



An  
Bord  
Pleanála

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

### **Inspector's Report on Recommended Opinion ABP-306507-20**

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#### **Strategic Housing Development**

Demolition of existing structures, construction of 312 no. Build to Rent Shared Living units and associated site works.

#### **Location**

The Old Glass Factory to the rear of Nos. 113-117 Cork Street and Nos. 118-122 Cork Street, Cork Street, Dublin 8.

#### **Planning Authority**

Dublin City Council South

#### **Prospective Applicant**

Alphabet ABS Properties Ltd.

#### **Date of Consultation Meeting**

06<sup>th</sup> of March 2020.

#### **Date of Site Inspection**

15<sup>th</sup> of February 2020.

**Inspector**

Karen Hamilton

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## 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 a brownfield which comprises of a series of vacant properties between No 118-122 Cork Street, Dublin 8. The site extends from the south, along Cork Street, to the north, adjoining John Street South, with access onto both streets. In addition to the derelict buildings along Cork Street, the site comprises of old warehouse buildings associated with an old glass factory. John Street South is predominantly residential and there is a small number of industrial/ commercial type premises to the rear directly adjoining the site. An apartment development, Brabazon Apartments, is located to the west, bounding the edge of the subject site.

## 3.0 Proposed Strategic Housing Development

3.1. The proposed development would comprise of a shared living accommodation for 313 single occupancy bed spaces and 7 no. accessible rooms, communal amenity space and associated site works.

### Development Parameters

Parameters	Site Proposal
Height	4-7 over basement (24.7m)
Plot Ratio	2.77

Site Coverage	47.9%
Residential Amenity Space	2,195m <sup>2</sup>
No. of Residential Units	312 single occupancy bed space
Kitchen/living/dining	3.71m <sup>2</sup> per person
Communal space (ground floor)	546m <sup>2</sup>
Car Parking	1 No. disabled parking space at ground level Access from the rear at John Street South
Bike Parking	Basement cycle parking 365 no spaces

#### Bedroom type breakdown

9 bedroom Types	Area (GFS) m2	no
01	17.5	261 (83%)
01 B	19	5
01 C	16.6	15
02	17.5	17
02 B	17.4	1
03	24.2	6

03A	29.2	1
04	21.6	6
<b>Total</b>		<b>312</b>

## 4.0 Planning History

None relevant on the site.

On Opposite side of Cork Street

### **300431-19 (Reg Ref 3323/17)**

Permission granted for 28m high building along St Luke's Avenue, 200m to the west of the site. (Subject building proposed 24.7m).

### **300184-17 (SHD application)**

Permission granted for 399 no. student accommodation units on the opposite side of Cork Street.

## 5.0 Planning Policy

### 5.1. Sustainable Urban Housing: Design Standards for New Apartments: Guidelines for Planning Authorities (2018)

Section 5.13 – Shared Accommodation Developments

- Shared Accommodation (2-6 bedrooms) share a common area
- Table 5a- Min bedroom size ( single 12m<sup>2</sup>/ double 18m<sup>2</sup>)
- Table 5b- Min common area ( bedrooms 1-3 8m<sup>2</sup> per person/ 4-6 extra 4m<sup>2</sup> per person)
- SPPR 9- No dwelling mix required/ Flexibility regarding storage and amenity space based on compensatory communal amenity space.

## 5.2. Dublin City Development Plan 2016-2022

Z4 zoning objective “District Centre” along the front of the site includes “*To provide for and improve mixed-service facilities*”

- Residential is a permissible use.

Z6 zoning objective “Enterprise and Employment” along the rear of the site adjoining Allingham Street includes “*To provide for the creation and protection of enterprise and facilitate opportunities for employment creation*”.

- Residential use is open for consideration and shall be subsidiary to employment-generating uses and shall not conflict with the primary aim of the Z6 land-use zoning to provide for the employment requirements of the city.

Proposed Variation No 20- Ref E14 No 109-114 Cork Street- Map

- Proposed zoning change from Z6 to Z 10 ( at the rear of the site)

## 5.3. Proposed Variation No. 20 Address: 109-114 Cork Street, Dublin 8

- Public notice 28<sup>th</sup> of November 2019
- From: Land Use Zoning Objective **Z6** ‘*To provide for the creation and protection of enterprise and facilitate opportunities for employment creation*’,
- To: Land Use Zoning Objective **Z10** ‘*To consolidate and facilitate the development of inner city and inner suburban sites for mixed-uses, with residential the predominant use in suburban locations, and office / retail / residential the predominant uses in inner city areas.*’

## 5.4. Liberties LAP 2009-2020

- Site is located in the Pimlico / Marrowbone Lane character area.
- Page 155: Land use map for the area includes a pedestrian link through part of the site from Cork Street to John Street South.

## 6.0 Section 247 Consultation(s) with Planning Authority

- 6.1. The submission from the PA refers to three Section 247 meetings undertaken on the 05<sup>th</sup> of September 2019, records for SHDPAC 0076-19 accompanied the submission and the issues raised are summarised below:

- 6,000m<sup>2</sup> of office space included,
- Co-living makes up the bulk of the application,
- Standard room 17.9m<sup>2</sup> single occupancy,
- Community gain for the Liberties area required,
- Terraces along Cork Street may help break up the façade,
- Pedestrian route needs higher access to break it up,
- The façade need broken,
- Office space along the front is recommended,
- Uses at the ground floor should reflect the Z4 zoning,
- The height should be justified along Cork Street.

## 7.0 **Prospective Applicant's Case**

7.1. The application was accompanied by a range of reports and drawings relating to the engineering (flood risk, water and transport) on the site, the residential amenity for the co-living bed spaces, conservation and archaeological assessment and detailed elevations of the proposed building. A Screening Report for Appropriate Assessment accompanied the application.

### 7.2. **Statement of Consistency**

The statement contains an analysis of the site and the wider area, a list of the planning history on the existing and adjacent lands, a background of the proposed development and further details of the proposed scheme as summarised below:

- It is considered the zoning of the rear of the site would be more appropriate in the Z 10 (proposed variation).
- A pedestrian link required to comply with the Liberties LAP is included on part of the application lands.
- The proposal complies with the National Planning Framework.
- The proposal complies with SPPR 3 of the building height guidance.



## 8.0 Planning Authority Submission

8.1. 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 23<sup>rd</sup> of January 2020, and are summarised below

### Zoning

- The residential use is permissible under the Z4 zoning along Cork Street although only open for consideration in the Z6 zoning at the rear of the site.
- The proposed development would be contrary to the zoning.
- Variation No 20 aims to rectify the zoning on underutilised Z6 lands.
- The pre application is submitted on the assumption the variation No 20 will be adopted.
- The application was advised during S 247 that the variation would not be voted on until the March Council meeting.

### Shared accommodation

- There have previously been third party concerns in relation to the overconcentration of this type of accommodation in the area.
- There has been a number of student accommodation granted in the vicinity.

### Design

- The pedestrian access is only indicative and dependant on the letters of consent from adjoining land owners.
- The gates and fencing around the communal amenity area require additional detailing.
- Z4 plot ratio - 2.0-3.0, site coverage –80%
- Z6 plot ratio- 2.0-3.0, site coverage- 60%
- The Liberties LAP has a max height of 24m. The proposal would be in keeping with the scale of the newer permitted developments in the area.

- There are no balconies on the scheme.
- 10% would be north facing, which having regard to the amenity area is considered acceptable.
- Section 5.17 of the apartment standard is complied with although it is considered there is an insufficient number of kitchen areas provided for each floor.
- The windows the eastern side elevation of Barbazon House would be significantly overshadowed and enclosed by the development.
- There is concern the south facing apartments would unduly overlook the rear elevation of Brabazon House apartments 13.2m away.

### Transportation

- Direct access to the cycle ramp should be provided by a more direct route from Cork Street, rather than around the perimeter.
- There should be no overhang onto the public footpath
- There are concerns in relation to the pedestrian safety and security due to the design of the route and limited passive surveillance.
- Swept path analysis for the emergency vehicle is not provided.
- Justification for the loading bay along a QBC is required and a service strategy is required.
- Clarification on the provision of staff cycle facilities including shower and change should be provided.
- The Modal Split baseline as submitted in the TTA requires review (i.e. no peak hour referenced in the residential travel plan & 12% private car travel expected).

### Drainage

- Requirement for a SuDS master plan layout incorporating all features
- Clarification on how to manage surface water flow from two separate catchments

- There are discrepancies between the attenuation tank invert/cover levels and those used on the attenuation calculations.
- Layout drawings indicating overland flow routes
- Basement Impact Assessment.

### Parks

- The pedestrian link should be of a high quality with passive surveillance to prevent anti-social behaviour.
- Additional planting along Cork Street along the paved area will ensure the greening of Cork Street.
- The site should be surveyed for invasive species.
- There should be clarity if the PV panels are proposed with sedum roof under.

## 9.0 Consultation

9.1. Irish Water has issued a Confirmation of Feasibility (CoF) for 320 apartment units, 1 no. retail unit, 1 no. café and 1 no. office. Upgrades to the public water network require an extension of the mains at Dolphin Barn which can be delivered by IW but the cost shall be borne by the applicant. An upgrade to an existing 12" trunk is currently being upgraded by IW and should be completed by Q2 2020.

## 10.0 The Consultation Meeting

10.1. A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 06<sup>th</sup> 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, as detailed below:

1. Z6 Land Use Zoning.
2. Development Strategy for the site to include inter alia:
  - Public realm, connectivity and permeability through the site.
  - External materials.

- Design of the ground floor/ entrance.
  - Relationship and treatment with adjoining sites.
3. Residential Amenity.
  4. Transport and Traffic.
  5. Drainage Matters.
  6. Any other matters.

10.2. In relation the **Z6 Land Use Zoning**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The acceptability of a proposed scheme for 100% residential on lands designated as Z6 taking into consideration the specific objectives detailed in the Dublin City Development Plan for this land use zoning.
- The time limits and potential for the adoption of Variation No 20 and the possibility of the rezoning of the Z6 lands which would permit the proposed development in principle.

10.3. In relation the **Development Strategy**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The design of the ground floor façade, the requirement for the proposed overhang along the entrance, set back and inclusion of a ramped area along Cork Street and the location of the Flood Zone along Cork Street, bounding the site.
- The design and layout of the proposed pedestrian route between Cork Street and John Street South including compliance with Liberties LAP, active surveillance, treatment and finish and the integration of the right of way on the most northern part of the site onto John Street South.
- The design and layout of the proposed building, the proposed treatment along the interface of the adjoining building to the north of the site and any the potential implications of the proposal preventing future development on the adjoining site.

- The palate and type of materials on the elevation of the proposed building, the proposed pedestrian thoroughfare and the open space areas around the site.
- The overall design of the building, having regard to the context to the area, justification of the height of the building along Cork Street and the interaction with those buildings and developments which have been recently granted and/or developed in the vicinity of the site.

10.4. In relation the **residential amenity**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following;

- The impact of the proposed development on Barbazon Apartments, to the west of the site, including the potential for overlooking, overshadowing and overbearing onto this site.
- The size and occupancy of the bed spaces provided, compliance with Table 5a of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (2018) and the inclusion of kitchen facilities within the bed spaces.
- The quantum and quality of residential amenity within the overall scheme, including the amount of communal facilities provided for the bed spaces, the compliance with Table 5b and compliance for any compensatory communal support facilities and amenities in line with SPPR 9 of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (2018).

10.5. In relation the **transport and traffic** An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following

- The design and layout of the pedestrian thoroughfare, the location of the bicycle parking spaces associated with the development in the pedestrian area, the surveillance of this pathway including the integration of public lighting and the possibility of a gated access.
- The design and layout of the public realm along the front of the site onto Cork Street, the design of the layby, inclusion of loading and delivery's and the integration of an appropriate service strategy for the site.

10.6. In relation the **Drainage Matters**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following

- Issues raised by the Planning Authority in relation to the surface water including the appropriate provision and integration of SuDS measures, attenuation calculations and a Basement Impact Assessment.

10.7. In relation the **Any Other Business**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following;

- The submission of a Flood Risk Assessment including any flood alleviation measures proposed and the implementation of the River Poddle flood alleviation works.

## 11.0 **Assessment**

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.

I have examined all of the information and submissions before me including the documentation submitted by 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.

### **Conclusion**

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.

## 12.0 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.**

### Z6 Zoning

1. Further Justification/ consideration of the documents as they relate to provision of an entirely residential proposal having regard to compliance with the Z6 zoning '*To provide for the creation and protection of enterprise and facilitate opportunities for employment creation*', to the north of the site and at the rear of 109-114 Cork Street. In this regard integration of other land uses are necessary in order to comply with the specific objective in the Dublin City Council Development Plan 2016-2022 which states that residential is open for consideration on lands zoned Z6 but is seen as subsidiary to the primary use as employment zones.

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:

1. A report that addresses issues of residential amenity (both existing residents of adjoining development and future occupants), specifically with regards to

overlooking, overshadowing and overbearing. The report shall include full and complete drawings illustrating daylight and sunlight analysis for existing and proposed apartments and all open space areas

2. A detailed schedule of accommodation which indicates consistency with relevant standards in SSPR 9 of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (2018) including a report which addresses the use of compensatory communal residential support facilities and amenities for any proposed non-compliance with Table 5a and 5b.
3. Additional CGIs/visualisations/3D modelling and cross section drawings showing the proposed development relative to existing and proposed developments in the vicinity, including justification for an increase height at this location relative to the surrounding area.
4. Details of all materials proposed for buildings, open spaces, paved areas, boundary and landscaped areas.
5. An updated Flood Risk Assessment including any updated modelling or flood alleviation measures currently underway or proposed to the River Poddle.

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. Transport Infrastructure Ireland
2. National Transport Authority
3. Irish Water
4. Minister for Culture, Heritage and the Gaeltacht (archaeology)
5. An Taisce- The National Trust for Ireland.
6. The Heritage Council.



**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.

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Karen Hamilton  
Planning Inspector

16<sup>th</sup> of March 2020