



An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion
TC0001**

Strategic Housing Development

Location	UCD, Belfield, Dublin D04 V1W8
Planning Authority	Dun Laoghaire Rathdown County Council
Prospective Applicant	University College Dublin
Date of Consultation Meeting	03/08/2017
Date of Site Inspection	30/07/2017
Inspector	L. Dockery

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 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, which measures a stated 12.95 hectares, is located within the Belfield educational campus, Dublin 4. The overall campus is bound by the N11 routeway to the north-east, Foster's Avenue to the south-east, Roebuck Road to the south and Clonskeagh Road to the west. The surrounding lands are generally suburban in character and comprise primarily established two-storey residential properties.

2.2 The proposal comprises three distinct parcels. The main portion, comprising the bulk of the built elements, is located within the south-western portion of the Belfield campus and comprises approximately 11.4 hectares. This principal area for development is currently in use primarily for surface parking and recreational space. The second parcel relates to the proposed extension to the Little Sister's carpark and comprises 1.4 hectares, located to the south and west of the Belgrove residences. The third parcel is located to the east of Merville and comprises 0.15

hectares and also relates to a proposed parking area. This area is currently under grass.

2.3 There are two Protected Structures within the site area, Roebuck Castle (RPS No. 217) and Roebuck Lodge (RPS No. 219).

3.0 **Proposed Strategic Housing Development**

3.1 The proposed development comprises a 10-year permission for 3006 student bedspaces, comprising a mix of accommodation typologies including apartments, studios and halls of residence, arranged in seven courtyard blocks, ranging in height from 5-10 storeys. Dedicated residential activity hubs are contained within each block comprising lounge, study spaces, launderette and other similar uses. The proposal also comprises:

- A student facility centre (Fulcrum Building) containing a function hall, gym, auditorium, student contact centre, health and wellbeing centre and supporting shops and services, including bank, convenience store, café
- Demolition of twentieth-century extensions to Roebuck castle, and a number of structures in vicinity
- 994 parking spaces, together with 1503 cycle parking spaces
- New construction access and haul route off Foster's Avenue and related temporary car park for 200 car parking spaces
- Other ancillary site works

3.2 The total area of student accommodation uses is stated as being 94,022 square metres while the 'non-student accommodation' above ground comprises a total of

4253 square metres- stated that student accommodation comprises a total of 95.8% of the total gross floor area.

4.0 **Development Plan**

4.1 The Dun Laoighre Rathdown County Development Plan 2016 applies. The subject site is zoned 'Objective LIW' in the operative Dun Laoighre Rathdown County Development Plan, which seeks 'to facilitate, support and enhance the development of third level education institutions'. Residential development, in accordance with Department of Education and Science Guidelines, Development for Third Level Students (1999) and subsequent supplementary document (2005), together with car parking, neighbourhood shop and sports facility are 'permitted in principle' under this zoning objective while conference facilities, offices and district shops are 'open for consideration'.

5.0 **Planning History**

5.1 It is noted that there is no recent history pertaining to the majority of the subject site. Examples of recent relevant history pertaining to the overall campus is as follows:

D16A/0962

Permission GRANTED for 1-3 storey extension to School of Business

D13A/0404

Permission GRANTED for 5 storey student accommodation and ancillary uses on site adjoining Belgrove Student Accommodation

D10A/0515

Permission GRANTED for part 2/3 storey School of Law and ancillary facilities

D08A/0603

Permission GRANTED for 6 storey student accommodation adjacent to Roebuck Hall student housing

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

6.1 A number of pre-application consultations took place with the planning authority, with details contained in file No.s PAC/665/15 (meetings held on 19/11/15, 07/04/16 and 31/08/16) and PAC/584/14 (telephone conversation only, no records kept).

7.0 **Forming of Opinion**

7.0.1 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.

7.1 **Documentation Submitted**

7.1.1. The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. This information included, inter alia, scaled drawings (plans, sections and elevations), photomontages, a completed pre-connection enquiry feedback form from Irish Water, extracts from draft EIS, EIS Non-Technical Summary and Planning Report.

7.1.2. 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.

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

7.2 **Planning Authority Submission**

7.2.1 Section 6(4)(b) of the 2016 Act requires the relevant planning authority to submit the following:

- (i) Copies of all records of section 247 pre application consultations held with the prospective applicant by that authority, and
- (ii) the planning authority's opinion in writing (including the reasons for its opinion) of what considerations, related to proper planning and sustainable development of the area concerned, may have a bearing on the Board's decision in relation to the proposed strategic housing development, in particular, that authority's opinion on the proposed development having regard

to the provisions of the relevant development plan or local area plan, as the case may be.

7.2.2 The above information was received by An Bord Pleanála on the 27th day of July 2017. The report of the planning authority states that the principle of the proposed development is consistent with the Core Strategy and consistent with the zoning objective which pertains to the site. The principle of tall buildings to Belfield campus is considered acceptable and there are no objections to the principle of providing a significant quantum of additional student accommodation in tall buildings on UCD's Belfield campus. Effects on residential amenity would be fully assessed at application stage. Proposed phasing and introduction of new surface car parking areas linked to the proposed development should be reviewed. Consideration of the omission of the proposed extension to Little Sister's surface carpark and omission of parking to the Sutherland School of Law should be considered. Other matters raised include:

- increase in cycle parking and carry out DMURS quality audit
- corridor protection measures for Dublin Eastern By-Pass Reservation Corridor
- revisit design of Block F
- photo-voltaic panels to be included in proposal or NZED alternatives
- additional details/revisions in relation to EIA and Stage 1 NIS
- full tree and hedgerow survey required, together with quality landscape report
- drainage matters

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

7.3 Consultation Meeting

7.3.1 A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 3rd day of August 2017, commencing at 10.30am. 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.

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

- proposed development and existing residential amenity including issues relating to height;
- design and siting of Block F;
- conservation;
- parking and access arrangements, including impacts on Dublin Eastern Bypass Reservation;
- biodiversity and
- drainage

7.3.3 Proposed development and existing residential amenity including issues relating to proposed height

7.3.4 An Bord Pleanála sought further elaboration/discussion/consideration on the following:

- The interface between Blocks A and B and the nearby residential development, in particular, regard should be had to the design of these blocks when viewed from the adjacent residential development, Roebuck Castle. Further justification at application stage for these blocks should address proximity to dwellings in Roebuck Castle, having regard to their height; extent when viewed from Roebuck Castle and elevational treatment. The prospective applicant should also provide further elaboration on possible/potential issues of overlooking, overbearing and noise impacts, having regard to the scale and extent of the overall development. In this regard, the submission of additional photomontages showing proposed development relative to existing residential development would be appropriate
- Further rationale for design, in particular the potentially repetitive elevations
- Creation of a streetscape/sense of place/wayfinding
- Submitted photomontages from Roebuck Castle residential development show existing trees/planting in full foliage - submission of further photomontages reflecting foliage during winter months and identify species of trees/planting may be appropriate at application stage

- Levels of sunlight/daylight into proposed courtyards- submission of daylight analysis which would demonstrate such levels may be appropriate at application stage

7.3.5 In response to the above, the prospective applicant outlined the rationale for the proposed development indicating that cognisance of setbacks from boundaries and topography were incorporated into the design rationale. The aim of the proposal was to create a sense of community, a sense of place, to allow views through the campus, opening up areas that are not currently so. The proposal is developed around a series of courtyards, with each courtyard fulfilling a different function within the development. This was not included in the documentation submitted under section 5(5)(a) of the Regulations of 2017.

7.3.6 The planning authority's opinion with regards this issue was included within their opinion to An Bord Pleanála, with nothing further to add at this stage.

7.3.7 Design and Siting of Block F and Conservation Matters

7.3.8 An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- The design of the proposed Blocks F1 and F2, having regard to their proximity to Roebuck Castle, a Protected Structure. This may include further consideration and/or amendment in respect of elevational treatment, height and separation distances. The need to protect the character and setting of the Protected Structure was acknowledged. The manner in which the Protected Structure is protected requires further consideration.
- Photomontages showing the scale of the proposed development relative to existing Protected Structures on site would be appropriate at application stage
- The design of Block F2 adjacent to Roebuck Road, including the scale, height, extent of elevations and elevational treatment. The development of a landmark/gateway building may require further consideration and/or amendment having regard to the location of this element of the proposal adjacent to Roebuck Road. In this regard the submission of additional photomontages showing the proposed Block F2 from the public realm, in

particular when viewed from the surrounding roadways in the vicinity would be appropriate

- Further consideration of the points made by the planning authority in their report/opinion to An Bord Pleanála in relation to these issues would be beneficial at application stage
- Potential precedence may be found in other student accommodation ABP appeals referenced 246347, 247698 and 247476

7.3.9 In response to the above, the prospective applicant acknowledged the significance of this element of the overall site, having regard to the location of the Protected Structures and the visibility from the public realm.

7.3.10 The planning authority stated that it had nothing further to add which wasn't already contained within its opinion, save that further contextual elevations would be appropriate at application stage.

7.3.11 The prospective applicant was advised of the need to notify the Department of Arts, Heritage and the Gaeltacht in relation to the Protected Structures on site, prior to the making of an application for permission for the proposed development. The prospective applicant is also advised in the Recommended Opinion of the need to additionally notify An Taisce- The National Trust for Ireland and the Heritage Council in this regard.

7.3.12 Parking and access arrangements, including impacts on Dublin Eastern Bypass Reservation

7.3.13 An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Quantum of car parking spaces proposed, in particular with regards to the proposed extension to the Little Sisters Car Park and the proposed car parking at the School of Law, and justification of whether/how these proposed parking areas are linked to this SHD development- need for certainty of purpose of proposed parking
- Status of parking for current temporary parking
- Other transportation matters that should be addressed at application stage include, inter alia, bicycle parking provision; construction entrance design and

access arrangements (including awareness of traffic stacking of construction vehicles and potential impacts on local residents); public footpath facilities along the Roebuck Road site frontage and the proposed Dublin Eastern By-Pass Reservation- these matters may require further consultations with planning authority.

7.3.14 In response to the above, the prospective applicant gave a detailed account of the ethos of the university in terms of parking, access and travel patterns. Explanation of the need for the two additional car parks proposed was given, with this linked to the traffic cell system which is currently in place.

7.3.15 The planning authority stated that in principle they supported the proposal but required degree of certainty in relation to the parking proposals as the parking proposal presently raises concerns. They raised the issue of constructing the basement carpark within Phase 1 of the proposed development, together with clarification in relation to cycle ways and cycle parking.

7.3.16 The prospective applicant is advised of the need to notify the National Transport Authority (NTA) and the Transport Infrastructure Ireland (TII), prior to the making of any application for permission for the proposed development.

7.3.17 Biodiversity

7.3.18 An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Additional details which may be required at application stage relating to biodiversity on the site include an assessment of the loss of trees and hedgerows; a survey and assessment of breeding birds on the site, and an impact assessment on bats (where applicable, a copy of any NPWS Licence obtained should be submitted with the application). Further details which would be required/submitted at application stage relate to a Site Specific Construction and Environment Management Plan (CEMP), together with an updated Screening for AA Report to include details relating to the CEMP.

7.3.19 The prospective applicant stated that a tree survey was carried out, but not during the period specified by the planning authority.

7.3.20 The planning authority reiterated their points made within their submission to An Bord Pleanála. They stated that while the breeding season is typically March-July, the planning authority would accept surveys undertaken in August. The prospective applicants were advised of the need to have all surveys completed, prior to the lodgement of any subsequent application. The prospective applicant was advised to notify the NPWS prior to the lodgement of any application for permission for the proposed development.

7.3.21 Drainage

7.3.22 An Bord Pleanála sought further elaboration/discussion of the following:

- Response to points raised in planning authority opinion

7.3.23 The prospective applicant stated that water treatment and storage requirements would be met and that proposal was in compliance with SUDS. The requirement for 60% green roofs was being met through a number of measures within the proposal.

7.3.24 The planning authority acknowledged that the proposal does not comply with the 60% green roof requirement and highlighted the need for rainwater harvesting to be taken into account during holiday periods. The planning authority did not assess water supply or foul water requirements in their report.

7.3.25 The prospective applicant is advised of the need to notify Irish Water, prior to the lodgement of any application for permission for the proposed development

7.4 **Conclusion**

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

7.4.2 I have examined all of the information and submissions before me including the documentation submitted by the prospective applicants, the submissions of the planning authority and the discussions which took place at the tripartite meeting. Having regard to all of the above, I recommend that further consideration and/or

possible amendment of the documents submitted are required at application stage in respect of the following elements: Blocks A, B, F1 and F2; car parking and other traffic matters; biodiversity and drainage matters, details of which are set out in the Recommended Opinion below.

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

8.0 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 **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. Further consideration should be given, and provided to, An Bord Pleanála in relation to the design rationale/justification of Blocks A and B at application stage which should address matters relating to the potential, or perceived, impacts on the adjacent residential development, Roebuck Castle. These include proximity to dwellings in Roebuck Castle; height; extent of the blocks when viewed from Roebuck Castle; elevational treatment/expression; overlooking and visual amenity. You may wish to consider, subject to the further consideration of this matter, an amendment to the documents and/or design proposals for these blocks. In such an instance, a design/planning rationale reflecting the above as it relates to any new design proposals, may be submitted at application stage.
2. Further consideration of the architectural conservation issues, in the form of an architectural conservation report and justification of potential impacts of the design of the proposed Blocks F1 and F2, given their proximity to Roebuck Castle Protected Structure. Design decisions should address elevational treatment, height and separation distances and should be informed by the requirement to protect the character and setting of the Protected Structure. Further consideration in the architectural conservation report should include consideration of all Protected Structures on the subject site. This may require possible amendment to the documents and/or design proposals submitted.
3. Further consideration is required in respect of the documents (design rationale and detailed drawings/design proposals) relating to Block F2, adjacent to Roebuck Road. This consideration should address potential impacts and should provide a detailed/robust planning rationale regarding scale, height, extent of elevations and elevational treatment. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.
4. Further consideration of, and if necessary, further justification for, the quantum of car parking spaces proposed. In particular, justification should be provided in relation to the surface car parking proposed at the Little Sisters

Car Park (to be extended) and the proposed car parking at the School of Law. In addition, other traffic and transportation matters that should be addressed at application stage include, inter alia, the following: bicycle parking provision; construction entrance design and access arrangements; public footpath facilities along the Roebuck Road site frontage and the proposed Dublin Eastern By-Pass Reservation. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

5. Further considerations and details are required at application stage relating to biodiversity on the site. In that regard, the EIAR (EIS) should address, inter alia, the following: an assessment of the loss of trees and hedgerows on the site; a survey and assessment of breeding birds on the site, and an impact assessment on bats (where applicable, a copy of any NPWS Bat Licence obtained should be submitted with the application). Further details are required at application stage relating to a Site Specific Construction and Environment Management Plan (CEMP), together with an updated Screening for AA Report to include details relating to the CEMP. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.
6. Drainage details require further examination having regard to section 2.3.9 'Drainage' in the report of the Dún Laoghaire-Rathdown County Council dated 27/07/17 and consultation with Irish Water.

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

1. Irish Water
2. Department of Culture, Heritage and the Gaeltacht (National Parks and Wildlife Service)
3. Transport Infrastructure Ireland
4. National Transport Authority
5. Departments of Culture, Heritage and the Gaeltacht (in relation to impacts of proposed development on Protected Structures)
6. An Taisce-the National Trust for Ireland
7. Heritage Council

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 detailed landscaping plan
2. A daylight/sunlight study detailing daylight into proposed courtyards
3. A coloured coded scaled drawing showing proposed heights
4. Photomontages showing proposed development relative to existing Protected Structures
5. Additional photomontages showing proposed development relative to existing residential development in the vicinity
6. Photomontages of Block F2 from surrounding streets and roadways

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.

Lorraine Dockery
Senior Planning Inspector

22nd August 2017