



An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion**

ABP-306472-19

Strategic Housing Development

| | |
|-------------------------------------|-------------------------------------------------------------------------------------------------|
| Description | 4 no. townhouses, 412 no. apartments, retail/café, childcare facility and associated site works |
| Location | 326-328 South Circular Road (Former Bailey Gibson site), Dublin 8 |
| Planning Authority | Dublin City Council |
| Prospective Applicant | DBTR-SCR1 Fund, a Sub-Fund of the CWTC Multi Family ICAV |
| Date of Consultation Meeting | March 02 nd , 2020 |
| Date of Site Inspection | February 25 th 2020 |
| Inspector | L. Dockery |

1.0 Introduction

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

2.0 Site Location and Description

- 2.1 The development site, which is roughly square in shape and has a stated gross site area of 2.15 hectares, is located on the northern side of South Circular Road, Dublin 8. The lands are brownfield in nature and contain former industrial premises, which comprise four no. factory buildings. The site forms part of a wider non-statutory Masterplan area located between South Circular Road and Cork Street.
- 2.2 The site is bound to the south and west by two-storey dwellings and by the Coombe Hospital and playing fields to the north. The eastern boundary of the site adjoins playing fields, stated to be in the ownership of the local authority and beyond these is the Player Wills site, stated to be in the prospective applicant's ownership.

3.0 Proposed Strategic Housing Development

3.1 The development is outlined as follows:

| | Proposed Development | | | | | | | | | | |
|--------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|---------------|------------------|----------------|-------------------|--|---------------------|--|------------------|--|
| Site Area | 2.15 ha (gross)/1.53 ha (nett) | | | | | | | | | | |
| No. of units | 416 build-to-rent units in 5 blocks to include: 412 apartments/ 4 no. townhouses | | | | | | | | | | |
| Density | 272 units/ha | | | | | | | | | | |
| Building Height | 2-16 storeys [maximum height of 72.425m] | | | | | | | | | | |
| Other uses | Childcare- 203m ² Commercial- 444m ² Tenant Amenity Facilities-781 m ² | | | | | | | | | | |
| Mix of residential units | <table border="0"> <thead> <tr> <th><u>Apartments</u></th> <th><u>Houses</u></th> </tr> </thead> <tbody> <tr> <td>19 x Studio (5%)</td> <td>4 x 4 bed (1%)</td> </tr> <tr> <td>251 x 1 bed (60%)</td> <td></td> </tr> <tr> <td>136 x 2 bed (32.5%)</td> <td></td> </tr> <tr> <td>6 x 3 bed (1.5%)</td> <td></td> </tr> </tbody> </table> | <u>Apartments</u> | <u>Houses</u> | 19 x Studio (5%) | 4 x 4 bed (1%) | 251 x 1 bed (60%) | | 136 x 2 bed (32.5%) | | 6 x 3 bed (1.5%) | |
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| 6 x 3 bed (1.5%) | | | | | | | | | | | |
| Dual Aspect Units | 45% (stated) | | | | | | | | | | |
| Car Parking | 108 residents (basement)/12 spaces (podium) | | | | | | | | | | |

4.0 National and Local Planning Policy

4.1 National

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 Section 28 Ministerial Guidelines are:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual)
- Sustainable Urban Housing: Design Standards for New Apartments (2018)
- Design Manual for Urban Roads and Streets (2013)
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009)
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018)
- Childcare Facilities, Guidelines for Planning Authorities (2001)
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (2018)

4.2 Local

The Dublin City Development Plan 2016-2022 is the operative County Development Plan.

Zoning:

There are two zoning objectives pertaining to the subject site:

The eastern part of the site is zoned 'Objective Z14' Strategic Development and Regeneration Area (SDRA) 12 St. Teresa's Gardens and Environs, which is 'to seek the social, economic and physical development and/or rejuvenation of an area with mixed use, of which residential and 'Z6' would be the predominant uses'.

The western part of the site is zoned 'Objective Z4- District Centre' which seeks to 'provide for and improve mixed-services facilities'.

The uses proposed are permissible under both these zoning objectives.

Section 15.1.1.15 St. Teresa's Gardens and Environs (Inclusive of former Player Wills and Bailey Gibson sites and Coombe Hospital)

The overall guiding principles for SDRA 12 are set out below:

- The development of a network of streets and public spaces will be promoted to ensure the physical, social and economic integration of St Teresa's Gardens with the former Player Wills and Bailey Gibson sites, with further integration potential with the sites of the Coombe Hospital and White Heather Industrial Estate
- A vibrant mixed-use urban quarter will be promoted with complementary strategies across adjoining sites in terms of urban design, inter-connections and land-use. To provide for an area zoned sufficient in size to accommodate a minimum 80 m by 130 m playing pitch
- A new public park is proposed as a landmark feature with passive supervision by residential and other uses; it will have a comprehensive landscaping strategy to provide significant greenery within the scheme and will make provision for a diverse range of recreational and sporting facilities for use by the wider neighbourhood
- There is potential for one or two midrise buildings (up to 50 m) within the site, subject to the criteria set out in the standards section of this plan. To acknowledge the existing sports lands of St Teresa's gardens and its environs and act to retain and augment these lands as sporting facilities for the benefit of the wider community and use by local sports clubs. That at least 20% of the SDRA 12 be retained for public open space, recreation & sporting facilities including an area to facilitate organised games.
- Strong permeability through these lands will be encouraged to generate movement and activity east to-west (connecting Dolphin's Barn Street and Cork Street with Donore Avenue) and north-to-south (connecting Cork Street and Donore Avenue with the South Circular Road and Grand Canal corridor); a high-quality public domain, provision of pedestrian and cyclist routes and provision of active streets will be promoted

- A community hub will be incorporated into the scheme to provide a wide range of community facilities accessible to the wider neighbourhood; opportunities to highlight the heritage of the local area by proposing community uses close to important landmark buildings such as St Teresa's Church will be promoted
- Provision shall be made for the expansion of St Catherine's National School, Donore Avenue, in the redevelopment of the former Player Wills site, subject to agreement with the Department of Education and Skills.

Chapter 16 deals with Development Standards: Design, Layout, Mix of Uses and Sustainable Design.

Section 16.10 deals with Standards for Residential Accommodation.

Section 16.7.2 sets a general height limit of 16m in the outer city, or 24m at rail hubs which are defined as within 500m of Luas stops.

It is noted that the City Development Plan refers to Build-to-let apartments and it provides that this particular managed rental model shall be retained in single ownership for 20 years (minimum) during which period units may not be sold off on a piecemeal basis. Build-to-let schemes for mobile workers should be adaptable for future demographic needs of the city, e.g. by providing for the amalgamation of studios in a change of use scenario.

The site is in Parking Area 1 as set out in Table 16.1, Map J which allow a maximum of 1 space per residential unit and 1 space per 350 square metres retail.

A Non-Statutory Masterplan has been prepared for a land parcel of 10.3 hectares for this area which includes for DCC lands (6ha), Player Wills (2.78 ha) and the full extent of the Bailey Gibson lands (1.52 ha).

5.0 Planning History

Addendum C of the planning authority opinion details a list of relevant planning applications in the wider area. The most recent history pertaining to this site is as follows:

4423/06 (PL29S.221717)

Permission GRANTED for demolition of all buildings on site and construction of a mixed-use development comprising 270 no. residential units, 9 x office units, 5 x commercial/retail units, medical centre, leisure centre and all ancillary site works. Decision UPHeld on appeal.

6.0 Section 247 Consultation(s) with Planning Authority

6.1 It is stated by the planning authority that three pre-application consultations took place with them on the following dates- 27/09/2019. 01/07/2019 and 15/05/2019.

7.0 Submissions Received

Irish Water

No report received

8.0 Forming of Opinion

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

7.1 Documentation Submitted

8.1.1. The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development)

Regulations 2017. This information included, inter alia, completed application form, scaled drawings (plans, sections and elevations), photomontages, Statement of Consistency, Material Contravention Statement, Draft Masterplan for Player Wills, Dublin City Council and Bailey Gibson Lands, Irish Water Pre-Connection Enquiry letter, Part V information, Social Infrastructure Audit, Appropriate Assessment Screening Report, Design Statement, Daylight, Sunlight and Overshadowing Report, Verified Photomontages, Civil Engineering Infrastructure Report, Construction and Demolition Waste Management Plan and Traffic and Transport Assessment.

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

8.2 Planning Authority Submission

8.2.1 In compliance with section 6(4)(b) of the 2016 Act 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 14th February 2020.

8.2.2 The planning authority's 'opinion' included the following matters: proposed development, site description, planning history, pre-planning consultations, zoning and policy, plot ratio, site coverage and density, height, impact on character of the area, floor areas and development standards, aspect, natural lighting, ventilation and sunlight penetration, private open space, mix, floor areas, aspect, floor to ceiling height, light and stair cores, storage, refuse storage, communal amenity space, public open space, children's play spaces, daylight and sunlight analysis, impact on residential amenities, community facilities and social infrastructure, energy efficiency and the Built Environment, EIAR and Appropriate Assessment. The following issues require further consideration:

- Location of north-west facing apartments
- Storage for bulky items outside individual units has not been identified- consideration to be given to provision of additional storage at ground or basement level

- Storage, ventilation, screening and collection of waste materials.
Consideration should be given to provision of separate collection facilities for recyclables such as glass and plastics
- Overlooking issues, which may require additional screening measures
- Insufficient detail with regard to the crèche has been provided with further details required in relation to childcare places, play spaces and signage

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

8.3 Consultation Meeting

8.3.1 A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 02nd day of March 2020, commencing at 11.30 am. 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.

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

1. Issues raised in PA Opinion
2. Transportation Matters
3. Drainage Matters
4. Any other Matters

8.3.3 In relation to Issues raised in PA Opinion, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- Clarification in relation to status of draft masterplan and highlighted need to ensure consistency with statutory plans in application documents
- Zoning objectives and range of uses proposed
- Justification/rationale for extent of commercial uses proposed, given extent of vacancy within wider area

- Justification of height proposed and submission of material contravention statement, if considered necessary
- Visual amenity- submission of visualisations/CGIs
- Highlighted matters raised in PA Opinion in relation to consistency with section 28 guidelines in relation to aspect of units, storage space, private open space provision
- Residential amenity for both existing and future residents
- Further details in relation to childcare facility
- Quality of open space provision

8.3.4 In relation to Transportation Matters, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- Matters raised in internal report of PA (dated 13th February 2020) in relation to transportation issues

8.3.5 In relation to Drainage Matters, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- Matters raised in internal report of PA (undated) in relation to surface water drainage issues
- Liaise with PA and Irish Water prior to submission of application documents

8.3.6 In regards to other matters, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Waste management; finishes/materials; micro-climate; Building Lifecycle Report, CGIs/visualisations/cross sections; AA/EIAR.

8.4 **Conclusion and Recommendation**

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

8.4.2 I have examined all of the information and submissions before me including the documentation submitted by the prospective applicants, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the section 28 Ministerial Guidelines and local policy via the statutory plans for the area.

8.1 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.**

8.2 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.

9.0 **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 would constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**

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 arising from this notification:

1. A report, including CGIs, visualisations and cross sections, as necessary, which clearly show the relationship between the proposed development and existing development in the vicinity. Details should include rationale/justification for the heights/setbacks proposed; boundary treatments; public realm and ground floor elevational treatments. Documents should also include details showing the relationship between the proposed heights and any future development on adjacent lands.
2. A report that addresses issues of residential amenity (both existing residents of adjoining development and future occupants), specifically with regards to overlooking, overshadowing, overbearing and noise. The report shall include full and complete drawings including levels and cross-sections showing the relationship between the proposed development and adjoining residential development. Furthermore, landscape and architectural drawings that clearly detail the relationship between wind impact mitigation measures and the design of the proposed development shall be included
3. A schedule of floor areas for all proposed units which includes for, inter alia, details of aspect (single, dual, triple) of each unit, storage space and private open space provision
4. A detailed landscaping plan for the site which clearly differentiates between areas of public, communal and private open space and which details exact figures for same. Details should also include proposals for hard and soft landscaping including street furniture, where proposed, which ensures that areas of open space are accessible, usable and available for all. Pedestrian permeability through the site should be outlined. Details of the interface between private and communal areas should also be detailed. Additional cross sections, CGIs and visualisations should be included in this regard.
5. Site Specific Construction and Demolition Waste Management Plan
6. Additional details in relation to surface water management for the site, having regard to the requirements of the Drainage Division (undated report) as indicated

in the Planning Authority's Opinion. Any surface water management proposals should be considered in tandem with a Flood Risk Assessment specifically relating to appropriate flood risk assessment that demonstrates the development proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk.

7. Additional details in relation to traffic and transport matters, having regard to the requirements of the Transportation Planning Division (report dated 13/02/2020) as indicated in the Planning Authority's Opinion.
8. Waste Management details
9. A life cycle report shall be submitted in accordance with section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2018). This report should specifically address proposed materials, finishes and detailing which seek to create a distinctive character for the development, avoiding blank facades, dead frontage and render and which provides for active frontages and corners. The documents should also have regard to the long term management and maintenance of the proposed development.

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

PLEASE NOTE:

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

Lorraine Dockery
Senior Planning Inspector

20th March 2020