



An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion
ABP-311959-21**

Strategic Housing Development

Demolition of all structures on site, construction of 346 no. residential units (293 no. Build to Rent apartments, 4 no. Build to Sell houses and 49 no. Build to Sell apartment), creche and associated site works.

Location

Former Bailey Gibson Site, 326-328 South Circular Road, Dublin City Council land (formerly Boys Brigade site and part of St. Teresa's Gardens (all within Strategic Development Regeneration Area 12) and land in the environs of St. Theresa's Church South Circular Road and Donore Avenue, Dublin 8

Planning Authority

Dublin City Council

Prospective Applicant

CWTC Multi Family ICAV acting solely
in respect of its sub fund DBTR SCR1
Fund

Date of Consultation Meeting

11/03/2022

Date of Site Inspection

07/03/2022

Inspector

Conor McGrath

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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

The subject site comprises part of a wider regeneration area located between the South Circular Road (SCR), Cork Street and Donore Avenue, Dublin 8. It is approximately 2.3km southwest of Dublin city centre, within the canal cordons. The site is irregularly shaped and comprises a stated area of 5.1ha including;

- the former Bailey Gibson site owned by the Applicant (1.53ha),
- a portion of the Player Wills site to the east owned by the Applicant (0.048ha),
- DCC lands to the east and northeast of the Bailey Gibson site (2.92ha)
- St. Laurence O'Toole Diocesan Trust lands (0.36ha)
- Land under control of DCC to facilitate works to public roads and connections to municipal services (0.29ha).

The site has frontage to SCR to the south and Rehoboth Place / Avenue to the west. It is occupied by vacant industrial buildings and associated yard areas on its western side, and by vacant ground on its eastern side. The northeastern part of the lands, with frontage to Donore Avenue to the east and Margaret Kennedy Road to the north, comprises part of the former St. Teresa's Gardens flat complex, now largely demolished. Lands to the east and south are in predominantly residential use, while the Player Wills redevelopment site lies further to the east. To the northwest is the Coombe Hospital. Immediately south of the site are two terraces of two-storey houses fronting onto SCR, between which there is access to the Baily Gibson site.

3.0 Proposed Strategic Housing Development

It is proposed to demolish all existing structures and develop 346 no. mixed tenure dwelling units on the site (293 no. Build to Rent, 53 no. Build to Sell), in 5 no. blocks (BG1- BG5). Proposed non-residential / commercial uses (401-sq.m.) include a café/restaurant, and floor space to accommodate a local shop, health care, financial and service providers. A creche is also provided and a community resource centre proposed on Diocesan lands in the northeastern part of the site.

The five blocks comprise the following:

Block	Tenure	Height	Units	Tenant amenities
BG1	Build to Rent	5-7 storeys	152 apartments <ul style="list-style-type: none"> • 28 no. studios, • 108 no. 1-bed, • 10 no. 2-bed, • 6 no. 3-bed triplex 	Concierge office (104-sq.m)
BG2	Build to Rent	2-7 storeys	89 apartments <ul style="list-style-type: none"> • 44 no. 1-bed, • 45 no. 2-bed 	Gym (261-sq.m) Combined concierge / marketing / coworking space (193-sq.m) 1st floor communal living / kitchen (171-sq.m) Residents lounge (29-sq.m)
BG3	Build to Rent	3-5 storeys	52 apartments <ul style="list-style-type: none"> • 5 no. studios, • 30 no. 1-bed, • 15 no. 2-bed, • 2 no. 2-bed duplex 	Resident's lounge (22-sq.m).
BG4	Build to Sell	3-4 storeys	49 apartments <ul style="list-style-type: none"> • 15 no. 1 bed • 34 no. 2 bed units 	

BG5	Build to Sell	3-storey	4 no. 4-bedroom townhouses	
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Communal open space of 2,524-sq.m in the form of courtyards and terraces is proposed. Public open space (21,865-sq.m) and recreational facilities include;

- A community resource building within the diocesan lands (240-sq.m).
- A multi-purpose playing pitch on DCC lands northeast of the application area.
- A public boulevard, St. Teresa’s Boulevard, south of the pitch.
- A public park incorporating a playground north of the pitch.
- A public park (Players Park) east of the Bailey Gibson site; and,
- A public plaza (Rehoboth Plaza) at the entrance to the Bailey Gibson site.

It is proposed to carry out improvement works to the existing entrance on South Circular Road, including signalised pedestrian crossing along with improved footpath provision. Works include partial realignment and widening of Rehoboth Place to provide a new carriageway width of 5m and 2m footpaths. A new road is also proposed south of ‘Players Park’ to connect to the Player Wills development.

Associated works on the surrounding roads include a new “Western Connection Road” from Margaret Kennedy Road along the western side of the playing pitch.

Residential car parking is proposed at a rate of 0.25 spaces per unit, including 75 no. basement car parking spaces and 11 no. podium level parking spaces. In addition, 15 no. on street visitor car parking spaces / 3 no. set down parking spaces for taxis and crèche drop-offs are proposed and a loading bay to service the commercial units. 35 no. on-street visitors parking spaces serving the playing pitch and a coach set down/visitor drop-off located along Donore Avenue are also proposed.

471 no. long-stay bicycle parking spaces are proposed plus 104 no. surface level short stay visitor cycle spaces, plus cargo bike parking. 152 no. bike parking spaces are provided around the playing pitch.

Key development parameters include:

Site Area	5.1 ha (gross) 1.53 ha (under Applicant’s control)
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No. Units	346 no. units in 5 no. blocks, – 342 no. apartments and – 4 no. houses										
Density	68 / ha (gross 5.1ha area site) 226 / ha (net) (excl diocesan, Player Wills and DCC lands)										
Plot Ratio	0.63 gross / 2.1 Net										
Tenure	– 293 no. Build to Rent apartments (85%) – 49 no. Build to Sell apartments & 4 no. Build to Sell Townhouses (15% combined BTS)										
BTR Amenities & Facilities	3.28 -sq.m. per BTR unit										
Non-Residential Uses	Creche – 248sq.m Commercial – 401sq.m Community Resource Centre – 240 sq.m										
Unit Mix Summary	<table border="0"> <tr> <td>Studios</td> <td>10% (33 no. units)</td> </tr> <tr> <td>1 Bed</td> <td>57% (197 no. units)</td> </tr> <tr> <td>2 Bed</td> <td>31% (106 no. units)</td> </tr> <tr> <td>3 Bed</td> <td>2% (6 no. units)</td> </tr> <tr> <td>4-bed</td> <td>1% (4 no. units)</td> </tr> </table>	Studios	10% (33 no. units)	1 Bed	57% (197 no. units)	2 Bed	31% (106 no. units)	3 Bed	2% (6 no. units)	4-bed	1% (4 no. units)
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3 Bed	2% (6 no. units)										
4-bed	1% (4 no. units)										
Dual Aspect	42% for apartments										
Public Open space	2.18ha										
Car Parking	90 no. Residential spaces 75 no. @ Basement level, spaces 11 no. @ Podium level 4 townhouse surface spaces 35 no. spaces for pitch										
Residential cycle parking	1 space / bedroom										

Block	No. Units	No. of Floors	Height to parapet
BG1	152	7	24
BG2	89	7	23.94
BG3	52	5	17.44
BG4	49	4	15.37
BG5	4	3	10.2

Housing Mix by Tenure

Build to Sell	1 Bed Apartments – 28%
	2 Bed Apartments– 64%
	4 Bed Townhouses – 8%

Build to rent	Studios – 33 no. (11%)
	1-bed – 182 no. (62%)
	2-bed – 92 no. (25%)
	3-bed – 6 no. (2%)

The application area is c.5.01 hectares and exceeds the threshold of 2 hectares set out in Schedule 5 Part II 10 of the Planning and Development Regulations 2001, as amended.

4.0 Relevant Planning History

ABP ref. TC29S.307221: Permission granted for demolition of all structures and construction of 416 no. residential units (4 no. houses, 412 no. apartments) and associated site works at the Former Bailey Gibson site.

The associated pre-application consultation case reference was ABP-306472-20.

PA ref. 4423/06 ABP ref. PL29S.221717: Permission granted in 2008 for a mixed-use development comprising 270 no. residential units, 9 no. office units, 5 no. commercial/retail units, medical centre, leisure centre and all ancillary site works including new public streets and a square with associated hard and soft landscaping and public lighting, all ancillary site works, landscaping, substations and services.

The development site measured circa 1.53 hectares in area. The development included the demolition of all industrial, warehouse and office buildings on the site.

An application for an extension of duration of this permission was refused under ref. 4423/06x1.

Adjoining lands:

ABP Ref. TA29S.308917 – Permission granted for demolition of all buildings excluding the original fabric of the former Player Wills Factory, construction of 492 no. Build to Rent apartments, 240 no. Build to Rent shared accommodation, creche and associated site works.

ABP ref. ABP-309408-21: S.5 pre-application consultation request in respect of the demolition of existing buildings and structures and construction of 403 no. apartments, childcare facilities and associated site works at the former Player Wills Site, land in the ownership of Dublin City Council and land in the ownership of the Diocese of Dublin (Roman Catholic Church).

PA ref: 2756/13: Part 8 approval for the demolition of 10 no. four storey residential blocks comprising 276 no. units and the refurbishment of 60 no. units resulting in the provision of 52 no. units (on lands where the playing pitch is proposed as part of the subject development).

PA ref. 2033/14: This Part 8 Scheme relates to lands at St. Teresa's Gardens including the north-eastern portion of the subject site. Part 8 approval was granted for regeneration works, including the construction of 50 no. new residential units, ranging between 2-5 storeys in height, and refurbishment work to 2 no. existing four storey apartment blocks (previously approved under Part VIII Ref 2756/13) providing 57 no. units. The development also includes the provision of a new public park.

PA ref. 2475/18: Part 8 approval for amendments to the previously permitted development under ref 2033/14, including the construction of an additional 4 no. terraced residential units; development of a temporary grass multisport pitch in addition to the previously permitted park development (Phase A); demolition of 2 no. existing flat blocks to facilitate the future provision of a landmark park (Phase B) with full size multisport pitch and associated works at St. Teresa's Gardens.

The prospective applicants also identify a range of permitted developments within the surrounding area.

5.0 Section 247 Consultation(s) with Planning Authority

The submitted documentation refers to S.247 consultations with the planning authority on 12th August and 15th September 2021. The main items discussed are reported as including:

- Planning strategy and compliance with the City Development Plan.
- Amendments from previous application on the lands.

- Proposed materials.
- Proposed dwelling mix.

6.0 Planning Policy

6.1. National and Regional Planning Policy

6.1.1. Project Ireland 2040 - National Planning Framework

National Strategic Outcome 1 is identified as Compact Growth, recognising the need to deliver a greater proportion of residential development within existing built-up areas. Activating these strategic areas and achieving effective density and consolidation, rather than sprawl of urban development, is a top priority.

Objective 2A identifies a target of half of future population growth occurring in the cities or their suburbs. Objective 3A directs delivery of at least 40% of all new housing to existing built-up areas on infill and/or brownfield sites.

Objective 11 favours development within existing cities, towns and villages, subject to appropriate planning standards and achieving targeted growth

Objective 13 provides that, in urban areas, planning and related standards will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth.

Objective 33 prioritises the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

Objective 35 promotes increased densities through measures including infill development schemes, area or site-based regeneration and increased building height.

6.1.2 Rebuilding Ireland – Action Plan for Housing and Homelessness 2016

Pillar 4: Improve the Rental Sector. The key objective is addressing obstacles to greater private rented sector delivery and improving the supply of units at affordable rents.

Key actions include encouraging “build to rent”. Build-to-rent developments are designed with the occupants in mind – this might be equal sized bedrooms clustered around a central shared space, or the inclusion of amenities such as gyms and crèches and shared entertainment facilities.

6.1.2. Housing for All - A New Housing Plan for Ireland (Sept 2021)

The stated aim is to provide access to a home to purchase or rent at an affordable price, built to a high standard and in the right place, offering a high quality of life. The plan identifies the need for construction of an average of 33,000 homes per annum nationally until 2030 to meet the targets outlined in the National Planning Framework. Four overarching objectives are identified:

- Supporting Homeownership and Increasing Affordability.
- Eradicating Homelessness, Increasing Social Housing Delivery and Supporting Social Inclusion.
- Increasing New Housing Supply; and
- Addressing Vacancy and Efficient Use of Existing Stock.

The Pathway to Increasing New Housing Supply includes a focus on the adequate supply of serviced zoned lands to meet housing need, at required densities.

6.1.3. Regional Spatial and Economic Strategy for the Eastern and Midland Region

RPO 4.3 supports “the consolidation and re-intensification of infill / brownfield sites to provide high density and people intensive uses within the existing built-up area of Dublin City and suburbs.”

Section 5.3 identifies guiding principles for development of the metropolitan area, which include: 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. 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.

Section 9.2 notes that changing household formation trends will require a range of housing typologies. Section 9.3, Housing and Regeneration, notes that recent trends in the delivery of specialised housing typologies such as build to let developments and shared accommodation is indicative of the change in approach necessary to accommodate changing demand and demographics in the Region.

6.2. **S.28 Ministerial Guidelines**

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority and observers, I am of the opinion that the directly relevant section 28 Ministerial Guidelines are:

- Urban Development and Building Heights, Guidelines for Planning Authorities (2018).
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2020).
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), and the accompanying Urban Design Manual
- Design Manual for Urban Roads and Streets (DMURS)
- The Planning System and Flood Risk Management (including the associated 'Technical Appendices') (2009).
- Childcare Facilities – Guidelines for Planning Authorities.
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment.

6.3. **Local Planning Policy**

6.3.1. **Dublin City Development Plan 2016**

The subject site is subject to four land use zonings.

- The majority of the site is zoned Objective Z14 - Strategic Development and Regeneration Area (SDRA) 12 St Teresa's Gardens and Environs. The aim of the Z14 Zoning Objective 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 Baily Gibson site is zoned Z4 – District Centres, which aims 'To provide for and improve mixed-services facilities.'
- A portion of the site along Rehoboth Avenue to the north-west is zoned Z1 – Sustainable Residential Neighbourhoods - 'to protect, provide and improve residential amenities.'
- A small portion of land to the south of the proposed playing pitch is zoned Z15 – Institutional and Community. The aim of the Z15 zoning objectives is 'to protect and provide for institutional uses'.

Table E of the Core Strategy indicates that SDRA 12 has the capacity to accommodate between 800-1000 residential units. The overall guiding principles for SDRA 12 are set out below:

- Development of a network of streets and public spaces to ensure the physical, social and economic integration of St. Theresa's Gardens with the former Player Wills and Bailey Gibson sites, with further integration potential the Coombe Hospital and White Heather industrial estate.
- A vibrant mixed-use urban quarter with complementary strategies across adjoining sites in terms of urban design, interconnections and land use. To provide a zoned area sufficient to accommodate a min 80m x 130m playing pitch.
- A new public park as a landmark feature with passive supervision; a comprehensive landscaping strategy will provide significant greenery and provide for a diverse range of recreational and sporting facilities.
- There is potential for one or two mid-rise buildings (up to 50m) within the site, subject to the criteria set out in the plan.
- To acknowledge the existing sports lands of St. Teresa's Gardens and it's environs and to retain and augment these lands as sporting facilities. At least 20% of SDRA 12 be retained for public open space, recreation and sporting facilities including an area to facilitate organised games.
- Strong permeability will be encouraged east to west (connecting Dolphin's Barn street and Cork street with Donore Ave) and north to south (connecting Cork St

and Donore Ave 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 provide a wide range of facilities accessible to the wider neighbourhood; opportunities to highlight the heritage of the local area by proposing community uses close to the important landmark buildings such as St Teresa's Church will be promoted.
- Provide for the expansion of St. Catherine's National School.

Areas to the north and the north east of the site are also subject to the Z14 objective and lands along the SCR to the south of the site are zoned either Z1 – Residential or Z 2 Residential Conservation Area.

Protected structures in the area include - Our Lady of Dolours Church on the SCR, c. 100m southwest of the site and St. Catherine's Church at the southern end of Donore Avenue. The eastern part of the site adjoins a designated zone of archaeological notification for the historic city of Dublin (DU 018-020).

Relevant policies include:

- QH8 seeks to promote the sustainable development of vacant or underutilised infill sites and to favourably consider higher density proposals which respect the design of the surrounding development and character of the area.

Section 4.5.4 deals with taller buildings and states that clustering of taller buildings of the type needed to promote significant densities of commercial and residential space are likely to be achieved in a limited number of areas only. Taller buildings (over 50m) are acceptable at locations such as at major public transport hubs, and some SDRAs.

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

It is policy to retain the remaining areas of the city to a maximum height of between 16m to 28m depending on location, as set out in Chapter 16. The subject site is located within such an outer city area where building heights of 28m are permissible.

The indicative plot ratios and site coverage is set out in the table below:

Zoning Objective	Plot Ratio	Site Coverage
Z1	0.5 – 2.0	45- 60%
Z4	2.0	80%
Z14	1.0 - 3.0	50%

6.3.2. Development Framework for St. Teresa’s Gardens and Environs (June 2017)

The Development Framework area is c.10.3 ha - not including the Coombe Hospital lands. The Development Framework notes that the SDRA does not include the entire Bailey Gibson site - c. 0.97 ha is outside the SDRA, but this area is included in the Development Framework.

Development Framework Response

The location of the multisport playing pitch is a defining factor influencing design approach and the overall development potential / feasibility of development framework proposals.

- The framework envisages a mixed-use quarter with high quality residential accommodation and complementary uses.
- For the purposes of estimating potential unit numbers building heights range from 2 storey houses up to eight storey apartment blocks for the lands generally with the potential for up to 15-storeys in defined zones / areas.
- The mix of tenure and unit types includes the delivery of 50 no. residential units as per the current Part 8 permission. Residential unit types include own door terraced housing and perimeter block apartment type developments.
- An overall design target of approx. 1000 residential units is achievable.

The SDRA 12 lands comprising DCC lands, Players Wills / Bailey Gibson Lands (excluding the Coombe Hospital Lands) total approx. 9.33 ha, with a 20% Public Open Space requirement of approx. 1.86 hectares.

The SDRA 12 lands comprising DCC lands, Players Wills / * entire Bailey Gibson Lands (excluding the Coombe Hospital Lands) total approx. 10.3 hectares in area with a 20% + a 10% Public Open Space requirement of approx. 1.96 hectares.

SDRA 12 does not include the entire 1.52 hectares Bailey Gibson lands – 0.55 ha of this site is within the SDRA, the remaining site c 0.97 ha is zoned Z4 to provide for and improve mixed services facilities with a 10% public open space requirement.

Proposed public open space provision

- Proposed public open space totals approx. 2.96 ha, comprised of 2 no. parks linked by a pedestrian greenway (0.12 ha).
- The main park with multisport facilities is located on DCC lands adjacent to Donore Avenue (approx. 2.28 ha with a multisport pitch of approx. 1.26 ha.)
- The second linear park (south) is approx. 0.56 ha and is located primarily on DCC lands and to a lesser extent on the adjacent NAMA controlled Players wills / Bailey Gibson lands.
- The area of proposed public open space on DCC lands = 2.73 ha exceeds the overall requirement for DCC lands (c 1.2 ha) and for all SDRA lands (c. 1.86 ha)
- The area of proposed public open space on Bailey Gibson Lands = 0.20 ha meets the requirement for the lands (c 0.20 ha)
- The area of proposed public open space on Players Wills Lands = 0.03 ha is below the requirement for the lands (c 0.556 ha)
- Overall, 2.96 ha of public open space / playing field out of 10.3 ha. equals 29% public open space / playing field.

7.0 Submissions Received

7.1. Irish Water: A Confirmation of Feasibility has been issued.

A wastewater connection is expected to be facilitated via infrastructure being out in place development previously granted under ABP-308917-20, which required;

- Separate storm and foul water connection service.
- Surface and storm water discharged only into the existing storm water network or associated alternative to a combined drainage discharge.
- Additional evidence is required to prove that the overall proposed discharge will be less than the current discharge into the combined sewer.

Proof will be required that the combined sewer in South Circular Road and downstream the Donore Avenue combined sewer can accommodate discharges from the proposal.

A water connection to the public network in South Circular Road is feasible and is not subject to any upgrades.

8.0 Forming the Opinion

Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the planning authority submission and the discussions which took place during the tripartite consultation meeting.

8.1. Documentation Submitted

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. The documentation submitted with this pre-application consultation request is set out in Appendix 1 to this report.

Section 5(5)(b) of the Act of 2016 requires the submission of a statement that, in the prospective applicant's opinion, the proposal is consistent with both the relevant objectives of the development plan or local area plan concerned, and relevant guidelines issued by the Minister under section 28 of the Act of 2000. Section 5(6) requires that where the proposed development would materially contravene the development plan or local area plan, other than in relation to the zoning of the land, then the statement provided for the purposes of subsection (5)(b)(i) shall indicate why, in the prospective applicant's opinion, permission should nonetheless be

granted, having regard to a consideration specified in section 37(2)(b) of the Act of 2000.

Statements required under S.5(5) and 5(6) above have been submitted in this regard and I have considered all of the documentation submitted by the prospective applicant, relating to this case. The Statement of Consistency under S.5(5) considers the following policy documents:

- Project Ireland 2040 National Planning Framework (2018)
- Sustainable Urban Housing: Design Standards for New Apartments (2018)
- Urban Development and Building Heights: Guidelines for Planning Authorities (2018)
- Housing for All – A New Housing Plan for Ireland (2021)
- Rebuilding Ireland: Action Plan for Housing and Homelessness (2016)
- Sustainable Residential Development in Urban Areas (2009)
- Design Manual for Urban Roads and Streets (2013)
- Urban Design Manual – A Best Practice Guide (2009)
- Childcare Facilities Guidelines for Planning Authorities (2001)
- Eastern & Midland Regional Spatial & Economic Strategy 2019-2031
- Dublin City Development Plan 2016-2022

Compliance with the provisions of the City Development Plan is considered in a separate Planning statement. These statements identify relevant policy provisions and describe how it is considered that the proposed development is compliant therewith.

A Material Contravention Statement in accordance with section 5(6) is submitted in relation to the potential material contravention of the Dublin City Development Plan in respect of the following matters:

- Unit Mix – provision of 3-bed BTS units is below DP standard.
- The unit mix of BTR units does not meet DP requirements.
- The DP standard for maximum number of units per core is exceeded.

8.2. Planning Authority Submission

A submission from Dublin City Council was received by An Bord Pleanála on the 10th December 2021 in accordance with Section 6(4)(b) of the 2016 Act. The submission includes the following:

- Copy of Planning Authority's opinion on the proposed development.
- Copy of record of Section 247 meetings.
- Copy of technical reports from relevant departments (Transportation Planning, Drainage, Housing, Parks, City Archaeologist, EHO & Waste Regulation).
- List of relevant applications in the area

The report containing the opinion of the planning authority makes the following points:

- The site boundary is revised from the approved SHD (ABP Ref. 307221), and now includes DCC playing fields to the east and lands to the north.
- The site also includes 0.042 ha, outside the SDRA 12 boundary within the diocesan lands.
- The proposed development is considered to be consistent with the Z1, Z4, Z14 and Z15 land zoning objectives relating to the site.
- The proposed site coverage and plot ratio are acceptable.
- The proposed density is appropriate given the National Policy objective to increase residential density in existing urban infill locations
- The footprint and layout of the development is largely as previously granted and accords with the Development Plan design principles for SDRA 12.
- The proposed eastern Players Park previously formed part of the proposed Player Wills development (308917) and has been extended to the north.
- Further consideration and improvements to certain elements are required.
- The development provides an appropriate transition in scale and the massing, form and materials of the development responds to the surrounding character.

- The preference would be for one application in respect of this development and the indicated revision to the Player Wills development (308917) and adjoining lands.
- This would ensure an integrated approach to the delivery of the lands and public open spaces, achieving appropriate height across the lands in line with SDRA 12.
- There are concerns regarding materials and the use of 'silicone based self-coloured render' and a higher quality material is required.
- In terms of overall public open space, the proposal provides 1.84 ha on Council owned lands and 0.0436 ha on lands under the applicant's control.
- The applicant's contribution to the SDRA 12 requirement of 20% public open space shall be clearly indicated and outlined.
- The calculation of public open space should exclude road, parking, verges and footpaths and privacy buffers at residential blocks. It is not considered that St. Theresa's boulevard qualifies as public open space.
- A phasing plan should be coordinated with the Player Wills development. The early delivery of the St Teresa's park playground area to serve new residential development on Margaret Kennedy Road should be considered.
- Areas of public open space to be taken in charge should be confirmed. Design and materials will require approval in advance of construction.
- The development will have a minor adverse impact on existing surrounding residential properties. Mitigation of adverse impacts should be considered.
- The ADF and Target Illuminance levels for the rooms tested identified in the Daylight/Sunlight Report is low. Further mitigation measures are required.
- Further detail is also required for daylight/sunlight of proposed private open spaces. Greater clarity in the presentation of data in the Daylight/Sunlight Report is required.
- The rear private open space of Block BG5 houses are small. These townhouses should be assessed as part of the Daylight / Sunlight Report.
- There is no objection to the retail unit subject to the protection of the amenities of the area and not undermining convenience shopping on Cork St.
- Clarity in drawings showing shared balconies between apartments is requested
- While the mix of units complies with Apartment Design Guidelines, the high level (73%) of studios and 1-bedroom units is of concern.

- Further detail is required regarding the single aspect units.
- Clarity is required regarding proposed residential storage at basement level.
- Further detail is required regarding refuse collection and service arrangements.
- The prospective applicant has previously engaged with the Housing Department and is aware of the Part V obligations pertaining to this site.

The accompanying report from the City Archaeologist also notes that the presence of two sites listed on the non-statutory DCIHR. A measured historic building survey and an Industrial Heritage statement of significance for any industrial features to be impacted should be prepared.

8.3. The Consultation Meeting

A Section 5 Consultation meeting was held on 11/03/2022, commencing at 10am, 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 and the main topics raised for discussion at the tripartite meeting were as follows:

1. Overall development strategy for the SDRA and relationship with adjacent development.
2. Public Open Space Strategy
3. Design and layout, including Daylight & Sunlight.
4. Access and Parking
5. AOB

Both the prospective applicant and the planning authority were given an opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting ABP-311959-21' 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.

In relation to the overall development strategy for the SDRA and relationship with adjacent development, An Bord Pleanála sought clarification and further elaboration of the documents and justification for the proposed development in respect of the following:

- The development strategy for the subject site and the wider SDRA lands.
- Clarity on the extent of the subject lands which lie within SDRA 12.
- Compliance with the Z4 zoning objective relating to part of the site.
- Clarification with regard to dependencies on the development of adjoining lands.

In relation to the Public Open Space Strategy, An Bord Pleanála sought clarification and further elaboration of the documents and justification for the proposed development in respect of the following:

- Elaboration on the approach to the provision of public space and alignment with the provisions of the development plan for the SDRA in this regard.
- Clarity with regard to the boundaries of the SDRA.

In relation to the Design and layout including daylight and sunlight, An Bord Pleanála sought clarification and further elaboration of the documents and justification for the proposed development in respect of the following:

- The design approach along Rehoboth Place and the treatment of, and relationship with, no. 40 Rehoboth Place.
- The relationship with no. 1 Rehoboth Place and the treatment of the intervening space on its southern side.
- The quality of the open space for the creche.
- The assessment of daylight to proposed dwelling units and the presentation of the results of the daylight and sunlight assessments.

In relation to the Access and parking, An Bord Pleanála sought clarification and further elaboration of the documents and justification for the proposed development in respect of the following:

- Further detail with regard to car parking provision across the site.

In relation to Any Other Business, An Bord Pleanála noted the need for clarity and consistency in the drawings to be submitted and the need to describe the relationship with adjoining lands. The Planning Authority identified the need to clearly identify the areas to be taken in charge and for an integrated approach to the design of the public realm with adjoining development.

9.0 Conclusion and Recommendation

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, including relevant s.28 Ministerial Guidelines, and local policy, via the statutory plan for the area.

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.

Having regard to all of the above, I recommend that further consideration and/or possible amendment of the documents submitted are required at application stage in respect of the following elements, details of which are set out in the Recommended Opinion below.

1. Further clarification and justification for the proposed development in respect of compliance with the Z4 land use zoning objectives for the site.
2. Clarification with regard to the status of the lands within SDRA12 as defined in the City Development Plan.

Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development

(Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **requires further consideration and amendment** in order to constitute a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

I 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.

10.0 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 **requires further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**

In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development:

1. Further consideration of, and possible amendment to the documents submitted and justification for the proposed development with regard to compliance with the Development Plan zoning objectives relating to this site. In this regard a detailed statement of consistency and planning rationale, clearly outlining how in the prospective applicant's opinion, the proposed development is compliant with local planning policies and in particular the Z4 - District Centres zoning objective, which aims '*To provide for and improve mixed-services facilities.*' This may require possible amendment to the documents and/or design proposals submitted.
2. Further clarification of, and possible amendment to, the documents submitted with regard to the extent of the subject lands which fall within Strategic Development and Regeneration Area (SDRA) 12 as described in the Dublin City Development Plan 2016, and as outlined in Fig. 32 and Zoning Map E thereof. The application should address compliance with the relevant provisions of the plan in this regard, particularly with regard to land use and open space provision. In providing clarity in relation to this matter, the prospective applicant should also refer to the provisions of the Development Framework for St. Teresa's Gardens and Environs (DCC June 2017) which describes the status of the Baily Gibson lands in this regard. (Map and annotation on page 5 of the Framework Plan and the table on Page 25 thereof, *Public Open Space Provision*).

This may require possible amendment to the documents and/or design proposals submitted.

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. A response to the matters raised in the report of the Dublin City Council Transportation Department dated 7th December 2021. The response should include, inter alia:
 - a) A car parking management plan and a Mobility Management Plan / Travel Plan.
 - b) An Operational and Service management plan which should have regard to the range of uses proposed across the site.
 - c) A Quality Audit in accordance with Advice Note no. 4 of the Design Manual for Urban Roads and Streets (DMURS).
2. A comprehensive phasing plan for the proposed development which should address the timing of delivery of all services, infrastructure, community facilities and open space along with residential units across the site.
3. Details of the areas intended to be taken in charge by the local authority.
4. Detailed sections showing the relationship with adjoining properties. With regard to no. 1 Rehoboth Avenue, the application should clearly address the treatment of intervening lands and should avoid the creation of left-over / dead space.
5. The application should be accompanied by additional photomontages / other visualisations illustrating the relationship of the proposed development with the adjoining streets to the west and in particular with no. 40 Rehoboth Place. The presence of this property should be clearly identified in plans, sections and elevation drawings accompanying the application.
6. An analysis of wind microclimate and pedestrian comfort should be submitted, with reference to pedestrian occupation and usability of new public spaces in the context of the proposed and adjoining developments. The analysis should also address the safety and comfort of residential amenity spaces, including communal spaces and private upper floor balconies, both within the site and on adjoining lands. Any required mitigation or other design measures arising from such assessment should be clearly described and assessed in the study. The assessment should have regard to the interaction with future development on adjoining lands.

7. The application should include a comprehensive daylight and sunlight assessment examining the proposed dwelling units and amenity / open spaces, as well as potential impacts on daylight and sunlight to adjoining properties. In preparing such assessment regard should be had to the provisions of section 3.2 of the Urban Development and Building Heights Guidelines for Planning Authorities (2018) and to the approach outlined in guides like the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.

The assessment should provide a comprehensive view of the performance of the entire development in respect of daylight provision. Where any alternative, compensatory design solutions in respect of daylight are proposed, these should be clearly identified and justified, and their effect appropriately described and / or quantified.

The results of the Daylight and Sunlight assessment should be clearly presented such that the potential effect or otherwise on individual adjoining properties can be easily identified.

8. A report that specifically addresses the proposed materials and finishes to the scheme, including specific detailing of external finishes, landscaping and paving, pathways, entrances and boundary treatments. Particular regard should be had to the requirement to provide high quality, durable and sustainable finishes which have regard to the context of the site.
9. A Building Lifecycle Report in accordance with section 6.13 of the Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities (2020) guidelines which should consider external materials on all elevations. The report shall also address the management and maintenance of public spaces and access routes to the development.
10. A report demonstrating that the proposed water supply and drainage arrangements can be implemented without any dependency on works permitted under separate planning permissions on adjoining lands. The report should also address the matters raised in report of the Dublin City Council Engineering Department – Drainage Division, dated 07/12/2022.

11. A historic building survey and an Industrial Heritage Statement of Significance in respect of any industrial features to be impacted by the development.
12. 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. Irish Water
2. Transport Infrastructure Ireland
3. National Transport Authority
4. Dublin City 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.

Conor McGrath

Senior Planning Inspector

28/03/2022

Appendix 1:

Documentation accompanying the S.5 request:

- Completed Application Form
- Dublin City Council - Letter of Consent
- St. Laurence O'Toole Diocesan Trust - Letter of Consent
- Part V proposal
- Planning Statement including Statement of Consistency with Dublin City Development Plan including unit Mix Justification Report
- Statement of Consistency with National, Regional and Section 28 Ministerial Guidelines
- Childcare Demand Assessment
- Social infrastructure Audit
- Environmental Report
- Architectural Design Statement
- Architectural drawings incl. drawing schedule
- Housing Quality Audit
- Landscape Design Statement
- Landscape drawings incl. drawing schedule
- Civil Engineering Infrastructure Report
- Confirmation of Feasibility from Irish Water
- Engineering drawings incl. drawing schedule
- Traffic and Transport Briefing Note
- Appropriate Assessment Screening Report
- Daylight/Sunlight Assessment
- Visual Impact Assessment
- Photomontages