



An  
Bord  
Pleanála

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

### **Inspector's Report on Recommended Opinion ABP-311461-21**

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<b>Strategic Housing Development</b>	593 no. student bedspace accommodation and associated site works.
<b>Location</b>	Shanowen Business Centre and Kaybee House, Shanowen Road, Santry, Dublin 9.
<b>Planning Authority</b>	Dublin City Council North
<b>Prospective Applicant</b>	Ravenshire Ltd.
<b>Date of Consultation Meeting</b>	19 <sup>th</sup> of November 2021.
<b>Date of Site Inspection</b>	08 <sup>th</sup> of November 2021

**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 (c.1.7ha) is located within the Shanoween Business Park, D9, and includes a derelict commercial building and a commercial properties (Kaybee house). The site is accessed from the Shanoween Road and includes a shared entrance for both Shanoween House (commercial building to the west) and Kaybee House (commercial buildings to the rear).
- 2.2. Shanoween Business Park is located beside a residential area with traditional two storey semi-detached and terrace dwellings. The Dublin City Council "Bring Centre" is located to the north of the site. Dublin City University (DCU) is located within the vicinity of the site, along Collins Avenue, and there is currently student accommodation to the west (Shanoween Hall Student Residences) of the site, accessed from Shanoween Road. Milners Square, an apartment development, is located directly east of the site.

## 3.0 Proposed Strategic Housing Development

- 3.1. The proposed development would comprise of the demolition of an existing 1-2 storey warehouse building (c.10,703m<sup>2</sup>) and the construction of 593 no. student bedspaces and associated works.

### 3.2. Development Parameters

Parameter	
Site Area	c. 1.7 ha
Bedspaces	593 bedspaces (72 apartments and 88 studios)
Height	5 no. Blocks ranging from 4-6 storeys
Internal communal amenity space	c. 1,138 m <sup>2</sup> (study areas, gym, cinema room, lounge, laundry)
External open space	c. 3,328m <sup>2</sup> (passive and active recreational space)
Access	Pedestrian and vehicular access off Shanoween Road  A separate shared access route from Shanoween Road for service vehicles.
Parking	4 no. EV enabled car parking spaces  5 no. motorcycle spaces  333 no. bicycle storage spaces

### 4.0 Planning History

4.1. None of relevance on the site

4.2. The following history are of relevance in the vicinity of the site

#### **Reg Ref 2713/17** (Santry Road and Swords Road)

Permission granted for the demolition of a warehouse and the construction of a 5-storey mixed use building with retail/commercial, office, creche and residential units on the upper floors.

#### **Reg Ref 4128/18** (Shanoween Business Park, Shanoween Road, Milners Square to the east of the site)

Permission granted for an apartment block, 5 storeys over basement, (Block B) as revisions to a previously permitted scheme.

## 5.0 Relevant Planning Policy

### 5.1. Dublin City Development Plan 2016-2022

The site is located on lands zoned Z1, Residential, where it is an objective ‘*To protect, provide and improve residential amenities.*’

#### Student Accommodation

**Objective QH31:** To support the provision of high-quality, professionally managed and purpose built third-level student accommodation on campuses or in appropriate locations close to the main campus, in the inner city or adjacent to high-quality public transport corridors and cycle routes, in a manner which respects the residential amenity and character of the surrounding area, in order to support the knowledge economy. Proposals for student accommodation shall comply with the ‘Guidelines for Student Accommodation’ contained in the development standards.

#### **Section 16.10.7:** Guidelines for Student Accommodation

- Standards for sizes etc
- Evidence there is no overconcentration of student accommodation within 1km.

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

6.1. The PA opinion includes a record of two S 247 meetings on the 26<sup>th</sup> of April 2021 (SHDPAC0017/21) and the 01<sup>st</sup> of June 2021 (SHDPAC003/21). The issues raised are summarised below:

- The student accommodation should be justified and not speculative.
- The development potential of the adjoining sites should be assessed.
- Impact on the adjoining residential units need to be assessed.
- The K/L/D areas should be assessed.
- Impact on Sunlight/daylight is required.
- More details on the uses and functionality of the open spaces.
- Roof terraces, green roofs and access to terraces.
- Visual Impact Assessment required.

- Elevations and gable ends.
- SuDS and drainage.
- Culvert connections.
- The height along Shanoween Road needs considered.
- The view from Crestfield Drive was still poor.
- Building line to be clarified.
- Separation distance impact etc on Milner's Square required.

## 7.0 Prospective Applicant's Case

### 7.1. Statement of Consistency

7.2. The applicant's Statement of Consistency notes the national, regional and local planning polices relevant to the development of the site.

## 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 their opinion in relation to the proposal on the 20<sup>th</sup> of October 2021.

8.2. The PA opinion notes the S. 247 meetings in relation to the proposed SHD development, the planning history on the site and surrounding area, and the policy background. The submission is summarised below:

### 8.2.1. Building Height, Scale and Design

- The subject land can be considered for taller buildings.
- Additional views should be considered to allow an assessment of proposed development.
- View VVM 21 is obscured by the existing trees and additional views of the gable of Block 1-3 should be considered. Lands to the west should be considered.

- The site will be prominent from Crestfield Road and Crestfield Drive and the views should include this view to allow for an assessment.

#### 8.2.2. Daylight and Sunlight Study

- Milners Square: The Daylight and Sunlight study indicates there will be impact on the daylight to Block B of the Milners Square (east) c. 6 windows with moderate or significant impact. The ADF of windows on the first-floor level of Block B would be impacted. Further design should be considered to reduce the impact.
- Shanoween Road: There would be impacts on No. 185, 186 & 187. Further consideration should be given to reducing impacts. There would be shadow cast to the front of the dwellings.

#### 8.2.3. Permeability

- Submission of a plan to show the development potential of the site to the west (Shanowen House) would not be impacted.
- The landscape plan should include permeability between the site and adjoining sites (south for the DCC bring centre).

#### 8.2.4. Density, Plot Ratio and Site Coverage.

- The gross density is c. 147 uph and is in accordance with the national and local standards.
- The plot ratio (1.72) is within the development standards (0.5 -2.0).
- The stated site coverage (31%) is within the development plan standards (45%-60%).

#### 8.2.5. Student Accommodation Standards.

- The Housing Quality Assessment indicates that a large number of the 7-8 bed clusters exceed the maximum gross floor standards (160m<sup>2</sup>). Clarity is required.
- The bedrooms and accommodation meet or exceed the required standards.



- The results of the daylight and sunlight area noted and both living rooms and bedrooms exceed the minimum standards in the BRE Site Layout Planning for Daylight and Sunlight, A guide to good practice (2011).
- The amenity space provided (c. 7.5m<sup>2</sup>) is above the minimum development plan standards (5-7m<sup>2</sup>).

#### 8.2.6. **External amenity space**

- There is an extensive use of hard landscaping and should be redesigned.
- The communal open space is fragmented and should include areas for outdoor seating etc.
- There should be more definition use of areas such as fitness areas/jog trails.
- The landscaped areas between Blocks 4 & 5 would be used by fire tender and refuse truck vehicles.
- Clarity is required in relation to the landscaping masterplan.
- The boundary treatment should be redesigned to incorporate the retention of the existing street trees.
- Boundary planting along the south of the site is required.
- Green planting on the roof should be submitted.
- Access to roof terraces should be included.

#### 8.2.7. **Demand for Student Accommodation**

- Section 16.10.7 requires evidence to be submitted that there is not an overconcentration of student accommodation within 1km.
- The applicant has made the case and student accommodation only represents c. 9% of accommodation around DCU.

#### 8.2.8. **Professional Management**

- The Student Management Plan does not include any confirmation the occupation would be full-time students during the academic year.

### 8.3. Interdepartmental Reports

City Archaeologist: No objection subject to conditions

Environmental Health Officer: No objection subject to conditions

Waste Regulation: No objection subject to conditions

Parks, Biodiversity & Landscape Services: Additional Information requested on the existing trees, southern boundary treatment, hard surfaced areas and green roofs.

Drainage Division: No objection subject to clarification on surface water management.

Transportation Planning: Additional information including information on treatment along the front of the site, location of parking bays 1 & 4, details on the access having regard to the granted permissions and proposed applications on lands adjoining, information on the sightlines, access route for service/ emergency vehicles, all works within the red line.

### 9.0 Irish Water

9.1. A submission from Irish Water (IW) on the 27<sup>th</sup> of October 2021 confirmed that a Confirmation of Feasibility for 593 no student bedspaces subject to the following:

9.2. In respect of **Water**:

- In order to determine any upgrades which may be required to be completed to Irish Water infrastructure downstream of the proposed development and any consents required for any works not in the public domain, further studies are required.
- This entails project scoping as part of a Project Works Service Agreement (PWSA), site investigations, associated timelines to identify upgrades, works and infrastructure required.
- In addition, Irish Water records indicate that an Irish Water asset is present on the site. The applicant is to engage with IW in order to assess any potential diversion/build over and required separation distances.

## 10.0 The Consultation Meeting

10.1. A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 19<sup>th</sup> of November 2021, commencing at 10.00am, via Microsoft Teams.

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. Impact on Visual Amenity, *inter alia*, (CGIs) and design & layout
2. Impact on Residential Amenity, *inter alia*, daylight & sunlight, design of open space
3. Development potential of adjoining sites
4. Irish Water Submission
5. Traffic & Transport
6. AOB

10.2. In relation to the **Impact on Visual Amenity**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The submitted CGI's and the requirement for additional CGI's to allow a detailed assessment of the visual impact.
- The proposed design along the front of the site, Shanoween Road, works required for the public realm and the potential for additional set back on the upper floors.

10.3. In relation to the **Impact on Residential Amenity**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The sunlight/daylight analysis, the significance of the impact of the proposed development on the existing residential properties and the need to provide further clarity on the impact within any detailed application.
- The design and layout of the open space, the potential for using the roof terraces, the functionality and the available daylight/sunlight.

- The removal of the trees along the front of the site, at the side of the Shanoween road, the proposed upgrades along the road and the need Dublin City Council to agree any works.

10.4. In relation to the **development potential of the adjoining sites**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The location of Shanoween House, the existing access o the side of hr house and the retained of any right of way.
- The potential for future connectivity to the Dublin recycling site, to the south.

10.5. In relation to the **Irish Water Submission**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The issues raised in the Irish Water submission, the required upgrades and any timings, costings and scoping required as part of a Project Works Service Agreement (PWSA).

10.6. In relation to the **Traffic & Transport**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The drop off areas along the front of the site, along Shanoween Road and the proposed upgrades to the public realm.
- The proposal for servicing and semester drop offs within the site and the integration into he overall management of the site.

## 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: **constitutes a reasonable basis for an application** under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

## 12.0 Recommended Opinion

12.1. 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.

1. Notwithstanding that the proposal constitutes a reasonable basis for an application the prospective applicant is advised to address the following in the documents submitted:
  - a) Provide further justification in relation to the layout of the overall proposal in relation to the impact on the residential amenity of the existing occupants, in particular those within Miners Square. In this regard an updated Sunlight/Daylight/Overshadowing analysis is required showing an acceptable level of residential amenity for existing residents, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development and in

adjacent properties. This report should address the full extent of requirements of BRE209/BS2011, as applicable.

- b) Provide additional CGIs/visualisations as further justification for the overall design and layout along Shanoween Road, having regard to the impact on the public realm along Shanoween Road and existing residential properties within the surrounding area.
2. Additional plans and particulars detailing all proposed works along the front of the site, along Shanoween Road. Details submitted will include carparking, public realm works and tree planting/removal. All necessary 3<sup>rd</sup> party agreements shall accompany the documentation.
3. A Taking in Charge Map.
4. An updated Traffic and Transport Assessment including all proposals for set down and serving of the site. The updated transport assessment shall include details of all vehicular and pedestrian movement through the site for the adjoining site (Shanoween House).
5. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018, unless it is proposed to submit an EIAR at application stage

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. The relevant Childcare Committee

**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  
Senior Planning Inspector

07<sup>th</sup> of December 2021