



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-303756-19

Strategic Housing Development	319 no. student bedspaces with ancillary cafe
Location	355 South Circular Road, Dublin 8
Planning Authority	Dublin City Council
Prospective Applicant	Molaga Capital Ltd.
Date of Consultation Meeting	1 st April 2019
Date of Site Inspection	22 nd March 2019
Inspector	Joanna Kelly

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

The development site has a stated site area in the application form of 0.2996ha and is located along South Circular Road, in the south-western inner city of Dublin. The site is the former location of the Rialto Cinema dating from the 1930s, which was used more recently for car sales until 2006 (according to documentation on file). The front of the site is currently used to display cars. The site itself is boarded up and backs onto the redevelopment area of Dolphin House Estate to the west and south. An industrial building is located to the eastern boundary of the site with access from Dolphin's Barn Road. There are residential, commercial and retail uses along South Circular Road. The area itself is in transition with a number of sites undergoing redevelopment. The Coombe hospital is in close proximity to the site.

3.0 Description of proposed development

The applicant is proposing student accommodation comprising of 319 bedspaces.

The following details are noted:

Parameter	Site Proposal
Application Site	0.2996 ha
No. of Units	319 student bedspaces

Other Uses	cafe (18.8sq.m)
Bicycle Parking	160 spaces
Part V	N/A

4.0 Planning History

The most relevant history associated with the site is noted as follows:

File Ref. No. 2203/15 Permission granted by Dublin City Council and refused on appeal for mixed use development consisting of 24 apartments and supermarket.

5.0 National and Local Planning Policy

5.1. National

Having considered the nature of the proposal, the receiving environment, the documentation on file, including submission from the planning authority, I am of the opinion, that the directly relevant section 28 Ministerial Guidelines are:

- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’)
- ‘Design Manual for Urban Roads and Streets’ (DMURS)
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’)
- ‘Childcare Facilities – Guidelines for Planning Authorities’
- ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’
- Urban Development and Building Height, Guidelines for Planning Authorities.

- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, August 2018.

Other relevant national guidelines include:

- Project Ireland 2040, National Planning Framework.
- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.
- Architectural Heritage Protection- Guidelines for Planning Authorities
- Dept. of Education and Skills 'National Student Accommodation Strategy' (July 2017)
- Dept. of Education and Science 'Guidelines on Residential Developments for 3rd Level Students Section 50 Finance Act 1999' (1999).
- Dept. of Education and Science 'Matters Arising in Relation to the Guidelines on Residential Developments for 3rd Level Students Section 50 Finance Act 1999.' (July 2005)

5.2. Local Policy

5.2.1 The Dublin City Development Plan 2016-2022

The site is zoned 'Z4 – to provide for and improve mixed-services facilities'. The primary land use zoning categories identifies Z4 as district centres. The objective is to maintain their role as district centres, new development should enhance their attractiveness and safety for pedestrians and a diversity of uses should be promoted to maintain their vitality throughout the day and night. Higher densities will be permitted in district centres, particularly where they are well served by public transport. Section 16.7.2 provides guidance on Height Limits and Areas for Low-Rise, Mid-Rise and Taller Developments. The site is located within the inner city where up to 24m is permitted for residential. Section 16.10.7 sets out guidelines for student accommodation.

6.0 **Forming of the Opinion**

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

6.1 **Documentation Submitted**

6.1.1 The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 and article 285 of the Planning and of the Planning and Development (Strategic Housing Development) Regulations 2017.

6.1.2 The information submitted included *inter alia*: a completed SHD Application form and cover letter including but not limited to, Schedule of documents; Statement of Consistency, Architectural Report, Environmental Screening report, AA Screening report, Ecology Assessment, Archaeological Assessment, Conservation Assessment, Outline Construction and Demolition Management Plan, Asbestos Survey Report, Ground Investigation Report, Traffic and Transport, Flood Risk Assessment, Engineering Services Report, Sunlight and Daylight analysis, Student Management Plan including plans and particulars.

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

6.2 **Planning Authority Submission**

6.2.1 In compliance with section 6(4)(b) of the Act of 2016 the planning authority for the area in which the proposed development is located, Dublin City Council, submitted a note of their section 247 consultations with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on 18th March 2019.

6.2.2 The planning authority's opinion refers to key planning considerations as follows:

- The majority of the site is zoned 'Z4' – to provide for and improve mixed services facilities'. The development is consistent with the zoning.
- Development is below threshold for EIAr.
- Having regard to the brownfield nature of the site and the need to create a profile on the streetscape, the proposed plot ratio at 3.93 is acceptable.
- Development site lies immediately east and north of existing Dolphin House development the subject of a Strategic Development and Regeneration Area (SDRA 13) in the Development Plan. Further proposals are advancing in accordance with SDRA 13. The concerns raised by the City Architects, attached to the opinion response, are supported.
- Applicant to liaise with the City Architects in refining the scheme at sensitive boundary locations.
- Amenity area is proposed at first floor level on the western boundary of the site immediately abutting the boundary with Dolphin House, suitable screening measures should therefore be provided to mitigate any unacceptable levels of overlooking on the site.
- The renovation of the front façade of the former Rialto Cinema and its integration into the overall scheme, together with the additional use of and café at street level will help animate the street and increase footfall in the area.
- The building line of the structure to the rear facing north-east has been set back by approximately 30m and redevelopment of this substantial site may be accommodated without creating unacceptable overlooking of adjoining properties.
- Prospective applicant has submitted room data lists which documents compliance with relevant standards required for student accommodation schemes.
- The orientation and design of the development proposed requires a detailed assessment of the quality of both the amenity space and internal bedroom/living room space, and in particular the quality of natural light that can be achieved in that space.

- No justification for how 13 rooms were selected has been submitted and it is noted that none of the room identified in illustration 7 or 8 of this report appear to be living rooms.
- A more robust assessment for bedrooms and living rooms within the overall scheme are required in order to determine that all rooms can comply with and exceed BRE guidelines.
- Details submitted confirm there is no overconcentration of student accommodation within the catchment area of 1km.
- Planning Authority considers content of the Student Accommodation Management Plan acceptable.
- The building height is considered to be in accordance the provisions of section 16.7.2 of the City Plan. The re-use of the existing façade of the former Rialto Cinema will aid in the transition to a higher density development on this site.
- The scale of the development proposed can be accommodated at this location without detriment to the amenities of the area.
- It is considered that the development as proposed is consistent with the relevant provisions of the City Development Plan 2016-2022.

Transportation Planning Division

Main provisions of this report indicate that the principle of car free student accommodation development is acceptable. Set down area to the front of the site should be actively managed by student residences management team to ensure good turnover in vehicles using the facility. Clarity needed regarding whether footpath to site frontage is to be taken in charge.

Engineering Department – Drainage Division

Recommends further clarification on matters including, section detail of proposed surface water route and levels for the proposed connection. Private drainage should not be located in proposed public areas. Further clarification on the drainage proposals for the courtyards.

6.3 Submission from Irish Water

IW confirms that subject to a compliant water and wastewater layout and a valid connection agreement being put in place the proposed connections to the IW network can be facilitated.

7.0 Consultation Meeting

7.1 A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on 1st April 2019, commencing at 14.30 pm. Representatives of the prospective applicant, Dublin City Council and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

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

1. Integration of proposed scheme with adjoining scheme on SDRA site and potential impacts on existing residential amenity
2. Daylight and Sunlight Analysis having regard to concerns raised by planning authority.
3. Drainage having regard to comments from Drainage Division
4. Any other Matters

7.3 In relation to the Integration of proposed scheme with adjoining scheme on SDRA site and potential impacts on existing residential amenity, ABP representatives sought further discussion/elaboration on this issue.

7.4 In relation to Daylight and Sunlight Analysis having regard to concerns raised by the planning authority, ABP representatives sought further discussion/elaboration on this issue.

7.5 In relation to Drainage having regard to comments from Drainage Division, ABP representatives sought further discussion/elaboration on this issue

- 7.6 In relation to Any other matters, ABP representatives sought further elaboration/discussion on whether the footpath to the site frontage is to be taken in charge and justification for the size of the café/clarity of the exact nature of use.
- 7.7 Both the prospective applicant and the planning authority were given an opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting ABP-303756-19' which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

8.0 Conclusion and Recommendation

- 8.1 Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 and as amended by Section 50 of the Planning and Development (Amendment) Act 2018.
- 8.2 I have examined all of the information and submissions before me including the documentation submitted by the prospective applicant, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the section 28 Ministerial Guidelines, and local policy via the statutory plans for the area.
- 8.3 Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **constitutes a reasonable basis for an application** under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 8.4 I would recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision-making

process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

9.0 Recommended Opinion

- 9.1 An Bord Pleanála refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.
- 9.2 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 **constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**
- 9.3 Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission
1. Having regard to the zoning of the site and its suitability for development with increased height, the prospective applicant should, notwithstanding that the proposal constitutes a reasonable basis for an application, demonstrate/justify the suitability of the proposed site to accommodate the increased height particularly in the context of the adjoining residential properties and the Strategic Development Regeneration Area.

2. A report that addresses residential amenity (both existing residents of adjoining developments and future occupants of the proposed student accommodation), specifically how the development will limit the potential for overlooking and overshadowing. This report should also include a sunlight and daylight analysis for both March and December.
3. Proposed boundary treatments should be specified having particular regard to need to protect existing residential amenities of the area.
4. A site layout plan which clearly identifies the full extent of works to the site frontage including provision of footpaths and whether the footpaths are to be taken in charge. Relevant consents to carry out works on lands that are not included within the red-line boundary. The prospective applicant is advised that all works should as far as possible be included within the red-line boundary.
5. A construction and demolition waste management plan which should include comprehensive details for the appropriate removal of asbestos materials that may exist on site.
6. Additional drainage details to address matters raised in the planning authority's opinion dated 14th March 2019
7. Details regarding management of set down area to site frontage
8. A site layout plan indicating all areas to be taken in charge and clarity whether the footpath to the site frontage is to be taken in charge.
9. A Student Accommodation Management Plan

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

1. Irish Water
2. Minister for Culture, Heritage, and the Gaeltacht
3. Heritage Council
4. An Taisce – the National trust for Ireland

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 2018 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

Joanna Kelly

Senior Planning Inspector

9th April 2019