



THORNTON O'CONNOR
TOWN PLANNING

Planning Report

Planning Application

In respect of a Student Accommodation Development on a site
at:

Our Lady's Grove
Goatstown
Goatstown Road
Dublin 14

Submitted on Behalf of
Colbeam Limited

February 2021

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1.0 INTRODUCTION

1.1 Application for Development

Thornton O'Connor Town Planning¹ in association Stephen Marshall (Urbanism) Limited², DBFL Consulting Engineers Limited³, The Big Space Landscape Architecture⁴, The Tree File Limited⁵, AWN Consulting Limited⁶, 3D Design Bureau⁷, Scott Cawley Limited⁸ and Axiseng⁹ have been appointed by Colbeam Limited¹⁰ to prepare this Planning Application in respect of a proposed Student Accommodation development on a site at Our Lady's Grove (which includes an existing childcare facility 'The Grove After School Care', Our Ladys' Grove, Goatstown, Dublin 14, D14 V290 and D14 N8C2), Goatstown Road, Goatstown, Dublin 14.

1.2 Summary of the Proposed Development

The subject planning application is categorised as a Strategic Housing Development as defined in Section 3 of the *Planning and Development (Housing) and Residential Tenancies Act 2016* (amended July 2018), which states that Strategic Housing Development means:

- 'a) *the development of 100 or more houses on land zoned for residential use for a mixture of residential and other uses,*
- b) *the development of student accommodation units which, when combined, contain 200 or more bedspaces, on land the zoning of which facilitates the provision of student accommodation or a mixture of student accommodation and other uses thereon.***
- c) *development that includes developments of the type referred to in paragraph a) and of the type referred to in paragraph b), or*
- d) *the alteration of an existing planning permission granted under section 34 (other than under subsection (3A)) where the proposed alteration relates to development specified in paragraph a), b) or c).'* [Our Emphasis]

The development will principally consist of: the construction of a Student Accommodation development containing 698 No. bedspaces with associated facilities located in 8 No blocks, which range in height from part 3 No. storeys to part 6 No. storeys over part lower ground floor level (7 No. storeys as viewed from an internal courtyard). Some 679 No. bedspaces are provided in 99 No. clusters ranging in size from 5 No. bedspaces to 8 No. bedspaces, each with a communal Living/Kitchen/Dining room. The remaining 19 No. bedspaces are accessible studios. The development includes the provision of communal residential amenity space at lower ground

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⁷ No. 65 Rock Road, Blackrock, Co. Dublin, A94 PT62

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⁹ No. 47 Mount Street Upper, Dublin, D02 AC95

¹⁰ c/o Cooney Carey Consulting Limited, The Courtyard, Carmanhall Road, Sandyford, Dublin 18, D18 YD27

floor level (349 sq m) including the provision of a movie room (108 sq m), a music room (42 sq m) and a laundry (37 sq m); communal residential amenity space (1,356 sq m) at ground floor level including the provision of a gym (228 sq m), reception desk and seating area (173 sq m), a common room (338 sq m), a study space (104 sq m), a library (64 sq m), a yoga studio (74 sq m), a prayer room (33 sq m) and group dining (33 sq m).

The development also includes staff and administrative facilities (195 sq m); 9 No. car parking spaces; 4 No. motorcycle parking spaces; 860 No. cycle parking spaces; refuse stores; signage; an ESB substation and switchroom; boundary treatments; green roofs; PV panels; hard and soft landscaping; plant; lighting; and all other associated site works above and below ground. The development includes the demolition of part of the Goatstown Afterschool building (558 sq m) and the construction of a new external wall to the remaining ope, in addition to the demolition of a prefabricated structure adjacent to the Afterschool building (161 sq m).

The subject site is eminently suitable for Student Accommodation given the proximity to University College Dublin, which is located approximately 850m to the north west and is readily accessible by foot or bicycle.

North Block (119 No. Bedspaces)

The North Block is a part 5 to part 6 No. storey over lower ground level block located in the north western corner of the subject site, adjacent to the hockey pitch associated with Our Lady's Grove School. The North Block contains 119 No. bedspaces provided in clusters as follows:

- 9 No. bedspaces divided into two clusters, each with a communal living/kitchen/dining area at lower ground floor level.
- 20 No. bedspaces divided into three clusters each with a communal living/kitchen/dining area at ground floor level.
- 20 No. bedspaces divided into three clusters each with a communal living/kitchen/dining area at first floor level.
- 20 No. bedspaces divided into three clusters each with a communal living/kitchen/dining area at second floor level.
- 20 No. bedspaces divided into three clusters each with a communal living/kitchen/dining area at third floor level.
- 20 No. bedspaces divided into three clusters each with a communal living/kitchen/dining area at fourth floor level.
- 10 No. bedspaces divided into two clusters each with a communal living/kitchen/dining area at fifth floor level.

Middle Block (168 No. Bedspaces)

The Middle Block is a part 5 No. storey to part 6 No. storey over lower ground level block located in the centre of the subject site comprised of 167 No. bedspaces provided in clusters and 1 No. accessible studio and ancillary facilities as follows:

- At lower ground floor level: a bicycle store; a music room; a movie room; a laundry; and 11 No. bedspaces divided into two clusters each containing a communal living/kitchen/dining area.
- A reception desk and seating area and a main common room at ground floor level and 18 No. bedspaces divided into three clusters each containing a communal living/kitchen/dining area.
- 30 No. bedspaces divided into four clusters, each containing a communal living /kitchen/dining area at first floor level.
- 30 No. bedspaces divided into four clusters, each containing a communal living /kitchen/dining area at second floor level.
- 30 No. bedspaces divided into four clusters, each containing a communal living /kitchen/dining area at third floor level.
- 30 No. bedspaces divided into four clusters, each containing a communal living /kitchen/dining area at fourth floor level.
- 18 No. bedspaces divided into three clusters, each containing a communal living /kitchen/dining area and 1 No. accessible studio at fifth floor level.

South Block (159 No. Bedspaces)

The South Block is a part 5 No. to part 6 No. storey over lower ground block comprised of 18 No. accessible studios and 141 No. bedspaces provided in clusters and ancillary facilities as follows:

- A plant room; staff changing rooms and toilet facilities; store rooms and an electrical room at lower ground floor level.
- A study space; a gym; a meeting room; a prayer room; a yoga studio; an administration and managers office; and a communal dining room at ground floor level.
- 4 No accessible studios and 30 No. bedspaces divided into four clusters each with a communal living/kitchen/dining area at first floor level.
- 4 No accessible studios and 30 No. bedspaces divided into four clusters each with a communal living/kitchen/dining area at second floor level.
- 4 No accessible studios and 30 No. bedspaces divided into four clusters each with a communal living/kitchen/dining area at third floor level.

- 4 No accessible studios and 30 No. bedspaces divided into four clusters each with a communal living/kitchen/dining area at fourth floor level.
- 2 No accessible studios and 21 No. bedspaces divided into four clusters each with a communal living/kitchen/dining area at fifth floor level.

Mews Block A (56 No. Bedspaces)

Mews Block A is a 4 No. storey block located adjacent to the western boundary of the subject site and is comprised of 56 No. bedspaces provided in clusters and ancillary facilities as follows:

- 14 No. bedspaces divided into two clusters with each with a communal living/kitchen/dining area at ground floor level.
- 14 No. bedspaces divided into two clusters with each with a communal living/kitchen/dining area at first floor level.
- 14 No. bedspaces divided into two clusters with each with a communal living/kitchen/dining area at second floor level.
- 14 No. bedspaces divided into two clusters with each with a communal living/kitchen/dining area at third floor level.

Mews Block B (42 No. Bedspaces)

Mews Block B is a part 3 No. to part 4 No. storey block located in the south western corner of the subject site and is comprised of 42 No. bedspaces provided in clusters and ancillary facilities as follows:

- 12 No. bedspaces divided into two clusters each with a communal living/kitchen/dining area at ground floor level.
- 12 No. bedspaces divided into two clusters each with a communal living/kitchen/dining area at first floor level.
- 12 No. bedspaces divided into two clusters each with a communal living/kitchen/dining area at second floor level.
- 6 No. bedspaces divided into two clusters each with a communal living/kitchen/dining area at third floor level.

Mews Blocks C and D (56 No. Bedspaces x 2 = 112 No. Bedspaces)

Mews Blocks C and D, are part 3 No. to part 4 No. storey blocks located along the southern boundary of the subject site, with each containing 56 No. bedspaces provided in clusters and ancillary facilities as follows:

- 16 No. bedspaces divided into two clusters each with a communal living/kitchen/dining area at ground floor level.

- 16 No. bedspaces divided into two clusters each with a communal living/kitchen/dining area at first floor level.
- 16 No. bedspaces divided into two clusters each with a communal living/kitchen/dining area at second floor level.
- 8 No. bedspaces in a single cluster and a communal living/kitchen/dining area at third floor level.

Mews Block E (42 No. Bedspaces)

Mews Block E, which is located in the south easter corner of the subject site, is a part 3 to part 4 No. storey block containing 42 No. bedspaces provided in clusters and ancillary facilities as follows:

- 12 No. bedspaces divided into two clusters each with a communal living/kitchen/dining area at ground floor level.
- 12 No. bedspaces divided into two clusters each with a communal living/kitchen/dining area at first floor level.
- 12 No. bedspaces divided into two clusters each with a communal living/kitchen/dining area at second floor level.
- 6 No. bedspaces in a single cluster with a communal living/kitchen/dining area at third floor level.

Demolition

The proposed development also includes the demolition of part of the Goatstown Afterschool building, namely a portion of the building which has fallen into disrepair (558 sq m).

The existing Goatstown Afterschool buildings consist of a single storey classroom block with a 2 No. storey accommodation block extension. It is proposed to demolish the 2 No. storey accommodation block extension which is no longer in use and has fallen into a serious state of disrepair. The demolition of this disused portion of the Goatstown Afterschool building is in the interests of the health and safety of staff and students of the facility. Following the demolition of the disused portion of the building, the Applicant will make good the façade through the construction of a new external wall to enclose the remaining ope.

In addition, a prefabricated structure (161 sq m) located to the south of the Afterschool building is proposed to be removed.

Ancillary Works

The proposed development also includes ancillary works including but not limited to signage; 9 No car parking spaces; 4 No. motorcycle parking spaces; 860 No. cycle parking spaces; hard and soft landscaping; photovoltaic panels; plant; and all associated works above and below ground.

1.3 Purpose of this Report

The purpose of this Planning Report is to provide an overview of the following:

Section 1.0:	Introduction
Section 2.0	Site Location, Context and Accessibility
Section 3.0:	Rationale for the Proposed Development
Section 4.0:	Planning History
Section 5.0:	Pre-Planning Consultation
Section 6.0:	Detailed Development Description
Section 7.0:	Planning Policy
Section 8.0:	Conclusion

2.0 SITE LOCATION, CONTEXT AND ACCESSIBILITY

2.1 Site Location

The subject site, which measures c. 2.12 Ha (21,218 sq m) is located along the western side of the R-825 Goatstown Road and approximately 5km south of Dublin city centre.

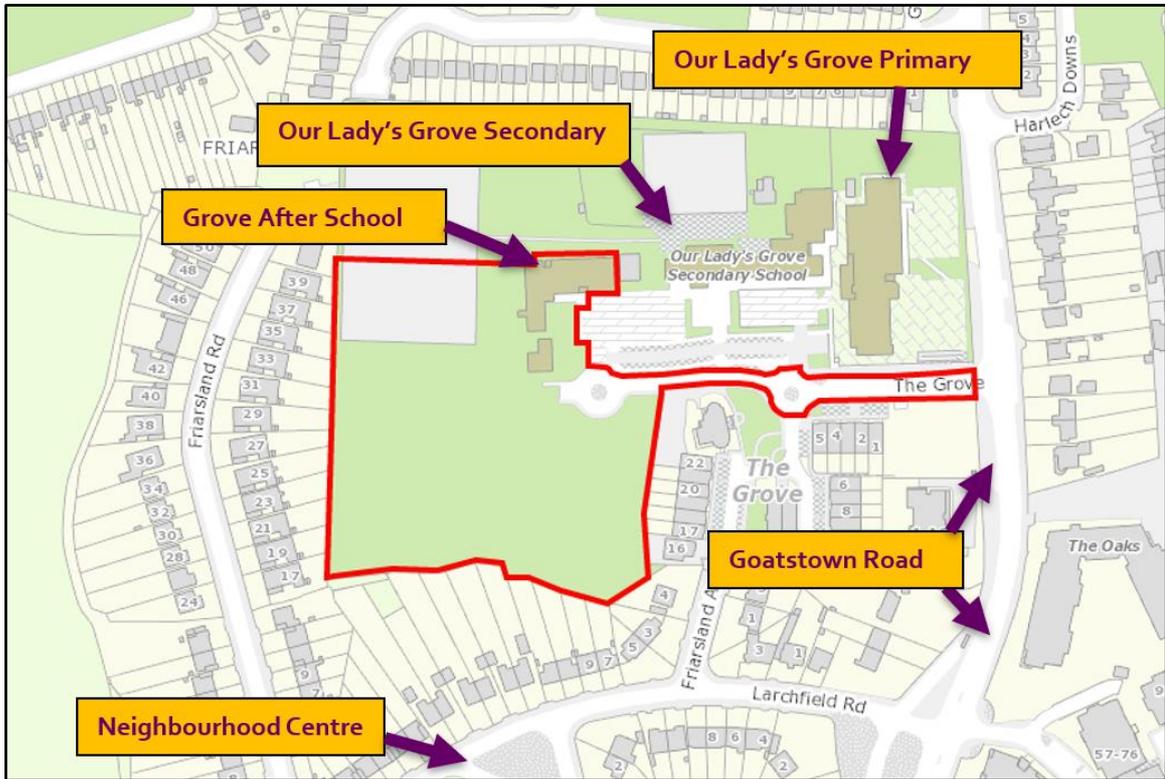


Figure 2.1: Map Indicating the Location of the Subject Site

Source: Myplan.ie (Annotated by Thornton O'Connor Town Planning, 2020)

The subject site includes an internal circulation road which connects the Goatstown Road with Our Lady's Grove Primary and Secondary School and a childcare facility known as 'Goatstown After School'.

The subject site is predominantly comprised of greenfield lands but also includes the Goatstown Afterschool premises. The subject site also contains an existing roundabout which connects to the internal roadway that leads to the Goatstown Road.



Figure 2.2: Aerial View of the Subject Site and Surrounding Context

Source: Google Maps (Annotated by Thornton O'Connor Town Planning, 2020)

2.2 Site Context

The surrounding context of the subject site is generally characterised by established low-density residential dwellings. The site is bounded to the west and south by a mix of 2 No. storey and single storey houses along Friarsland Road and Larchfield Road, with their rear gardens directly abutting the site boundary. There is a new residential development known as 'The Grove' located along the eastern boundary of the subject site, which is comprised of 41 No. units of apartments, duplexes and houses arranged in five terraced blocks each with a height of 3 No. storeys. The north eastern and northern boundaries of the subject site directly adjoin the lands of Our Lady's Grove Secondary School.

The northern redline boundary of the subject site previously dissected a hockey pitch belonging to the adjacent secondary school. However, the re-orientation of this pitch, to run parallel to the northern site boundary, was granted permission under DLRCC Reg. Ref. D18A/0387 and ABP Ref. PLo6D.302898. As such the hockey pitch has been recently re-aligned and no longer dissects the redline boundary. Further information in relation to this recent grant of permission is outlined in Section 4.2.1 of this Report.

There is a neighbourhood centre located within a 5 minute walk (c. 350m) to the south of the subject site at the junction of Farmhill Road and Larchfield Road. The neighbourhood centre is comprised of approximately 9 No. commercial units including, but not limited to a local shop with a delicatessen and post office, a café, a pharmacy, a health clinic, a dentist, a beauty salon, a hair salon and a clothes shop. The neighbourhood centre also includes an estate agent, a solicitor's office and an accountancy firm. There is a further neighbourhood centre approx. 700m to the north of the subject site at Clonskeagh that includes uses such as a convenience store, off-licence, hair salon, pharmacy and restaurant.

2.3 Site Accessibility

The subject site is located approximately 5km to the south of Dublin city centre, 1km to the north east of Dundrum and 850m to the south west of University College Dublin.

2.3.1 Public Transport

The Luas Green line is within easy reach of the subject site with the Dundrum stop (1.07km distance as the crow flies) approximately a 19 No. minute walk or 6 No. minute cycle away and the Windy Arbour stop (1.01km distance as the crow flies) approximately a 27 No. minute walk or 8 No. minute cycle.

The Goatstown Road, which is connected to the main development area of the subject site by an internal road which is approximately 200m long, is a priority bus corridor served by the No. 11 bus which runs from Wadelai Park to the Sandyford Business District every 30 No. minutes.

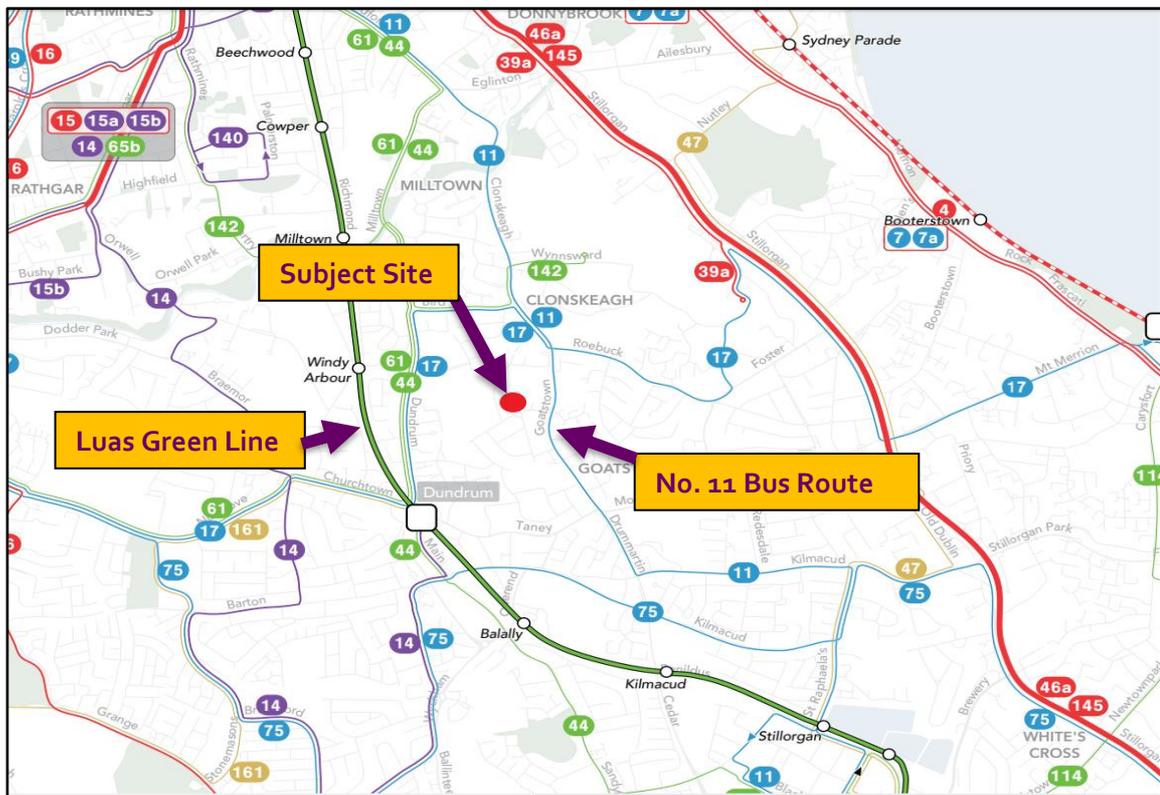


Figure 2.3: Map Showing Existing Public Transport Network (Subject Site Annotated by Red Dot)

Source: Busconnects.ie (Annotated by Thornton O’Connor Town Planning, 2020)

The BusConnects Plan was launched by the National Transport Authority in May 2017 and is described as 'a plan to fundamentally transform Dublin’s bus system, so that journeys by bus will be fast, reliable, punctual, convenient and affordable. It will enable more people to travel by bus than ever before and allow bus commuting to become a viable and attractive choice for employees, students, shoppers and visitors.'

The BusConnects Plan contains 3 No. key elements, namely the Dublin Area bus network redesign project; fare and ticketing enhancements; and better-quality bus infrastructure, including the Core Bus Corridors Project.

Figure 2.4 below shows the proposed amendments to the Dublin Bus network. As a result of the proposed amendments, the subject site will be served by the No. 86 which will run every 30 minutes from the Ticknock, along the Goatstown Road to Mountjoy Square.

The proposed new S4 route has a peak frequency of every 10 minutes running from University College Dublin to Liffey Valley, along Bird Avenue which is located approximately 500m north of the subject site. This route will connect with the Luas Green line and a number of arterial high frequency routes running into the city centre.

The proposed new S6 route has a peak frequency of every 15 minutes running from Tallaght to Blackrock via Dundrum and UCD, through the junction of the Goatstown Road and Taney Road approximately 850m to the south east of the subject site.

There are also 2 No. radial routes which travel along the Dundrum Road, c. 870m to the west of the subject site. The routes in question are the No. 87 which runs from Belamine to Mountjoy Square via Dundrum and the No. 88 which runs from Enniskerry to Mountjoy Square via Dundrum. Both of these routes have a 60 minute frequency.

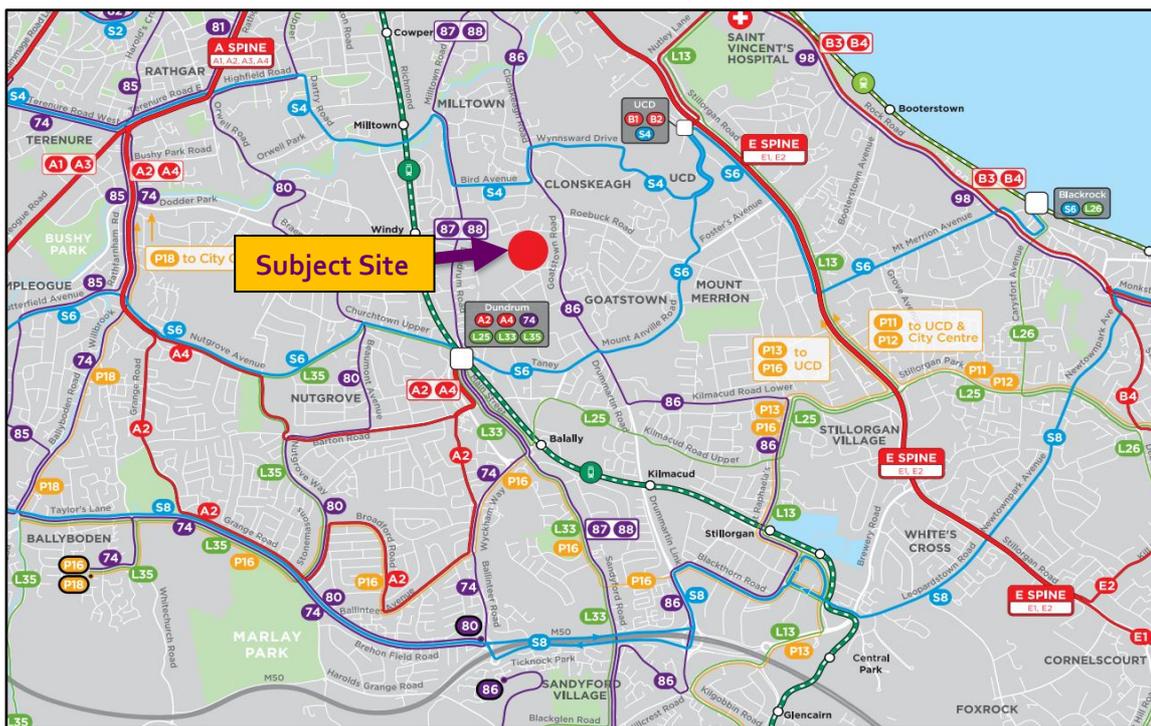


Figure 2.4: Map Showing Proposed Bus Network (Subject Site Annotated by Red Dot)

Source: Busconnects.ie (Annotated by Thornton O'Connor Town Planning, 2020)

It is important to note that the proposed network amendments of the BusConnects project are currently under consultation and may be subject to change. However, the stated intent of the network amendments is to provide connections to multiple services in order to facilitate quicker journey times, through simple transfers to other services at key intersections between routes.

2.3.2 The Greater Dublin Area Cycle Network

The Greater Dublin Area Cycle Network (2013) outlines the long-term plan of the National Transport Agency (NTA) for the expansion of the cycle network to advance the provision of improved cycling facilities for the Dublin Region. These improvements range from basic cycle lanes on existing streets, segregated paths where there is space to do so, and Greenways along major rivers and the Royal and Grand Canals.



Figure 2.5: Proposed Greater Dublin Area Cycle Network (Subject Site Annotated by Black Dot)

Source: Greater Dublin Area Cycle Network Plan Sheet N7 (Annotated by Thornton O'Connor Town Planning)

As demonstrated in Figure 2.5 above, the subject site is adjacent to the proposed Route No. 11, a primary radial route from Camden Street to the South-Central Sector via the Goatstown Road.

In July 2020, Dún Laoghaire Rathdown County Council released details of a scheme to upgrade the cycle network along the Goatstown Road, providing a kerb to segregate and protect cyclists from vehicular traffic.

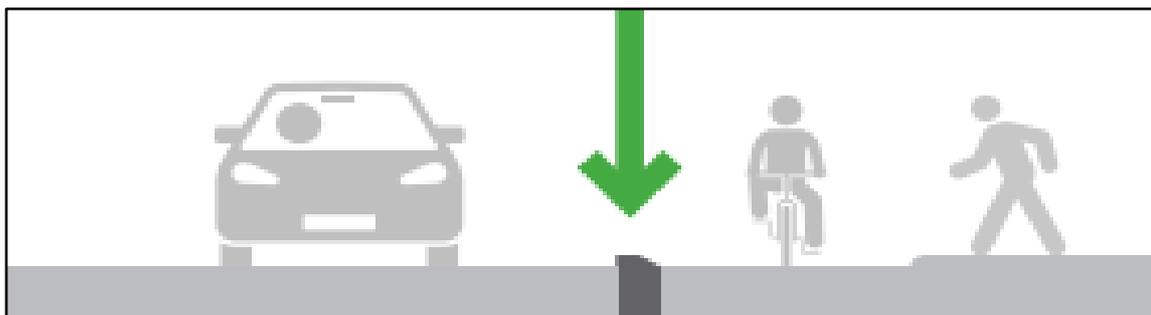


Figure 2.6: Image Showing the Raised Concrete Separator Kerb Proposed Along the Goatstown Road

Source: Dún Laoghaire Rathdown County Council Cycle Upgrade Scheme, 2020

The scheme proposed the installation of a raised concrete separator kerb along a 1.2km stretch of the Goatstown Road on both sides of the carriageway from the Taney Road junction to the Roebuck Road junction, with the kerbs dropped to carriageway level to allow access to driveways, side roads, bus stops and drainage.

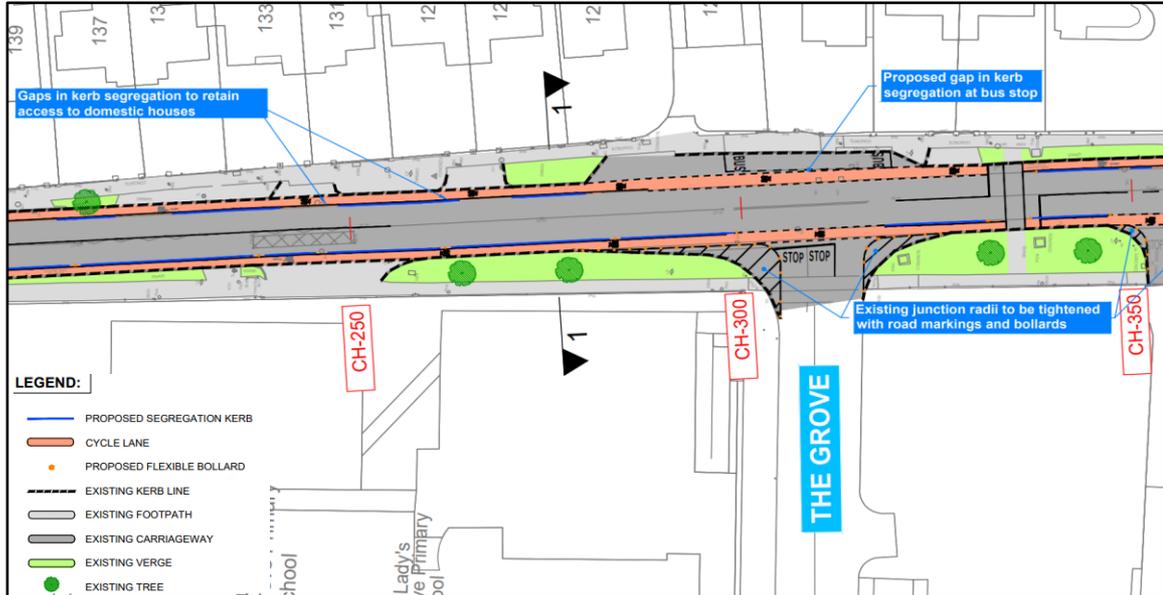


Figure 2.7: Extract from Goatstown Road Protected Cycle Lanes Sheet 1 of 5

Source: Dún Laoghaire Rathdown County Council Cycle Upgrade Scheme, 2020

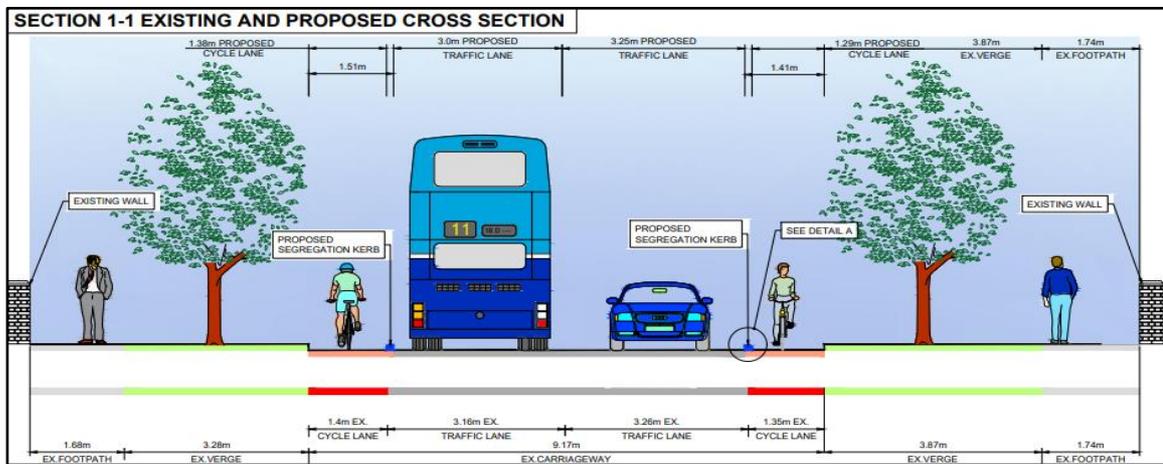


Figure 2.8: Extract from Goatstown Road Protected Cycle Lanes Sheet 1 of 5 Showing the Existing and Proposed Cross Section along the Goatstown Road

Source: Dún Laoghaire Rathdown County Council Cycle Upgrade Scheme, 2020

As demonstrated in Figure 2.7 the proposed cycle network upgrades will result in the installation of additional road markings and bollards at the vehicular entrance to the subject site, off the Goatstown Road. These measures will improve the safety of cyclists travelling along the Goatstown Road and entering and exiting the subject site of the proposed development.

The proposed upgrades to the Goatstown Road cycle network are due to be completed in early 2021.

3.0 RATIONALE FOR THE PROPOSED DEVELOPMENT

3.1 Previous Planning Application – The Grove SHD ABP Ref. PLo6D.304420

A Strategic Housing Development was previously permitted by An Bord Pleanála on the subject site for 132 No. apartment units situated in four blocks which range in height from part 3 No. to 5 No. storeys (ABP Ref. PLo6D.304420). The previous scheme also included the provision of a part 1 No. to part 2 No. storey childcare facility. Following Judicial Review proceedings, the decision of An Bord Pleanála to Grant Permission for the previous scheme was quashed by the High Court for legal reasons. Further detail in relation to the High Court’s decision is outlined in Section 3.1.1 of this Report.



Figure 3.1: Image Showing the Footprint of the Scheme Previously Approved by An Bord Pleanála but Subsequently Quashed by the High Court

Source: An Bord Pleanála Case Ref. ABP Ref. PLo6D.304420

Further details can be found in Section 4.1 of this Report in relation to An Bord Pleanála’s assessment of the previous application on the subject suite.

3.1.1 Judicial Review of An Bord Pleanála's Decision to Grant Permission for Residential Scheme

Mr Michael Redmond applied to the High Court for a Judicial Review of the decision of An Bord Pleanála to grant permission for the residential development subject to ABP Ref. PLo6D.304420.

A key issue for determination in the Judicial Review proceedings taken by Mr Redmond was whether the subject lands are designated 'institutional lands' in the *Dún Laoghaire Rathdown County Council Development Plan 2016-2022*.

On the 10th March 2020 a Judgement was issued by Mr Justice Garrett Simons, the main findings of which include the following key points:

- An Bord Pleanála erred in its interpretation of the Development Plan, as on its proper interpretation, the 'institutional lands' designation applied to the subject site.
- The subject site remained subject to the 'institutional lands' designation notwithstanding the transfer of ownership of the lands from the religious congregation to the developer at that time (Durkan Estates Clonskeagh Limited).
- The policies and objectives relating to the 'institutional lands' designation cannot be bypassed as a result of the sale of the lands.
- The proposed development involves a material contravention of the Development Plan policies and objectives pertaining to the 'institutional lands' designation in respect of housing density and public open space.
- The Board failed to explain in its decision what approach was taken to the question of possible future expansion of the existing schools.

The Judgement concluded that:

'The decision to grant planning permission is invalid and an order of certiorari will be made, setting aside An Bord Pleanála's decision of 15th August 2019'.

As a result of the Judgment of Mr Justice Garrett Simons, the decision of an Bord Pleanála was quashed. However, we note that the principle of high-density residential development was previously accepted by An Bord Pleanála at the subject site and that the Decision of the High Court related to an error by An Bord Pleanála in relation to their interpretation of the 'institutional' designation, the associated policies and objectives contained within the Development Plan, including the failure to consider the question of possible future expansion of the existing schools.

In designing the subject scheme of this Planning Application, the design team has had regard to the assessment by Dún Laoghaire Rathdown County Council and An Bord Pleanála in respect of the previous proposed planning application at the subject site which was granted permission by the Board before being quashed, in addition to the issues raised within the subsequent Judicial Review proceedings and the main findings of the Judgement of Mr Justice Garrett Simons in the

Judicial Review proceedings. The main design considerations are outlined further within the following sections.

3.1.2 Orientation and Siting of the Blocks

It was noted that one of the common concerns raised by third parties in the scheme previously assessed was the potential for the development to impact on the residential amenity of surrounding properties, particularly through overlooking, overshadowing and overbearing.



Figure 3.2: Image Showing the Siting of the Proposed Blocks within the Subject Scheme Overlaid on Previous Application Block Layout

Source: Stephen Marshall Urbanism Limited

To address this concern the subject scheme of this Planning Application has turned the blocks through 90°, which has the combined effect of reducing the potential for overlooking, overbearing and overshadowing of adjacent residential properties by facing the 'short' elevation in the direction of the third-party dwellings to the west and thus reducing the impact of the previous relatively continuous massing.

3.1.3 Separation Distances to Adjacent Properties

In addition to the orientation of the blocks turning through 90°, the proposed development is set back further from the boundaries of the subject site. The proposed development of this Planning Application will provide a setback distance to the rear of the dwellings to the western boundary ranging from 27.4 m to 52.8m.

The scheme provides separation distances to the rear of houses to the south ranging between 34.1m and 93.8m. This boundary includes significant dense tree cover the majority of which is to be retained.

Along the eastern boundary of the subject site, the current scheme provides enhanced separation distances ranging from 24.1m to 24.5m to the rear of the adjacent houses.

3.1.4 Retention of Existing Trees

As a result of the design of the subject scheme which re-orientates the block layout of the scheme previously permitted by An Bord Pleanála, it is now possible to retain a larger number of existing trees, particularly along the western and southern boundaries of the subject site.

The Design Team has sought to maximise opportunities for tree retention as part of the subject scheme to aid in the assimilation of the scheme into its context. However, 34 No. trees are required to be removed as part of the development and thus a planting plan which involves the replacement of 56 No. trees is proposed, resulting in a net gain of 22 No. trees upon completion of the proposed development. In our opinion this proposal is in line with the Development Plan objectives however this matter is included in the enclosed Material Contravention Statement in the event that the Board may consider that any tree removal constitutes a Material Contravention.

When compared to the previously permitted scheme (which was ultimately quashed following judicial review proceedings), the subject scheme of this Planning Application proposes to retain an additional 4 No. trees and 110 No. metres of tree line. The Landscape Planting Plan of the proposed development will result in an overall net gain of 22 No. trees when compared to the existing site.

The retention of as many existing trees as possible will not only reduce the impact of the proposed development on surrounding properties but will also have the added benefit of supporting the biodiversity of the subject site, providing an attractive space for both the future residents of the subject scheme and the general public. Importantly, the increased tree retention will aid in maintaining the open space and character of the lands.

3.1.5 Reduced Car Parking Provision

The residential scheme previously permitted by An Bord Pleanála on the subject site but later quashed by the High Court included the provision of 73 No. ancillary car parking spaces at surface level for the future residents of the 132 No. residential units.

The proposed use of the subject scheme as Student Accommodation allows for a significantly reduced provision of car parking. The ideal location of the subject site just 850m from University College Dublin encourages the future student residents to avail of more environmentally friendly modes of transport such as walking or cycling.

The proposed development includes 9 No. car parking spaces, including 2 No. accessible spaces and 1 No. car sharing space. The scheme also includes 4 No. motorcycle spaces. This reduced provision of car and motorcycle parking not only significantly reduces the visual impact of vast surface level car parking but also has added environmental and ecological benefits as the level of

noise pollution and emissions from cars has been substantially reduced. Furthermore, the reduction in car parking provides a greater opportunity to incorporate a high-quality landscape design within the subject scheme, which will play a key role in protecting the open space and parkland character of the lands and providing a 'softer' landscape scheme. The previous residential scheme included a significant amount of hardstanding car parking areas along the western boundary of the subject site adjacent to the rear of dwellings along Friarsland Road. Owing to the reduced car parking provision of the proposed development of this planning application, this area of the subject site is now comprised of public open space in the form of a linear nature/parkland trail that runs along the southern and western boundaries of the subject site.

3.1.6 Public Open Space

The *Dún Laoghaire Rathdown County Council Development Plan 2016-2022* outlines the following objective in relation to lands with an 'institutional' designation:

'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.'

Redline Area

The proposed development includes the provision of 7,956 sq m of public open space, which equates to 37.5% of the subject site. The subject site also includes 2,852 sq m of external open space for the students which will further contribute to the open space and character of the scheme. In addition, the subject site includes an open space area of 280 sq m which will remain within the boundary of the Afterschool facility. The total area of the open space within the subject site is thus 11,088 sq m or 52% of the subject site (7,956 sq m public open space + 2,852 sq m external student open space + 280 sq m Afterschool open space). This is detailed further and graphically illustrated in Section 6.6 of this Report.

Overall Institutional Lands at the Grove

In the wider context of the entire lands designated 'institutional', which measure approximately 60,264 sq m, if the subject scheme is granted permission there will be a total of 29,135 sq m open space across the institutional landholding, which equates to 48% of the overall lands at The Grove subject to the 'INST' designation (60,264 sq m). This is further discussed in Section 6.6 below. The subject scheme has therefore been designed in accordance with the Development Plan objectives pertaining to public open space provision on 'institutional' designated lands. This is detailed further and graphically illustrated in Section 6.6 of this Report.

3.1.7 Housing Density

Section 2.1.3.5 of the Development Plan outlines Dún Laoghaire Rathdown County Council's approach to housing density on 'institutional' designated lands as follows:

'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. [Our Emphasis]

A Material Contravention Statement prepared by Thornton O'Connor Town Planning is included with this Planning Application. The Statement outlines that the proposed student scheme cannot be assessed in accordance with density criteria for standard housing/apartment development. Whilst student accommodation is a type of residential development, it has its own use class and cannot be assessed in terms of units per hectare due to the wide range of unit types that can be provided from small studios to medium size clusters or larger clusters resulting in a quantitative standard that is not comparable to apartment/housing residential developments. It is thus not possible to accurately determine the density of a student scheme in an equivalent method to providing the density of a residential housing/apartment development.

We note that Dún Laoghaire Rathdown County Council in their Report of the Chief Executive on the pre-application stage of this application referred to the density of the scheme on a per cluster basis and noted that the scheme submitted at pre-application stage comprised a density of c. 61 No. clusters per hectare based on 112 No. clusters + 17 No. studios/2.12. Using that calculation methodology, the now amended and reduced scheme comprises a density of 55.6 No. clusters per hectare (99 No. clusters + 19 No. studios)/2.12).

It is our professional planning opinion that the subject site is ideally suited to the provision of a student development given its institutional origins and the institutional nature of the adjacent campus. Due to the scale and massing of the scheme, An Bord Pleanála may consider that it would have a higher net density equivalent than 35 - 50 residential units p/ha and thus the density of the scheme has been included in the enclosed Material Contravention Statement for the consideration of An Bord Pleanála despite the fact that the Development Plan does not include a density Objective for student use on 'INST' lands.

The subject scheme contributes towards retaining the open character of the lands and this is particularly facilitated by its student use which has a reduced requirement for car parking at the subject lands which allows for the ground level to be extensively landscaped beyond the built structure.

In particular, it is the opinion of the Design Team that the subject scheme will achieve the appropriate densification of the subject site, whilst also improving the 'usability' of the public open space within the site, therefore enhancing the recreational amenity of the overall 'institutional' designated lands.

However, the Statement clarifies that if the Board consider that the development may contravene the density provisions pertaining to 'institutional' designated lands, the Board may Grant Permission as the proposed development is of national and strategic importance, the definition of maintaining open character as per the Development Plan is not clearly defined and the density proposed as part of the subject scheme is fully in accordance with National Policy which seeks to increase density and consolidate development in urban areas.

3.2 Demand for Student Accommodation

The proposed development will achieve one of the key action areas outlined in the report entitled *Action Plan for Housing and Homelessness* (July, 2016) issued by the Minister for Housing, Planning, Community and Local Government in July 2016, namely to '*support greater provision of student accommodation*' which will help to ease the pressure on the private rental market.

The *Action Plan for Housing and Homelessness – Rebuilding Ireland* is the Government's publication which recognises that significant increase in new homes that is needed and the scale and speed to which they are required to address the national housing crisis.

In relation to student accommodation, the *Action Plan* notes that the student population is projected to grow by approximately 20,000 No. students (or 15%) to approximately 193,000 No. students by 2024. The *Action Plan* also notes that the '*Report on Student Accommodation: Demand and Supply*' (2015) by the Higher Education Authority estimates that approximately 25,000 No. student bedspaces will be required nationally to meet the increase in demand resulting from the growth of the student population.

The *Action Plan* committed to the development of a National Student Accommodation Strategy to address the projected demand for student accommodation. As a result of this commitment, the *National Student Accommodation Strategy (2017)* was published and has become a key component of the *Action Plan* outlining the Government's strategy to increase the supply of purpose-built student accommodation to meet the growing demand, which will in turn ease the pressure of the private rented sector.

According to the *Q3 2019 Progress Report on the National Student Accommodation Strategy*¹¹ the target of 25,000 student accommodation bedspaces has yet to be reached:

'As of the end of Q3, 2019, a total of 8,229 bed spaces have been completed. Further to this, there are 5,254 bed spaces on site and plans approved for an additional 7,771 bed spaces, representing a total of 21,254 bed spaces either complete, under construction or with plans granted at the end of Q3 2019.'

In relation to Dublin, the *National Student Accommodation Strategy (2017)* identifies a requirement for at least an additional 16,374 No. purpose-built student accommodation ('PBSA') bedspaces by 2024 to address the demand. The subject scheme will contribute positively towards addressing this shortfall.

This demand is only set to increase with Minister for Further and Higher Education Simon Harris announcing that almost 5,000 additional university spaces have been secured for the 2021/22 academic year¹².

The subject site is extremely well positioned to provide high quality student accommodation bedspaces with excellent ancillary facilities in close proximity to University College Dublin. The provision of 698 No. bedspaces will not only contribute towards addressing the shortfall in student accommodation but in turn will lead to the release of private rented accommodation,

¹¹ <https://www.education.ie/en/Publications/Policy-Reports/national-student-accommodation-strategy-progress-report-q3-2019.pdf>

¹² <https://www.irishtimes.com/news/politics/next-academic-year-will-see-5-000-extra-students-at-college-compared-to-2-years-ago-1.4458718>

which is in critical demand in the area. This release of private rented accommodation to the market will contribute positively towards a solution for the current national housing crisis.

3.2.1 Existing and Permitted Student Accommodation within 1 km of the Subject Site

In considering the proposed development of this Planning Application, it is important to examine the existing and permitted student accommodation schemes within 1 km of the subject site.

Existing On Campus Accommodation

According to their website¹³, University College Dublin currently has 2,912 No. bedspaces within their student residences on the Belfield Campus.

Residence Name	No. of Bedspaces
Ashfield	354
Belgrove	779
Glenomena	736
Merville	610
Roebuck Castle	133
Roebuck Hall	300
TOTAL:	2,912 No. bedspaces

UCD On Campus Accommodation Outside 1km of the Subject Site

In addition to the 2,912 No. bedspaces on the Belfield campus, there is an additional 256 No. on campus bedspaces located on the Blackrock campus, which is approximately 3.4 km to the east of the subject site.

Recently Permitted On Campus Accommodation Outside 1km of the Subject Site

Although not within a 1km radius of the subject site, a Strategic Housing Development for 2,178 No. bedspaces was permitted by An Bord Pleanála (ABP Ref. PLo6D.TA0001) within the UCD Belfield campus on a 12.95 Ha site adjacent to Foster’s Avenue and the N11 Stillorgan Road.

The development, which was permitted on 12th January 2018 has begun construction, with Phase No. 1 comprising 924 No. bedspaces due to be completed in 2021.

Off Campus Accommodation Within 1km of the Subject Site

According to Dún Laoghaire Rathdown County Council’s online planning database there are no recently permitted purpose-built student accommodation schemes within a 1km radius of the subject site.

Under ABP Ref. PLo6D.308353, permission has been sought for a Strategic Housing Development comprised of 239 No. Student Accommodation bedspaces on a site approximately 260m to the south east of the subject site of this Planning Application. The site was the former location of a car dealership, known as ‘Victor Motors’.

¹³ <https://www.ucd.ie/residences/residences/>

Although a decision is not yet made in relation to this Planning Application, for the purposes of assessing the Student Accommodation provision within 1km of the subject site, an assumption has been made that permission will be granted.

Off Campus Accommodation Outside 1km of the Subject Site

The nearest recently permitted student accommodation schemes to the subject site are:

- ABP Ref. 30052017 – 567 No. bedspaces at the former Blakes and Esmonde Motors sites, Lower Kilmacud Road, the Stillorgan Road (N11), and The Hill, Stillorgan, Co. Dublin.
- DLRCC Reg. Ref. D18A/0995 – 32 No. bedspaces at No. 409 Stillorgan Road, Stillorgan, Co. Dublin.

Conclusion

An examination of the existing and recently permitted Student Accommodation within 1 km of the subject site has found that there are 2,912 No. bedspaces on the UCD Belfield campus.

A further 2,178 No. bedspaces was permitted by An Bord Pleanála (ABP Ref. PLo6D.TA0001) within the UCD Belfield campus just outside the 1km radius from the subject site, on the Belfield campus adjacent to Foster's Avenue and the N11 Stillorgan Road. There are also an additional 256 No. on campus bedspaces located on the Blackrock campus, approximately 3.4km to the east of the subject site.

A further 599 No. off campus bedspaces are located outside of the 1km radius of the subject site, but within a reasonable catchment of University College Dublin.

In total there are 5,945 No. purpose-built student accommodation bedspaces available to students of University College Dublin in the locality. It is possible that this figure will increase by up to 239 No. bedspaces, with a decision is due to be made on ABP Ref. PLo6D.308353 by 4th February 2021 (not available at time of printing this report). It is estimated that there are 32,387 No. students currently enrolled in University College Dublin. Whilst a proportion of students will reside at home whilst attending College, it is still clear to conclude that there is a significant undersupply of student accommodation for students attending University College Dublin.

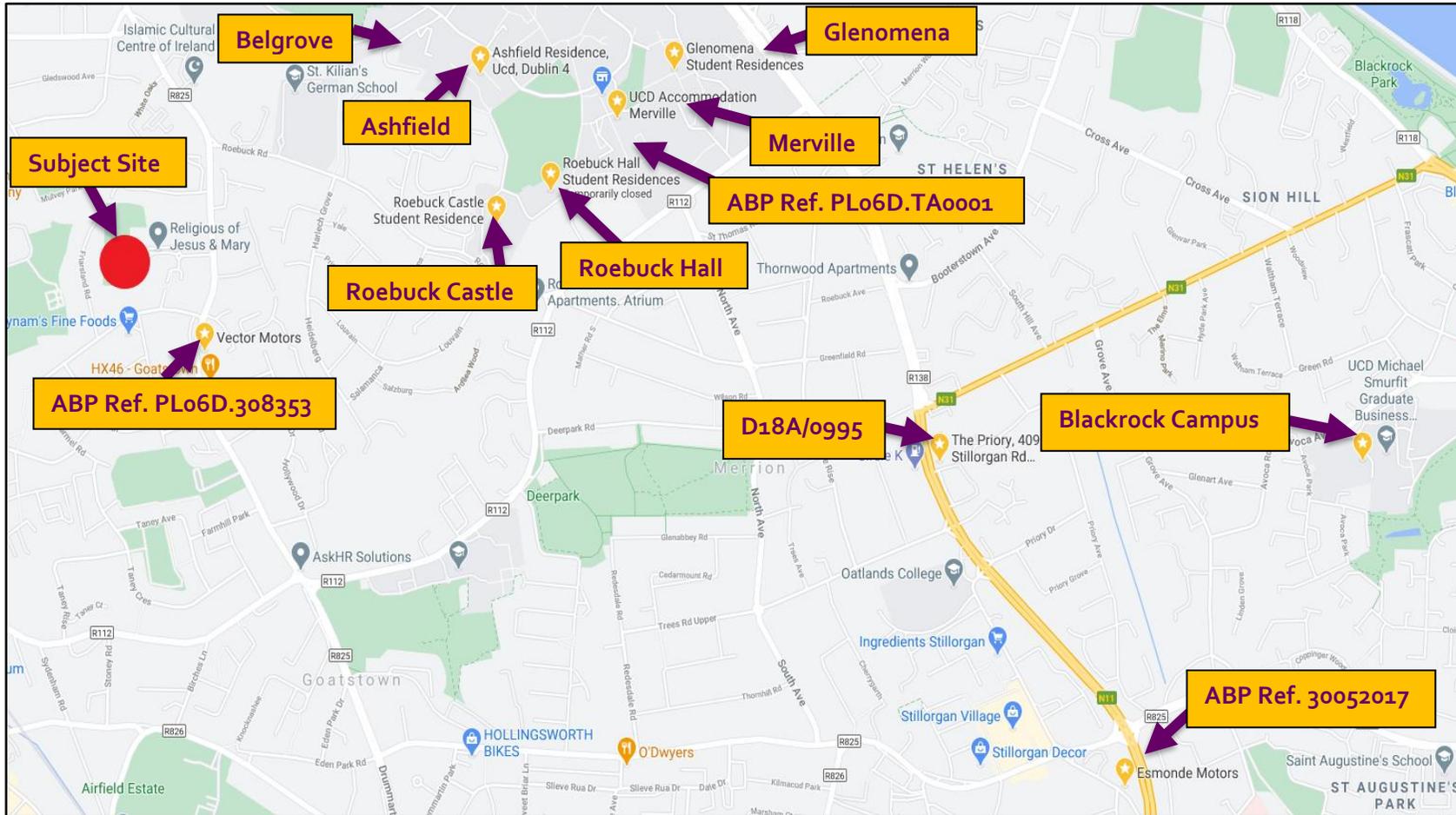


Figure 3.2: Map Showing the Existing and Proposed Student Accommodation in the Vicinity of the Subject Site

Source: Google Maps, Annotated by Thornton O'Connor Town Planning 2021.

4.0 PLANNING HISTORY

The purpose of this section is to outline the history of development on the subject site and detail the amendments over time to permitted developments.

4.1 Planning History of the Subject Site

There is 1 No. previous planning application on the subject site for a Strategic Housing Development, which is outlined in further detail below.

4.1.1 The Grove SHD – ABP Ref. PLo6D.304420

ABP Ref.	PLo6D.304420
Address	Our Lady's Grove, Goatstown Road, Goatstown, Dublin 14
Applicant	Durkan Estates Clonskeagh Limited
Description	The proposed development will principally consist of the demolition of the existing 'Goatstown After School' building (966 sq m) and the construction of a strategic housing development consisting of 132 No. residential units including 19 No. four bed two storey and 4 No. blocks containing 113 No. apartments and duplex units. Block A is a 5 No. storey block containing 38 No. units consisting of 6 No. one bed units; 30 No. two bed units; and 2 No. three bed units. Block B is a 5 No. storey block containing 38 No. units consisting of 6 No. one bed units; 30 No. two bed units; and 2 No. three bed units. Block C is a 5 No. storey block containing 33 No. units consisting of 6 No. one bed units; 21 No. two bed units; and 6 No. three bed units. Block D is a 3 No. storey block containing 2 No. three bedroom duplex units and 2 No. two bed apartments. The proposed development also includes a part 1 No. to part 2 No. storey childcare facility; 96 No. car parking spaces at basement level under Blocks A and B; bin storage; 73 No. car parking space and 239 No. bicycle parking spaces at surface level; and all other associated site works above and below ground.
ABP Decision	Grant Permission subject to 24 No. conditions (Later Quashed as per note below)
Decision Date	15 th August 2019
Note:	Following a Judicial Review of An Bord Pleanála's decision in relation to ABP Ref. PLo6D.304420, a Decision was made by the High Court to set aside the Board's Decision.

The previous scheme at the subject site consists of 132 No. residential units including 19 No. four bedroom semi-detached houses, 3 No. five storey apartment blocks containing 109 No. apartments and 1 No. three storey block containing 2 No. duplex units and 2 No. apartments. The development also included the provision of a part 1 No. to part 2 No. storey childcare facility; 96 No. car parking spaces at basement level under Blocks A and B; 73 No. surface level car parking spaces and 239 No. surface level bicycle parking spaces.

In assessing the density of the proposed development, the Inspector's report noted that:

'Density at 67 units per Hectare (132 No. units on a 1.969 hectare site) is considered appropriate for this location and in compliance with relevant section 28 ministerial

guidelines. The proposal to increase density is considered appropriate given the location of the site and the proposal is not considered to represent overdevelopment of the site.'

In assessing the height of the proposed development, the Inspector's report noted that:

'It is considered in conclusion, that the proposed five storey height is acceptable in principle, is consistent with the Urban Development and Building Heights Guidelines for Planning Authorities (2018) and would not result in an unsatisfactory residential environment for prospective occupants.'

In assessing the potential for the proposed development to impact on the residential amenity of surrounding properties, the Inspector's Report noted that:

'Regard is had that any development in an urban area will have an impact on the residential amenity of the existing receiving environments. This is an inevitable consequence of urban development. It is considered that the development as proposed is consistent with the Urban Development and Building Heights Guidelines for Planning Authorities (2018) and it is considered that the separation distances achieved between the proposed development and the site boundaries with other development, is acceptable and will not lead to undue adverse overlooking impact.'

'It is considered that the development will not have a significant undue adverse impact on the residential amenity of the adjoining area. Given the height of the proposed buildings and the distances to the site boundaries it is considered that any shadowing impact that will occur will be limited.'

In assessing the quantum and quality of the public open space provision for the proposed development, the Inspector's Report noted that:

'The primary area of public open space is in the north eastern section of the site with some more minor areas in the north west corner, between the apartment blocks and in the vicinity of the roundabout. This combined area is cited as 5,583 sq m.'

'It is noted that there are other smaller public open space areas located between apartment blocks or in the vicinity of the roundabout and basement car park entrance. While these may be limited in their amenity value, they add to the sense of open space, parkland setting and ensure soft landscaping is incorporated in the proposal.'

'Given the zoning of the site, the availability in the area of a wide range of community infrastructure and the need to maximise the use of zoned serviced lands. I consider the level of public open space proposed is appropriate and acceptable.'

On the 15th August 2019, the Board decided to Grant Permission for the proposed development subject to 24 No. conditions. However, as outlined in Section 3.1.2 of this Report, the decision of An Bord Pleanála to Grant Permission was quashed following Judicial Review proceedings for reasons principally related to the 'Institutional' Objective pertaining to the lands.



Figure 4.1: Extract from the Site Layout Plan of the Previous Application for an SHD Development on the Subject Site.

Source: www.thegroveshd.ie



Figure 4.2: CGI View of the Previous Strategic Housing Development Facing West

Source: www.thegroveshd.ie



Figure 4.3: CGI View of the Previous Strategic Housing Development Facing South

Source: www.thegroveshd.ie

4.2 Planning History in the Vicinity of the Subject Site

There are a number of planning applications in the vicinity of the subject site, which are of relevance to the proposed development.

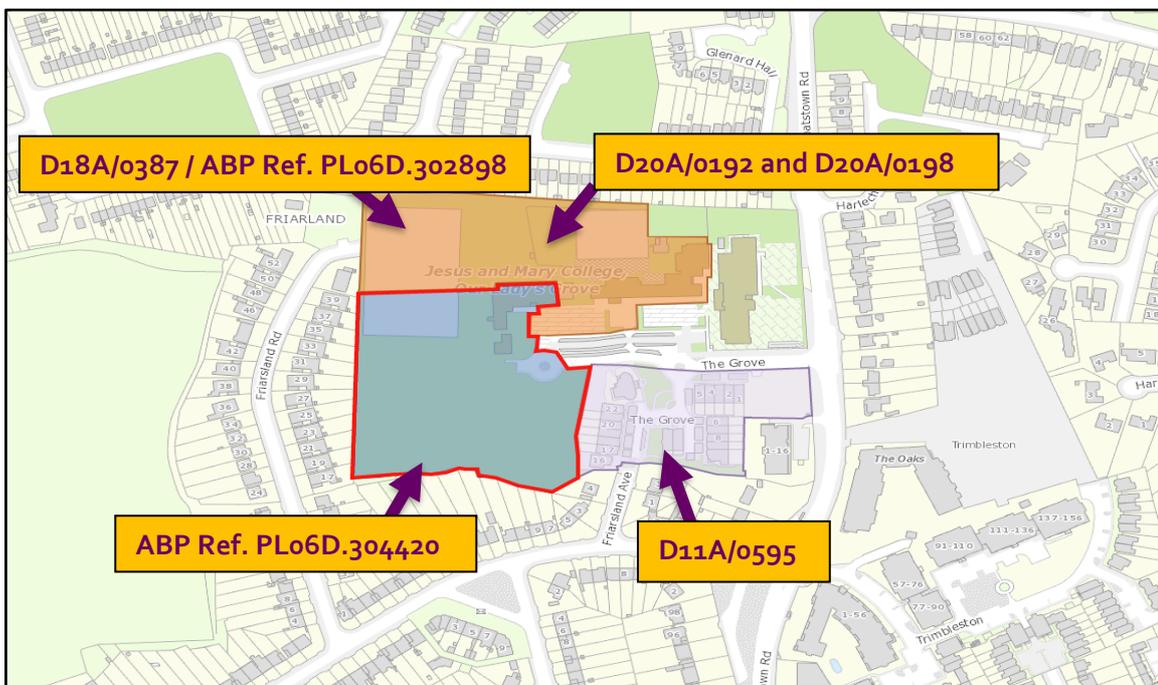


Figure 4.4: Map Showing the Location of the Relevant Planning History in the Surrounding Area

Source: Myplan.ie (Annotated by Thornton O'Connor Town Planning, 2020)

4.2.1 DLRCC Reg. Ref. D18A/0387 / ABP Ref. PLo6D.302898 - Hockey Pitch Re-Alignment

DLRCC Reg. Ref.	D18A/0387
Address	Site of circa 1.7 Ha at Jesus and Mary College, Our Lady's Grove, Goatstown Road, Goatstown, Dublin 14
Applicant	The Board of Management Jesus and Mary College
Description	The proposed development will principally consist of construction of a synthetic all-weather hockey pitch which has dimensions of 55 m x 91 m on an east-west axis, 3 m high boundary fencing; 58 m access road; changes to levels; hard and soft landscaping works; diversion of services; associated site excavation; infrastructural and all other site development works above and below ground.
DLRCC Decision	Grant Permission subject to 6 No. conditions.
DLRCC Decision Date	4 th October 2018
ABP Ref.	PLo6D.302898
ABP Decision	Grant Subject to 4 No. conditions.
Decision Date	14 th March 2019

The proposed development under DLRCC Reg. Ref. D18A/0387 includes the provision of a synthetic all-weather hockey pitch with dimensions of 55 m X 91 m on an east-west axis; 3 m high boundary fencing; 58 m access road; changes to levels; hard and soft landscaping works and all other site development works above and below ground.

On 4th October 2018, Dún Laoghaire Rathdown County Council decided to Grant Permission for the development subject to 6 No. conditions.

The decision of the Planning Authority was the subject of a Third-Party Appeal to An Bord Pleanála.

In assessing the Masterplan for the entire school lands provided by the Applicant, the Inspector's Report concluded that:

'In relation to the submitted masterplan, the applicant has provided details of the existing, proposed and potential future expansion of lands within their ownership i.e. within the ownership of Jesus and Mary College. Drawing No: 1612-OMP-HP-DRA-XX-11007 indicates the location of the proposed hockey pitch and a future expansion zone of circa 2,040sq m for the secondary school. As indicated on the Masterplan all other lands are outside of the school's ownership including the southern section of the existing hockey pitch. I consider the information provided in respect of the submitted Masterplan and details provided by the applicant are sufficient to assess the current proposal. The masterplan clearly indicates the existing, proposed and potential future expansion on the lands within the school's ownership which provides for the existing school building, existing and proposed recreational areas i.e. the existing tennis courts and proposed hockey pitch and an area for potential future expansion. Accordingly, I would conclude that the school site has an adequate area available to accommodate the uses and specific requirements of Jesus and Mary College including the proposed hockey pitch.'

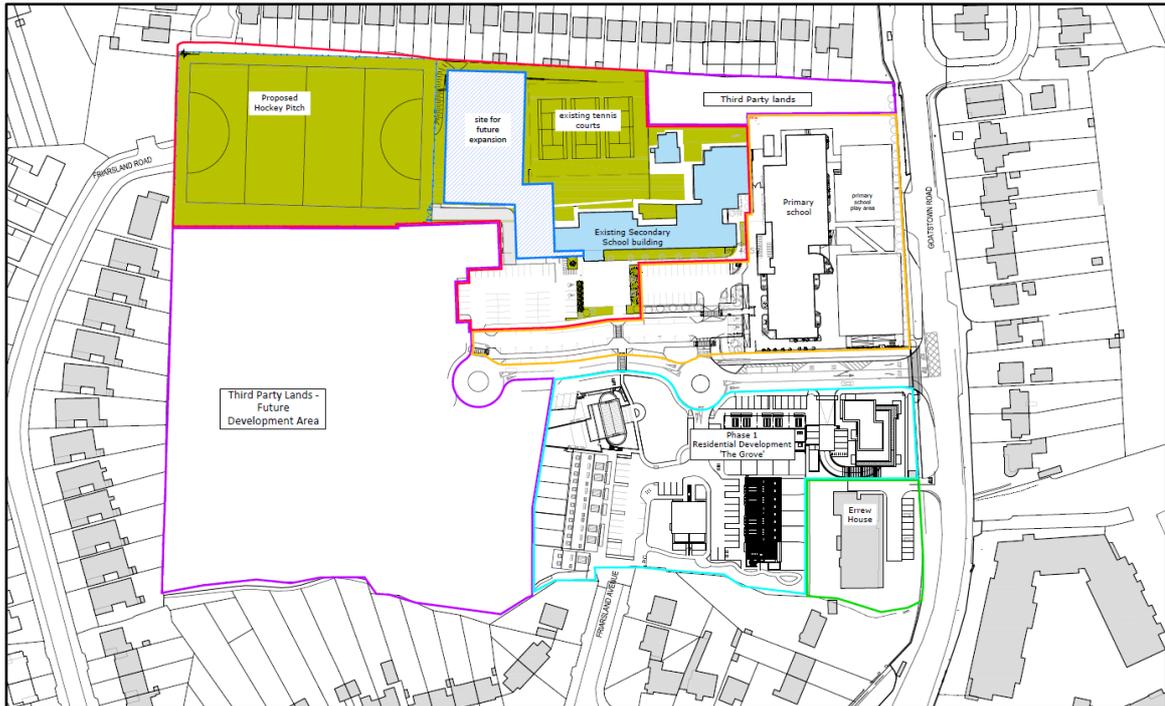


Figure 4.5: Extract from Dwg No. 1612-OMP-HP-00-DR-A-XX-11007 Masterplan for the Potential Future Expansion of the School Lands

Source: www.thegroveshd.ie

The Inspector’s Report concluded that:

‘Having regard to the pattern of development in the vicinity, the established use of the site for sports and recreation, and the zoning provisions for the subject lands as set out in the current Development Plan for the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area of property in the vicinity, the proposed development would not constitute a risk of flooding or be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.’

The Board ultimately decided to Grant Permission for the proposed development subject to 4 No. conditions. The permitted re-alignment of the hockey pitch has since taken place and as a result the pitch is no longer located within the subject site of this Planning Application.



Figure 4.6: Aerial Photograph Showing the Re-Orientated Hockey Pitch

Source: 3D Design Bureau

4.2.2 DLRCC Reg. Ref. D20A/0192 – Changing Rooms Application No. 1

DLRCC Reg. Ref.	D20A/0192
Address	Site at Jesus and Mary College, Our Lady’s Grove, Goatstown Road, Goatstown, Dublin 14
Applicant	The Board of Management Jesus and Mary College
Application Date	5 th March 2020
Description	Permission for development consisting of: the removal of a single storey prefabricated building (102 sqm) and a 10m length of wall to the west of the existing tennis courts; and the construction of a single storey pre-fabricated building (162 sqm) for use as a school changing room; the optional construction of a 181 sqm single storey temporary extension to the east of the school changing room and the use of the entire structure (i.e. 343 sqm, including the change of use of the changing room) as a temporary childcare facility for a period of up to 6 months, after which the temporary extension will be removed and the permanent structure (162 sqm) will be used as a school changing room; provision of all hard and soft landscaping works; infrastructural and all other development works above and below ground.
DLRCC Decision Date	6 th August 2020
DLRCC Decision	Grant Permission subject to 7 No. conditions.

Under DLRCC Reg Ref. D20A/0192, permission was sought for development consisting of the removal of a single storey pre-fabricated structure located adjacent to the north eastern boundary of the subject site of this Planning Application and the construction of a single storey pre-fabricated structure (162 sq m) for temporary use a childcare facility for a period of up to 6 months. The development also included the optional construction of a 181 sq m temporary

childcare facility for a period of up to 6 months. After this period the 181 sq m temporary structure will be removed and the 162 sq m permanent structure will be used as a school changing room for the existing sports facilities.

In assessing the principle of the proposed development, the Dún Laoghaire Rathdown County Council Planning Officer's Report noted that:

'The proposed development does not comprise the redevelopment of the site but rather the provision of additional ancillary accommodation to serve the existing secondary school/institutional use on the site. The proposed changing room building is therefore acceptable in principle.'

On 6th August 2020 Dún Laoghaire Rathdown County Council decided to Grant Permission for the proposed development, subject to 7 No. conditions.

4.2.3 DLRCC Reg. Ref. D20A/0198 – Changing Rooms Application No. 2

DLRCC Reg. Ref.	D20A/0198
Address	Site at Jesus and Mary College, Our Lady's Grove, Goatstown Road, Goatstown, Dublin 14
Applicant	The Board of Management Jesus and Mary College
Application Date	6 th March 2020
Description	Permission for development at a site of c.1.7 hectares. The development will consist of: the removal of a single storey pre-fabricated building (102 sq m) and a 10m length of wall to the west of the existing tennis courts; the construction of a 343 sq m single storey pre-fabricated building for temporary use a childcare facility for a period of up to 6 months, after which the structure will be reduced in area (by 181 sq m) to 162 sq m and will be in permanent use as a school changing room; and the provision of all hard and soft landscaping works; infrastructural and all other site development works above and below ground.
DLRCC Decision Date	6 th August 2020
DLRCC Decision	Grant Permission subject to 7 No. conditions.

Under DLRCC Reg Ref. D20A/0198, permission was sought for development consisting of the removal of a single storey pre-fabricated structure located adjacent to the north eastern boundary of the subject site of this Planning Application and the construction of a single storey pre-fabricated structure (343 sq m) for temporary use a childcare facility for a period of up to 6 months. After this period the structure will be reduced in area (by 181 sq m) to 162 sq m and will be in permanent use as a school changing room for the existing sports facilities.

The Dún Laoghaire Rathdown County Council Planning Officer's Report concluded that:

'It is considered that the proposed school changing room and temporary childcare facility (if required), would not, subject to conditions, have an adverse impact on the residential amenity of adjoining properties of the area, or the open nature of the institutional lands on which they would be located. The proposed development would therefore, be in accordance

with the Objective 'A' zoning of the site and the Institutional objective for the lands on which the site is located.'

On 6th August 2020 Dún Laoghaire Rathdown County Council decided to Grant Permission for the proposed development, subject to 7 No. conditions.

This Planning Application was intended to be considered concurrent to DLRCC Reg. Ref. D20A/0192 to allow for potential alternative phasing of the development.

4.2.4 DLRCC Reg. Ref. D11A/0595 - 'The Grove' Residential Development

DLRCC Reg. Ref.	D11A/0595
Address	Part of lands at Our Lady's Grove Primary and Secondary School, Goatstown Road, Goatstown, Dublin 14.
Applicant	Durkan Estates Clonskeagh Limited
Development Description	The proposed development consists of amendments to a previously permitted scheme (DLRCC Reg. Ref. Do6A/0858) to provide residential, car parking and ancillary development on a site of 1.09 ha, approximately, forming part of the lands at Our Lady's Grove Primary & Secondary School (having an overall site area of 6.01 ha, approx.). The site affected includes Roebuck Grove House (also known as Goatstown House) and a prefabricated classroom building. The development now proposed, with a significantly altered site layout, will consist of a reduction in the number of residential units from 102 No. units to 40 No. units (including terraces and balconies, where applicable) comprising 4 No. one-bed apartments; 13 No. two-bed apartments; 9 No. four-bed duplex units; and 14 No. four-bed houses in 6 No. terraces (terraces 1-6) and an ESB substation (30 sq m). The breakdown for the individual blocks is as follows: Terrace 1 (3 storeys (879 sq m); 4 No. apartments and 4 No. duplexes); Terrace 2 (2-3 storeys (740 sq m); 5 No. houses); Terrace 3 (3 storeys (843 sq m); 1 No. Apartment, 1 No. duplex and 4 No. houses); Terrace 4 (3 storeys (657 sq m); 3 No. apartments and 3 No. duplexes); Terrace 5 (3 storeys (1,290 sq m); 1 No. apartment, 1 No. duplex and 5 No. houses (including internal garages); and amendments to the permitted refurbishment and 3 storey extension to the rear of Roebuck Grove House to provide 8 No. apartments and undercroft car parking area (Terrace 6) (3 storeys (909 sq m). The development also includes for the omission of the permitted childcare facility (144 sq m) (to be replaced by a proposed undercroft car park. The proposed development will also consist of: the omission of the basement car parking area and the provision of 73 No. car parking spaces at surface level, in an undercroft car park (493 sq m) under the extension to Roebuck Grove House and internal garages to houses proposed in Terrace 5; elevational changes; alterations to the permitted access road and roundabout; provision of internal routes for vehicles (including emergency), cyclists and pedestrians; plant areas; cycle parking; hard and soft landscaping works (including the redevelopment of the boundary wall on the Goatstown Road,

	planting and formal landscaped areas, including changes in level, lighting and boundary treatments), and all other site excavation and development works above and below ground.
DLRCC Decision	Grant Permission subject to 29 No. conditions.
DLRCC Decision Date	15 th May 2012

Under DLRCC Reg. Ref. D11A/0595 permission was sought for amendments to a previously permitted residential development (DLRCC Reg. Ref. Do6A/0858) which comprised 102 No. units. The permitted development resulted in the reduction of the quantum of units to 40 No. units (comprised of 17 No. apartments, 9 No. duplex units and 14 No. houses). In assessing the proposed development, the Planner's Report concluded that:

'Having regard to the residential zoning of the site as set out in the 2010-2012 Dún Laoghaire Rathdown County Development Plan (zoned 'A'), it is considered that the proposed development will not detract from the amenity of the area and is consistent with the provisions of the current Development Plan. The proposed development is considered to be in accordance with the proper planning and sustainable development of the area.'

On the 15th May 2012, Dún Laoghaire Rathdown County Council decided to Grant Permission for the proposed development subject to 29 No. conditions.

Since the permission was granted for the development proposed under DLRCC Reg. Ref. D11A/0595, a number of amendment applications have been granted permissions by Dún Laoghaire Rathdown County Council:

- **DLRCC Reg. Ref. D15A/0199** - permission was granted for amendments consisting of the replacement of a block containing 4 No. apartments and 4 No. duplex units with a 4 No. storey building comprising 16 No. apartments.
- **DLRCC Reg. Ref. D16A/0212** – permission was granted for amendments to D11A/0595 and D15A/0199 resulting in the reduction in the overall quantum of units from 47 No. permitted to 41 No. total units.
- **DLRCC Reg. Ref. D17A/0508** – permission was granted for amendments to D11A/0595, D15A/0199 and D16A/0212 consisting of ground and first floor level extensions to the detached house permitted as part of Terrace No. 5, associated internal and external alterations and the reduction in size of the garden.
- **DLRCC Reg. Ref. D11A/0595/E** – permission was granted for an extension of duration of the development permitted under DLRCC Reg. Ref. D11A/0595 up to and including 3rd August 2022.

4.2.5 DLRCC Reg. Ref. D2oA/o268 – Educate Together School

DLRCC Reg. Ref.	D2oA/o268
Address	Lands at Goatstown Road, (Area 4) Goatstown, Dublin 14
Applicant	Department of Education and Skills
Description	Permission for development. The development will consist of the provision of a temporary post-primary school by way of construction of 4 No. prefabricated buildings (c 364 sq m, 185 sq m, 364 sq m, & 125 sq m) on a defined site area (c. 0.830Ha) to be enclosed within a 2 m high welded mesh fencing and access gates with associated site works including provision of entrance to site, and hard surface play area. Temporary Permission for a period no longer than 5 years is being sought.
DLRCC Decision Date	16 th July 2020
DLRCC Decision	Request for Further Information

Under DLRCC Reg. Ref. D2oA/o268, the Department of Education and Skills have applied for permission to develop a temporary post primary school by way of construction of 4 No. pre-fabricated buildings and ancillary vehicular entrance and hard surface paly area on a site approximately 550m to the south of the subject site of this Planning Application.

Whilst the development proposed under DLRCC Reg. Ref. D2oA/o268 are a temporary measure, future permanent construction is envisaged for two schools at the site. According to the Irish Times, it is intended that the lands will host a 16-classroom Educate Together primary school and an 800-pupil secondary school¹⁴.

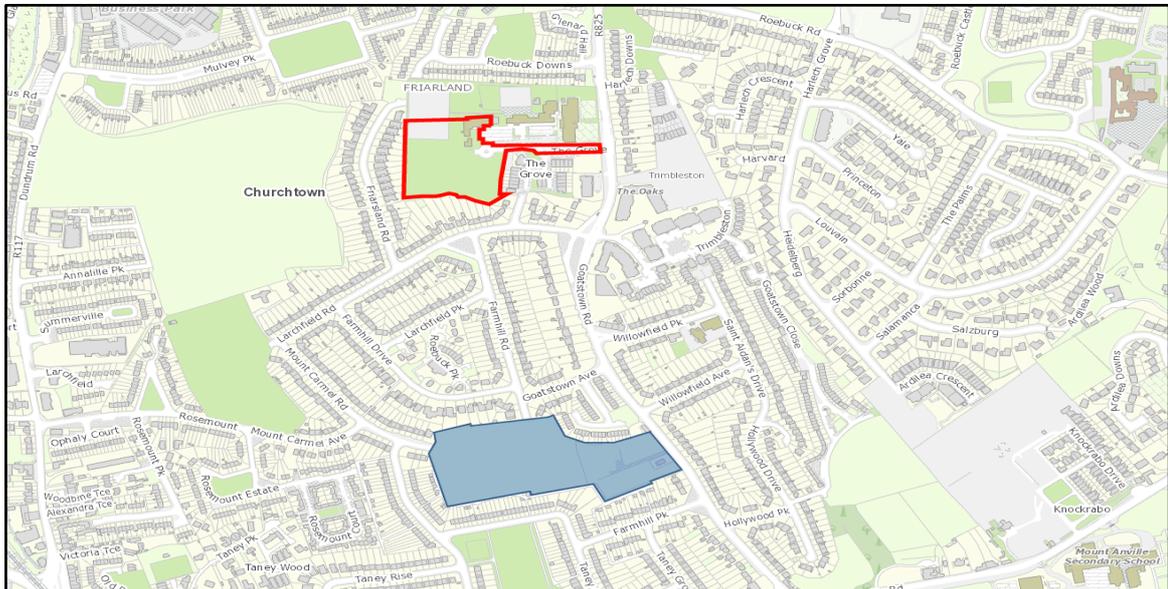


Figure 4.7: Map Showing the Location of DLRCC Reg. Ref. D2oA/o268 in relation to the Subject Site

Source: Myplan.ie (Annotated by Thornton O’Connor Town Planning, 2020)

¹⁴ <https://www.irishtimes.com/news/education/department-in-talks-to-buy-multi-million-euro-goatstown-site-for-schools-1.3858860>

On 16th July 2020, Dún Laoghaire Rathdown County Council issues a *Request for Further Information* in relation to the proposed development, which can be summarised as follows:

- Clarification of adjacent lands within the ownership of the Applicant and increase the redline boundary to comply with the Department of Education’s Technical Guidance Note 027 (September 2019) which requires a larger site area for schools of this size.
- Detail the permeability links for pedestrians and cyclists from the Mount Carmel Road and the Farmhill Road.
- Submit a detailed design of the proposed cycle parking.
- Submit revised drawings demonstrating the inclusion of shower, lockers and changing facilities for staff and students.
- Submit a Quality and Road Safety Audit demonstrating compliance with the Design Manual for Urban Roads and Streets (DMURS).
- Submit a detailed Mobility Management Plan.
- Submit detailed plan and elevation drawings demonstrating any changes to the existing vehicular entrance.
- Liaise with the DLRCC Traffic Section to ascertain the requirement for a toucan crossing in the vicinity of the site entrance along the Goatstown Road.
- Submit a detailed Construction Management Plan.

A Response to the *Request for Further Information* was submitted on 25th January 2021 and a Decision is due by 12th February 2021.

4.2.6 ABP Ref. PLo6D.308353 – Proposed Student Accommodation

ABP. Ref.	PLo6D.308353
Address	Lands at Victor Motors, Goatstown Road, Dublin 14
Applicant	Orchid Residential Limited
Description	The development will consist of demolition of the existing building (c.960sqm) and hard surface parking area on site and construction of a purpose built student accommodation development (including use as tourist or visitor accommodation outside the academic term) comprising; • 239 no. student bedspaces (including 10 no. studios), all within a part 4 no. storey, part 6 no. storey 'U'-Shaped building (total gross floor area 6,620sqm); • The building is 4 storeys along the southern boundary (with roof terraces at 4th floor level) and part 5 and 6 storeys along Goatstown Road (with set backs) and boundary to the north (with roof terrace at 5th floor level fronting onto Goatstown Road); • Amenity space equating to c. 2,061 sqm is provided across the site consisting

	<p>of c. 1,554 sqm of external amenity in the form of a central courtyard at ground level and roof terraces at 4th and 5th floor levels; • Internal amenity space equating to c. 507 sqm is provided in the form of 2 no. ground floor lounge/study areas, kitchen/tearoom, laundry, and concierge/office space; • Provision of 188 no. bicycle parking spaces distributed at 2 no. locations within the central courtyard (stacked parking with glass roof cover) and adjacent to the front boundary (north); • Provision for 6 no. carparking spaces comprising 2 no. disabled parking spaces and 4 no. setdown parking spaces adjacent to the front entrance to the site; • Vehicular access to the site is via Goatstown Road from 2 no. entrance points [reduction from 3 no. entrances currently]; • Ancillary single storey ESB substation and switch room and refuse store are provided at ground level; • Provision of surface water and underground attenuation and all ancillary site development works including site wide landscaping works, planting and boundary treatments(including removal of existing planting on Goatstown Road) as well as provision of footpaths, lighting and cycle paths.</p>
<p>ABP Decision Due Date</p>	<p>4th February 2021 (decision not available at the time this report being issued to print).</p>

Under ABP Ref. PLo6D.308353 permission has been sought for a Strategic Housing Development comprised of 239 No. Student Accommodation bedspaces on a site approximately 260m to the south east of the subject site of this Planning Application.

An Bord Pleanála are due to make a decision in relation to ABP Ref. PLo6D.308353 by 4th February 2021.

4.3 Planning History Analysis

In light of the Planning History at the subject site and in the neighbouring vicinity, it is clear that the principle of residential development has been established and accepted in the area by both Dún Laoghaire Rathdown County Council and An Bord Pleanála.

It is evident from the Inspector’s Report in relation to ABP Ref. PLo6D.304420 that An Bord Pleanála were supportive of an appropriate increase in density at the subject site to 67 No. units per hectare and the appropriate increase in height, citing the *Urban Development and Building Heights Guidelines for Planning Authorities* (December 2018). However, we note that this Decision was later quashed by the High Court.

The development permitted under DLRCC Reg. Ref. D18A/0387 / ABP Ref. PLo6D.302898 included the re-location of the existing hockey pitch which previously lay within the subject site of this Planning Application to an east-west axis adjacent to the northern boundary. This permitted development is of particular relevance as the re-orientation of this hockey pitch, which took place in late 2019, facilitates the cohesive future development of the subject site.

The development permitted under DLRCC Reg. Ref. D11A/0595 (and amended in subsequent permissions) further supports the potential for higher density development at the subject site, provided regard is had to the surrounding context of the established low-density residential dwellings.

The development permitted under DLRCC Reg. Ref. D20A/01952 and D20A/0198 allows the development of changing facilities for ancillary sports facilities associated with Our Lady's Grove Secondary school. The development of changing facilities on these lands is provided on lands indicated as for potential future expansion of the school as shown in Figure 4.5 above, extracted from the planning file in relation to D18A/0387 / ABP Ref. PLo6D.302898.

The development proposed under DLRCC Reg. Ref. D20A/0268 further demonstrates that the Department of Education and Skills is planning for the development of a substantial school site in the immediate vicinity of the subject lands that can accommodate the future influx of population to the area.

Although the subject site is located in an area of relatively low density established residential dwellings, recent changes to National Policy now require higher density developments to be provided in accessible urban locations, such as the subject site, unless genuine site constraints exist.

The design of the proposed development has been informed by the planning history of the subject site and the surrounding area, taking advantage of the opportunity to explore the potential for increased height and density, whilst remaining cognisant of the surrounding context. The subject scheme has been designed to address some of the concerns raised in the third-party submissions pertaining to the scheme previously considered by An Bord Pleanála on the subject site. For example, the blocks have been turned 90° which reduces the potential for impacts to surrounding existing residential properties. As a result of the student accommodation use and the proximity of the subject site to University College Dublin (which is readily accessible by foot and by bicycle) there is no longer a sea of surface level car parking. It is also now possible to retain a greater quantum of trees on the subject site, particularly along the sensitive western and southern boundaries. Finally, the lesser floor to floor height required for student accommodation allows the subject scheme to appropriately densify the subject site with only a marginal increase in the height provided in the scheme considered by An Bord Pleanála under ABP Ref. PLo6D.304420. The uppermost floors of the proposed development are setback with planting which lightens their appearance and reduces the visual impact of the proposed development when viewed from a distance.

Overall, the proposed development represents an appropriately designed and ideally located student accommodation scheme which takes its cue from the planning history of the subject site and the surrounding vicinity, whilst remaining cognisant of the residential amenity of surrounding properties.

5.0 PRE-PLANNING CONSULTATION

5.1 Section 247 Meeting with Dún Laoghaire Rathdown County Council

A Section 247 meeting took place on Friday 29th May 2020 with the following in attendance:

Dún Laoghaire Rathdown County Council	
Ger Ryan (GR)	Planning – Senior Planner
Shane Sheahy (SS)	Planning – Executive Planner
Miguel Sarabia (MS)	Planning – Assistant Planner
Elaine Carroll (EC)	Drainage – Executive Engineer
Bernard Egan (BE)	Drainage – Senior Executive Engineer
Dara O’Daly (DD)	Parks – Landscape Architect
Applicant & Design Team	
Jack O’Beirne (JB)	Hollybrook Homes
Stephen Marshall (SM)	Stephen Marshall Urbanism Limited
Jess Paul (JP)	Stephen Marshall Urbanism Limited
Deirdre Walsh (DW)	DBFL Consulting Engineers Limited
Dan Egan (DE)	The Big Space Landscape Architecture
Sadhbh O’Connor (SOC)	Thornton O’Connor Town Planning
Conor Doyle (CD)	Thornton O’Connor Town Planning

The key points emerging from this meeting were as follows:

- Dún Laoghaire Rathdown County Council outlined their position that the ‘INST’ objective does apply to the overall campus lands, including the subject site of this Planning Application. The requirement for 25% Public Open Space therefore applies to the overall campus lands cumulatively. The importance of retaining and protecting the open character of the subject site was expressed.
- Development Plan policy in relation to height is applicable to the subject site, specifically 4 No. storeys with 2 No. additional storeys. Dún Laoghaire Rathdown County Council indicated that they consider the proposed height of the subject scheme (which at that time was 1 No. floor level higher at the North, Middle and South blocks) to be a material contravention of the Development Plan.
- The separation distance between the North block of the proposed development and the adjacent lands must ensure the protection of the development potential of these lands.
- The Daylight and Sunlight Assessment of the proposed development should include north facing rooms at ground and first floor level to allow a complete assessment of the subject scheme.
- The massing of the subject scheme needs to be revisited, particularly the top 2 No. floors as there is concern around the transition from the maximum height of the subject scheme to the 1 No. to 2 No. storey height of the adjacent existing residential dwellings.
- The chosen materials appear too dark and that a different choice of material could potentially lighten the appearance of the uppermost floors.

- It would assist both Dún Laoghaire Rathdown County Council and An Bord Pleanála if a map was included showing the existing and permitted student accommodation in the surrounding area.
- Dún Laoghaire Rathdown County Council acknowledged that the public open space provision of the subject scheme achieves the 25% requirement of the overall lands with 'INST' designation.

5.1.1 Responses to the Requests by the Planning Authority

- Since the Pre-Planning consultation with Dún Laoghaire Rathdown County Council, the Public Open Space provision of the subject scheme was increased to 7,956 sq m (37.5%).
- A Material Contravention Statement in relation to the proposed height of the subject scheme (in addition to other matters) has been included with this Planning Application.
- The Daylight and Sunlight Assessment of the proposed development enclosed with this Planning Application demonstrates that proposed development will have an imperceptible effect on the surrounding properties and that future occupants of the proposed development will have access to good levels of sunlight.
- In response to the concerns of Dún Laoghaire Rathdown County Council, the overall height of the subject scheme was reduced through the removal of an entire floor level of the scheme submitted for the Section 247 Pre-Planning consultation.
- In response to the concerns of Dún Laoghaire Rathdown County Council the proposed materials of the subject scheme were amended to lighten the appearance of the uppermost floors.
- A study of the existing and permitted student accommodation in the vicinity of the subject site has been included in Section 3.0 of this Planning Report.

5.2 Section 5 Pre-Planning Meeting with An Bord Pleanála

A Section 5 Pre-Planning meeting took place on 6th November 2020 with the following in attendance:

An Bord Pleanála	
Tom Rabbette	Assistant Director of Planning
Karen Kenny	Senior Planning Inspector
Helen Keane	Executive Officer
Dún Laoghaire Rathdown County Council	
Ger Ryan	Planning Department – Senior Planner
Shane Sheehy	Planning Department – Senior Executive Planner
Miguel Sarabia	Planning Department – Case Planner
Bernard Egan	Drainage Department
Dara O'Daly	Parks Department

Tom Kilbride	Drainage Department
Applicant and Design Team	
Jack O'Beirne	Hollybrook Homes
Stephen Marshall	Stephen Marshall Urbanism Limited
Jess Paul	Stephen Marshall Urbanism Limited
Deirdre Walsh	DBFL Consulting Engineers Limited
Dan Egan	The Big Space Landscape Architecture
Andy Worsnopp	The Tree File Limited
Sadhbh O'Connor	Thornton O'Connor Town Planning
Conor Doyle	Thornton O'Connor Town Planning

The key points emerging from this meeting were as follows:

- The Board indicated that they have no issues with the principle of student accommodation development at the subject site subject to compliance with Development Plan policy.
- Dún Laoghaire Rathdown County Council outlined their position that any proposed development on the subject site must comply with the Development Plan policies associated with the 'INST' objective and the objective relating to tree preservation regardless of the potential resultant constraint on development of the subject site.
- The Board emphasised the importance of addressing the Open Space provision on the entire 'INST' designated lands within any future Planning Application.
- The Board indicated that the documentation accompanying any future planning application must clearly outline the quantum of public open space provided.
- The Board indicated that it would be helpful to provide CGI views from inside the site with the future planning application, to demonstrate the useability of public open space.
- The Board stated that the planning application should address the level of tree removal required and justify how the scheme responds to the objective relating to tree preservation.
- The Board stated the importance of providing CGIs within the subject site and sections through the subject scheme to demonstrate the relationship with the surrounding existing residential units.
- Dún Laoghaire Rathdown County Council acknowledged the orientation of the buildings may improve views through the site but noted the potential impact on the existing dwellings along the southern boundary.
- Dún Laoghaire Rathdown County Council outlined their point of view that overconcentration of student accommodation is not considered an issue at the subject site but advised that supporting facilities in the vicinity of the subject site will be an important consideration in assessing the subject scheme.
- Dún Laoghaire Rathdown County Council commented that the cycle parking appears to be comprised wholly of stacked parking. It was advised that an element of Sheffield stands should be included at each cycle parking locations to accommodate users of all abilities.

- The Board advised that the future planning application would need to include a robust Daylight/Sunlight analysis, including units located at the ground floor level to present the worst-case scenario.

5.2.1 Response of the Applicant to the Key Points of the Section 5 Pre-Planning Consultation

In response to the key points raised at the Section 5 Pre-Planning Consultation, the Applicant has taken the following actions:

- Detailed Reports have been provided with this Planning Application, outlining the subject scheme's compliance with the relevant objectives of the *Dún Laoghaire Rathdown County Development Plan 2016-2022*, including but not limited to the 'INST' objective and tree objective pertaining to the subject lands.
- The Applicant contacted the Department of Education to obtain their position in relation to the potential future expansion of the school lands adjacent to the northern and north western boundaries of the subject site. To date, the Department of Education have not responded.
- A detailed Material Contravention Statement has been included with this Planning Application addressing *inter alia* the Open Space provision on the entire 'INST' designated lands.
- An Arboricultural Assessment of the proposed development has been prepared by The Tree File Limited, a copy of which is enclosed with this Planning Application. The Assessment outlines the level of tree removal required and demonstrates the net gain in tree species that will accrue if permission is granted for the subject scheme.
- CGIs have been prepared by 3D Design Bureau, which show views of the proposed development from within the subject site and sections are provided through the subject scheme to demonstrate the relationship with the surrounding existing residential units.
- The setback distance between the proposed Student Accommodation blocks and the surrounding existing residential units has been significantly improved, when compared with the previously permitted residential scheme (which was ultimately quashed by the High Court following Judicial Review proceedings).
- The subject scheme includes the provision of 860 No. cycle parking spaces, including 172 No. Sheffield stands.
- A detailed Daylight and Sunlight Assessment has been carried out by 3D Design Bureau, a copy of which is enclosed with this Planning Application. The Assessment concludes that:

'This assessment has studied the effect the proposed development would have on the level of daylight and sunlight received by the neighbouring residential properties that are in close proximity to the proposed development. No existing properties will experience an unacceptable drop in levels of daylight or sunlight. Finally, future

occupants will enjoy good levels of daylight within all of the proposed units and will have access to 2 amenity areas that are capable of receiving good levels of sunlight year round, and two proposed amenity areas which are capable of receiving good levels off sunlight during the summer months’.

The development works are not considered to be to an extent which would have a likely significant effect on the surrounding environment.

Since the Pre-Planning Consultations with An Bord Pleanála and Dún Laoghaire Rathdown County Council, the subject scheme has been amended as follows:

- The height of the proposed northern, middle and southern blocks has been reduced by an additional storey, to part 4 No. to part 6 No. storeys over lower ground. The mews blocks remain part 3 No. to part 4 No. storeys in height.
- The footprint of the proposed northern block has been reduced, which increases the setback distance between the block and the north western boundary of the subject site.
- The siting and footprint of the mews blocks have been amended to increase the setback distances to the southern and western site boundaries.
- As a result of the above outlined amendments, the total quantum of Student Accommodation bedspaces has reduced to 698 No. bedspaces.
- The public open space provision has further increased from 6,520 sq m to 7,956 sq m of public open space, which equates to 37.5% of the subject site.
- The material palette for the proposed development has been amended, with the previously proposed green brick at the front of the scheme amended to provide a more neutral colour that sits comfortably within with its surrounding environment.

6.0 DESCRIPTION OF THE PROPOSED DEVELOPMENT

6.1 Overview of the Proposed Development

The development will principally consist of: the construction of a Student Accommodation development containing 698 No. bedspaces with associated facilities located in 8 No blocks, which range in height from part 3 No. storeys to part 6 No. storeys over part lower ground floor level (7 No. storeys as viewed from an internal courtyard). Some 679 No. bedspaces are provided in 99 No. clusters ranging in size from 5 No. bedspaces to 8 No. bedspaces, each with a communal Living/Kitchen/Dining room. The remaining 19 No. bedspaces are accessible studios. The development includes the provision of communal residential amenity space at lower ground floor level (349 sq m) including the provision of a movie room (108 sq m), a music room (42 sq m) and a laundry (37 sq m); communal residential amenity space (1,356 sq m) at ground floor level including the provision of a gym (228 sq m), reception desk and seating area (173 sq m), a common room (338 sq m), a study space (104 sq m), a library (64 sq m), a yoga studio (74 sq m), a prayer room (33 sq m) and group dining (33 sq m).

The development also includes staff and administrative facilities (195 sq m); 9 No. car parking spaces; 4 No. motorcycle parking spaces; 860 No. cycle parking spaces; refuse stores; signage; an ESB substation and switchroom; boundary treatments; green roofs; PV panels; hard and soft landscaping; plant; lighting; and all other associated site works above and below ground. The development includes the demolition of part of the Goatstown Afterschool building (558 sq m) and the construction of a new external wall to the remaining ope, in addition to the demolition of a prefabricated structure adjacent to the Afterschool building (161 sq m).

The subject site is eminently suitable for Student Accommodation given the proximity to University College Dublin, which is located approximately 850m to the north west and is readily accessible by foot or bicycle.

6.2 Composition of the Proposed 8 No. Blocks Containing 698 No. Bedspaces

North Block (119 No. Bedspaces)

The North Block is a part 5 to part 6 No. storey over lower ground level block located in the north western corner of the subject site, adjacent to the hockey pitch associated with Our Lady's Grove School. The North Block contains 119 No. bedspaces provided in clusters as follows:

- 9 No. bedspaces divided into two clusters, each with a communal living/kitchen/dining area at lower ground floor level.
- 20 No. bedspaces divided into three clusters each with a communal living/kitchen/dining area at ground floor level.
- 20 No. bedspaces divided into three clusters each with a communal living/kitchen/dining area at first floor level.
- 20 No. bedspaces divided into three clusters each with a communal living/kitchen/dining area at second floor level.

- 20 No. bedspaces divided into three clusters each with a communal living/kitchen/dining area at third floor level.
- 20 No. bedspaces divided into three clusters each with a communal living/kitchen/dining area at fourth floor level.
- 10 No. bedspaces divided into two clusters each with a communal living/kitchen/dining area at fifth floor level.

Middle Block (168 No. Bedspaces)

The Middle Block is a part 5 No. storey to part 6 No. storey over lower ground level block located in the centre of the subject site comprised of 167 No. bedspaces provided in clusters and 1 No. accessible studio and ancillary facilities as follows:

- At lower ground floor level: a bicycle store; a music room; a movie room; a laundry; and 11 No. bedspaces divided into two clusters each containing a communal living/kitchen/dining area.
- A reception desk and seating area and a main common room at ground floor level and 18 No. bedspaces divided into three clusters each containing a communal living/kitchen/dining area.
- 30 No. bedspaces divided into four clusters, each containing a communal living /kitchen/dining area at first floor level.
- 30 No. bedspaces divided into four clusters, each containing a communal living /kitchen/dining area at second floor level.
- 30 No. bedspaces divided into four clusters, each containing a communal living /kitchen/dining area at third floor level.
- 30 No. bedspaces divided into four clusters, each containing a communal living /kitchen/dining area at fourth floor level.
- 18 No. bedspaces divided into three clusters, each containing a communal living /kitchen/dining area and 1 No. accessible studio at fifth floor level.

South Block (159 No. Bedspaces)

The South Block is a part 5 No. to part 6 No. storey over lower ground block comprised of 18 No. accessible studios and 141 No. bedspaces provided in clusters and ancillary facilities as follows:

- A plant room; staff changing rooms and toilet facilities; store rooms and an electrical room at lower ground floor level.
- A study space; a gym; a meeting room; a prayer room; a yoga studio; an administration and managers office; and a communal dining room at ground floor level.

- 4 No accessible studios and 30 No. bedspaces divided into four clusters each with a communal living/kitchen/dining area at first floor level.
- 4 No accessible studios and 30 No. bedspaces divided into four clusters each with a communal living/kitchen/dining area at second floor level.
- 4 No accessible studios and 30 No. bedspaces divided into four clusters each with a communal living/kitchen/dining area at third floor level.
- 4 No accessible studios and 30 No. bedspaces divided into four clusters each with a communal living/kitchen/dining area at fourth floor level.
- 2 No accessible studios and 21 No. bedspaces divided into four clusters each with a communal living/kitchen/dining area at fifth floor level.

Mews Block A (56 No. Bedspaces)

Mews Block A is a 4 No. storey block located adjacent to the western boundary of the subject site and is comprised of 56 No. bedspaces provided in clusters and ancillary facilities as follows:

- 14 No. bedspaces divided into two clusters with each with a communal living/kitchen/dining area at ground floor level.
- 14 No. bedspaces divided into two clusters with each with a communal living/kitchen/dining area at first floor level.
- 14 No. bedspaces divided into two clusters with each with a communal living/kitchen/dining area at second floor level.
- 14 No. bedspaces divided into two clusters with each with a communal living/kitchen/dining area at third floor level.

Mews Block B (42 No. Bedspaces)

Mews Block B is a part 3 No. to part 4 No. storey block located in the south western corner of the subject site and is comprised of 42 No. bedspaces provided in clusters and ancillary facilities as follows:

- 12 No. bedspaces divided into two clusters each with a communal living/kitchen/dining area at ground floor level.
- 12 No. bedspaces divided into two clusters each with a communal living/kitchen/dining area at first floor level.
- 12 No. bedspaces divided into two clusters each with a communal living/kitchen/dining area at second floor level.
- 6 No. bedspaces divided into two clusters each with a communal living/kitchen/dining area at third floor level.

Mews Blocks C and D (56 No. Bedspaces x 2 = 112 No. Bedspaces)

Mews Blocks C and D, are part 3 No. to part 4 No. storey blocks located along the southern boundary of the subject site, with each containing 56 No. bedspaces provided in clusters and ancillary facilities as follows:

- 16 No. bedspaces divided into two clusters each with a communal living/kitchen/dining area at ground floor level.
- 16 No. bedspaces divided into two clusters each with a communal living/kitchen/dining area at first floor level.
- 16 No. bedspaces divided into two clusters each with a communal living/kitchen/dining area at second floor level.
- 8 No. bedspaces in a single cluster and a communal living/kitchen/dining area at third floor level.

Mews Block E (42 No. Bedspaces)

Mews Block E, which is located in the south easter corner of the subject site, is a part 3 to part 4 No. storey block containing 42 No. bedspaces provided in clusters and ancillary facilities as follows:

- 12 No. bedspaces divided into two clusters each with a communal living/kitchen/dining area at ground floor level.
- 12 No. bedspaces divided into two clusters each with a communal living/kitchen/dining area at first floor level.
- 12 No. bedspaces divided into two clusters each with a communal living/kitchen/dining area at second floor level.
- 6 No. bedspaces in a single cluster with a communal living/kitchen/dining area at third floor level.

Figure 6.1 below depicts the layout of the proposed 8 No. blocks of the subject scheme, the composition of which is outlined further in this section.



Figure 6.1: Site Layout Plan Showing the Location of the Proposed 8 No. Blocks. Compared to that of the Previously Permitted Scheme (which was Ultimately Quashed)

Source: Stephen Marshall Urbanism Limited

Demolition

The proposed development also includes the demolition of part of the Goatstown Afterschool building, namely a portion of the building which has fallen into disrepair (319 sq m).

The existing Goatstown Afterschool buildings consist of a single storey classroom block with a 2 No. storey accommodation block extension. It is proposed to demolish the 2 No. storey accommodation block extension which is no longer in use and has fallen into a serious state of disrepair. The demolition of this disused portion of the Goatstown Afterschool building is in the interests of the health and safety of staff and students of the facility. Following the demolition of the disused portion of the building, the Applicant will make good the external façade of the original single storey building, through the construction of a new external wall to enclose the remaining open.

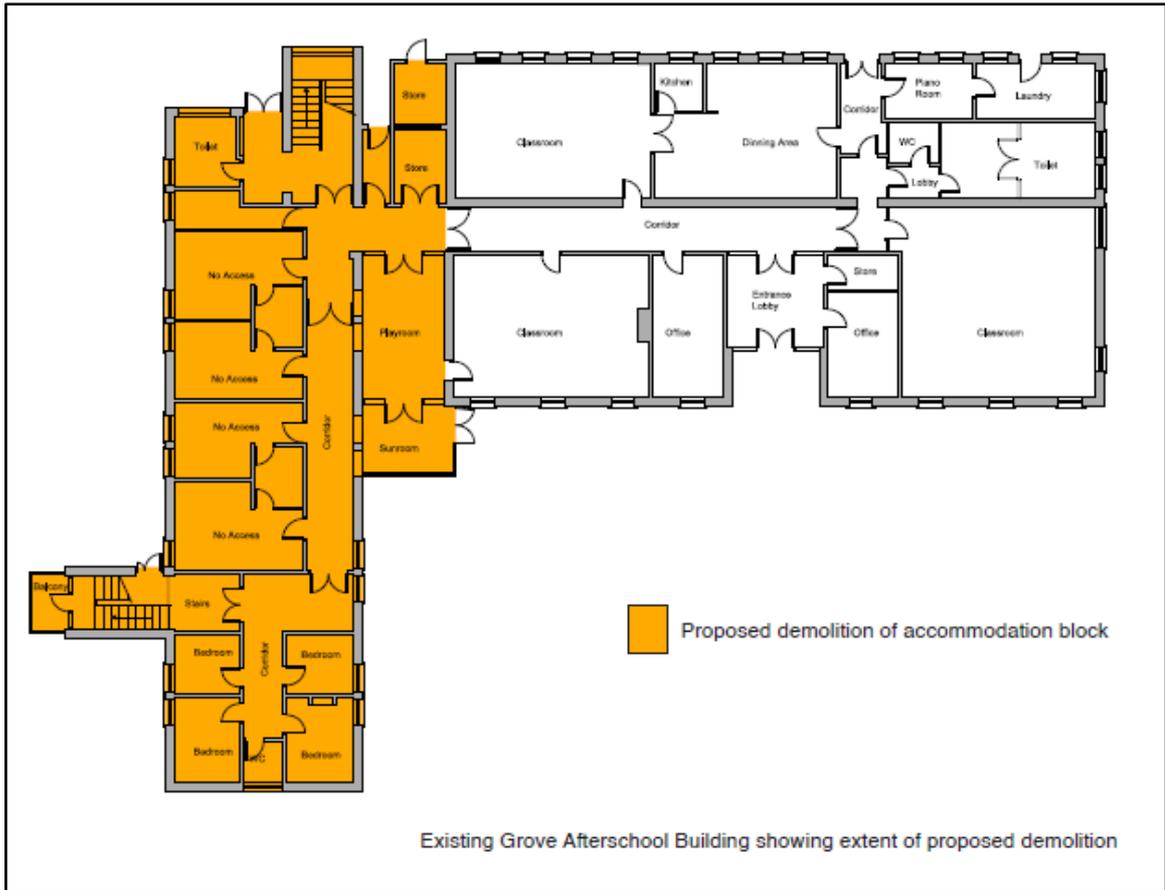


Figure 6.2: Floor Plan Showing the Proposed Demolition of the Disused Portion of the Goatstown Afterschool Building

Source: Stephen Marshall Urbanism Limited

In addition, the development includes the demolition of a prefabricated structure adjacent to the Afterschool building (161 sq m).

Ancillary Works

The proposed development also includes ancillary works including but not limited to signage; 9 No car parking spaces; 4 No. motorcycle parking spaces; 860 No. cycle parking spaces; hard and soft landscaping; photovoltaic panels; plant; and all associated works above and below ground.

6.3 Analysis of the Proposed Heights

The maximum overall height of the proposed development is 18.030m from ground level (an equivalent of 6 No. storeys from ground level). It should be noted that the maximum height of the subject scheme when read from the north courtyard is 7 No. storeys, however the north courtyard is positioned at lower ground floor level and thus the scheme will be legible as 6 No. storeys from surrounding locations external to the site.

Appendix 9 of the *Dun Laoghaire-Rathdown Development Plan 2016-2022* sets out the Policy for Residual Suburban Areas not included within Cumulative Areas of Control and states that 'A general recommended height of two storeys will apply.' The policy further states that apartment

or town-house type developments or commercial developments in the established commercial core of these areas to a maximum of 3-4 storeys may be permitted in appropriate locations - for example on prominent corner sites, on large redevelopment sites or adjacent to key public transport nodes - providing they have no detrimental effect on existing character and residential amenity. The Plan further states that:

'This maximum height (3-4 storeys) for certain developments clearly cannot apply in every circumstance. There will be situations where a minor modification up or down in height could be considered.'

It is considered that the subject lands are suitable for 'upward modifiers' having regard to the planning gain that will be provided in contributing to the public realm and the size of the site which is greater than 0.5 hectares can set its own context for development with greater building heights set away from the boundaries.

As the proposed development is 6 No. storeys in height as viewed from surrounding properties with an internal lower courtyard providing a view of 7 No. storeys it is considered that the development exceeds the heights indicated in Appendix 9 of the *Dun Laoghaire-Rathdown Development Plan 2016-2022*.

The *Urban Development and Building Heights Guidelines for Planning Authorities (December 2018)* take precedence over the Development Plan. In particular, SPPR 1 of the Guidelines notes that blanket numerical limitations on building height shall not be provided for through statutory plans therefore the imposition of a restriction at the subject site would be contrary to SPPR 1. Therefore, the height proposed in the subject scheme has taken the opportunity to explore the potential for increased height, rising to a height of 18.030m from ground level and 21.380m from lower ground level.

Despite the proposed increase in height, it has been demonstrated in the accompanying documentation, particularly the Landscape Visual Impact Assessment and Daylight/Sunlight Analysis, that the subject scheme will not have a significant material impact on the residential amenity of existing surrounding dwellings. It is considered that the height proposed can be absorbed at the location of the subject lands due to the generous setbacks provided from sensitive boundaries and the design of the scheme which has sought to reduce bulk and massing at locations close to site boundaries.

At first glance, when comparing to the previously permitted scheme on the subject site (which was recently quashed by the High Court), it may appear that the proposed development represents an increase in height from part 3 No. to part 5 No. storeys to part 3 No. to part 6 No. storeys over lower ground. However, the lesser floor to floor height required for student accommodation allows the subject scheme to provide additional levels with only a marginal increase in the overall height.

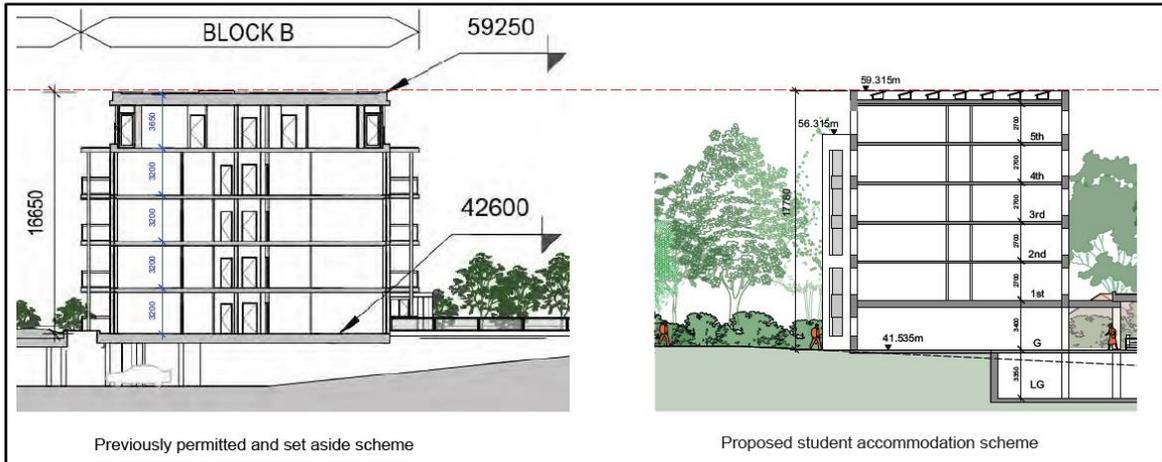


Figure 6.3: Image Comparing the Previous Permitted Development -v- the Proposed Development

Source: Stephen Marshall Urbanism Limited

As demonstrated in Figure 6.3 above, owing to the lesser floor to floor height required, 6 No. storeys of student accommodation (7 No. storeys as viewed from an internal courtyard) is the equivalent to 5 No. storeys of residential units. Where an additional storey is proposed, namely the North, Middle and South Blocks which are part 5 No. to part 6 No. storeys, the additional storey is set back from the building line and is clad in zinc coloured re-constituted stone.

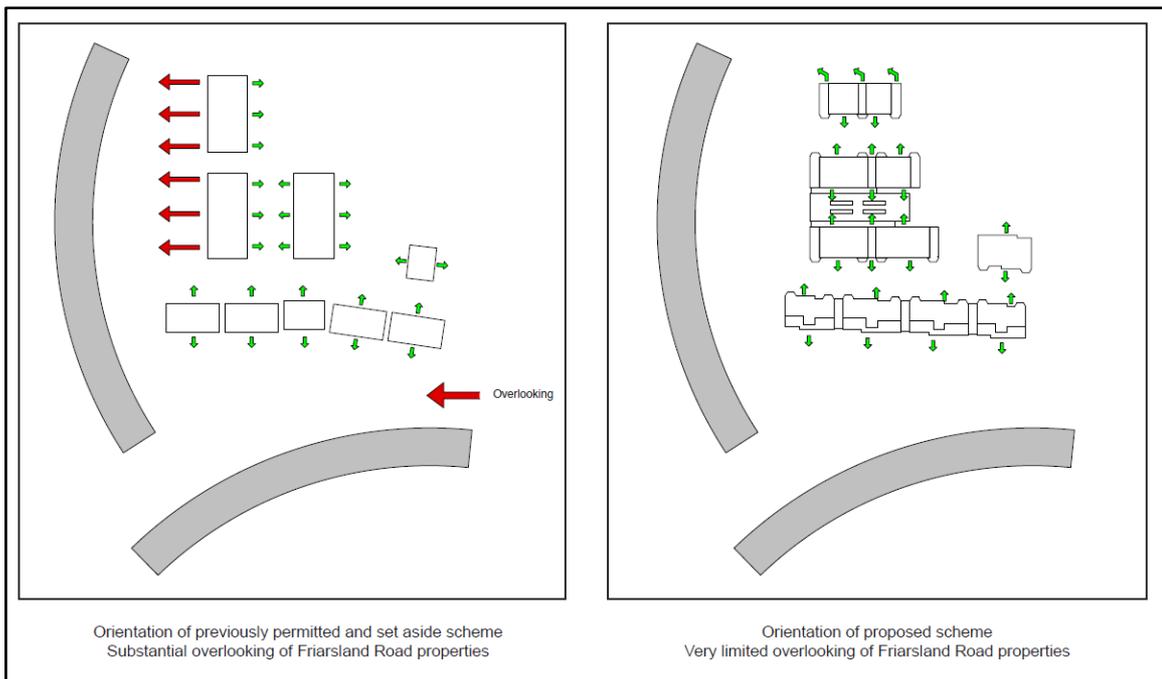


Figure 6.4: Image Comparing the Orientation of the Previous Permitted Development -v- the Proposed Development

Source: Stephen Marshall Urbanism Limited

Furthermore, as demonstrated in Figure 6.4 above, the realignment of the blocks to provide blocks on an east/west axis plays a key role in reducing the impact of the development outside the site, and particularly to the third-party properties to the west.

6.4 Car Parking and Traffic

The proposed student accommodation, coupled with the subject site's proximity to University College Dublin allows the proposed development to include a reduced level of car parking provision.

The previously permitted scheme, which was recently quashed by the High Court for legal reasons following Judicial Review proceedings, included the provision of 169 No. car parking spaces, of which 73 No. were located at surface level. The proposed development includes 9 No. car parking spaces in total, which includes the provision of 2 No. accessible spaces and 1 No. car sharing space. There are also 4 No. motorcycle spaces proposed.

The location of the subject site just 850m from University College Dublin, encourages future student residents to avail of more environmentally friendly modes of transport such as by foot, bicycle or public transport when travelling to college. This in turn supports the reduced provision of car parking spaces in the subject scheme.

The reduced provision of car parking spaces ensures that the proposed development will not negatively impact the local road network capacity through the increase of traffic congestion. In addition to this, the reduced provision of car parking removes the visual impact presented by the sea of surface level parking that was included in the previously permitted scheme.

6.5 Communal/Student Residential Amenity Space

The proposed development also includes a total of 1,705 sq m of internal amenity space for future residents.

The internal amenity space is comprised of 349 sq m at lower ground floor level including the provision of a movie room (108 sq m), a music room (42 sq m) and a laundry (37 sq m).

At ground floor level there is 1,356 sq m communal resident amenity space including the provision of a gym (228 sq m), reception desk and seating area (173 sq m), a common room (338 sq m), a study space (104 sq m), a library (64 sq m), a yoga studio (74 sq m), a prayer room (33 sq m) and group dining (33 sq m).

The total provision of 1,705 sq m of internal amenity space equates to 2.44 sq m per bedspace.

The total internal and external amenity space for future residents is 4,557 sq m, which equates to 6.52 sq m per bedspace.



Figure 6.5: CGI of the Gym Located at Ground Floor Level

Source: 3D Design Bureau



Figure 6.5: CGI Showing the Communal/Student Open Space of the Northern Courtyard with the Putting Green in the Centre

Source: 3D Design Bureau

6.6 Open Space

The proposed development includes the provision of 7,956 sq m of public open space which is located at ground floor level of the subject scheme as depicted in yellow in Figure 6.5 below.

The proposed 7,956 sq m public open space is presented in the form of an active recreational area situated in the north east of the subject site in addition to a linear parkland/nature trail that runs along the perimeter of the subject site. The public open space provision equates to 37.5% of the subject site (yellow area only).

The Board should note that in its present state there is no public open space provided on the subject site. Therefore, the provision of 7,956 sq m of high-quality public open space represents a significant planning gain for the local community.

It is envisaged that the linear nature/parkland trail will provide a valuable community resource, offering a space where pupils of the Primary and Secondary schools could carry out nature walks and research projects in relation to ecology and biodiversity. In addition, the trail also provides a walking/jogging route for residents of the proposed development and the wider community, which connects to the recreation area in the north eastern corner. The publicly accessible recreation area includes a half basketball court, table tennis tables and seating areas providing a variety of activities for residents of the subject scheme and the wider community.

It is important to understand the true scale of the public open space proposed. Due to the scale of the site, over two hectares in size, the extent of the open spaces is not readily understood by Plan. The trail has a length of 443 metres (by comparison a standard running track is 400m) and thus is a very useable track for a daily jog with exercise enthusiasts also benefitting from the outdoor gym equipment interspersed along its length. When compared with other public amenity spaces, the quality and functionality of the proposed linear nature trail is proven to be favourable. For example, the East pier in Dún Laoghaire harbour is approximately 19m in width compared to the proposed nature trail which extends to 30m in width along the western boundary.

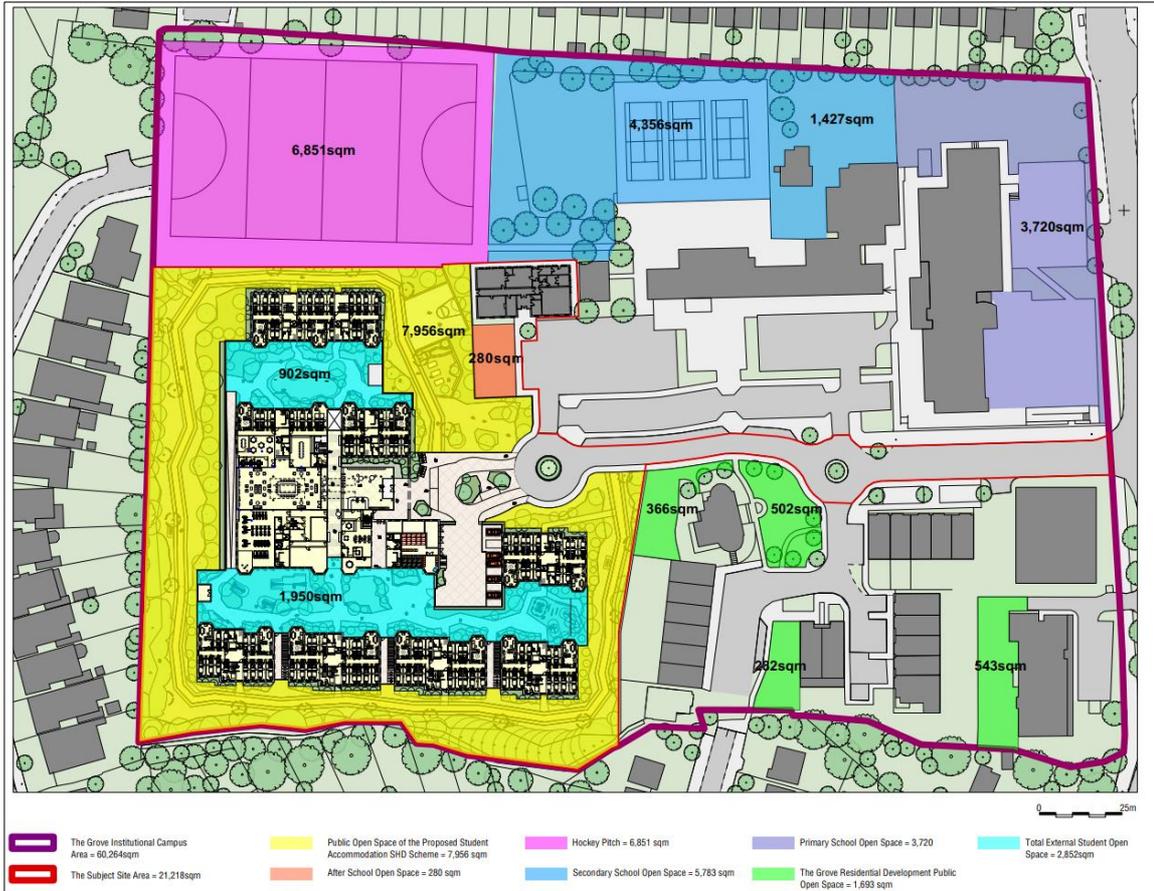


Figure 6.6: Image Showing the Proposed Open Space Provision of the Subject Scheme (within the Redline) and the Open Space within the Wider Institutional Landholding

Source: Stephen Marshall Urbanism Limited



Figure 6.7: CGI Showing Public Open Space Proposed Along the Western Boundary

Source: 3D Design Bureau



Figure 6.8: CGI Showing the Public Open Space to the North East of the Site

Source: 3D Design Bureau

In addition to the public open space provided within the proposed development, there is also a total of 2,852 sq m of external communal amenity space available to the future student residents of the scheme. This external communal/student amenity space is split into a 902 sq m courtyard at lower ground floor level between the North and Middle block and a 1,950 sq m plaza between the South block and Mews blocks at ground floor level. The external communal/student amenity space has been subject to a high-quality landscape design to allow it to be highly functional. It includes outdoor exercise areas and a putting green in addition to general lounge spaces.



Figure 6.9: CGI Showing the Communal Open Space of the Southern Courtyard with the Activity Hub in the Foreground

Source: 3D Design Bureau

Within the subject site there is also an open space area of 280 sq m which will remain within the boundary of the Afterschool facility.

The total open space provision within the subject site therefore equates to 11,088 sq m or 52% of the subject site (7,956 sq m public open space + 2,852 sq m external student open space + 280 sq m Afterschool open space).

In the wider context of the entire lands designated 'institutional', which measure approximately 60,264 sq m, if the subject scheme is granted permission there will be a total of 29,135 sq m open space across the institutional landholding, which equates to 48% of the overall lands at The Grove subject to the 'INST' designation (60,264 sq m).

This significant provision of open space will contribute positively towards the retention of the open space character of the subject lands in line with Section 8.2.3.4 xi) of the Development Plan.

6.7 Key Site Statistics

Site Area:	21,218 sq m (2.12 Ha)
Demolished Buildings/Structures:	558 sq m
Gross Floor Area of the Development:	22,389 sq m
Proposed Plot Ratio:	1.05
Proposed Site Coverage:	23%
No. of Student Beds:	698 No. bedspaces
Area of Communal/Student Open Space:	2,852 sq m
Area of Public Open Space	7,956 sq m
No. of Car Parking Spaces	9 No. spaces
No. of Motorcycle Parking Spaces	4 No. spaces
No. of Cycle Parking Spaces	860 No. spaces
Area of Public Open Space within Redline	7,956 sq m
Area of Student External Open Space within Redline	2,852 sq m
Area of Open Space to Afterschool	280 sq m
Total Open Space within Institutional Lands	29,135 sq m

7.0 COMPLIANCE WITH PLANNING POLICY

The purpose of this section is to detail the relevant current National, Regional and Local development policy and guidelines applicable in relation to the proposed student accommodation development at the subject site.

7.1 National Policy

The most relevant national policy documents are the *National Planning Framework – Project Ireland 2040*; the *National Student Accommodation Strategy (2017)*; the *Urban Development and Building Height Guidelines, 2018*; and the *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns and Villages) May 2009* which will be discussed further in this section.

7.1.1 National Planning Framework – Project Ireland 2040

Under the National Planning Framework (*NPF*), which was published in February 2018, the Irish Government has set out long term strategic planning goals for the Republic of Ireland. These goals are geared towards compact growth and the sustainable development of Ireland to accommodate an increase in population of one million people by the year 2040.

Section 2.2 of the NPF sets out an overview of the NPF Strategy which includes reference to 'Compact Growth' as follows:

- *Targeting a greater proportion (40%) of future housing development to be **within and close to the existing 'footprint' of built-up areas.***
- ***Making better use of under-utilised land and buildings, including 'infill', 'brownfield' and publicly owned sites and vacant and under-occupied buildings, with higher housing and jobs densities, better serviced by existing facilities and public transport'** [Our Emphasis].*

The NPF expressly seeks the densification of suburban, brownfield, infill sites such as the subject site. National Policy Objective 35 states that it is an objective to:

'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.'

The NPF also sets out that *'increased residential densities are required in our urban areas...to more effectively address the challenge of meeting the housing needs of a growing population in our key urban areas, **it is clear that we need to build inwards and upwards, rather than outwards.** This means that apartments will need to become a more prevalent form of housing, particularly in Irelands cities.'* [Our Emphasis].

The NPF has set a specific objective in relation to lifelong learning and investment in higher education as a means of also improving employment and innovation in Ireland. It views investment in education and training as central to delivery of sustainable communities,

promoting inclusion and offering a range of choices and pathways to better education and employment.

National Policy Objective 31

'Prioritise the alignment of targeted and planned population and employment growth with investment in:

- *The provision of early childhood care and education (ECCE) facilities and new and refurbished schools on well-located sites within or close to existing built-up areas, that meet the diverse needs of local populations.*
- *The expansion and consolidation of third level facilities at locations where this will contribute to regional development.*
- *Programmes for life-long learning, especially in areas of higher education and further education and training where skills gaps are identified.'*

This means that cities like Dublin, with a strong higher education sector will play a key role in delivering further consolidated expansion of its Institutions and Universities. This growth and expansion will result in an increased demand on student accommodation. In relation to the correlation between demand for student accommodation and the knock-on effect on supply of the rental market, the NPF states that:

'Demand for student accommodation exacerbates the demand pressures on the available supply of rental accommodation in urban areas in particular. In the years ahead, student accommodation pressures are anticipated to increase. The location of purpose-built student accommodation needs to be as proximate as possible to the centre of education, as well as being connected to accessible infrastructure such as walking, cycling and public transport. The national student accommodation strategy supports these objectives.'

The subject scheme proposes a high-quality purpose-built student accommodation scheme which is ideally located proximate to University College Dublin. As such, the scheme will contribute positively towards increasing the supply of much needed student accommodation in line with the objectives of the National Planning Framework.

7.1.2 National Student Accommodation Strategy (2017)

The *National Student Accommodation Strategy (2017)* provides guidance and an evidence base for the delivery of Purpose-Built Student Accommodation (PBSA). Student Accommodation, especially that of the PBSA variety has the potential to release a lot more of the rental market to meet housing demand.

Within the Strategy introduction it is noted that:

"The impact of an additional 21,000 student accommodation bedspaces, in addition to an additional 1,500 digs spaces, will free up at least an additional 5,000 rental units for the wider rental sector."

Ireland’s higher education sector has been an important engine of our economic success and continues to grow and expand. The demand for higher education contributes to housing demand within our already constrained supply. Additional demand for housing around Higher Education Institutions, means that there is an increase in demand on many types of housing, especially the rental sector. With demand for higher education spaces expected to rise by up to 27% more by 2030, demand for accommodation is also anticipated to rise sharply.

Thus, the strategy recognises the following in relation to the role Student Accommodation can play in housing supply, and planning outcomes:

‘Appropriately located high-quality, purpose built and professionally managed student accommodation, can make educational institutions more attractive to students from Ireland and abroad, and can also become a revitalizing force for regeneration areas.’

The *National Student Accommodation Strategy (2017)* states that as of 2016 some 179,354 No. students enrolled for full-time courses in higher education institutes in Ireland. This sizeable population requires appropriate housing which suits the economic and academic needs of student life and wellbeing. The report recognised there is emerging pent up demand for spaces which are not currently being met by permitted developments. Figure 7.1 below depicts the existing purpose-built student accommodation bedspaces in 2017.

Existing PBSA Bed Spaces 2017			
Location	HEI	Private	Total
Dublin	7,147	5,285	12,432
Cork	813	2,975	3,788
Galway	764	2,466	3,230
Limerick	2,590	4,226	6,816
Waterford	446	1,919	2,365
Other locations	0	4,810	4,810
Overall Total	11,760	21,681	33,441

There is a margin of error rate of plus or minus 5%.

Figure 7.1: Existing Purpose-Built Student Accommodation as of 2017

Source: National Student Accommodation Strategy (2017)

As can be seen in the table below (Figure 7.2) there is a gap between the supply of PBSA bedspaces, and nationwide demand. In Dublin, the excess demand for student accommodation bedspaces was quantified to be well in excess of 17,000. The proposed development will contribute towards addressing the significant shortfall in available student accommodation bedspaces in Dublin.

Current and Projected Supply and Demand						
	Supply 2017	Demand 2017 (excess demand)	Supply 2019	Demand 2019 (excess demand)	Supply 2024	Demand 2024 (excess demand)
Dublin	12,432	30,298 (17,866)	18,142	35,913 (17,771)	28,806	42,375 (13,569)
Cork	3,788	5,486 (1,698)	4,352	6,463 (2,111)	5,490	7,391 (1,901)
Galway	3,230	5,491 (2,261)	3,887	6,093 (2,206)	4,702	6,652 (1,950)
Limerick	6,816	7,724 (908)	6,831	9,000 (2,169)	8,181	9,798 (1,617)
Waterford	2,365	2,459 (94)	2,365	2,584 (219)	2,365	2,708 (343)
Other locations	4,810	5,617 (807)	5,110	6,388 (1,278)	5,110	6,716 (1,606)
Overall Total	33,441	57,075 (23,634*)	40,687	66,441 (25,754*)	54,654	75,640 (20,986*)

Figure 7.2: Current Projected Supply and Demand of Student Accommodation

Source: National Student Accommodation Strategy (2017)

The *National Student Accommodation Strategy (2017)* acknowledges the role that PBSA bedspaces can play in contributing to addressing the national housing crisis:

'While it is likely that the occupancy of a household comprising solely of students is going to be higher than the national average, it is a fair extrapolation to make that every 4 students housed in either PBSA or in Digs will free up an additional housing unit in the private rented sector that would otherwise have been occupied by students. The impact of an additional 21,000 student accommodation bed spaces, in addition to an additional 1,500 digs spaces, will free up at least an additional 5,000 rental units for the wider residential sector.'

The subject scheme will therefore contribute positively towards addressing the current national housing crisis by alleviating the pressure on the private rented sector within the surrounding context of University College Dublin.

7.1.3 Guidelines on Residential Developments for 3rd Level Students (1999)

The *Guidelines on Residential Developments for 3rd Level Students (1999)*, which were updated in 2007, provide guidelines which are intended to assist developers and designers in formulating proposals for Student Accommodation.

In relation to floor areas, the Guidelines state that:

'Accommodation under the scheme shall be provided by groupings of study bedrooms in "housing units". Each unit shall consist of a minimum of 3 bed spaces and an overall minimum gross floor area of 55 sq m, up to a maximum of 8 bed spaces and a maximum of 160 sq m.'

The subject scheme has been designed in accordance with the floor area parameters outlined in the Guidelines.

In relation to the provision of amenity areas, the Guidelines state that:

'The provision of shared kitchen/dining/living room space shall be based on a minimum of 4 sq m per bedspace in the unit. This shall be in addition to any shared circulation. At a minimum basic kitchen unit with sink, cooker and fridge shall be installed.'

The subject scheme has been designed to include the provision of a communal living/kitchen/dining room for every cluster of bedspaces at each level.

In relation to the provision of accessible rooms, the Guidelines state the following:

'Developments should provide a minimum of one out of every fifty, or part thereof, of the total number of bedspaces in a development designed for students with disabilities. These study bedrooms shall be fully wheelchair accessible complete with ensuite bathroom facilities.'

Of the 698 No. bedspaces within the proposed development, there are 19 No. fully wheelchair accessible studio units for future residents with disabilities. This exceeds the minimum of 14 No. required at the subject site and is therefore in compliance with the guidelines.

The Guidelines provide minimum floor areas for the bedspaces and facilities as follows:

'These will be used as study bedrooms requiring desk space and storage. Therefore, one of the following minimum areas shall apply depending on provision of bathroom facilities:

- *Single study bedroom 8 sq m;*
- *Single study bedroom with ensuite shower, toilet and basin 12 sq m;*
- *Twin study bedroom 15 sq m;*
- *Twin study bedroom with ensuite shower, toilet and basin 18 sq m; and*
- *Single disabled study bedroom, with ensuite disabled shower, toilet and basin 15 sq m.'*

All of the bedspaces within the subject scheme are ensuite and comfortably meet the above outlined minimum floor areas as they are all 12.4 sq m or greater. The accessible rooms also meet the above outlined requirements as they are ensuite and measure 26.3 sq m or greater.

7.1.4 **Urban Development and Building Heights Guidelines for Planning Authorities (December 2018)**

The Minister's foreword to the *Urban Development and Building Heights Guidelines, December 2018* acknowledges that Ireland's classic development models for city and town cores has tended to be dominated by employment and retail uses, surrounded by extensive and constantly expanding low-rise suburban residential areas. This is regarded in the guidelines and literature as an unsustainable model in need of proactive and inventive solutions.

The *Building Height Guidelines* state that there is an opportunity for our cities and towns to be developed differently. Urban centres could have much better use of land, facilitating well located and taller buildings, meeting the highest architectural and planning standards. The *Building Height Guidelines* note that:

'A key objective of the NPF is therefore to see that greatly increased levels of residential development in our urban centres and significant increases in the building heights and overall density of development is not only facilitated but actively sought out and brought forward by our planning processes and particularly so at local authority and An Bord Pleanála levels.' [Our Emphasis].

These Guidelines are intended to set a new and more responsive policy and regulatory framework for planning the growth and development of cities and towns upwards rather than outwards. The Guidelines note that increasing prevailing building heights has a critical role to play in addressing the delivery of more compact growth in our urban areas, particularly our cities and large towns through enhancing both the scale and density of development and our planning process must actively address how this objective will be secured.

Specific Planning Policy Requirement 3 within Section 3 of the Height Guidelines notes that the developments incorporating increased building heights must satisfy specific criteria (such as at the scale of city/town, at the scale of the district/neighbourhood/street and at the scale of the site/building).

The Guidelines also note the following:

*'In relation to the assessment of individual planning applications and appeals, it is Government policy that **building heights must be generally increased in appropriate urban locations**. There is therefore a presumption in favour of buildings of **increased height in our town/city cores and in other urban locations with good public transport accessibility**.'* [Our Emphasis].

It is considered that the proposed development providing heights of part 3 to part 6 No. storeys over lower ground level and comprising 698 No. bedspaces of student accommodation and ancillary facilities at the subject site represents the proper planning and sustainable development of the area as it has been demonstrated that the proposed height of the subject scheme will not have a material impact on surrounding amenity.

We submit that the development as proposed is in accordance with the clear direction in recent national legislation to increase height and density in appropriate locations and the proposed development can be successfully assimilated into its context. We further note that the development allows for the retention of a substantial number of trees, particularly on the more sensitive parts of the site, adjacent to boundaries with residential properties. A tree replacement strategy to reinforce these boundaries is also proposed. The removal of a select number of trees is necessary to allow the site to be developed and to ensure adherence to current standards (i.e., the width of the fire tender access).

7.2 Regional Policy

This section will demonstrate that the proposed development has been designed with due consideration to the relevant Regional Policy and is consistent with the objectives and guidance as set out within each of the respective policy documents. The relevant Regional Policy documents are the *Regional Planning Guidelines for the Greater Dublin Area 2010-2022* and *Regional Spatial and Economic Strategy for the Eastern and Midlands Region*.

7.2.1 *Regional Planning Guidelines for the Greater Dublin Area 2010-2022*

The *Regional Planning Guidelines for the Greater Dublin Area 2010-2022* provides a long-term sustainable planning framework for the GDA. The Regional Planning Guidelines (RPGs) is a policy document which aims to direct the future growth of the Greater Dublin Area over the medium to long term.

The following Strategic Policy is considered relevant to the proposed development:

Strategic Policy SIP1 is in relation to planning for communities and outlines the need to identify and respond to the most vulnerable in planning for growth, for change or regeneration.

The subject scheme responds to a deficit in purpose-built student accommodation and has the potential knock-on effect of easing some of the pressure on the private rental sector as future occupants from the scheme may relocate from private rented accommodation to the proposed development which would offer students a more suitable and affordable option.

The Planning Application for the proposed development will demonstrate how the subject scheme adheres to the remaining policies within the *Regional Planning Guidelines for the Greater Dublin Area 2010-2022*, including but not limited to:

Strategic Policy PIP5 relates to waste management and aims to ensure environmental business and public health needs are met. It also sets out to promote and facilitate reuse and recycling.

An Operational Waste Management Plan ('OWMP') has been prepared by AWN Consulting, a copy of which is enclosed with this Planning Application.

The OWMP outlines the waste strategy for the proposed development and demonstrates how the subject scheme will comply with all legal requirements in relation to waste policies and best practice guidelines.

Strategic Policy GIP2 aims to protect and conserve the natural environment, in particular EU designated sites.

An Appropriate Assessment Screening Report has been prepared by Scott Cawley Limited, a copy of which is enclosed with this Planning Application.

'Following an examination, analysis and evaluation of the best available information, and applying the precautionary principle, it can be concluded that the possibility of any significant effects on any European sites, whether arising from the project alone or in combination with other plans and projects, can be excluded.'

It is considered that the development will not be likely to lead to significant effects on the environment.

The Report screens the project under the appropriate methodology and demonstrates how the proposed development adheres to Strategic Policy GIP2.

Strategic Policy GIP6 sets out to ensure the protection, enhancement and maintenance of the natural environment with specific emphasis on the value of green spaces.

An Ecological Impact Assessment has been prepared by Scott Cawley Limited, a copy of which is enclosed with this Planning Application.

'The landscape design will ensure that the biodiversity value of the habitats to be retained and created as part of the proposed development, are maximised. The proposed development does have the potential to result in significant negative effects on habitats (treelines), breeding birds and bats at local geographic levels. Following the implementation of mitigation measures, no residual impacts on any key ecological receptors is predicted.'

It is anticipated that the Assessment demonstrates that no significant effects on the flora and fauna will arise from the proposed development and thus it adheres to Strategic Policy GIP6.

Strategic Policy FP1 states that flood risk requires active management through the planning process.

A Site-Specific Flood Risk Assessment has been prepared by DBFL Consulting Engineers, a copy of which is enclosed with this Planning Application.

The Assessment concludes that:

'It is concluded that the development meets the requirements of The FRA Guidelines and that the proposed development is appropriate to this flood zoning and a justification test is not required.'

The subject site, which is located in Flood Zone C, is an appropriate location for the proposed development. The Assessment also outlines a number of measures that can be readily incorporated into the detailed design of the subject scheme to mitigate against the potential for flooding.

7.2.2 **Regional Spatial and Economic Strategy for the Eastern and Midlands Region**

The *Regional Spatial and Economic Strategy for the Eastern and Midlands Region* ('RSES') was adopted in June 2019. This document outlines a number of core Regional Policy Objectives, which work in concert with the National Planning Framework to guide all Local Authority future plans, projects and activities requiring the consent of the Regional Assembly.

In relation to Consolidation and Re-intensification **RPO4.3** states:

'Support the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built up area of Dublin city and suburbs and ensure that the development of future development areas is coordinated with the delivery of key waster infrastructures and public transport projects.'

The subject scheme will provide 698 No. student accommodation bedspaces with ancillary resident support facilities, therefore appropriately densifying this key underutilised site ideally situated in close proximity to University College Dublin.

Under Section 8.1 the RSES states the following with regard to integrating land use and transport planning:

'The RSES identifies regional strategic outcomes which include integrated transport and land use planning, the transition to a low carbon economy by 2050, compact growth, enhanced regional and international connectivity, enhanced green infrastructure and the provision of sustainable settlement patterns.'

Through the provision of a low level of car parking provision, the subject scheme seeks to encourage future residents to take advantage of the subject site's proximity to University College Dublin and avail of more environmentally friendly and sustainable modes of transport such as walking, cycling and public transport.

Therefore, the subject development contributes to consolidated growth and the reduction in carbon emissions.

Section 8.2 of the RSES discusses responses to urban sprawl and justification for the move towards compact growth:

'The Strategy aims to provide a spatial framework to promote smart compact growth as an alternative to continued peri-urban sprawl around our cities and towns, with a resultant negative impact on the environment and people's health and wellbeing due to increased commuting and loss of family and leisure time.'

The location of the subject site in close proximity to University College Dublin, which is readily accessible by foot, bicycle or public transport, allows for a significantly reduced commuting time for future residents resulting in a greater life balance.

Additionally, the provision of amenity spaces and communal facilities aides in the facilitation and promotion of healthy lifestyles and social interaction between residents.

7.3 Local Policy – *Dún Laoghaire Rathdown County Development Plan 2016-2022*

7.3.1 Zoning

The subject site is zoned *Objective 'A'* in the *Dún Laoghaire Rathdown County Development Plan 2016 – 2022* where the objective is *'to protect and-or improve residential amenity'* (see Figure 7.3 below). Land uses that are *'Permitted in Principle'* and *'Open for Consideration'* on lands zoned *'Objective A'* include, but are not limited to:

Permitted in Principle

Assisted living accommodation; Open Space; Public Services; Residential; Residential Institution; and Traveller Accommodation.

Open for Consideration

Carpark; Community Facility; Childcare Service; Education; and Neighbourhood Sports Facility.

'Residential' development is permitted in principle on lands zoned Objective A. Student Accommodation is considered to be a residential land use, as such, the proposed development fully complies with the zoning objective of the site.

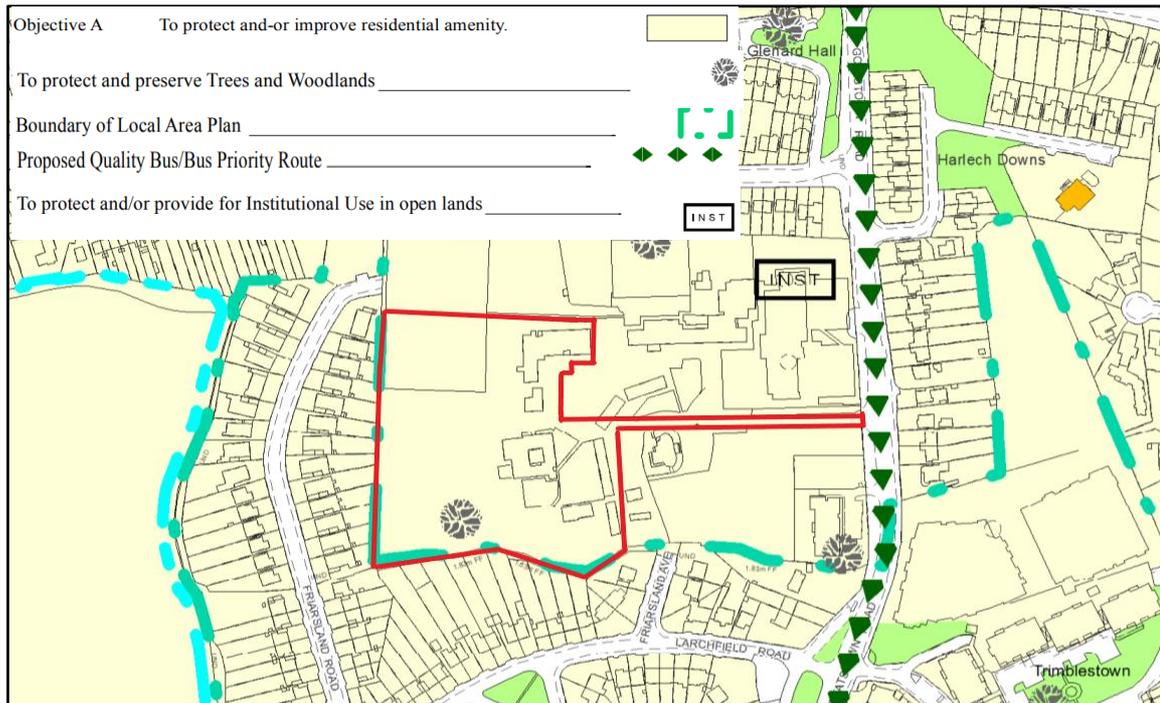


Figure 7.3: Zoning Map with the Subject Site Indicated.

Source: *Dún Laoghaire Rathdown County Development Plan 2016-2022. Annotated by Thornton O'Connor Town Planning.*

The Applicant notes that the *Draft Dún Laoghaire Rathdown County Development Plan 2022-2028* was published on 11th January 2021. The Draft Development Plan proposes to amend the zoning of the subject site to Objective 'F', where the stated objective is 'to preserve and provide for open space with ancillary active recreational amenities'. The 'INST' designation continues to apply to the subject site in the *Draft Plan*, however the objective 'to protect and preserve trees and woodlands' has been removed.

The Public Consultation period on the *Draft Plan* will run from 1st February 2021 until 16th April 2021, with the Development Plan due to be adopted in c. February 2022. The Applicant intends to make a detailed submission in respect of the *Draft Plan* during the Public Consultation period. The submission will outline the Applicant's opinion that the subject lands are not suitable for Open Space, given that there is a low level of passive surveillance owing to the lands being directly abutted by the rear gardens of residential properties on three sides, and the remaining side being adjacent to a hockey pitch and creche facility. The submission will also detail the suitability of the site for higher density development having regard to its location just 1km from a Luas station and adjacent to a proposed bus priority route. It will also be noted that during the Pre-Planning Consultation phase of this Planning Application, Dún Laoghaire County Council and An Bord Pleanála did not question the suitability of the lands for the provision of Student Accommodation.

An Bord Pleanála should note that the proposed rezoning of the lands in the *Draft Plan* is a consequence of motions put forward by Councillors. A copy of the motions is provided below:

122. Councillor J. O’Leary
 That this Planning Authority pursuant to Section 11 (5)(c) of the Planning and Development Act 2000 (as amended) resolves to amend the Chief Executive's Draft Development Plan as follows.

Retain the INST designation on the Our Lady’s Grove site on Map 1 and place it in the centre of the site per the attached map.

123. Councillor B. Saul
 That this Planning Authority pursuant to Section 11 (5)(c) of the Planning and Development Act 2000 (as amended) resolves to amend the Chief Executive's Draft Development Plan as follows

Map 1 - Insert INST symbol in the centre of this site which is delineated by the green boarder.

(Map attached)

124. Councillor B. Saul
 That this Planning Authority pursuant to Section 11 (5)(c) of the Planning and Development Act 2000 (as amended) resolves to amend the Chief Executive's Draft Development Plan as follows.

Map 1- Rezone the area highlighted in green to Open Space F.

(Map attached)

Figure 7.4: Councillor Motions in Relation to the Subject Site as Set Out in Agenda for Council Meeting on 15th December 2020

Source: [final_agenda - cdp december 2020.pdf \(dlrcoco.ie\)](https://dlrcoco.ie/final_agenda_-_cdp_december_2020.pdf)

A transcript of the Council discussion of the motions at the meeting on 15th December 2020 is provided for the Board as Appendix A to this Planning Report. The transcript shows that during the meeting the Executive expressed that they did not support the proposed rezoning of the lands to provide open space with the transcript recording the Forward Planning Department as stating:

'The executive doesn't agree with the motion as the lands in question do not function as an area of public open space.'

In the discussion that ensued Councillor Saul stated the following:

'That is 25% of the institutional zoning that was on the original site, that's what should be available to the local community, and we discussed what the Bord will actually pay attention to, and what they won't pay attention to, and unfortunately on a daily, and weekly and monthly basis An Bord Pleanála are overturning our Development Plans, they are overturning our SLOs, they are overturning our local area plans, they are overturning all the written statements and they are overturning a huge amount of it. They do not and they cannot overturn zonings. So the only way for us to secure this, I accept this will only come into force in April 2022, but I am not, and my colleagues in Fine Gael are not surrendering the ability to protect that southwest quarter, which is 25% of the site, despite motions, despite SLOs, despite local area plans, the Bord will not overturn a designation we give to zoning, so despite a number of long meetings here, despite 135 motions, the most

important motions to the Council and to the Councillors are zoning, because the Bord once we set this process in train, and once its passed the Bord will ignore, and have ignored on a regular basis an awful lot of our motions, SLOs, Local Area Plans, they will not overturn zonings, so I would hope the members would at least would consider supporting that, because you have seen the diagrams before, and you have seen the slides before, the planning has not worked and we owe it to the schools, the kids in the schools and the kids and families in wider areas to try and secure and do our very best to fight for at least the 25% on the total site.'

Thus, it is clear that the Councillors put forward the motions and that the open space rezoning as proposed is not supported by the Executive.

In concluding this issue, the Board should note that the proposed rezoning of the subject lands to open space will be vigorously challenged by the Applicant during the public consultation stage of the Draft Plan. We further note that this Planning Application will be assessed in the context of the current *Dun Laoghaire Rathdown Development Plan 2016-2022* in which the lands are appropriately zoned for residential use.

7.3.2 'INST' Objective

As can be seen in Figure 7.3 above, there is an 'INST' designation to the north east of the subject site which also applies to the subject lands. The Development Plan outlines this objective as follows:

'To protect and/or provide for Institutional Use in open lands.'

We note the following policy objective relating to open and Institutional Lands within the *Dún Laoghaire Rathdown Development Plan 2016-2022*. Under Section 8.2.3.4 xi) the following is stated as applying to Institutional Lands.

'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'

It is evident from the sale of the subject site by the Religious Congregation associated with Our Lady's Grove School, the lands were no longer required for 'institutional' use. For the purposes of clarity, Our Lady's Grove Primary School and Our Lady's Grove Secondary School, which are adjacent to the subject lands, have furnished letters (see Figures 7.5 and 7.6 below) confirming that the subject lands are not required for expansion of educational facilities and any expansion required will take place on lands within their own demise.

We note that if expansion becomes necessary in the future that the schools' sites could consider vertical expansion (increase in height) rather than lateral expansion into the designated 'expansion zones'. We note a recent application by the Department of Education for the expansion of an established education campus in Sandymount, Dublin 4. Under DCC Reg. Ref. 4429/19, Dublin City Council granted permission for the expansion development which included additional height and infilling. The decision of the Council was subject to Third Party Appeals to An Bord Pleanála (ABP Ref. 308201-20). In responding to a Third Party Appeal, the Department of Education highlighted the need for schools to maximise the use of established educational sites. The Department noted in their Response that:

*'More intensive use of school sites in urban settings is also consistent with the objectives of the National Planning Framework – Project Ireland 204, which envisages consolidation and intensification in established urban settlements with the overall objective of accommodation up to 50% of the projected population increase in the State within the Greater Dublin Area and 50% of the remaining population increase in existing regional cities and established large towns. Increasingly, school developments will need to be located within existing urban areas. Inevitably, a more compact settlement pattern will create greater market competition for available properties. **This will require increased emphasis to be put on maximising the use of established educational sites** such as Roslyn Park, which we contend is an excellent example of this form of development.'* [Our Emphasis].

Thus, it is clear from the above that the Department of Education recognises the need to prevent the spawl of schools into adjacent sites and plan for a more compact form of development going forward.



Figure 7.5: Letter from Our Lady's Grove Primary School Confirming Any Future Expansion of the School will be Accommodated within their Lands

Source: As provided by Our Lady's Grove Primary School



Our Lady's Grove Secondary School

Our Lady's Grove, Goatstown Road, Dublin 14

To Whom it may concern,

The Our Lady's Grove Secondary School Campus at Our Lady's Grove, Goatstown Road, Dublin 14 is currently undergoing a regeneration programme which includes the almost completed realignment of the Hockey pitch and the building of new changing facilities.

Having had discussions with Colbeam Ltd, regarding the student accommodation proposal for the neighbouring site, we can confirm that their proposals have our support. In our opinion Colbeam are committed to providing a quality development and ongoing appropriate custodianship of the completed project.

We can confirm that any expansion of the current school and facilities will take place on lands within our control at Our Lady's Grove, Goatstown, Dublin 14. We believe that the grounds currently under leasehold from Le Cheile Trust provide us with ample opportunity to expand should our numbers rise. The Lands sold by the RJM Sisters, other than a small portion of the original hockey pitch, have never been in the control of the secondary school. They were owned and managed by the RJM Sisters and as such were not part of our Board of Management's long-term plans.

Due to the current congested experience that is the reality of the Goatstown Road campus entrance, we welcome the low number of parking spaces provided for in this plan. We confidently expect Colbeam Ltd to align with the parking management system in force on the campus.

Finally, we welcome the large amount of useable community open space that will be provided on site. These spaces have the potential to be useable by the educational institutions on the campus and the local residents.

Yours sincerely,


Colm Dooley

Principal
Our Lady's Grove

*Principal: Colm Dooley Deputy Principal: Sonya Lyons
Phone: 2951913 ♦ Fax: 2963597 ♦ Email: office@olgrove.ie*

Figure 7.6: Letter from Our Lady's Grove Secondary School Confirming Any Future Expansion of the School will be Accommodated within their Lands

Source: As provided by Our Lady's Grove Secondary School

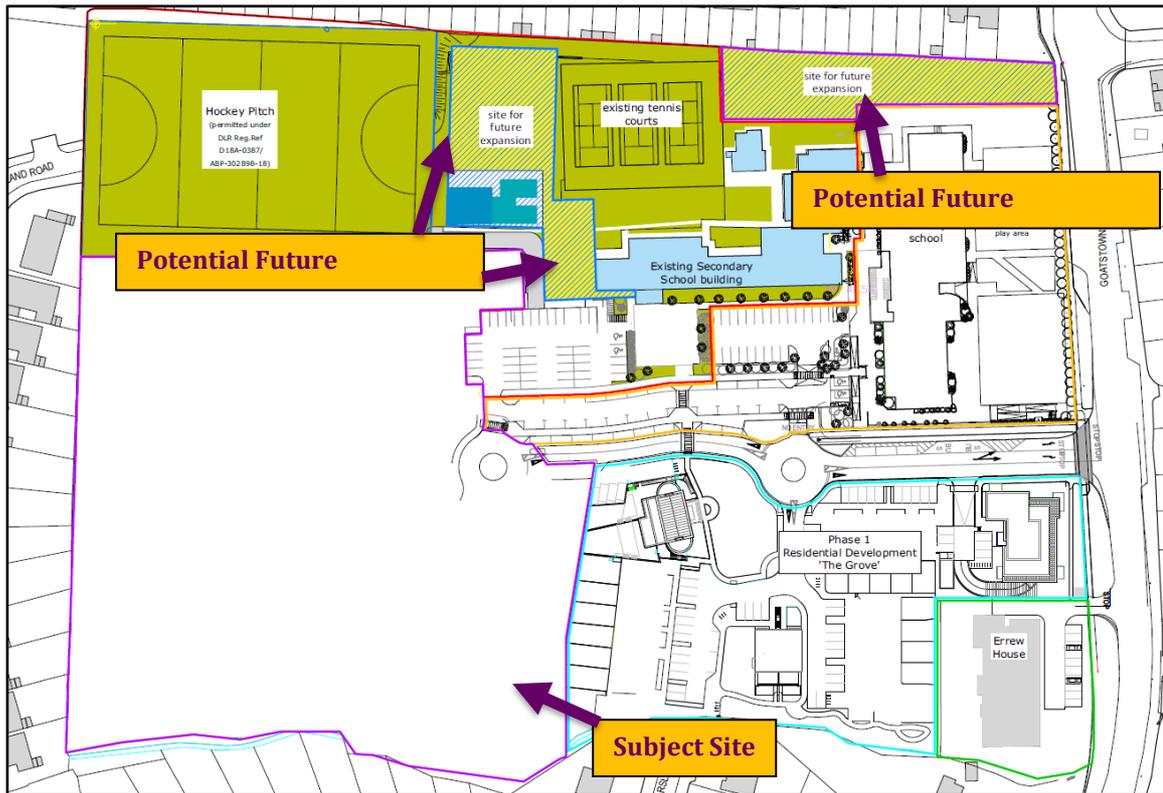


Figure 7.7: Map Showing Potential Area for Future Expansion of Our Lady's Grove School (if required)

Source: Stephen Marshall Urbanism Limited

The subject scheme provides residential use that is institutional in character and thus is eminently suitable on lands with an 'institutional' designation. The Applicant contends that the proposed student accommodation use, which is in line with the zoning objective and Institutional objective responds to the policy applying to the subject lands.

We note the following policy objective relating to open space and Institutional Lands within the *Dún Laoghaire Rathdown Development Plan 2016-2022* which states that:

'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.'

As detailed in Section 6.6 of this Report, the subject scheme includes 7,956 sq m of public open space (37.5% of the subject site). There is also a total of 2,852 sq m of external communal amenity space available to the future student residents of the scheme. Within the subject site there is also an open space area of 280 sq m which will remain within the boundary of the Afterschool facility. The total open space provision within the subject site therefore equates to 11,088 sq m (52% of the subject site). In the wider context of the entire lands designated 'institutional', which measure approximately 60,264 sq m, if the subject scheme is granted permission there will be a total of 29,135 sq m open space across the institutional landholding, which equates to 48% of the overall lands at The Grove subject to the 'INST' designation (60,264 sq m).

The subject scheme has therefore been designed to ensure that generous and useable open spaces of varying types are provided throughout the scheme. Whilst the 'INST' objective does not specify that the open spaces are publicly accessible, in order to provide planning gain to the local community, some 37.5% of the lands will be accessible to all members of the public. We submit that the scheme has been designed to respond fully to the requirements of the 'INST' objective as outlined in the *Dún Laoghaire Rathdown County Council Development Plan 2016-2022*.



Figure 7.8: CGI Showing Part of the Linear Walkway

Source: 3D Design Bureau



Figure 7.9: CGI Showing the Entrance to the Scheme with Entrance Point to the Public Open Space Shown in the Foreground

Source: 3D Design Bureau

Section 8.2.3.4 xi) of the Development Plan further states:

'In order to promote a high standard of development a comprehensive masterplan should accompany a planning application for institutional sites. Such a masterplan must adequately 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. Every planning application lodged on institutional lands shall clearly demonstrate how they conform with the agreed masterplan for the overall site.'

A Masterplan for the site is provided in Section 4.0 of the separately enclosed Design and Access Statement. The Masterplan includes reference to matters including the framing of views, the creation of a central focus, height and visual impact, massing relative to adjacent schemes etc.

7-3-3 Density

Policy RES 5 and Section 2.1.3.5 of the *Dun Laoghaire-Rathdown Development Plan 2016-2022* outlines Dún Laoghaire Rathdown County Council's approach to housing density on 'institutional' designated lands as follows:

'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.' [Our Emphasis]

The density parameter set out above relates to residential units per hectare and there is no equivalent standard provided in the *Dun Laoghaire-Rathdown Development Plan 2016-2022* for student use. We note that the policy refers to 'net density'. The *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, May 2009* state:

*'A net density is the most commonly used approach in **allocating housing land** within Local Area Plans and is appropriate for development on infill sites where the boundaries of the site are clearly defined and **where only residential uses are proposed.**' [Our Emphasis]*

As per the above, the National Guidelines are clear that net density is a standard developed for the assessment of residential uses. Whilst student accommodation is a type of residential development, it has its own use class and cannot be assessed in terms of units per hectare due to the wide range of unit types that can be provided from small studios to medium size clusters or larger clusters resulting in a quantitative standard that is not comparable to apartment/housing residential developments. It is thus not possible to accurately determine the density of a student scheme in an equivalent method to providing the density of a residential housing/apartment development.

We note that Dún Laoghaire Rathdown County Council in their Report of the Chief Executive on the pre-application stage of this application referred to the density of the scheme on a per cluster basis and noted that the scheme submitted at pre-application stage comprised a density of c. 61 No. clusters per hectare based on 112 No. clusters + 17 No. studios/2.12. Using that calculation methodology, the now amended and reduced scheme comprises a density of 55.6 No. clusters per hectare (99 No. clusters + 19 No. studios)/2.12).

It is our professional planning opinion that the subject site is ideally suited to the provision of a student development given its institutional origins and the institutional nature of the adjacent campus. Due to the scale and massing of the scheme, An Bord Pleanála may consider that it would have a higher net density equivalent than 35 – 50 residential units p/ha. Thus, the density of the scheme has been included in the enclosed Material Contravention Statement for the consideration of An Bord Pleanála despite the fact that the Development Plan does not include a density Objective for student use on 'INST' lands.

However, it should be noted that the height of the scheme facilitates density whilst protecting the open space nature of the lands at ground level and thus in our opinion the verticality of structures proposed contributes towards the objective of retaining the open character and/or recreational amenities of the lands in accordance with the above policy applying to lands subject to the 'INST' Objective which expressly states *'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.'*

We submit that the density of development proposed at the site is appropriate to its location and context.

7.3.4 Building Height

The development proposes a part 3 to part 6 No. storey over lower ground student accommodation scheme in 8 No. blocks. The scale, massing and siting of the blocks have been carefully considered to ensure that it can be assimilated into its receiving context.

Appendix 9 of the *Dun Laoghaire-Rathdown Development Plan 2016-2022* sets out the height policy for Residual Suburban Areas not included within Cumulative Areas of Control and states that '*A general recommended height of two storeys will apply.*' The policy further states that apartment or town-house type developments or commercial developments in the established commercial core of these areas to a maximum of 3-4 storeys may be permitted in appropriate locations - for example on prominent corner sites, on large redevelopment sites or adjacent to key public transport nodes - providing they have no detrimental effect on existing character and residential amenity. The Plan further states that:

'This maximum height (3-4 storeys) for certain developments clearly cannot apply in every circumstance. There will be situations where a minor modification up or down in height could be considered.'

It is considered that the subject lands are suitable for 'upward modifiers' having regard to the planning gain that will be provided in contributing to the public realm and the size of the site which is greater than 0.5 hectares can set its own context for development with greater building heights set away from the boundaries.

The *Urban Development and Building Heights Guidelines for Planning Authorities (December 2018)* take precedence over the Development Plan. In particular, SPPR 1 of the Guidelines notes that blanket numerical limitations on building height shall not be provided for through statutory plans therefore the imposition of a restriction at the subject site would be contrary to SPPR 1. Therefore, the height proposed in the subject scheme has taken the opportunity to explore the potential for increased height, rising to a height of 18.030m from ground level and 21.380m from lower ground level.

Despite the proposed increase in height, it has been demonstrated in the accompanying documentation, particularly the Landscape Visual Impact Assessment and Daylight/Sunlight Analysis, that the subject scheme will not have a significant material impact on the residential amenity of existing surrounding dwellings. It is considered that the height proposed can be absorbed at the location of the subject lands due to the generous setbacks provided from sensitive boundaries and the design of the scheme which has sought to reduce bulk and massing at locations close to site boundaries.

A Material Contravention Statement relating to the height of the scheme is enclosed with this Planning Application. The Statement sets out that An Bord Pleanála and Planning Authorities must have regard to the Specific Planning Policy Requirements (SPPRs) set out in the *Urban Development and Building Heights Guidelines for Planning Authorities 2018*. SPPR 1 of the Guidelines notes that blanket numerical limitations on building height shall not be provided for through statutory plans. The Statement sets out that it is our professional planning opinion that the increased height and associated density proposed as part of the subject scheme represents the principles of proper planning and sustainable development and is fully in accordance with National Policy which seeks to increase height and density in appropriate urban areas.

7.3.5 Car and Motorcycle Parking

Table 8.2.3 of the *Dun Laoghaire Rathdown Development Plan 2016-2022* outlines the car parking standards for the Dún Laoghaire Rathdown County Council administrative area. There is no standard for student accommodation included within the Development Plan.

Due to the proximity of the subject site to University College Dublin and the accessibility to public transport, a decision was taken by the design team to include a reduced car parking provision within the subject scheme.

There are 9 No. car parking spaces included within the design of the subject scheme, which includes 2 No. accessible spaces. As Table 8.2.3 of the Development Plan does not outline a car parking standard for Student Accommodation, the proposed car parking provision within the subject scheme is based upon a review of recently permitted student accommodation schemes in Dublin. The review, which was undertaken by DBFL Consulting Engineers, found that the majority of the recently permitted student accommodation schemes do not include car parking provision, with a small number including a nominal element of car parking. On the basis of this review, a decision was taken to include a nominal element of car parking provision within the subject scheme. The scheme also includes 4 No. motorcycle spaces.

7.3.6 Bicycle Parking

Section 8.2.4.7 Cycle Parking of the Development Plan that states '*for development, short and long term cycle parking and cycle facilities provision shall be in accordance with the requirements in the Council Cycling Policy Guidelines and Standards*'.

The *Standards for Cycle Parking and Associated Cycle Facilities for New Developments*, January 2018 sets out cycle parking standards for residential development. Based upon the standards outlined in Table 4.1 of the Standards for Cycle Parking (as shown below) it is that for the proposed 698 No. bedspaces, 489 No. cycle parking spaces are required (140 No. short stay spaces and 349 No. long stay cycle spaces).

Table 4.1 Cycle parking for residential development		
Residential Development type	1 short stay (visitor) parking space per: (Minimum of 2 spaces)	1 long stay parking space per: (Minimum of 2 spaces)
Apartments, Flats, Sheltered housing	5 units	1 unit
Houses - 2 bed dwelling	5 units	1 unit
Houses - 3+ bed dwelling	5 units	1 unit
Sheltered housing	5 units	1 unit
Student Accommodation	5 bedrooms	2 bedrooms

In total there are 860 No. cycle parking spaces provided in 4 No. locations within the subject scheme. As such, the quantum of cycle parking spaces comfortably exceeds the Dún Laoghaire-Rathdown Cycling Policy requirement.

The rationale for the provision of bicycle parking in excess of the minimum standards outlined in the Development Plan, is based on the subject site's proximity to University College Dublin and a fair assumption that a large number of future residents of the subject scheme will chose to cycle to and from college.

7-3-7 Objective to Protect and Preserve Trees and Woodland

There is an Objective to Protect and Preserve Trees and Woodland on part of the subject lands. The Development Plan states in *Section 8.2.8.6: Trees and Hedgerows* that:

'New developments shall be designed to incorporate, as far as practicable, the amenities offered by existing trees and hedgerow and new developments shall have regard to objectives to protect and preserve trees and woodlands as identified on the County Development Plan Maps.'

Policy OSR7: Trees and Woodland further states that:

'It is Council policy to implement the objectives and policies of the Tree Strategy for the County – 'dlr TREES 2011-2015' - to ensure that the tree cover in the County is managed and developed to optimise the environmental, climatic and educational benefits which derive from an 'urban forest'.'

The mentioned *Tree Survey 2011-2015* states that:

'Certain trees, groups of trees and woodlands have been identified on the Development Plan Maps. It is intended that these trees be protected and maintained. Robust and appropriate levels of protection should be provided for trees and tree groups identified, with a long-term aim of linking groups together to provide more robust tree assemblages.'

Section 8.2.8.6 of the *Dun Laoghaire-Rathdown Development Plan 2016-2022* clarifies that:

*'New developments shall be designed to incorporate, **as far as practicable**, the amenities offered by existing trees and hedgerow and new developments shall have regard to objectives to protect and preserve trees and woodlands as identified on the County Development Plan Maps.'* **[Our Emphasis]**

The Plan further states in Section 8.2.8.6 that:

*'Where it **proves necessary to remove trees to facilitate development**, the Council **will require the commensurate planting** or replacement trees and other plant material. This will be implemented by way of condition.'*

The Design Team has sought to maximise opportunities for tree retention as part of the subject scheme to aid in the assimilation of the scheme into its context. An Arboricultural Report and drawing prepared by The Tree File Limited is enclosed with this Planning Application. The Tree Strategy promotes the preservation and retention of designated trees onsite. However, the strategy also promotes new planting in the right places to replace trees that are aging and/or unhealthy or are being lost as a consequence of development pressures. As aforementioned, the reduced car parking strategy at the subject lands allows for an enhanced tree retention plan at the site, when compared with the previous residential scheme at the site.

The Tree Strategy notes that 34 No. trees are required to be removed as part of the development and thus a planting plan which involves the replacement of 56 No. trees is proposed, resulting in a net gain of 22 No. trees upon completion of the proposed development. In our opinion this proposal is in line with the Development Plan objectives which clearly note that *'where it proves necessary to remove trees to facilitate development, the Council will require the commensurate planting'* however this matter is included in the enclosed Material Contravention Statement in the event that the Board may consider that any tree removal constitutes a Material Contravention.

When compared to the previously permitted scheme (which was ultimately quashed following judicial review proceedings), the subject scheme of this Planning Application proposes to retain an additional 4 No. trees and 110 No. metres of tree line. In addition to this lesser tree loss, the Landscape Planting Plan of the proposed development will result in an overall net gain of 22 No. trees when compared to the existing site.

7.3.8 Part V

Section 7.6 of Appendix 2 of the *Dun Laoghaire-Rathdown Development Plan 2016-2022* states that:

'No social housing will be required in instances where it is proposed that student accommodation is to be provided on the campus of a Third Level Institution. In all other instances of student accommodation the standard 20% social housing requirement will apply.'

The subject development does not propose to provide Part V social housing units as Part V is not applicable to student accommodation development as student accommodation does not constitute a 'house'. There would clearly be significant management difficulties that would arise in applying Part V to student accommodation. We note that the adjacent Planning Authority Dublin City Council does not apply Part V to student accommodation and we also note that there is precedence in the functional area of Dun Laoghaire Rathdown County Council where An Bord Pleanála have confirmed that off-campus student accommodation should not be subject to Part V social/affordable housing. Of particular note in this regard is a scheme at Blake's and Esmonde Motors Site, Lower Kilmacud Road, Stillorgan (ABP Ref. ABP-300520-17). Condition No. 6 attached to the Order in the Decision on ABP Ref. ABP-300520-17 expressly states:

*'Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. **The requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, shall only apply to residential apartments contained in Building 01 and Building 02 and shall not apply to student accommodation contained in Building 03 and Building 04.** Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may*

be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination. [Our Emphasis].

The Board may deduce that a Material Contravention has taken place due to the non-provision of Part V units. Thus, in the event that the Board consider that the development materially contravenes the Plan, the enclosed Material Contravention Statement provides justification for the non-provision of Part V social/affordable housing.

7.3.9 Other Relevant Development Plan Policy

Policy RES12 of the *Dún Laoghaire Rathdown County Development Plan 2016-2022* states that it is Council Policy to:

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

The subject site is ideally suited for the provision of Student Accommodation, particularly given the proximity of University College Dublin which is approximately 850m from the subject site and is therefore readily accessible by foot and by bicycle.

Section 8.2 of the *Dún Laoghaire Rathdown County Development Plan 2016-2022* outlines the Council's criteria that will be considered for the location of Student Accommodation as follows:

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

- *On campus;*
- *Within 1 km distance from the boundary of a Third Level Institute; and*
- *Within close proximity to high quality public transport corridors (DART, N11 and Luas), cycle and pedestrian routers and green routes.*

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

As previously outlined, the subject site is located 850m from University College Dublin and is therefore ideally suited for the provision of Student Accommodation.

There are further criteria for the consideration of proposed Student Accommodation laid out in Section 8.2 of the Development Plan as follows:

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

In designing the subject scheme, cognisance was given to the scheme previously permitted by An Bord Pleanála but recently quashed by the High Court. As previously outlined in Section 3.0 of this Report, the orientation and siting of the proposed blocks was changed from the scheme previously considered at the lands, with the blocks turned 90° and set back further from the boundaries, resulting in reduced impacts to properties to the west.

A Student Management Plan for the proposed development is enclosed with this Planning Application. The Management Plan outlines how the subject scheme will be appropriately managed to ensure the protection of the residential amenity of surrounding properties.

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

An Operational Waste Management Plan prepared by AWN Consulting Limited is enclosed with this Planning Application. The Plan outlines the Waste Management Strategy for the proposed development, in line with best practice guidelines.

The storage facilities, cycle parking and amenity areas have all been provided in adherence with the relevant National and Local Policy.

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

The enclosed Design Statement prepared by Stephen Marshall Urbanism outlines the material palette that will be utilised in the subject scheme.

The Report states that:

'The intention with the choice of materials is to create a building or set of buildings that pulls the site together. The Jesus and Mary College building and the newer Our Lady's Grove primary school are formed from industrial sheet/curtain walling technology whilst the more recent construction is formed from brick. We are proposing brick in two formats for the main enclosure walls with a third zinc coloured material employed at the upper levels. Therefore, the main enclosure materials are:

*White reconstituted stone;
Variegated pale brown brick;
Zinc coloured reconstituted stone; and
Glass curtain walling.*

As outlined in Section 3.0 and 4.0 of this Report, the subject scheme has been designed having regard to the surrounding context of the subject site.

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

According to Dún Laoghaire Rathdown County Council's online planning database there are no recently permitted student accommodation schemes within a 1km radius of the subject site.

The nearest recently permitted student accommodation schemes to the subject site are:

- ABP Ref. 30052017 – 567 No. bedspaces at the former Blakes and Esmonde Motors sites, Lower Kilmacud Road, the Stillorgan Road (N11), and The Hill, Stillorgan, Co. Dublin.
- DLRCC Reg.Ref. D18A/0995 – 32 No. bedspaces at No. 409 Stillorgan Road, Stillorgan, Co. Dublin.

Under ABP Ref. PL06D.308353 permission has been sought for a Strategic Housing Development comprised of 239 No. Student Accommodation bedspaces on a site approximately 260m to the south east of the subject site of this Planning Application. An Bord Pleanála are due to make a decision in relation to this Application by 4th February 2021 (the decision was not available at the time that this document is being issued to print).

8.0 CONCLUSION

The subject site is eminently suitable for student accommodation given its proximity to University College Dublin which is located approximately 850m to the north west of subject site. Our Client Colbeam Limited is dedicated to improving upon the Student Accommodation offering in Dublin, to address the significant shortage in appropriately located purpose-built student accommodation bedspaces.

The subject development will provide for a total of 698 No. student accommodation bedspaces including 19 No. accessible studios in a highly functional and purpose-built environment. The subject scheme also includes ancillary facilities for the future residents including, but not limited to, a music room; a movie room; a laundry; a gym; a serviced reception desk; a common room area and outdoor amenity space. In addition to the facilities available to the future residents, the subject scheme also includes 7,956 sq m of public open space in the form of an active recreational area and a linear nature trail.

The proposed development complies in full with planning policy and it is demonstrated in the enclosed specialist sub-consultant reports that the development will result in a high quality Student Accommodation scheme that will be appropriately managed to ensure that the amenity of the local area is fully protected.

It is contended, therefore, that the proposal will ensure the proper planning and sustainable development of the area and will contribute positively to the urban fabric of this area.

Please do not hesitate to contact the undersigned should you require any further information or clarification on the proposal.

Signed:



Sadhbh O'Connor
Director
Thornton O'Connor Town Planning

Appendix A: Transcript of the Council Meeting of Dun Laoghaire-Rathdown County Council, 15th December 2020 – Relating to Motions Pertaining to the Subject Lands

Items: 122, 123, 124

Chair: Moving on to item 122 from C. O'Leary seconded by C. Akmed, and Cllr O'Leary you are not accepting the report?

Cllr O'Leary: No, should we be taking 123 with this as well?

Chair: Yes. We will take 123 from Cllr Saul, and seconded by Cllr Baker, so I will bring Cllr O'Leary first, and then Cllr Saul.

Cllr O'Leary: Thank you Cathaoirleach, the purpose of the motion is to restore the protection on Our Lady's Grove site that exists in the current County Development Plan. At the moment half the site has been rezoned or SNI'ed, but the other half of the site has been left open for residential building. This is a site that there has been a lot of development on it. Originally under the Inst. designation we were meant to receive 25% open space, and by virtue of the way this site has developed in parcels, the 25% was never delivered.

So just to speed the meeting on again Mary, I will just read out what I have given you, I will read out what I have given Mary as the reasons:-

1. The purpose of the motion is to restore the protections provided on the whole of the site Inst. designation first adopted under the 2010, 2016 County Development Plan;
2. The motion accords with the High Court finding in Redmond vs An Bord Pleanála, that the Inst. designation applies to the whole of the site, and;
3. The Inst. designation continues to be legitimate designation in that at the original time of designation the site was institutional in use and under policy PHP20 the Council's objective is to retain the open character, and or recreational immunity of land parcels in institutional use, so that second part of the land is open in character so it meets the definition of inst.

Thank you.

Chair: Thank you Cllr, Cllr Saul please.

Cllr Saul: Cathaoirleach, I actually have a, yeah there you go I have a little, there's a slide show.

Again this just shows the failure of the planners not in Dun Laoghaire but in the planning system, the Bord in relation to protecting open spaces on institutional lands. So the very first one is in 2009 where you will see a fair amount of green grass retained on the site before the development is developed in a piecemeal manner starts to creep in on the south east of the site. The next slide up shows you a bit more of the development spreading through the whole site, and if you go up to the 2020 version for the sale of the lands which is the next one down I think, it shows the effect of, this is from the brochure, from the selling of the rest of the land, which was sold, and was subject to a High Court case. So then you look at the last one which in effect shows a very different picture from 2009. So what in effect we have is creep, bad planning and we haven't had protections of the 25%. Once you know the south west corner, which is the land which is sold, and which was the land subject to a planning application which was overturned. And once that is built on, if it is, we have no 25%, we have very little grass left on a large scale urban site that we all understood, and in fairness to the planners fully supported us in our 25% designation and protection. We feel putting the institutional zoning back, and in my motion there was a delineation around the whole site that we feel in any future application that the 25% shouldn't be 25% of the south west part of the site, it should be 25% of the full site which would equate to roughly the south west quadrant which is the next motion that I'm bringing. The reasons why is to restore institutional protection to the whole of the site, and to protect the lands for future use as open space.

Chair: Thank you Councillors. I can't see anybody indicating to come in so I will just turn to Management.

Management: Thank you Cathaoirleach the Executive doesn't agree with the motion. We have applied the new land use zoning Sustainable Neighbourhoods infrastructure, which is to protect, improve and encourage the provision of Sustainable Neighbourhoods infrastructure to the lands at Our Lady's Grove where the existing school, and their associated recreational amenities are located, and this is as I said a new zoning

objective, and is set out in Chapter 4 it aims to secure the wealth of existing facilities including educational uses so having regard to the application of the new land use zoning SNI to the existing school, and their associated recreational amenities it is considered that the Inst. objective is no longer warranted on these lands. Thank you.

Chair: Thank you Cllr O’Leary.

Cllr O’Leary: Just to come back on that the SNI designation has only been applied to half of the site, and the intention of the motion is to put back the protections that exist and exists under our current County Development Plan which was acknowledged in a High Court action, so the Inst. designation would apply to the whole of the site but the current SNI zoning only applies to half of the site.

Chair: Thank you Cllr, Cllr Saul, I presume you both want the motions pushed. Are both motions agreed. Agreed.

SKIPPED THE VOTE

Chair: Ok we will move on Item 124, put forward by Cllr Saul, and seconded by Cllr Akmed.

Cllr Saul you are not accepting the report?

Cllr Saul: No I am not accepting the report. Again I note the Manager’s Report in relation to SNI designation on half the site, but to me that is regrettable that’s their position, because they are in effect not putting up a fight to protect the rest of it which we discussed in the last motion, and if you look at the south west I have suggested that be rezoned to open space, because in effect that in my view is that there is a moral obligation on the Order, but also on the planning system because that, that is 25% of the full site. That is 25% of the institutional zoning that was on the original site, that’s what should be available to the local community, and we discussed what the Bord will actually pay attention to, and what they won’t pay attention to, and unfortunately on a daily, and weekly and monthly basis An Bord Pleanála are overturning our Development Plans, they are overturning our SLOs, they are overturning our local area plans, they are overturning all the written statements and they are overturning a huge amount of it. They do not and they cannot overturn zonings. So the only way for us to secure this, I

accept this will only come into force in April 2022, but I am not, and my colleagues in Fine Gael are not surrendering the ability to protect that southwest quarter, which is 25% of the site, despite motions, despite SLOs, despite local area plans, the Bord will not overturn a designation we give to zoning, so despite a number of long meetings here, despite 135 motions, the most important motions to the Council and to the Councillors are zoning, because the Bord once we set this process in train, and once its passed the Bord will ignore, and have ignored on a regular basis an awful lot of our motions, SLOs, Local Area Plans, they will not overturn zonings, so I would hope the members would at least would consider supporting that, because you have seen the diagrams before, and you have seen the slides before, the planning has not worked and we owe it to the schools, the kids in the schools and the kids and families in wider areas to try and secure and do our very best to fight for at least the 25% on the total site. Thank you.

Chair: Thank you Cllr O’Leary.

Seat 14?

Seat 14: I want to fully support this motion, the purpose of the Inst. designation originally was to secure 25% of the site for open space and the developer in its planning applications didn’t respect that, and it required a High Court judgment to ensure that 25% would be delivered. Unfortunately when it goes back to the Bord, we have no guarantee that they will respect the Inst. designation. The only thing they will respect is the zoning. So we are left as a result, and I acknowledge it was a Fine Gael Minister that as a result of some dysfunctional planning legislation, we are left with a situation of having to rezone land because the Bord will not uphold our County Development Plan.

Chair: Cllr Murphy in Seat 23 please.

Seat 23: The question is if we agree this motion is there any financial implications to the Council if we do that?

Chair: Thank you Cllr, I can’t see any other indications so I will turn to Louise Merry (?)



Louise: Thank you Cathaoirleach, the Executive doesn't agree with the motion as the lands in question do not function as an area of public open space, and just coming back to Cllr Murphy, the issue of financial implications of a rezoning is not a County Development Plan issue. Thank you.

And the members are fully entitled to rezone it at this development plan stage. Thank you.

Chair: Thank you Cllr, I will need you to read into the record the reason.

Cllr Saul: Once again it is pretty similar - To restore an open space provision through a zoning change in order to safeguard open space for the school use but also for the wider community.

Chair: Is this item agreed? No the item is not agreed.

SKIPPED VOTE

Cllr Saul: Am I allowed to come back in as the mover of the motion?

Chair: Sorry?

Cllr Saul I am allowed come back as the mover of the motion. Again, the only way we can safeguard this is through zoning, and we have said it before that the Bord have and on a regular basis have ignored our local area plans, our SLOs our written text, so the only way to help safeguard this land, and it may not succeed, and this is only to get it into the draft, into the public into the next phase so when we come back in September this may , you know there may be a change of mind, it may be removed but we have to at least be seen to try and protect our open space and we had a number of motions before in relation to protecting designated lands, and SLOs, the Bord consistently ignored that, and it is proven here the Bord have said they can't overturn zonings, and again there is no as the head of planning did mention it is our right to rezone in a Development Plan there is a question mark whether we can do it through variation from Development Plan to Development Plan, but it is our plan and the only way we can protect it and it may not even protect it, but we should at least try to fight for the



protection of open space land, and I know the Manager said its not currently in use. The reason why it is not currently is use is because it was sold, and the Order and owners of the land did not protect, and did uphold the designation and they sold it, so I would urge members to at least agree this to let is proceed to the next stage of the plan.

Chair: Thank you Cllr

[Chair calls on Councillors individually to cast their vote]

SKIPPED VOTE

Chair: 27 For, 4 against, and one abstention. The motion is carried. We'll move to item 124 etc.

