); Southwest Corridor (Kildare Line, DART expansion and Luas red line); and Metrolink – LUAS Corridor (Metrolink, LUAS greenline upgrades).

**RPO 5.3:** Future development in the Dublin Metropolitan Area shall be planned and designed in a manner that facilitates sustainable travel patterns, with a particular focus on increasing the share of active modes (walking and cycling) and public transport use and creating a safe attractive street environment for pedestrians and cyclists.

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

**RPO 5.5:** Future residential development supporting the right housing and tenure mix within the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, and the development of Key Metropolitan Towns, as set out in the Metropolitan Area Strategic Plan (MASP) and in line with the overall Settlement Strategy for the RSES. Identification of suitable residential development sites shall be supported by a quality site selection process that addresses environmental concerns.

## 6.4 Local

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

The Dun Laoghaire Rathdown Development Plan 2016 – 2022 is the operative development plan.

- The site is zoned ‘A’ with an objective ‘to protect and / or improve residential amenity’.



- The lands associated with the Central mental Hospital are subject to **RES5 'Institutional Lands'** designation with 'an objective "to protect and / or provide for institutional use in open lands"'.

**Chapter 2** Sustainable Communities Strategy, includes inter alia policies which seek to increase housing supply and density (RES3), ensure an appropriate mix, type and range of housing (RES7) and promote the development of balanced sustainable communities.

These include **Policy RES5 Institutional Lands:**

"Where distinct parcels of land are in institutional use (such as education, residential or other such uses) and are proposed for redevelopment, it is Council policy to retain the open character and/or recreational amenity of these lands wherever possible, subject to the context of the quantity of provision of existing open space in the general environs".

**Section 2.1.3.5** states that protecting and facilitating the open and landscaped 'parkland' settings and the activities of these institutions is encouraged. Where a well-established institution plans to close, rationalise or relocate, the Council will endeavour to reserve the use of the lands for other institutional uses, especially if the site has an open and landscaped setting and recreational amenities are provided. Where no demand for an alternative institutional use is evident or foreseen, the Council may permit alternative uses subject to the zoning objectives of the area and the open character of the lands being retained. A minimum open space provision of 25% of the total site area (or a population based provision in accordance with Section 8.2.8.2 whichever is the greater) will be required on Institutional Lands. This provision must be sufficient to maintain the open character of the site with development proposals structured around existing features and layout, particularly by reference to retention of trees, boundary walls and other features as considered necessary by the Council (Refer also to Section 8.2.3.4(xi) and 8.2.8). In the development of such lands, average net densities should be in the region of 35 - 50 units p/ha. In certain instances, higher densities will be allowed where it is demonstrated that they can contribute towards the objective of retaining the open character and/or recreational amenities of the lands. In cases of rationalisation of an existing institutional use, as opposed to the complete cessation of that use, the possible need for the future provision of additional facilities related to the residual retained institutional use retained on site may require to be taken into account. (This particularly applies to schools where a portion of the site has been disposed of, but a school use remains on the residual part of the site).

**Section 8.2.3.4 (xi)** sets out principles / standards for the development of Institutional Lands.

The Plan states that where no demand for an alternative institutional use is evident or foreseen, the Council may permit alternative uses subject to the area's zoning objectives and the open character of the lands being retained. The principal aims of any redevelopment will be to achieve a sustainable amount of development while ensuring the essential setting of the lands and the integrity of the main buildings are retained. A comprehensive masterplan should accompany a planning application for institutional sites. The masterplan must take account of the built heritage and natural assets of a site and established recreational use patterns. Public access to all or

some of the lands may be required. Should any proposed development deviate from the agreed masterplan then a revised masterplan shall be agreed with the Planning Authority. A minimum open space provision of 25% of the total site area (or a population based provision in accordance with Section 8.2.8.2 whichever is the greater) will be required on Institutional Lands. This provision must be sufficient to maintain the open character of the site - with development proposals built around existing features and layout, particularly by reference to retention of trees, boundary walls and other features as considered necessary by the Council. In addition to the provision of adequate open space, on Institutional Lands where existing school uses will be retained, any proposed residential development shall have regard to the future needs of the school and allow sufficient space to be retained adjacent to the school for possible future school expansion/ redevelopment.

**Chapter 8 Policy UD6 Building Height:** “It is council policy to adhere to the recommendations and guidance set out within the Building Height Strategy for the County”. The **Building Height Strategy** is contained in Appendix 9. The site is located within a ‘residual urban area’ where a maximum of 3-4 storeys may be permitted. In certain circumstances upward modifiers can be applied to allow for an additional 1-2 storeys, including in situations where the site is larger enough (i.e. >0.5ha) to set its own context.

Other relevant sections include inter alia:

**Chapter 22** - Sustainable Travel and Transportation.

**Policy UD1:** Urban Design Principles - all development is of high quality design that assists in promoting a ‘sense of place’.

**Policy UD3** Public Realm Design

**Chapter 6** Built Heritage

**Development Management standards of note (but not limited to):**

**Section 8.2.3.5** Residential Development- General Requirements.

**Section 8.2.3.1** Quality Residential Design

**Section 8.2.3.2** Quantitative Standards.

**Section 8.2.3.3-** Apartment Development

**Section 8.2.4** – Sustainable Travel and Transport

**Section 8.2.4.5-** Parking provision in excess of the maximum standards set out for non-residential land uses in Table 8.2.4 shall only be permitted in exceptional circumstances as described below.

Reduced parking or car –free parking will be allowed in areas with high public transport accessibility.

**Table 8.2.3:** Residential Land Use - Car Parking Standards

**Section 8.2.8** – Open Space and Recreation

**Section 8.2.11** Archaeological and Architectural Heritage (including ACAs)

**Section 8.2.11.2** Architectural Heritage – Protected Structures.

**I draw attention to the draft Dun Laoghaire Rathdown County Development Plan 2022-2028 which is due to be adopted in March 2022 and the requirement to comply with same, if applicable.**

The draft Plan has also included the following proposed Protected Structures:

- Catholic Chapel (2071)

- Asylum (2072)
- Hospital Building (2073)

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

It is stated by the prospective applicant that pre-application consultation meetings took place with the Planning Authority on 26<sup>th</sup> February 2021 and 29<sup>th</sup> April 2021. It is also stated that a number of Masterplan Meetings took place with the Planning Authority on 1<sup>st</sup> October 2020, 30<sup>th</sup> October 2020, 20<sup>th</sup> November 2021 (I note this is a typo and should refer to 2020) and 15<sup>th</sup> January 2021.

## **7.0 Forming of the Opinion**

7.1 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 submission and the discussion which took place during the tripartite consultation meeting. I shall provide a brief detail on each of these elements hereunder.

### **7.2 Documentation submitted**

7.2.1 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.

The information inter alia included: Completed Pre-Application Consultation Request Form, Planning Report/Cover Letter, Statement of Consistency, Material Contravention Statement, EIA Scoping Report (and summary of possible effects) + Appendices, Schools Demand Assessment, Social Infrastructure Audit, Part V Report + Validation Letter, Architectural Design Appraisal, Housing Quality Assessment, Masterplan, Schedule of Accommodation, Building Lifecycle Report, Architectural drawings, maps and layouts, Infrastructure Report, Construction & Environmental Management Plan, Site Specific Flood Risk Assessment, Engineering drawings, Public Light Scheme and specification, Energy Report, Townscape and Visual Impact Assessment, LVIA photomontages Tree Removal & Protection Plan, Landscape layouts and details, Landscape Architecture & Public Realm Design Concept Report, Tree Constraints Plan, Condition Assessment of Tree Vegetation, Report on Stakeholder and Community Engagement, EIAR Biodiversity Chapter (Appendix A to EIA Scoping Report), Appropriate Assessment Screening and Natura Impact Statement, Conservation Management Plan (Interim), Perimeter Wall Condition Report (Interim), Building Conditions Survey – Scope and Extent, Traffic & Transport Assessment and Mobility Management Plan – for Tri-Partite Meeting, DMURS Compatibility Statement – for Tri-Partite Meeting, Daylight and Sunlight-Internal daylight, sunlight and overshadowing report, Daylight and Sunlight – Impact on neighbouring properties report, Wintering Bird Survey Report, Archaeological Assessment (Appendix C of EIAR Scoping Report), Geophysical Survey Report (Appendix D of EIAR Scoping Report), initial Noise Impact Assessment (Appendix D of EIAR Scoping Report), Construction and Demolition Waste Management Plan Technical Note (Appendix F of EIAR Scoping Report),

Operational Waste Management Plan Technical note (Appendix E of EIAR Scoping Report), Wind and Microclimate Modelling Draft Report (Appendix E of EIAR Scoping Report).

7.2.2 In addition, section 5(5)(b) of the Act of 2016 requires the submission of a statement that, in the prospective applicant's opinion, the proposal is consistent with both the relevant objectives of the development plan or local area plan concerned, and the relevant guidelines issued by the Minister under section 28 of the Act of 2000. These statements have been submitted, as required.

7.2.3 A Material Contravention Statement is also included and refers to Density and Building Height.

7.2.4 I have reviewed and considered all of the documents and drawings submitted.

### **7.3 Planning Authority Submission**

7.3.1 In compliance with section 6(4)(b) of the Act of 2016 the planning authority for the area in which the proposed development is located, Dun Laoghaire Rathdown County Council, submitted a note of their section 247 consultations with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on 23<sup>rd</sup> July 2021.

The report included planning history of relevance, issues relating to the proposal and issues that may be considered by An Bord Pleanála.

The Planning Authority generally welcomed the proposed redevelopment the site for the purposes of delivering much needed housing as part of a high quality scheme that seeks to retain and bring existing structures with heritage value into active use. The Planning Authority also acknowledged measures taken by the Prospective applicants to address concerns raised in s. 247 meetings. Notwithstanding the Planning Authority has a number of concerns that remain to be addressed. These are summarised as follows:

- The Planning Authority has concerns around the Planning Strategy proposed. It is considered that the Planning and Development Act 2000 (as amended) provides for mechanisms to apply a coherent and complete permission for development of entire landholdings. The Planning Strategy to develop such a key site, particularly where proposed protected structures would be directly affected by such strategy, should not be dictated by legislation, namely the Housing and Residential Tenancies Act 2016.
- The Planning Authority has serious reservations with regards to the number and location of accesses proposed and consider these to be entirely inadequate for a development of the scale proposed. It is also considered that the number of accesses, their location and characteristic fail to deliver adequate connectivity with surrounding lands for all type of road users.
- The demolition of a proposed protected structure, or part thereof must be based on strong evidence that would satisfactorily demonstrate that the elements proposed for demolition do not form an intrinsic part of the proposed protected structure and its removal would not have an impact on its character. It is considered that based on the information provided at this stage, such justification has not been provided.

- The proposed quantum of residential car parking does not comply with the County Development Plan parking standards, fails to take into consideration current car ownership ratios and has the potential to give rise to serious and negative consequences on adjoining roads.
- The Planning Authority has some concerns in terms of impacts on the proposed protected structures.
  - The proposed height of 4 storeys for the 2 no. apartment buildings forming part of Block 11 located directly to the rear of the main hospital building is considered excessive. The height (c.13m) of the proposed buildings would exceed the eaves of the proposed protected structure immediately the south and also the ridge height of the infirmary to the west and as a result would not have a deferential relationship with the proposed protected structures detracting from their character. The Applicant is advised to consider removing one storey from the 2 no. apartment buildings to ensure a more adequate subservient relationship with the protected buildings.
  - The proposal for a 6 storey building on the north west corner of Block 2 directly to the east of the hospital building. It is noted that this building would be at some distance from the west wing of the Asylum, however it is considered that it would exceed the Asylum's ridge height and also the height of the chimney stacks, it has the potential to negatively impact on the view of the proposed protected structure from the east with the taller Block 2 in the background. Further information would assist in reaching a conclusion in this regard. Notwithstanding, the applicant is advised to consider a reduction in 2 storeys of the subject 6 storey building.
- For the proposed building height strategy to be acceptable, satisfactory evidence of compliance with the requirements of SPPR3 of the Urban Development and Building Height Guidelines 2018 must be provided.
- There are some particular areas where on the basis of the documentation furnished to the Planning Authority concerns arise in terms of potential impacts on residential amenity
  - Despite the significant screening provided by the boundary wall, the applicant is not deemed to have adequately demonstrated that overlooking from the access gallery at the upper levels of the Annville Residence to the rear of some of the units pertaining to Block 9 will not occur.
  - Additionally, the Planning Authority is concerned about potential overlooking of the balcony and window at first floor level of the unit located to the north of Block 9 of private areas of the westernmost unit of Block 9.
  - Concerns also arise given the distance between south looking windows of block 5 to No. 85 and 87 Larchfield Road to the south.

The application documentation should also demonstrate that overlooking between the buildings of the same block would not occur.

- The application documentation should demonstrate compliance with the Design Standards for New Apartments; Guidelines for Planning Authorities, December 2020 and the Quality Housing for Sustainable Communities Guidelines, 2007. Amongst other information, broken down details of single and dual aspect units should be provided.
- Where a community use is proposed, clarity about how such a use would be implemented and management and maintained should be provided. These details should include evidence of agreements if these are to be managed by parties other than the applicant. This is to ensure that adequate strategies and arrangements are in place to run the community facilities and ensure that the proposed protected structures will be adequately maintained.
- The applicant is invited to review the layout of the scheme at certain locations and investigate if amendments can be made to maximise the retention of category A trees.

In addition to the above it is advised to have regard to other recommendations set out in the Planning Authority report and to the issues raised in the accompanying reports from various DLRCC Departments.

The Planning Authority Opinion included the following Appendices:

Appendix A - Minutes of Section 247 Meetings.

Appendix B – Internal Department Reports

- Transportation Planning Report, Transportation Planning Section (16<sup>th</sup> July 2021).
- Drainage Planning Report, DLR Municipal Services, Drainage Planning (19<sup>th</sup> July 2021).
- Conservation Division Report (15<sup>th</sup> July 2021).
- Parks and Landscape Services Report (20<sup>th</sup> July 2021).
- Housing Department Memorandum (19<sup>th</sup> July 2021).
- Report by Senior Consultant Ecologist on behalf of DLRCC (19<sup>th</sup> July 2021).

#### **7.4 Other submissions**

**Irish Water** (29<sup>th</sup> July 2021)

Irish Water confirm that a Confirmation of Feasibility has been issued to the applicant advising the following:

In respect of Wastewater:

Irish Water has informed the applicant that in order to determine the available capacity within the Irish Water network and any infrastructure upgrades required to facilitate this development further studies are required to identify a solution to service the development. This entails project scoping as part of a Project Works Service Agreement (PWSA), site investigations and associated timelines to identify upgrades and infrastructure required for the area of demand. Therefore, the applicant is required to engage with Irish Water and enter into a PWSA prior to progressing to SHD application stage.

### In respect of Water:

In order to facilitate the water connection for the proposed development an upgrade of approx. 720 metres of existing 9" CI main in Dundrum Road to 250mm will be required accommodate the proposed connection. Irish Water currently does not have any plans to extend or commence upgrade works to its network in this area should the applicant wish to progress they will be required to fund these upgrades

## **8.0 The Consultation Meeting**

8.1 A Section 5 Consultation meeting took place online via Microsoft Teams on the 1<sup>st</sup> October 2021, commencing at 10.09 am. Representatives of the prospective applicant, the Planning Authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

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. Development Strategy.
2. Architectural Heritage & issues raised by Conservation Division.
3. Residential Amenities.
4. Issues raised by Transportation Planning Section. With particular reference to: Access arrangements, Permeability, Connectivity and Parking provision.
5. Issues raised by Drainage Planning Section & Irish Water. With particular reference to network upgrades.
6. Issues raised by Parks and Landscape Services.
7. Any Other Business.

In relation to **Development Strategy** ABP representatives sought further elaboration/discussion/consideration of:

- Justification/rationale for excluding the 'hospital building' from the SHD application.
- Clarification regarding the proposed Planning Strategy and the Dual Application Strategy,
- Clarification regarding red line boundary as it appears parts of the 'main hospital building' a PPS and subject to a separate section 34 application are proposed to be demolished as part of the SHD.
- Clarification regarding the Section 34 and the SHD application and if mutually dependent or can they be developed independently . Potential Implications for assessment by two separate planning authorities and 2 separate Competent Authorities for the purposes of EIA and AA.
- Clarification regarding 'other uses' proposed as part of the SHD application.
- Phasing/Delivery of project and where PPS falls. Issues raised by DLR Conservation Officer.
- Issues raised by the PA in the Opinion received.

In relation to **Architectural Heritage & issues raised by Conservation Division** ABP representatives sought further elaboration/discussion/consideration of:

- Justification/rationale for the proposed demolition works the Main Hospital building (the bulk of which is not included within the red line boundary associated with the SHD application)
- Justification/rationale for demolition works (other structure and wall)
- Openings to boundary wall.
- Works to Chapel etc.
- Issues raised by DLR Conservation Section

In relation to **Residential Amenities** ABP representatives sought further elaboration/discussion/consideration of

- Standard of residential amenities within the proposed development.
- Potential Impact on adjoining properties.
- Issues raised by the Planning Authority.

In relation to **Issues raised by Transportation Planning Section. With particular reference to access arrangements, permeability, connectivity and parking provision** ABP representatives sought further elaboration/discussion/consideration of

- Access arrangements
- Impact on road network
- Permeability.
- Connectivity.
- Parking provision:
- Issues raised by DLR Transportation Section & Planning Section.

In relation to **Issues raised by Drainage Planning Section & Irish Water. With particular reference to network upgrades** ABP representatives sought further elaboration/discussion/consideration of:

- Network upgrades
- If Third party or other consents are required to deliver the IW upgrades.
- Issues raised by DLR Drainage Section.

In relation to **Issues raised by Parks and Landscape Services** ABP representatives sought further elaboration/discussion/consideration of:

- Removal of Category A Trees.



In relation to **any other business** ABP representatives sought further elaboration/discussion/consideration of:

- ABP highlighted to the requirement to address all technical issues prior to lodging an application as no recourse to further information under SHD.
- Address any material contraventions if they arise. Note review of DLR Development Plan and dates new Plan may be adopted and come into effect if applicable.
- Ensure all documentation and drawings correlate.

The prospective applicant and the planning authority were given the 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 310640.' which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

## 9.0 Conclusion and Recommendation

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.

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

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

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

## 10.0 Recommended Opinion

An Bord Pleanála refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

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

In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development:

### 1. Development Strategy

Further consideration in relation to the proposed dual application strategy for the subject landholding. Should the dual application strategy be pursued, as opposed to a single planning application for the entire holding, the applicant should seek to demonstrate that each application can be assessed and developed as a 'standalone' project in the event that, inter alia, one of the proposed developments is refused permission. The applicant should also seek to demonstrate that both applications are coordinated and no conflict arises between the two proposals. In that regard, further consideration should be given to the precise details of each application, and, in particular the following should be considered in the context of a dual application strategy :

- how the main hospital building is to be accessed;
- what car parking, if any, it to be provided to serve the main hospital building with its new use;
- where any such car parking is to be provided and in which application is this to be addressed (noting, inter alia, limitations arising in SHD applications for 'other uses' and implications if one application is granted permission and the other refused permission);
- bicycle parking, service yards, storage etc serving the main hospital building and its new use and where such uses are to be accommodated within the application site boundary;
- demolition works adjoining/adjacent the main hospital building (considering which application such works are to be sought under and implications for the other application if such works are refused), and
- all of the above, and other matters, should be considered in the context of the degree of overlap that may arise across the two separate applications (if pursued) and the need to deliver both a coordinated approach for the redevelopment of the landholding and also the need to submit 'standalone' applications.

If the dual strategy is to be pursued, there should be clear distinction between what is proposed in each application. Furthermore, should the dual application strategy be pursued, further consideration should be given as to whether a consecutive, as opposed to a concurrent, approach should be taken in relation to the making of the applications.

## 2. Design Strategy

Further consideration and/or justification of the documents as they relate to the design strategy for the site in respect of:

- a) The interface with the Main Hospital Building, the Chapel, Infirmary and the proposed works and demolition work to the boundary wall, the public realm at Dundrum Road and the interface with Rosemount Green to the south, as they relate to the design and layout of the proposed development and the desire to ensure that the proposal provides a high quality, positive intervention at this location. Particular regard should also be had to creating suitable visual relief in the treatment of elevations and interface with adjacent lands. An architectural report, urban design statement and additional CGIs/visualisations should be submitted with the application.
- b) A contextual layout plan which indicates the layout of adjoining developments, photomontages and cross sections at appropriate levels, including details of how the proposed development interfaces with contiguous uses/lands and adjoining roads (within Anneville, Larchfield, Friarsland, Mulvey Park, Rosemount Green and Dundrum Road)).
- c) Response to the issues raised in the Conservation Division Report of Dun Laoghaire Rathdown County Council regarding phasing as contained in the Planning Authority's Opinion dated 23<sup>rd</sup> July 2021.
- d) Response to the issues raised by the Planning Department of Dun Laoghaire Rathdown County Council, as contained in the Planning Authority's Opinion dated 23<sup>rd</sup> July 2021.
- e) Justification/rationale regarding compliance with local planning policy. The further consideration and /or justification should address the objectives "to protect and / or provide for institutional use in open lands" that pertain to the site having regard to the provisions of the Dun Laoghaire Rathdown Development Plan 2016-2022.
- f) Rationale/justification regarding the suitability of the proposed site to accommodate the proposed height and housing mix with regard to the provisions of the Dun Laoghaire Rathdown County Development Plan 2016-2022 and relevant national and regional planning policy including the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual'); The 'Design Standards for New Apartments – Guidelines for Planning Authorities' (2020) and the 'Urban Development and Building Heights – Guidelines for Planning Authorities' (2018).
- g) In addition to the consideration of local statutory policy and national policy and guidelines, particular regard should be had to demonstrating that the proposal satisfies the criteria set out inter alia in section 3.2 and SPPR3 of the Urban Development and Building Heights, Guidelines for Planning

Authorities (December 2018). The applicant should satisfy themselves that the design strategy for the site, as outlined in red, provides the optimal outcome for the subject lands.

The response should also include a report that specifically addresses the proposed materials and finishes and the requirement to provide high quality and sustainable finishes and details. Particular attention is required in the context of the visibility of the site and to the long-term management and maintenance of the proposed development. A Building Life Cycle report shall also be submitted in accordance with section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2020).

The further consideration / justification should have regard to, inter alia, the guidance contained in the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2020, the Urban Development and Building Height Guidelines for Planning Authorities 2018; the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) and the accompanying Urban Design Manual; the Design Manual for Urban Roads and Streets 2013; and the Dun Laoghaire Rathdown Development Plan 2016-2022.

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

### **3. Architectural Heritage**

a) An Architectural Impact Assessment having regard to the impact on the proposed Protected Structures within the curtilage of the Central Mental Hospital, their character and setting. This should also include a detailed survey, assessment and justification for all structures which are proposed to be demolished or refurbished and converted to other uses.

b) A response to the issues raised in the Report of the Conservation Division of Dun Laoghaire Rathdown County Council, as contained in the Planning Authority's Opinion dated 23<sup>rd</sup> July 2021.

### **4. Traffic and Transportation**

Further consideration and/or justification of the documents as they relate to the:

- (a) The use of the existing vehicular access to The Central Mental Hospital and the proposed new access off Dundrum Road.
- (b) The Car Parking Strategy for the proposed development, having particular regard to the quantum of residential parking proposed, how it is intended to be assigned and managed and measures proposed to address shared carparking with the Hospital Building if this is proposed under 'other use'; as part of the SHD Application (the change of use which is noted will be the subject of a section 34 application to the Planning Authority), visitor parking and other uses proposed as part of the SHD application.
- (c) Pedestrian and cycle links to adjoining lands and connections to public transport routes and cycle/pedestrian infrastructure.

- (d) A response to the issues raised in the Report of the Transportation Division of Dun Laoghaire Rathdown County Council, as contained in the Planning Authority's Opinion dated 23<sup>rd</sup> July 2021.

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

## **5. Residential Amenities**

Further consideration and / or justification of the documents as they relate to residential amenity, having particular regard to the potential for overlooking, overshadowing and overbearing impacts on existing adjoining residential properties and proposed residential units within the scheme. The response should include a detailed Sunlight, Daylight and Shadow Assessment of inter alia units proposed, communal open spaces, public open spaces and adjoining lands and properties.

The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage.

Pursuant to article 285(5)(b)(i) and (ii) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that the following specific information should be submitted with any application for permission:

1. A Housing Quality Assessment which provides the specific information regarding the proposed apartments required by the 2020 Guidelines on Design Standards for New Apartments. The assessment should also demonstrate how the proposed apartments comply with the various requirements of those guidelines, including its specific planning policy requirements.
2. A detailed Phasing Plan.
3. A micro climate analysis.
4. Response to issues raised in the PA Opinion received by An Bord Pleanála on the 23<sup>rd</sup> July 2021.
5. Address issues raised in the Irish Water Submission dated 29<sup>th</sup> July 2021.
6. A Site Specific Management Plan which includes details on management of the communal areas, public space, residential amenity and apartments.
7. An Archaeological Impact Assessment.
8. An Ecological Impact Assessment.
9. A Tree survey, Trees Constraints Plan, Tree Restoration Plan and Arboricultural Assessment.
10. A draft Construction Waste Management Plan, draft Construction and Environmental Management Plan and a draft Operational Waste Management Plan.
11. Where the applicant considers that the proposed strategic housing development would materially contravene the relevant Development Plan or Local Area Plan, other than in relation to the zoning of the land, a statement indicating the plan objective(s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016

and Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format.

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

1. Irish Water
2. Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media.
3. Heritage Council.
4. An Taisce.
5. An Comhairle Ealaíon.
6. Fáilte Ireland.
7. National Transport Authority
8. Transport Infrastructure Ireland
9. Department of Education and Skills
10. DLR 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.

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Dáire McDevitt

Senior Planning Inspector,

19<sup>th</sup> October 2021