



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-307227-20

Strategic Housing Development

Amendments to 341 no. student bed space accommodation previously permitted under 2628/17 and ABP 300241-17 to provide 321 bed shared accommodation scheme and associated amendments, including the introduction of 1,130sq.m shared amenity space (to include kitchen and living areas), external roof terraces on the 6th floor, the overall increase in height of the permitted developemtn by 2m, the increase in width of the blocks by 2m (resultant in increase in floor space of 1,079sq.m) and alterations to the permitted civic plaza.

Location

Phibsborough Shopping Centre and No. 345-349 North Circular Road, Dublin 7.

Planning Authority

Dublin City Council North

Prospective Applicant

Phibsborough Shopping Centre
Limited

Date of Consultation Meeting

12th October 2020.

Date of Site Inspection

1st September 2020

Inspector

Daire McDevitt

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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 development which is the subject of this consultation refers to a section of development associated with the permitted redevelopment of the Phibsborough Site. The overall site relates to the majority of the Phibsborough Shopping Centre site, with additional lands to the west - comprising the east stand of Dalymount Park (and ancillary structures, surface parking, access and overgrown area; to the south - a car mechanic's premises (former Des Kelly Carpets' premises within amended historic tram yard warehouse) and surface parking area and hard surface access route to North Circular Street; and to the centre and southeast – surface parking and hard surface access routes. The site does not include Units 7, 13-15 and 17 of the existing shopping centre.
- 2.2. It is located at the centre of Phibsborough village in north Dublin City, c.1.2km northeast of O'Connell Street and c.220m south of the Royal Canal, close to the junction of the Phibsborough Road (R135, former N2) and North Circular Road (R147, former N3) known as Doyle's Corner. The Mater Hospital and Mountjoy Prison are located c.250m and c.170m, respectively, east of the site.
- 2.3. The area is an historic suburban area, dating predominantly from the Victorian period and is strongly characterised by distinctive redbrick terraced dwellings. There has been infill and replacement development central to the village area, either side of Phibsborough Road, with Phibsboro Shopping Centre and office block (c.1967) being the most obvious of these by reason of the height of office tower, juxtaposed

with the single and 2-storey horizontally emphasized shopping centre, and the distinctive architectural design that so defined that period of economic growth.

- 2.4. The Prospective applicants site extends almost to 1ha (0.969ha stated area), comprising the majority of Phibsborough Shopping Centre and office block, but excluding retail units nos.7, 13-15 and 17. The existing shopping centre comprises a single-storey row of retail units with external access from the car park, podium level parking at open first floor level, a 2-storey section at the northern end and a tower block of 8-stories (6-stories office above ground floor retail and first floor podium parking level) located towards the northern end. The tower building is constructed from pre-cast, vertically emphasized concrete panels with a pebbled surface. The shopping centre is setback from the street behind a parking forecourt in a suburban manner, with a vehicular entrance from Phibsborough Road and an exit onto Connaught Street and a number of formal and informal pedestrian entrances. The podium level parking is accessed from a mews-type lane off Connaught Street.
- 2.5. The site has frontage onto the North Circular Road to the south, extending to c.24m between Dalymount Terrace to the west and no.351 North Circular Road to the east; frontage of c.143m to Phibsborough between no.70/71 to the south and Connaught Street to the north; and frontage of c.40m to Connaught Street to the north.
- 2.6. The roadside boundary to the north and east comprises a low painted-brick wall, except where replaced with removable bollards along part of Phibsborough Road, apparently to facilitate service deliveries for Tesco. There is a vehicular access at the southern end off Phibsborough Road, adjacent the shopping centre forecourt entrance, providing access to a service lane to the rear of the retail units, to a separate surface car parking area, to Dalymount Park and an indirect connection (controlled by gates) to North Circular Road via the Kelly's Yard. And adjacent the south of the said access, there is another service access providing access to a gated service lane and ESB substation via a ramp.
- 2.7. To the southeast the site abuts the historic village core, largely characterised by 2-storey, redbrick-faced buildings dating probably from the Victorian period. To the southwest and northwest, the neighbouring properties are 2-storey Victorian period, suburban residential dwellings. To the west, the site abuts (and includes part of)

Dalymount Park soccer stadium, which is abutted by mews lanes, including Dalymount Lane (apparently a public lane) to the south and the partly-gated off-Connaught Street lane to the north.

- 2.8. The element of the permitted redevelopment of the Phibsborough Shopping Centre which is the focus of this section 5 pre application consultation refers to the permitted Blocks A and B under ABP 300241-17 for 341 student accommodation bed spaces.

3.0 Proposed Strategic Housing Development

Site Area	0.969 hectares
Proposed Development	321 Co-Living Accommodation Block A 145 units Block B 176 units (on the 2 nd to 7 th floors)
Height	Permitted 24m (ABP 300241) Proposed 26m
Room types	(i) Single Occupancy: 181 no. Standard Room (18sq.m) 6 no. Premium Room (19 to 20sq.m) 16 no. Accessible Room (26 to 27sq.m) (ii) Cluster Rooms with shared kitchen/dining: 18 no. (mix of 3, 4 & 6 bedrooms) (15 to 18sq.m)
Communal Internal Amenities	Ground floor (390sq.m) First floor (335sq.m) (linked to ground floor via stairs) Second floor (310sq.m) Total: 958sq.m (2.9 sq.m/resident)
Communal External Amenities	Civic Plaza between Block A&B Communal: 2 no. garden terraces and central courtyard (2 nd floor podium level) 2 no. roof terraces (6 th floor) (c.80sq.m each) Green roof terrace (7 th floor)(c.256sq.m) Total : 778 sq.m (2.42sq.m/resident)
Parking	Car: No new parking proposed for the co-living element Bicycle: 164 spaces (basement area), 25 additional (bring a total of 50 at the civic plaza).

4.0 Planning History

PA Reg Ref. 2628/17 (ABP Ref. 300241-17) refers to a 2018 grant of permission and retention for development at a site of 0.969 ha development consisting of the part demolition of existing structures on the site and the construction of an extension

to the existing Phibsborough Shopping Centre onto Phibsborough Road and North Circular Road ranging in height from 3 to 7 storeys to contain new retail / restaurant and office units, student accommodation, a new civic plaza and an upgrade of the existing Shopping Centre and commercial office tower facade with a total new build gross floor area of 15,775m² (including basement). The application did not include Units 7 and 13-15 & 17 of the existing Shopping Centre.

PA Reg.Ref.2709/17 refers to a 2017 grant of permission for part demolition of existing structures, site clearance and associated boundary hoarding, including the existing Tramway End/ East Terrace of Dalymount Stadium (excluding the area of the existing floodlights), the existing warehouses in Kelly's Yard off the North Circular Road and other ancillary site clearance.

PA Reg.Ref.2132 (ABP Ref. PL29N.240504) refers to a 2012 grant limited to a **5-year permission** from the date of decision by condition no.2, for retention of antennas, link dishes and equipment container previously granted permission under reg. ref. 1027/96.

PA Reg, Ref.2545/04 (ABP Ref. PL29N.211686) refers to a 2006 grant of permission for the regeneration and extension of the Phibsboro Centre (1.23ha site) to provide mixed use commercial and residential development including retail units, gym, medical centre and 122 no. apartments (a number of apartments were omitted by condition).

5.0 Policy Context

5.1 National:

Project Ireland 2040 - National Planning Framework

- National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- National Planning Objective 13: In urban areas, planning and related standards, including, in particular, 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.

Section 28 Ministerial Guidelines.

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:

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) and the accompanying Urban Design Manual: A Best Practice Guide (2009)
- Sustainable Urban Housing: Design Standards for New Apartments (2018)
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018)
- Design Manual for Urban Roads and Streets (2013) (updated May 2020)
- The Planning System and Flood Risk Management (including the associated 'Technical Appendices') (2009)
- Architectural Heritage Protection Guidelines for Planning Authorities (2011)

Sustainable Urban Housing: Design Standards for New Apartments 2018

Section 5 of these guidelines specifically set out policies and standards in relation to build to rent and shared accommodation sectors. In relation to shared or co-living accommodation the following is stated.

It states that a new format of residential accommodation described as “shared accommodation” has the potential to emerge as a distinct segment within the overall urban accommodation sector. It comprises of professionally managed rental accommodation where individual rooms are rented within an overall development that includes access to shared or communal facilities and amenities. Shared accommodation has characteristics similar to student accommodation, including the appeal to a specific renter cohort with specific needs or requirements from their housing provision. In particular the usefulness of such accommodation type to the dynamics in the urban employment market is important; for example their use by new employees arriving in urban areas and seeking short-term accommodation during the establishment or local employment climatisation period that may be longer than a few weeks.

The minimum floorspace extent of the common shared area for living and kitchen facilities will be calculated on a per bedroom basis as set out in Table 5(a).

A key feature of successful shared accommodation schemes internationally is the provision of the wider recreation and leisure amenities as part of the overall development.

Due to the distinct nature and features of shared accommodation it is only appropriate where responding to an identified urban housing need at particular locations. It is not envisaged as an alternative or replacement to the more conventional apartment developments which are provided for elsewhere in the guidelines.

In this regard the obligation will be on the applicant in the case of a shared accommodation scheme to demonstrate to the Planning Authority that the proposal is based on an accommodation need to provide a satisfactory evidential base

The shared accommodation minimum bedroom size for a single room (including en-suite) 12 square metres. For a double room (including en-suite) 18 square metres.

The minimum common living and kitchen facilities floor areas for Bedrooms 1 to 3 would be 8 square metres per person and for Bedrooms 4 to 6 an additional 4 square metres per person. Accordingly. Where there is a failure to satisfactorily provide such a basis, permission should be refused by the Planning Authority. In assessing proposals for shared accommodation, the Planning Authority shall, therefore, have regard to the need for such a type of accommodation in an area with reference to the need to cater for a particular employee accommodation need. The prevailing context for the proposed site shall also be considered, with city centres being the appropriate location for such developments. Appropriate development monitoring exercises are required to be undertaken by the Planning Authority to avoid an excessive proliferation of shared accommodation developments to the detriment of the supply of quality urban apartment development as advocated in the guidelines.

SPPR 9 shared accommodation may be provided and shall be subject to the requirements of SPPR 7 (as per BTR). In addition:

- (i) No restrictions on dwelling mix shall apply.
- (ii) The overall unit, floor area and bedroom floorspace requirements of Appendix 1 of these Guidelines shall not apply and shall be replaced by Tables 5(a) and 5(b).
- (iii) Flexibility shall be applied in relation to the provision of all storage and amenity spaces set out in Appendix 1 based on the provision of alternative, compensatory community support facilities and amenities. The obligation will be on the project proposer to demonstrate the overall quality of the facilities provided and that residents will enjoy an enhanced overall standard of amenity.
- (iv) A default policy of minimal car parking provision shall apply on the basis of shared accommodation development being more suitable for central locations and/or proximity to public transport services. The requirement for shared accommodation to have a strong central management regime is intended to contribute to the capacity to establish and operate mobility measures.

In addition to the above, shared accommodation will not normally be the subject of Part V requirements.

5.2 Regional:

Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031

The Metropolitan Area Strategic Plan sets out a number of Guiding Principles for the sustainable development of the Dublin Metropolitan Area, including:

- Compact sustainable growth and accelerated housing delivery – To promote sustainable consolidated growth of the Metropolitan Area, including brownfield and infill development, to achieve a target to 50% of all new homes within or contiguous to the built-up area of Dublin City and suburbs, and at least 30% in other settlements. To support a steady supply of sites and to accelerate housing supply, in order to achieve higher densities in urban built up areas, supported by improved services and public transport.
- Integrated Transport and Land use – To focus growth along existing and proposed high quality public transport corridors and nodes on the expanding public transport network and to support the delivery and integration of ‘Bus Connects’, DART expansion and LUAS extension programmes, and Metro Link, while maintaining the capacity and safety of strategic transport networks.

5.3 Local:

Dublin City Development Plan 2016-2022

The site is governed by the policies and provisions contained in the Dublin City Development Plan 2016-2022. The site is located in an area zoned Z4 with the objective to “provide for and improve mixed service facilities”. Residential use will be permitted in principle subject to compliance with provisions in the development plan.

Z4 district centres have an indicative plot ratio of 2 and a site coverage of 80%.

Phibsborough is a designated 'Key District Centre' (KDC8) in the settlement hierarchy of the City Development Plan and KDC's represent a top tier of urban centres outside the city centre.

S.2.2.8.1 Area Specific Plans: Table F – Schedule of Proposed Statutory LAPs (the order of delivery of the LAPs to be determined by City Councillors) – No.5
Phibsborough LAP

A small section of the site (southern portion) is located within an Architectural Conservation Area.

Dublin City Industrial Heritage Record site 18 07 028 refer sot the Tramway Depot located within the site boundaries.

Phibsborough Road is a designated Historic Approach.

Policy **QH6** seeks to encourage and foster the creation of attractive mixed use sustainable neighbourhoods which contain a variety of housing types and tenures with supporting community facilities, public realm and residential amenities and which are socially mixed in order to achieve a socially inclusive city.

Policy **QH7** seeks 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 surrounding areas.

In relation to density standards, the development plan states that sustainable densities promoting the highest quality of urban design and open space will be sought by the City Council in all new developments. The density of a proposal should respect the existing character, context and urban form of an area and seek to protect existing and future residential amenity. Public transport capacity will also be used to determine the appropriate density allowable.

All proposals for higher densities must demonstrate how the proposal contributes to place making and the identify of an area, as well as the provision of community facilities and/or social infrastructure to facilitate the creation of sustainable neighbourhoods.

Section 16.7.2 Height Limits and Areas for Low-Rise, Mid-Rise and Taller Development* (table '*Building Height in Dublin*'; Map K).

5.4 Natural Heritage Designations

South Dublin Bay and River Tolka Estuary SPA site code 004026 c.3km to the east.

South Dublin Bay SAC site code 000210 c.5km to the southeast.

North Dublin Bay SAC site code 000206 c.6km to the east.

North Bull Island SPA site code 004006 c.6km to the east.

6.0 Section 247 Consultation(s) with Planning Authority

6.1 It is stated by the prospective applicant that two pre-application consultation meetings took place with the planning authority on 11th November 2019 and 6th February 2020.

7.0 Submissions Received

Irish Water (25th June 2020)

Irish Water has issued a Confirmation of Feasibility for 329 units subject to the following:

Water:

In order to accommodate the proposed connection to the Irish Water network at the premises, upgrade works are required as follows: 1) Connection main – Approx. 50m of new 200mm ID pipe main to be laid to connect the site to the main and 2) Upgrade Main – Approx. 170m of new 200mm ID pipe main to replace the existing 6” main.

Irish water currently does not have any plans to extend its network in this area. Should the applicant wish to progress with the connection they will be required to fund the required upgrades. These works will take place in the public realm and will be delivered by Irish Water.

Wastewater:

New connection to the existing network is feasible without upgrade.

The development has to incorporate Sustainable Drainage systems/Attenuation in the management of stormwater to reduce surface water inflow into the receiving combined sewer. Full details of these have to be agreed with the local Authority Drainage Division

All development to be carried out in compliance with Irish Waters Standards Codes and Practices and any proposals by the applicant to build over or divert existing water or wastewater services shall be submitted for written approval prior to works commencing.

8.0 Forming of the Opinion

8.1 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 discussion which took place during the tripartite consultation meeting. I shall provide a brief detail on each of these elements hereunder.

8.2 Documentation submitted

8.2.1 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.

8.2.2 The information inter alia included: completed application form, cover letter, Planning Report, Statement of Consistency, Statement of Material Contravention, Preliminary EIA Screening Report, Architectural Drawings and Design Statement Brochure , Landscape drawings and Design Rationale Report, Appropriate Assessment Screening Report, Engineering drawings and Engineering Services Report, Outline Construction Management Plan, Outline Construction and Demolition Waste Management Plan, Basement Impact Assessment Report, Flood Risk Assessment, Transportation Assessment Report (includes Preliminary Travel Plan, DMURS Statement of Consistency & Independent Stage 1 Road Safety Audit), Transportation drawings, Pedestrian Wind Comfort Study, Daylight and Sunlight Assessment, AVR Images, Building Lifecycle Report, Estate & Common Areas Management Strategy Report, Operational Waste Management Report, Co-Living Demand & Concept Report, Co-Living Operational Management Plan, Energy & Sustainability Report and Co-Living Design Booklet.

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

8.3 Planning Authority Submission

8.3.1 In compliance with section 6(4)(b) of the Act of 2016 the planning authority for the area in which the proposed development is located, Dublin City Council, submitted a note of their section 247 consultations with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on 22nd June 2020.

8.3.2 Dublin City Council's opinion included a description of the site and proposed development, details of pre planning meetings, planning policy context, and an assessment of the proposed development. The content of the report is summarised as follows:

Principle of development:

The subject site is acceptable for shared accommodation, in principle, having regard to its location within walking and cycling distance to Dublin City Centre and future high capacity public transport (including Luas, Quality Bus Corridor and the proposed Bus Connects Programme).

The Planning Authority has no objection to the changes to the permitted retail element.

No objection to the proposed upgrade to the permitted office block.

Height:

- The principle of height has been accepted on the subject land, having regard to the recently permitted development on the land, which had an overall height of 24m and given the location of the site within 500m of existing and planned public transport, this includes a LUAS stop on the North Circular Road, the existing high capacity bus network and the proposed QBC project which will run along the front of the property.
- The proposed maximum height (26m) would materially contravene section 16.7 of Dublin City Development Plan 2016-2022. It is noted that this only applies to the rear portion of the site, therefore the majority of the redevelopment of the shopping Centre site lies within the 24m limit.

Design, Scale, Massing:

The overall design and layout has not changed significantly from the permitted development on site

Residential Standards & Amenity:

- The figure of for common kitchen/living facilities while below that set out in SPPR2 is acceptable as this is offset by the fact that the majority of the rooms have a floor area greater than the standards require.
- Concern raised regarding the layout of communal spaces on floors 3, 4 and 5.
- Ratio of cook stations to residents is low.
- Rooms sizes acceptable.
- Communal internal spaces are acceptable.
- Clarification on materials for roof terraces.
- Sunlight/Daylight.
- Wind Analysis.
- Noise.

Transportation:

Refer to Transportation Planning Report.

Conclusion:

The report concluded that the planning authority is of the opinion that that number of items require further consideration. These range from 1) justification/rationale for shared living accommodation at this location, 2) central amenity space, 3) residential amenity of unit close to cinema, 4) internal overlooking, 5) use of clear glazing to the western elevation from 2nd to 7th floors, 6) communal open space (courtyard) and access to daylight/sunlight, 7) roof terraces and wind, 8) inconsistencies in plans and written material, 9) car club and 10) need to liaise with DCC and NY+TA regarding potential routes

Interdepartmental Reports (Addendum B)

Transportation Planning Division (16th June 2020):

Proposals are broadly acceptable subject to a number of details being addressed at application stage. These range from 1) provision of car share scheme, 2) Preliminary Construction Management Plan, 3) Operational Service Management Plan, 4) Implications for the delivery of Bus Connects along the Phibsborough Road.

Drainage Division (18th June 2020):

No objection subject to clarification of issues relating to surface water management.

Environment Health Officer (Air Quality Monitoring & Noise Control Unit) (15th June 2020):

A number of recommended conditions are set out relating to Noise and Air Quality Control.

Parks & Landscape Services (18th June 2020):

No objection subject to appropriate consideration of issues raised relating to the civic plaza, amendments to the 7th floor, tree planting proposals and external furniture.

9.0 The Consultation Meeting

9.1 A Section 5 Consultation meeting took place online via Microsoft Teams on the 12th October 2020, commencing at 2:08pm. 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.

9.2 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. Planning History (ABP 300241-17).
2. Justification/Rationale for Co-Living Accommodation.
3. Residential Amenities (Sunlight/daylight, Noise).
4. Communal Amenities/Facilities.
5. Traffic & Transportation (Parking & Bus Connects).
6. Irish Water Submission.
7. Any Other Matters.

9.3 In relation to the **Planning History (ABP 300241-17)**, ABP representatives sought further elaboration/discussion/consideration of:

- Differences between the permitted development and what is proposed to be altered as part of the current proposal
- Clarification on how the proposed alterations fall within the SHD remit having regard to Section 3 of the 2016 Act.

9.4 In relation to, **Justification/Rationale for Co-Living Accommodation**, ABP representatives sought further elaboration/discussion/consideration of:

- Justification for this type of development at this location.
- Compliance with Guidelines.

9.5 In relation to **Residential Amenities (Sunlight/daylight, Noise)**, ABP representatives sought further elaboration/discussion/consideration of:

- Sunlight/daylight.

- Noise
- Overlooking within the scheme

9.6 In relation to **Communal Amenities/Facilities**, ABP representatives sought further elaboration/discussion/consideration of:

- Ratio of cook stations to residents
- Roof terraces (wind)
- Second Floor amenity hub and courtyard (sunlight/daylight)
- Civic Plaza (pedestrian comfort)

9.7 In relation to **Traffic & Transportation (Parking & Bus Connects)**, ABP representatives sought further elaboration/discussion/consideration of:

- Liaise with DCC and NTA regarding Bus Connects route.
- Justification/rationale for parking provision (or lack of).
- Address issues raised by the Transportation Planning Division

9.8 In relation to **Irish Water Submission**, ABP representatives sought further elaboration/discussion/consideration of:

- Upgrades required

9.9 In relation to **Other matters**, ABP Representatives noted the prospective applicant sought clarification in relation to the Boards policy pertaining to the provision of hobs in rooms.

- ABP Representatives advised that the prospective applicant submit a justification/rationale required for the provision (or non provision of hobs) in rooms as part of the application.

- Need to be very clear on what the application is for and how it complies with SHD legislation.

The prospective applicant and the planning authority were given the 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 307227' 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.

10.0 Conclusion and Recommendation

Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 and as amended by Section 50 of the Planning and Development (Amendment) Act 2018.

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

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.

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

11.0 Recommended Opinion

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.

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

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. Clearly identify on the plans and particulars elements of the redevelopment of the site (ABP Ref. 300241-17) which have been permitted under Section 34 of the Planning and Development Act 2000, as amended that do not form part of the application proposed under the remit of Strategic Housing Development.
2. Notwithstanding that the proposal constitutes a reasonable basis for an application. The prospective applicants are required to submit an evidence-based rationale/justification for Co-Living/Shared Accommodation at this location. This consideration and justification should have regard to, inter alia, (i) the vision for the development of Phibsborough and the relevant housing and settlement policies set out in the Dublin City Development Plan 2016-2022; (ii) the Sustainable Urban Housing: Design Standards for New

Apartments, specifically the guidance on Shared Accommodation Developments and in particular sections 5.18, 5.19 and 5.22 and SSPR 9 of same and (iii) the suitability of this location for Shared Accommodation with regard to accessibility and connections to employment centres and community facilities. Comprehensive information regarding the nature of the proposed use should be submitted to facilitate assessment of this issue including details of the occupation, operation and management of the scheme. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted.

3. Notwithstanding that the proposal constitutes a reasonable basis for an application the prospective applicant is required to submit a justification/rationale for the height of the proposed development having regard to inter alia Section 3.2 of the Urban Development and Building Height, Guidelines for Planning Authorities', 2018 and Section 16.7.2 of the Dublin City Development Plan 2016-2022.
4. 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.
5. A report that addresses issues of residential amenity (both of adjoining developments and future occupants), specifically with regards to overlooking, overshadowing 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 (permitted or built) and within the proposed development and include mitigation measures, where required.

6. Details of the proposed materials and finishes to the scheme including the treatment of roof terraces, courtyards, landscaped areas, civic plaza and public realm. 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 development.
7. Detailed drawings, cross-sections, elevations and additional CGIs of the site to demonstrate that the development provides an appropriate interface with the adjoining streets and provides for a quality public realm.
8. A micro climate analysis.
9. Response to issues raised in report from Transportation Planning Division in Addendum B of the PA Opinion received by An Bord Pleanála on the 22nd June 2020.
10. A justification/rationale for the Carparking Provision (or lack of) associated with the Shared Living Accommodation. Also, a site layout plan which clearly identifies the existing car and bicycle parking within the wider Phibsborough Shopping Centre redevelopment site. A draft Mobility Management Plan is also required.
11. A draft Construction Management Plan and a draft Waste Management Plan.
12. Where the prospective applicant considers that the proposed strategic housing development would materially contravene the relevant development plan or local area plan, other than in relation to the zoning of the land, a statement indicating the plan objective (s) concerned and why permission

should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format.

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. Transport Infrastructure Ireland
3. National Transport Authority
4. The Minister of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.
5. The Heritage Council.
6. An Taisce – the National Trust for Ireland.

PLEASE NOTE:

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

Dáire McDevitt
Planning Inspector

19th October 2020