



An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion**

ABP-304248-19

Strategic Housing Development	697 build to rent apartments, retail at ground floor and associated site works.
Location	Connolly Station Car Park, Sheriff Street Lower, Dublin 1
Planning Authority	Dublin City Council
Prospective Applicant	Oxley Holdings Limited
Date of Consultation Meeting	29 th of May 2019
Date of Site Inspection	10 th May 2019
Inspector	Erika Casey

1.0 Introduction

1.1 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 subject site (1.75ha) forms part of a larger landholding that has an area of 2.83 ha and includes: (a) an area of 1.98ha which comprises the existing Connolly Station surface car park and attendant buildings and (b) the air rights to a 0.83ha area above the existing rail sides. A masterplan has been prepared for the entire site providing for residential, commercial office, hotel and retail floorspace. The subject SHD proposal relates to the residential element, retail floorspace and the basement car park.

2.2 The site is bound by Connolly Station to the north west, Sheriff Street Lower/Commons Street to the south and Oriel Street Lower to the east. The masterplan site accommodates three protected structures including the remnants of the Luggage Store building and the Workshop Building facing onto Lower Sheriff Street and the masonry walls bounding the eastern and northern sides of the lands facing onto Oriel Street and Seville Place. The Luggage Store and the Workshop Building do not form part of the SHD application site. However, a portion of the protected boundary wall along Oriel Street is included in the SHD application to be considered as part of the design proposals for Block C2 and D1. The site also accommodates a number of buildings used for Irish Rail operations which will be demolished to facilitate the development.

2.3 The boundary along Commons Street/Sheriff Street Lower and Oriel Street comprises a 4 metre high protected stone wall which extends to the entrance with Oriel Hall. Oriel Hall is an established residential enclave of housing located to the north of the site. The subject site extends over the existing rail sidings and up to the

south/east face of the existing Irish Rail Maintenance shed. Existing Irish Rail buildings to the north of the site abutting Seville Place are excluded from the application site. There is an existing single storey red brick building known as Oriel House located at the junction of Commons Street and Oriel Street. It is proposed that this will be demolished to facilitate the commercial element of the masterplan proposal.

2.4 To the south of the site along Sheriff Street are existing office and blocks. Development along Oriel Street is residential in character comprising a mix of two storey period properties and more recently constructed two and three storey housing.

2.5 There are significant level changes within the site varying from +1.75 on Sheriff Street to +8.90 at the Irish Rail access point. The existing site access point is from the corner of Sheriff Street and Commons Street. There is also an existing pedestrian access from the car park through to Connolly Station.

3.0 **Proposed Strategic Housing Development**

3.1 The development site forms part of a wider site (2.83 ha). The SHD site is 1.75 ha. The masterplan provides for the comprehensive redevelopment of the site and will result in a total of 99,690 sq. metres of new floorspace in 10 urban blocks when completed. The masterplan proposals identify that Offices (Blocks A and E) and Hotel (Block D2) with a floor area of 39,267 sq. metres will form part of a future planning application under Section 34 to Dublin City Council.

3.2 Permission is sought for a SHD development which comprises the following:

- Demolition of 4 existing structures on site with a total area of 3,028.73 sq. metres.
- Construction of 697 built to rent residential apartments with a total gross floor area of 57,833 sq. metres. The residential element of the scheme will be accommodated in 7 no. blocks (B1, B2, B3, C1, C2, C3 and D1) ranging in height from 5 storeys to 22 storeys over an active street level incorporating retail, café and other uses and a basement of 14,617 sq. metres.
- The heights of the blocks are as follows:

Block	Use	
B1	Residential	13 part 14
B2	Residential	13 part 14
B3	Residential	12 part 13
C1	Residential	22 part 20
C2	Residential	11 part 5
C3	Residential	10 part 9
D1	Residential	14 part 8, part 5

- Each block provides for an independent entrance/access from the street and connectivity to a single basement level accommodating car parking, cycle parking and storage provision.
- The housing mix will be as follows:

Unit Type	Number	%
Studio	182	26.1
1 bed	318	45.6
2 bed	181	26
3 bed	16	2.3
4 bed	0	0

- Within each block the breakdown of accommodation will be as follows:

	Studio	1 bed	2 bed	3 bed	Total
Block B	63	169	78	1	311
Block C	104	99	74	4	281
Block D	15	50	29	11	105
Total	182	318	181	16	697
	71.7%		28.3		

- The development also includes 3,277 sq. metres of retail/commercial floorspace comprising 9 units to be distributed within Blocks B, C and D.
- The development provides for dedicated resident support facilities (laundry, waste management, maintenance etc.) and amenities which are distributed throughout the blocks. The distribution of the amenities is as follows:

Block	Residential Amenities Sq. M.	Residential Services and Amenities
B	1,215	Gym, Lounge, Bar and Dining Room, Work Zone, Games Room, Screening Room, and Yoga and Spin Room
C	1,039	
D	336	
		Resident Support Facilities
		Bicycle Stores, Concierge, Management Facilities and Waste Management Facilities
Total	2,590	

- The scheme includes local community use amenities of 634 sq. metres at the ground level of Block D1 with access from Sheriff Street and Oriel Street. This is identified for use by the GAA and a boxing club.
- Open space is proposed at a variety of floor levels within the SHD proposal. Open space is provided at ground level and incorporates a hierarchy of new streets connecting to the centrally located Connolly Square which has an area of 2,118 sq. metres. There will be full connectivity to Sheriff Street and Oriel Street with potential future connectivity to Seville Place and Connolly Station. A new connection from Oriel Street to Sheriff Street forms part of the Block D2 development and shall be delivered as part of a future planning application to Dublin City Council.
- Communal residential amenity space is located at the first floor highline (c.400m long) level and provides connection between Blocks B, C and D1. The highline will offer a full outdoor activity circuit with touch points within garden spaces offering activities including an outdoor gym, yoga zone and trim trail. The highline will also connect to the indoor residential amenities. The area of the highline is 3,908 sq. metres. Courtyards (3,406 sq. metres) are located

within Blocks B on the 4th floor podium level and are designed as semi private residential courtyards to be shared by the residents of Blocks B1, B2 and B3. Roof gardens (3,688 sq. metres) are provided on all blocks. All of the open space proposed as part of the wider masterplan will be delivered in the proposed SHD application.

Open Space	Sq. Metres
Connolly Square	2,118
Highline	3,908
Courtyard (Blocks B1, B2 and B3)	3,406
Roof Gardens	3,688
Total	13,120

- The development provides for 380 no. car parking spaces with the following allocation:
 - 181 spaces allocated for residents
 - 10 spaces to a car club
 - 9 spaces for retail
 - 180 spaces for CIE
- All service vehicle and car parking access is from Oriel Street. It is proposed that the full extent of the single level basement shall be delivered as part of the SHD proposal. It is detailed that there will be a future application to Dublin City Council for 45 no. spaces to serve the commercial elements of the development.
- 910 cycle parking spaces and 348 cycle visitor spaces will be provided.

Development Parameters

Parameter	Site Proposal
Overall Masterplan Site Area	2.83 ha
SHD Site	1.75 ha
No. of Residential Units	697
Retail/Commercial	3,277 sq. metres
Residential Amenity/Support Facilities	2,590 sq. metres
Public and Semi Private Open Space	13,120 sq. metres
Car Parking	380 spaces
Bike Parking	910 plus 348 visitor spaces
Density	246 units per ha (total site). 398 units (SHD site).
Plot Ratio	3.4
Site Coverage	49.4
Community Use	634 sq. m.

4.0 Planning History

4.1 There has been one previous application on the site.

Planning Authority Reference 2863/11

4.2 Permission granted by Dublin City Council in May 2012 for a mixed use development with a floor area of 81,538 sq. metres comprising residential (106 units), office, leisure and community. The development provided for a series of blocks ranging in height from 4 to 7 storeys.

5.0 National and Local Planning Policy

Section 28 Ministerial Guidelines

5.1 Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the Planning Authority, I am of the opinion that the directly relevant S.28 Ministerial Guidelines are:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual').
- Design Manual for Urban Roads and Streets.
- Sustainable Urban Housing: Design Standards for New Apartments (2018).
- Childcare Facilities – Guidelines for Planning Authorities.
- Urban Development and Building Heights – Guidelines for Planning Authorities 2018.
- Architectural Heritage Protection – Guidelines for Planning Authorities.
- The Planning System and Flood Risk Management (including associated Technical Appendices).

National Planning Framework

5.2 Chapter 4 of the Framework addresses the topic of 'making stronger urban places' and sets out a range of objectives which it is considered will assist in achieving same. National Policy Objective 13 provides that in urban areas, planning and related standards, including in particular building height and car parking, will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

Development Plan

5.3 The relevant statutory plan for the area is the Dublin City Development Plan 2016-2022. The site is zoned Z5: *To consolidate and facilitate the development of the*

central area and to identify, reinforce, strengthen and protect its civic design character and dignity.”

5.4 The primary purpose of this use zone is *“to sustain life within the centre of the city through intensive mixed-use development, to provide a dynamic mix of uses which interact with each other, help create a sense of community, and which sustain the vitality of the inner city both by day and night. As a balance and in recognition of the growing residential communities in the city centre, adequate noise reduction measures must be incorporated into development, especially mixed-use development, and regard should be given to the hours of operation”*.

5.5 Section 4.5.4.1 of the Development Plan deals with taller buildings. It states:

“Clustering of taller buildings of the type needed to promote significant densities of commercial and residential space are likely to be achieved in a limited number of areas only. Taller buildings (over 50m) are acceptable at locations such as at major public transport hubs, and some SDRAs. For example, the North Lotts and Grand Canal Dock SDZ Planning Scheme provides for a limited number of tall buildings at Boland’s Mills, the Point, Spencer Dock Square and Britain Quay.

There are also a few areas where there are good transport links and sites of sufficient size to create their own character, such that a limited number of mid-rise (up to 50m) buildings will help provide a new urban identity. These areas of the city are the subject of a local area plan, strategic development zone or within a designated SDRA.”

5.6 It is stated in the plan that it is policy to provide for taller buildings in those limited locations identified in the ‘Building Height in Dublin Map’ in order to promote investment, vitality and identity. Of the 14 specific areas identified for midrise (up to 50m) and taller (above 50m) buildings, 4 locations including Connolly Station are identified as a location for high rise 50m+ (refer to Fig. 39 of the Plan).

5.7 It is stated *“In all cases, proposals for taller buildings must respect their context and address the assessment criteria set out in the development standards section, to ensure that taller buildings achieve high standards in relation to design, sustainability, amenity, impacts on the receiving environment, and the protection or framing of important views.”*

5.8 Section 16.7 addresses Building Height in a Sustainable City. It states:

“All proposals for mid-rise and taller buildings must have regard to the assessment criteria for high buildings as set out below:

- *Relationship to context, including topography, built form, and skyline having regard to the need to protect important views, landmarks, prospects and vistas.*
- *Effect on the historic environment at a city-wide and local level.*
- *Relationship to transport infrastructure, particularly public transport provision.*
- *Architectural excellence of a building which is of slender proportions, whereby a slenderness ratio of 3:1 or more should be aimed for.*
- *Contribution to public spaces and facilities, including the mix of uses.*
- *Effect on the local environment, including micro-climate and general amenity considerations.*
- *Contribution to permeability and legibility of the site and wider area.*
- *Sufficient accompanying material to enable a proper assessment, including: urban design study/masterplan, a 360 degree view analysis, shadow impact assessment, wind impact analysis, details of signage, branding and lighting, and relative height studies*
- *Adoption of best practice guidance related to the sustainable design and construction of tall buildings.*
- *Evaluation of providing a similar level of density in an alternative urban form.*

5.9 The Plan also includes a number of policies of relevance including:

QH7: *To promote residential development at sustainable urban densities throughout the city in accordance with the core strategy, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.*

QH8: *To promote the sustainable development of vacant or under-utilised infill sites and to favourably consider higher density proposals which respect the design of the surrounding development and the character of the area.*

QH18: *To promote the provision of high quality apartments within sustainable neighbourhoods by achieving suitable levels of amenity within individual apartments, and within each apartment development, and ensuring that suitable social*

infrastructure and other support facilities are available in the neighbourhood, in accordance with the standards for residential accommodation.

QH19: *To promote the optimum quality and supply of apartments for a range of needs and aspirations, including households with children, in attractive, sustainable, mixed-income, mixed-use neighbourhoods supported by appropriate social and other infrastructure.*

QH20: *To ensure apartment developments on City Council sites are models of international best practice and deliver the highest quality energy efficient apartments with all the necessary infrastructure where a need is identified, to include community hubs, sports and recreational green open spaces and public parks and suitable shops contributing to the creation of attractive, sustainable, mixed-use and mixed-income neighbourhoods.*

5.10 Section 16.2.2.1 of the plan addresses Large-Scale Development.

6.0 **Forming of the Opinion**

6.1 **Introduction**

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

6.2 **Documentation Submitted**

6.2.1 The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. This information included, inter alia: Cover Letter, Completed Application Form, Masterplan, Design Statement, Landscape Assessment, Conservation Report, Daylight/Sunlight/Overshadowing Assessment, Wind Comfort Report, Traffic Impact Assessment, Site Specific Flood Risk Assessment, Quality Audit and Road Safety Audit, Construction and Demolition Waste Management Plan, Environmental Site Assessment and Generic Risk Assessment, Engineering Services Report, Statement of Consistency, Environmental Report, Part V

Correspondence, Minutes of Consultation Meeting with Dublin City Council, NTA and ESNB, Letter of Consent from CIE, Letter of Feasibility from Irish Water.

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

- Residential need analysis demonstrates that census data indicates that there has been a marked increase in single and two person households in the 20-40 age bracket coinciding with an increase in employment in financial services and technology; more than 4 times the number of people were renting from private landlords in 2016 compared to 2006 and that more than half the workforce of North Docklands commute from outside Dublin every day. The success of Docklands can only continue if the population who chose to live and work there can find suitable accommodation. The most suitable accommodation is single person and two person apartments. The development will meet this demand in an area where there is an undersupply of rental accommodation.
- Notes content of Docklands Social Infrastructure Audit 2017 and that there is sufficient childcare capacity in the area. Given the housing mix, no crèche is proposed.
- The development is located on a brownfield inner city site and will create a high quality residential development which integrates with the existing established residential communities of Docklands. The development adds to the densification of Dublin City Centre and maximises investment in public transport. It will help reduce car dependence in the city centre.
- The development will generate increased pedestrian activity and enhanced passive surveillance. New pedestrian links will be created. It will be a pedestrian priority development.
- The buildings, height, footprint and orientation have been designed in consideration of the surrounding buildings and uses to minimise any potential

negative impacts. It will provide a unique, vibrant and modern new City Quarter in an area of the City that is underused and dilapidated.

- Existing protected structures on the site will be incorporated into the development to offer active frontage onto Sheriff Street and with a unique urban and architectural character.
- The residential development will be a high quality energy efficient design. 42% of units will be dual aspect. Blocks are designed to optimise daylight and penetration.
- An innovative approach has been taken to the provision of private and communal open space for residents with green areas provided at highline and rooftop level. The ground floor open areas will have pedestrian priority with play space for children incorporated into the design.
- The urban blocks will be arranged around a hierarchy of interconnecting public and semi-private amenity spaces with full connectivity to bounding streets and Connolly Station.
- The proposed development will provide hard and soft landscaping in an area of the city with little greenery. The railway arches along Sheriff St. Lower will house new retail and food uses that will enliven the street.
- Footpaths, pedestrian crossings, shared surfaces and areas of public realm will be consistent with DMURS.
- Development is in accordance with the Guidelines for Planning Authorities on Urban Development and Building Heights. It is an under utilised site and the development will ensure effective consolidation. It is a site identified as suitable for buildings of 50m plus.
- The development is in accordance with the policies and objectives of the Dublin City Development Plan.

6.3 Planning Authority Submission

6.3.1 A submission was received by An Bord Pleanála on the 15th of May 2019 from Dublin City Council. The 'opinion' of the Planning Authority included, inter alia, the following:

- Having regard to the location of the site, it is considered suitable in principle for a mixed use development, including high density residential use. When combined with the commercial uses proposed for blocks A, D and E, the proposal would provide for an acceptable mix of uses appropriate to the location of the site and the city centre zoning.
- Concern regarding the high proportion of single aspect north east facing apartments in Block B and it will need to be demonstrated that adequate sunlight can be provided to these. Consider that the applicant should re-examine the provision of such units.
- A dedicated evidence based assessment to inform the provision of Residential Services and Amenities has not been submitted.
- Allowing for the flexibility introduced in the Guidelines in relation to the delivery of amenity space, a rough calculation based on the internal residential amenity services provided in Blocks B, C and D (1,656.187 sq. m.), combined with the podium level courtyards serving Block B (c. 2,650 sq. m. excluding undercroft areas), the highline at level 1 (2,500 sq. m.) and the proposed roof terraces (c. 2,500 sq. m.) would provide well in excess of the combined private and communal amenity space standards. It is noted that the scheme underprovides private amenity space but offers to compensate through the delivery of dedicated roof gardens serving each block. Notes that a complete schedule of areas of private and communal amenity space should be provided and a separate analysis dealing with amenities should be provided.
- Concern that the development may fall short of public open space. Public space must be accessible, be of a high standard and have adequate access to sunlight.
- The high level walkway is seen as an innovative way of maximising internal residential services and amenities and the mix is also considered satisfactory. It is important however, that this feature does not compromise the quality and accessibility of the public streets or the permeable nature of the development.

- Concerns raised regarding the quality and amenity spaces located between Block A and B1, B1 and B2, B2 and B3, C1, C2 and C3. The sunlight and daylight analysis indicates that these spaces will receive low levels of sunlight and not meet the minimum requirement of 2 hours sunlight. This matter is of concern not just because of the inadequate quality of the individual amenity spaces but critically because of the direct impacts on the residential quality of the adjoining apartments at lower levels. It is anticipated that the residential amenities of these small, predominantly single aspect units will be seriously compromised by the lack of direct sunlight available to the communal open space. The analysis also indicates that a limited number of units in Block C1 and C3 fall significantly short of the minimum standards.
- Recommend additional information regarding daylight, sunlight and overshadowing impacts including levels of light penetration to all habitable rooms at the lower levels of Blocks B and C; analysis of all public open spaces including new plaza, public streets and high level walkway; impact on amenities of adjoining properties; further detail regarding wind analysis.
- Consider that in general the development would provide for a high quality environment within the site.
- Note that all materials will need to be of high quality, durable and reflective of the character of the area and the industrial/railway heritage of the site.

Housing and Community Services (07.05.2019)

- Note that the applicant has engaged with the Housing Department regarding Part V and are aware of their obligations in this regard.

Parks and Landscape Services (04.05.2019)

- Notes that open space provision in the inner city is low.
- Concern regarding potential overshadowing of the principal public open space, Connolly Square by Block E.
- Consider that the landscape design presents a more corporate landscape and would benefit from zones that enhance community usage. A zone for

active public recreation and an event zone should be designed into the proposals to create positive public use of the open space.

- Green roofs should also be extended to Blocks A, E and D. Vertical greening should be used more extensively in the proposals.
- Public art should be provide as part of the public open space proposals.
- Sheltered areas/canopies should be provided for exposed roof top gardens to facilitate use during adverse weather conditions. Privacy planting should be considered.

Engineering Department Drainage Division (15.05.2019)

- Seeks clarification on a number of points regarding surface water drainage; details of phasing; basement drainage infrastructure; design of the green roof; details of infiltration system; rainwater harvesting.

Transportation Planning Division Report (10.05.2019)

- Note number of inconsistencies in the reports regarding the development description.
- Notwithstanding the contractual agreement with Irish Rail, serious concerns about the current and future operation of the car park for train users of Connolly Station. The extent of car parking proposed has not been supported with a clear rationale. The commuter parking model currently in operation at the station is not desirable at a City Centre location and a park and ride facility would be more acceptable. A management strategy for the car park is required.
- The quantum of residential car parking proposed at this location is considered excessive having regard to the availability of public transport. Concern that additional spaces could be allocated to the commercial elements of the scheme if not controlled. The division would welcome the non-provision of car parking at this location. No rationale has been provided for car parking to serve the retail and commercial elements.
- Concerns regarding the use of a singular vehicle entrance for all users onto a residential street in close proximity to the junction with Seville Place,

particularly having regard to the quantum of parking proposed. This may result in queuing on the street in order to access the development which would have a negative impact on the wider street network. Revised location of the vehicular entrance further south along Block D advised.

- Note that the access/egress points of the two car parks and emergency route are concentrated at a single point located immediately adjacent to/within a pedestrian plaza area. There is serious concern regarding the potential for pedestrian/vehicular conflict at this location.
- Clarity required regarding the type and design of the proposed cycle parking.
- Consider that a proactive mobility management plan should underpin the development. Residents should at the outset be aware and have access to sustainable and innovative mobility options such as a shared mobility hub.
- Quality Audit is required. The permeability through and around the development should be clearly demonstrated with any necessary works to improve these connections clearly identified.
- Consider that the TRICS assessment methodology is an inaccurate representation to clearly identify the impact of the proposed development.
- Recommend that that the applicant examine the potential to carry out servicing within the curtilage of the site.
- Specific recommendation regarding information required for the access arrangements.

6.4 Prescribed Bodies

Response from Irish Water (26.04.2019)

- 6.4.1 Notes that as detailed in the Confirmation of Feasibility, the applicant must upgrade approximately 430m of 150mm water main to a 300mm water main in order to facilitate the connection of the development to Irish Water infrastructure. A road opening licence will be required from the local authority for this upgrade. The upgrade will include a Luas rail track crossing and will require third party permission from the relevant authorities.

6.5 Consultation Meeting

6.5.1 A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 29th of May 2019, commencing at 2.00 PM. Representatives of the prospective applicant, the Planning Authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

6.5.2 The main topics raised for discussion at the tripartite meeting were based on the Agenda that issued in advance and contained the following issues:

1. Compliance with SHD/Environmental Legislation.
2. Development strategy for the site to include inter alia urban design, including the height and architectural treatment of the buildings and the interface with public streets.
3. Residential support facilities and amenities including the provision of open space and other residential facilities, amenities and support services within the scheme.
4. Residential amenity including the standard of amenity for future occupants including the type of the proposed apartments, their management, access to daylight and sunlight and private amenity space. The impact of the development on surrounding residential dwellings.
5. Car parking rationale.
6. Site services.
7. Childcare.
8. Any other matters.

6.5.3 In relation to **Compliance with SHD/Environmental Legislation** for the site, An Bord Pleanála sought further elaboration/discussion/consideration of the following: Provision of a development which can be considered to be compliant with the provisions of the SHD legislation having particular regard to the inclusion of the basement car park within the SHD application; the appropriates of separating the residential element from what is a comprehensive mixed use redevelopment site; whether the development can be considered and function as a stand alone SHD application; how the development can be assessed in the context of the wider site masterplan proposals; implications for EIA and cumulative assessment; the timing

and phasing of applications to Dublin City Council and An Bord Pleanála if two separate applications are lodged.

6.5.4 In relation to **Development Strategy** for the site, An Bord Pleanála sought further elaboration/discussion/consideration of the following: Justification for height strategy and design approach, particularly the 22 storey tower; the need to ensure that the design of the tower and other buildings provide the optimal architectural solution for this site and are exemplar in their design; requirement for additional CGI's and visual impact assessment; design and distinctiveness of the proposal and façade design; permeability and connections within the scheme and to surrounding streets and Connolly Station; landscape design and management; treatment and design of public spaces; treatment of public realm; materials and finishes including durability and maintenance; phasing of the scheme, and proposed housing mix and in particular the high concentration of 1 bed and studio units in the context of creating sustainable communities.

6.5.5 In relation to **Residential Support Amenities**, An Bord Pleanála sought further elaboration/discussion/consideration of the following: the quality, quantum and nature of residential support amenities required for a development of this scale with particular reference to the amenities referenced in SPPR7 of the Sustainable Urban Housing, Design Standards for New Apartments 2018. In particular, it was discussed that there was a need to ensure that there is a quality and purpose to the amenity space and an evidence based assessment that the provision of amenities is reasonable, appropriate, meaningful and exemplar and will encourage renters to feel part of a community and seek to remain in the area longer. It was noted that this was particularly important in the context of the minimum provision of private amenity space throughout the scheme. The location and distribution of such amenities was discussed. The operation and management of the community facilities was also discussed and the need to ensure that such provision was meaningful.

6.5.6 In relation to **Residential Amenity** (existing and future), An Bord Pleanála sought further elaboration/discussion/consideration of the following: impact on residential amenity of adjacent properties, particularly Oriel Hall; requirement for greater sunlight and daylight access and that scheme should be considered holistically in the context of creating an appropriate level of amenity for future occupants; north facing single aspect units; requirement to address microclimate and in particular wind study

and to detail more clearly the mitigation measures proposed; the liberal interpretation of the guidelines regarding the provision of private amenity space within each individual unit; noise impact.

6.5.7 In relation to **Car Parking Rationale**, An Bord Pleanála sought further elaboration/discussion/consideration of the following: greater detail required in respect of the quantum, allocation and management of proposed car parking spaces for the residential element; the need to address comments, concerns and technical points raised in the DCC Traffic and Transport Report.

6.5.8 In relation to **Water Services**, ABP representatives sought further elaboration/discussion regarding the proposed upgrade works required to facilitate the proposed development as outlined in the submission from Irish Water; the requirement to address the issues raised by the Drainage Department of Dublin City Council.

6.5.9 In relation to **Childcare Provision**, ABP representatives sought further elaboration/discussion on the lack of a childcare facility on site and further justification of same.

6.5.10 **Any Other Matters**: ABP representatives suggested that there should be consistency between all documents/information submitted with any application, and greater clarity provided in the schedule of areas; management of proposed scheme; procedural requirements of build-to-rent scheme etc. in respect of public notices and draft legal agreements/covenants; requirement for a building life cycle report; clarification of red line boundary and exclusion of small portion of land fronting Sherriff Street Lower; public realm along Sheriff Street.

6.5.11 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 304248' 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.

7.0 **Conclusion and Recommendation**

7.1 Based on the entirety of the information before me, the applicant should satisfy themselves that the development is fully compliant with the provisions of the SHD legislation including section 3(d) (ii) (l) regarding a maximum of 4,500 sq. metres

gross floor space for other uses in any development in order to proceed with an application under Section 5 of the Act.

7.2 Having regard to all of the above, I recommend that **further consideration and/or possible amendment** of the documents submitted are required at application stage in respect of the following elements:

- Compliance with SHD legislation;
- Rationale for height including design and treatment of land mark building;
- Finishes, materials and façade detail;
- Quality and design of public open space;
- The quality, quantum and distribution of residential amenities and facilities;
- Quantum and management of car parking proposed;
- Residential amenity for future occupants having particular regard to internal sunlight and daylight standards, extent of single aspect units and lack of private amenity space

which are set out in the Recommended Opinion below.

7.3 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 **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.

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

8.0 **Recommended Opinion**

- 8.1 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.
- 10.2 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 requires **further consideration and amendment** to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.
- 10.3 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:

Compliance with SHD legislation

The applicant should satisfy themselves (and demonstrate to the Board at application stage) that the proposed development can be considered under the provisions of the SHD legislation noting inter alia the definition of other uses sets out in Section 3 (ii) (l) of the Planning and Development (Housing) and Residential Tenancies Act 2016 and specifically that a maximum of 4,500 sq. metres gross floor spaces for such other uses may be provided for in any development noting. This should be considered in the context of the proposal to include the car park at basement level that provides for car parking and floorspace not specifically related to the SHD development.

Development Strategy

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

- The height strategy and design approach, particularly the bulk, scale and massing of the 22 storey tower and the need to ensure that the design of the

tower and other buildings are exemplar and provides the optimal architectural solution for this strategic site.

- The treatment, aesthetic design, articulation and animation of the façades and the need to avoid monotonous elevations.
- The provision of appropriate connections and pedestrian permeability through the site, particularly to Connolly Station.
- Design and treatment of public open spaces to ensure that they are appropriate to the future residential community.
- The high concentration of 1 bed and studio units in the context of the zoning of the site, the need to promote the optimal supply of apartments for a range of needs and aspirations and the need to create long term sustainable communities.

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

Residential Support Facilities and Residents Services and Amenities

Further consideration and/or justification of the documents as they relate to future residential amenities, having particular regard to the quality, nature, quantum, size, distribution and compatibility of residential support/communal facilities and their location within the overall development. Particular regard should be had to Part (b) of SPPR7 of the Sustainable Urban Housing, Design Standards for New Apartments 2018 and the need to provide an evidence based assessment regarding the residential services and amenities to be provided. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage.

Residential Amenity

Further consideration and/or justification of the documents as they relate to the provision of private amenity space associated with individual units having regard to the provisions of SPPR8 which states that flexibility shall apply in relation to the provision of a proportion of private amenity space. Further consideration is also required regarding the extent of single aspect units with the scheme and the amenities for future occupants in terms of adequate sunlight and daylight. The

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

Car Parking

Further consideration and/or justification of the documents as they relate to the proposed car parking strategy for the proposed development, having particular regard to the quantum of residential parking proposed, how it is intended that it is assigned and managed and measures proposed to address shared car parking and visitor parking.

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

10.4 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. The proposed development shall be accompanied by an architectural report and accompanying drawings which outlines the design rationale for the proposed building height and scale, having regard to inter alia, National and Local planning policy, the site's context and locational attributes. The report should outline the height design rationale in light of the publication of 'Urban Development and Building Height' 2018 and specifically with reference to Chapter 3 Building Height and the Development Management process, of the guidelines as well as section 16.7 of the Dublin City Development Plan.
2. A report which addresses the provision, both qualitative and quantitative, of resident support facilities and resident service and amenity areas within the overall scheme and on a block by block basis, having regard to both Section 5 (sections 5.1-5.12) and SPPR 7 & SPPR 8 of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, March 2018.
3. Proposals for the management and operation of the proposed development as a 'Build-to-Rent' scheme in accordance with Specific Planning Policy Requirement No. 7 of the 2018 Guidelines on Design Standards for New

Apartments, including detailed proposals for the provision and management of support facilities, services and amenities for residents. A Building Lifecycle Report in accordance with section 6.13 of the guidelines should also be submitted. The plan shall also address the management and maintenance of public spaces and access to the development.

4. A report that specifically addresses the proposed materials and finishes of the proposed structures including specific detailing of finishes and frontages including the maintenance of same, shopfronts and commercial units, the treatment of landscaped areas, pathways, entrances and boundary treatment/s. The treatment/screening of exposed areas of basement ramps and any podiums as well as the under side of the proposed highline structures should also be addressed. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the overall development. The documents should also have regard to the long term management and maintenance of the proposed development.
5. A comprehensive daylight and sunlight analysis addressing existing residential units in proximity to the site and proposed units and open spaces within the development. A comprehensive justification is required for any proposed north facing single aspect units.
6. A proposed covenant or legal agreement further to which appropriate planning conditions may be attached to any grant of permission to ensure that the development remains in use as Build- to-Rent accommodation, and which imposes a requirement that the development remains owned and operated by an institutional entity and that similarly no individual units are sold or rented separately. The proposed agreement shall be suitable to form the basis for an agreement under section 47 of the planning act between the Planning Authority and the owner of the site and it shall bind the owner and any successors in title for a minimum period of at least 15 years.
7. A Housing Quality Assessment which provides the details regarding the proposed apartments set out in the schedule of accommodation, as well as the calculations and tables required to demonstrate the compliance of those details

with the various requirements of the 2018 Guidelines on Design Standards for New Apartments including its specific planning policy requirements.

8. Photomontages, cross sections, axiometric views of the scheme and CGIs. Visual impact analysis (to include views from the wider historic areas of the City including Georgian Core – north and south, Stephen’s Green, Trinity College, College Green) as well views from the wider area including adjacent residential areas to indicate potential impacts on visual and residential amenities. The application should include full and complete drawings including levels and cross sections showing the relationship between the development and adjacent residential units and adjoining streets.
 9. Childcare demand analysis and likely demand for childcare places resulting from the proposed development, if any.
 10. A detailed Phasing Plan.
 11. Relevant consents to carry out works on lands which are not included within the red-line boundary.
 12. A detailed Quality Audit to include Road Safety Audit, Access Audit, Cycle Audit and Walking Audit. A Mobility Management Plan.
- 10.5 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. National Transport Authority.
 2. Transport Infrastructure Ireland.
 3. Irish Rail.
 4. Commission for Railway Regulation.
 4. Minister for Culture, Heritage and the Gaeltacht (archaeology and architectural heritage and nature conservation).
 5. Heritage Council (archaeology and architectural heritage and nature conservation).

6. An Taisce — the National Trust for Ireland.
7. Failte Ireland.
8. An Comhairle Ealaion.
9. Irish Water.
9. Dublin City Council Childcare Committee.
10. Irish Aviation Authority.

PLEASE NOTE:

- 10.6 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.

Erika Casey

Senior Planning Inspector

31st May 2019