



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-302164-18

Strategic Housing Development	261 no. student accommodation bed spaces in 2 no. blocks and all associated site works.
Location	Nolan Seafoods Ltd, Rathdown Road, Dublin 7.
Planning Authority	Dublin City Council
Prospective Applicant	NTM ROI Seed Capital
Date of Consultation Meeting	28 th August 2018
Date of Site Inspection	22 nd August 2018.
Inspector	Stephen O'Sullivan

Contents

1.0 Introduction	3
2.0 Site Location and Description	3
3.0 Proposed Strategic Housing Development	3
4.0 Planning History.....	4
5.0 Section 247 Consultation with Planning Authority.....	4
6.0 Prospective Applicant's Case	4
7.0 Planning Authority Submission	6
8.0 The Consultation Meeting.....	7
9.0 Assessment.....	Error! Bookmark not defined.
10.0 Conclusion	8
11.0 Recommended Opinion	9

1.0 Introduction

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

2.0 Site Location and Description

2.1. The site is in the north inner city of Dublin. It has a stated area of 0.4ha. It is currently occupied by a seafood processing plant. Access is from a laneway off Rathdown Road at the southern end of the site. The laneway continues along the western boundary of the site where it serves domestic garages behind a terrace of mid-20th century two-storey houses on Rathdown Road. The Grangegorman stop on the Luas Green Line lies immediately to the east of the site. The adjoining land to the north is currently under development. The main entrance to the DIT campus at Grangegorman is about 100m south of the site.

3.0 Proposed Strategic Housing Development

3.1. It is proposed to demolish the existing structures on the site and to build accommodation for students. The proposed development would provide 261 bedspaces. They would be accommodated in 42 clusters that would contain between 4 and 8 bedrooms each. There would be 2 buildings. Block A, a 3-storey building, would stand on the western boundary of the site along the laneway behind the houses on Rathdown Road. The main windows onto habitable rooms in that block would be on its eastern elevation. It would contain 88 bedspaces in 11 clusters. Block B would stand on the eastern boundary that adjoins the Luas stop. It would contain 6 storeys of accommodation, with 173 bedrooms in 31 clusters. The separation distance between the proposed buildings would be between 8m and 23m. Block A would include communal facilities and management offices of 198m², while

Block B would have a gym and other amenity space of 234m², both at ground floor level at the southern end of the buildings. There would be another amenity room of 11m² and a terrace of 33m² on the fourth floor of Block B. The stated floor area of the scheme is 7,730m².

- 3.2. Access would be from the existing laneway at the south of the site. 80 bicycle parking spaces would be provided in the space between the buildings. A refuse store and ESB substation would be provided in a separate structure at the southern end to the site. The submitted documentation states that it is anticipated that the development would be managed in accordance with the authorised student accommodation on the adjoining site to the north and that a pedestrian connection would be provided between them, although each scheme could operate independently. The prospective applicant has contacted the TII about providing direct access to the Luas stop

4.0 Planning History

- 4.1. PL29N. 248726, Reg. Ref. 4262/16 – The board granted permission on 1st November 2017 for a development of 429 student bedspaces on the adjoining land to the north of the current site. The accommodation would be provided in buildings ranging from 1 to 7 storeys in height, with access from the North Circular Road.

5.0 Section 247 Consultation with Planning Authority

- 5.1. The prospective applicant met with the planning authority on 20th March and 11th June 2018. Copies of the records of those meetings have been provided by the planning authority. The issues raised included the concentration of student housing; impact on neighbouring houses; the proximity of the proposed blocks and the adequacy of daylight within them; the relationship with the authorised development to the north; access; design; ownership; bicycle parking; flood risk and SuDS.

6.0 Prospective Applicant's Case

- 6.1. The prospective applicant submitted a planning report and statement of consistency with policy that can be summarised as follows-

- The proposed layout and design seeks to provide a landmark building at the Luas station while being sensitive to the houses to the west. It would provide pedestrian permeability and a useable amount of amenity space. A visual impact assessment and photomontages are submitted
- The provision of bicycle parking at a rate of 30% of bedspaces has been found to be the level required in other student accommodation. More spaces can be provided later if they are needed.
- Attenuation chambers would be located under the amenity space to the south of Block B to control the outfall of surface water in accordance with SuDS principles. A flood risk assessment report concludes that the site is outside the risk area for pluvial or fluvial flooding.
- The development will comply with the standards for student accommodation, as set out in a quality assessment report.
- A daylight and sunlight analysis has had indicated that the neighbouring gardens, proposed outdoor spaces and rooms would meet BRE guidelines.
- An appropriate assessment screening report is submitted which concludes that there would be no risk of significant negative effects on any designated sites as a result of the proposed project either alone or in combination with any other plan or project.
- The proposed development would involve the regeneration of a brownfield site in an urban area at a sustainable density. As such it would meet the objectives of the National Planning Framework and other national and regional policies, in particular the National Student Accommodation Strategy which seeks to provide 24,000 more purpose built student bedspaces by 2024.
- The site complies with the residential zoning of the site under the development plan with respect to use, plot ratio and site coverage. Policy QH31 of the plan is to support student accommodation in the inner city, close to colleges or on public transport corridors. The site is in all of those categories. The development also complies the standards for student

accommodation set out in section 16.10.7 of the development plan. A student concentration report is submitted, It states that 18 student accommodation schemes have been built or are proposed within 1km of the site. The population of that area is 38,587. The proposed 261 spaces would be equivalent to 0.68% of the population of the area.

- Block B would reach a height of 22.95m. The development would therefore comply with the height limit of 24m set down in the development plan. It would also integrate with the 7-storey height of the adjoining authorised development.

7.0 Planning Authority Submission

7.1. The submission from the planning authority can be summarised as follows-

- The statement of consistency submitted by the prospective applicant is comprehensive and rigorous.
- The proposed development would comply with policy CEE19 of the development plan. The surrounding area is mature and residential, and is home to the expanding DIT campus at Grangegorman. An overall student concentration of 10% or less does not constitute an over-concentration of student accommodation in the area.
- The standards for student accommodation in section 16.10.7 of the development plan are recited. A preliminary review of the submitted assessment indicates that the clusters would comply with those standards. The proposal would comply with the controls on plot ratio and site coverage at section 16.10.8 of the plan.
- The planning authority has no objection to the proposed layout, but has some concerns about the limited separation between the two blocks.
- The planning authority has concerns about the calculation of the external and internal amenity spaces which appear very limited for the number of bedspaces. The internal space appears to include office accommodation and the external space appears to include vehicular areas. Greater details are required on the use of the long linear space.

- The planning authority does not object to the design and materials of the facades, apart from the eastern face of Block B and the repetitive and unrelieved pattern of its windows.
- It is reported that the Drainage Division raised issues that Irish Water might be reluctant to accept surface water runoff and that it is not clear that a gravity connection could be made to the foul sewer.
- The Roads and Traffic Division report that more information should be provided on the access for service vehicles, for additional bike parking to meet development plan standards and public pedestrian links to the Luas. The application documentation should address pedestrian access and permeability.

8.0 The Consultation Meeting

8.1. A meeting was held at the Board's offices on Tuesday, 28th August 2018 between the representatives of the board, the prospective applicant and the planning authority

The main issues discussed at the meeting were

- Integration of the proposed development with the existing urban structure, including pedestrian permeability and access, compatibility with the use and/or development of adjoining sites and any issues arising from land ownership
- Scale and design
- Residential amenity for occupants and neighbours
- Any other issues

8.2. A record of the meeting has been made and is attached to the file. The following is a synopsis of the discussion at the meeting regarding the submitted documents.

8.3. With regard to integration with the existing urban structure, the prospective applicant described the links that are proposed with the adjoining student accommodation scheme that is under construction, as well as the constraints on providing more direct access to the Luas stop and the very limited additional walking time to that stop that would arise from the use of the existing access. The prospective applicants

had submitted information regarding the coherent development of the site with due regard to the established residential uses, ongoing development for student accommodation and future development potential that arises on the neighbouring sites. However the planning authority raised specific concerns about the vehicular access to the development, including both the management of drop-offs and deliveries as well as the physical capacity within the site to accommodate vehicles coming and going for those purposes. The question of access would therefore benefit from further consideration

- 8.4. With respect to scale and design, the prospective applicant provided a rationale for the form and height of the proposed buildings within their existing context. The board's representatives raised whether it would also be prudent if the rationale submitted at application stage had regard to national policy objectives regarding the need to ensure development of proper intensity within cities and along public transport corridors as this is a brownfield site beside a Luas stop. There is also a possibility that the new guidelines on building heights would be material to a decision on the application as the minister has recently issued draft guidelines on the topic.
- 8.5. With regard to residential amenity, the applicant had submitted information regarding the amenities that would be available to the proposed occupants and the impact of the development on adjoining properties with regard to daylight and privacy. The planning authority requested that the details of the amenities for the students are stated with reference to the development plan standards on the topic.
- 8.6. With regard to other issues, the planning authority raised concerns at the meeting regarding the drainage to the development to a newly extended surface water sewer in the area, and the implementation of such attenuation and SuDS measures (including green roofs) that may be appropriate for the site. This matter would require further consideration.

9.0 Conclusion

- 9.1. I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act:

requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

10.0 Recommended Opinion

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

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

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

1. Further consideration/amendment of the documents as they relate to the scale and design of the development. A justification of the proposals in this regard should be provided that refers to the objectives in national and local planning policy to secure a sufficient quantum of development on brownfield sites in urban areas served by high capacity public transport corridors, as well as to the existing context of the site. Consideration should also be given to the possibility that the new guidelines on building heights would be material to a decision on the application having regard to the recently issued draft guidelines on the topic, and to the provision of supervision of the private lane

to the west of the site from circulation spaces at ground floor level within the development.

2. Further consideration/amendment of the documents as they relate to stormwater drainage of the site, having regard to the extension of the surface water sewer serving the area and the need to provide appropriate attenuation/SuDS measures to serve the development.
3. Further consideration/amendments of the documents as they relate to access to the site, including the provision access to and from the adjoining site to the north and the possibility of more direct access to the Luas stop, improvements to the access from Rathdown Road that has been taken in charge by the council, adequate storage and parking for bicycles, as well as appropriate management measures and physical facilities to accommodate vehicles accessing the site for deliveries and for drop-offs and collections by students beginning and ending their occupation of the proposed units.

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

1. Irish Water
2. National Transport Authority
3. Transport Infrastructure Ireland

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

1. An environmental management plan for demolition and construction
2. A management plan for the proposed development including details of its use outside of term time.

3. A schedule indicating compliance with the development management standards for student accommodation set out in 16.10.7 of the Dublin City Development Plan 2016-2022, as well as a statement of evidence that there is not an over-concentration of student accommodation in the area including a map showing all such accommodation within 0.25km of the site as is required by that section of the development plan.
4. A daylight and sunlight analysis demonstrating the impact of the proposed development on neighbouring properties and the level of light available within it.
5. Photomontages of the proposed development showing its appearance from public streets around the site and to those using the Luas stop and trams.
6. Details of water supply, foul drainage and refuse management.

PLEASE NOTE:

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

Stephen J. O'Sullivan
Planning Inspector

10th September 2018