



An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion
TC0018**

Strategic Housing Development

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| Location | Donnelly Centre, Cork Street, Dublin 8 |
| Planning Authority | Dublin City Council |
| Prospective Applicant | Cairn Homes |
| Date of Consultation Meeting | October 11 th 2017 |
| Date of Site Inspection | October 3 rd , 2017 |
| Inspector | L. Dockery |

1.0 Introduction

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

2.0 Site Location and Description

2.1 The subject site, which has a stated area of circa 0.35 hectares, is located at the corner of and has frontage onto Cork Street and Brickfield Lane, Dublin 8. Brickfield Lane is a narrow vehicular laneway linking Cork Street with Brown Street South while Cork Street is one of the main arteries into the city centre. The site is currently occupied by a three-storey disused factory building.

3.0 Proposed Strategic Housing Development

3.1 The proposed development comprises 399 student accommodation bedspaces in 90 cluster units, retail/café area at ground floor and ancillary uses. The scheme is designed as a perimeter block surrounding a central courtyard area. The associated ancillary areas account for a stated 13,017.14 square metres while the retail/café unit accounts for a stated 114 square metres. The proposed development has a height of 6 and 7 storeys. Landscaped gardens are provided to the west and south and a landscaped roof terrace and central concourse area are also provided as private open space.

3.2 The student accommodation will be professionally managed and accommodation will be available for short-term stays outside of term time. The retail / café unit, accessed from Cork Street, is independent from the student accommodation and has an adjoining outdoor terrace (40 sq.m). There are 5 no. set-down car spaces located

along Brickfield Lane, which is to be widened as part of the works. The development works include demolition of the existing Donnelly Centre factory buildings.

4.0 **National and Local Planning Policy**

4.1 National

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

- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’)
- ‘Sustainable Urban Housing: Design Standards for New Apartments’ (2015)
- ‘Design Manual for Urban Roads and Streets’ (2013)
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’) (2009)
- ‘Architectural Heritage Protection- Guidelines for Planning Authorities

4.2 Local

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

Section 16.10.7 Guidelines for Student Accommodation

Section 6.4 Strategic Approach recognises the need to enhance the role of Dublin as an Education City and a destination of choice for international students

Policy CEE12 (ii)

To promote and enhance Dublin as a world class tourist destination for leisure, culture, business and student visitors

Policy 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.

The Liberties Local Area Plan 2009, extended to 2020 applies

The Bru Chaoimhin complex, located to the west of subject site is designated as a Protected Structure as is the James Weir Home for Nurses, located to the north of Cork Street.

The majority of the subject site is zoned 'Objective Z4' which seeks to 'provide for and improve mixed service facilities'. Residential use is permitted under the Z4 zoning objective.

A small element of the southern and western portions of the site are zoned 'Objective Z6' which seeks to 'provide for the creation and protection of enterprise and facilitate opportunities for employment creation' and 'Objective Z15' which seeks to 'protect and provide for institutional and community uses'.

5.0 Planning History

Subject Site:

3803/09: Permission GRANTED for 182 student bedspaces in a building of 6-8 storeys high. Permission extended under 3803/09/x1 until 16/07/2018.

Adjoining Site:

3316/16: Permission GRANTED for 273 student bedspaces in a building 4-6 storeys high and 1675 square metres of science and technology uses.

6.0 Section 247 Consultation(s) with Planning Authority

6.1 It is stated by the prospective applicant that two pre-application consultations took place with the planning authority.

7.0 Forming of Opinion

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

7.1 Documentation Submitted

7.1.1. The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. This information included, inter alia, completed application form, scaled drawings (plans, sections and elevations), photomontages, a completed pre-connection enquiry feedback form from Irish Water, Policy Framework and Statement of Consistency Report, Appropriate Assessment Screening Statement,

Student Demand and Concentration Report, Student Accommodation Management Plan, Archaeological Assessment Report, Pre-Planning Submission Drawings (A3 booklet), Pre-Planning Design Statement (A3 booklet), Landscape Report (A3 booklet), Sunlight and Daylight Access Analysis (A3 booklet), Transport Statement, Mobility Management Plan, Preliminary Construction and Demolition Waste Management Plan, Infrastructure Design Report, Site Specific Flood Risk Assessment, Preliminary Construction Management Plan, Road Layout, Site Services Layout and Watermain Layout drawings, Energy Statement , M&E Utilities Report and Internal Daylight and Sunlight Analysis

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

7.2 **Planning Authority Submission**

7.2.1 In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Dublin City Council, submitted a note of their section 247 consultations with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on 27th September 2017.

7.2.2 The planning authority's 'opinion' included the following matters: planning history; opinions from other departments, pre-planning consultations, policy context; zoning, plot ratio and site coverage, active frontage; comments on various submitted plans including Student Demand and Concentration; building height and schedule of accommodation. Some concerns were expressed that 13% of bedrooms have a daylight factor of between 1% and 2% and that a number of common rooms do not meet minimum Annual Probable Sunlight Hours in winter months. Report concludes that on balance, it is considered that the development as proposed is consistent with the relevant provisions of the City Development Plan 2016 and the Liberties LAP.

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

7.3 Consultation Meeting

7.3.1 A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 11th day of October 2017, commencing at 10.00 am. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

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

- Development standards
- Architectural Heritage
- Other matters

7.3.3 In relation to development standards, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- Details of the proposed floor areas in the context of the minimum standards set out in the Dublin City Development Plan 2016-2022
- Internal daylight/sunlight analysis to ensure adequate amenity of future residents
- Plot ratio standards in the context of the standards set out in the Dublin City Development Plan 2016-2022

7.3.4 In relation to architectural heritage, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Potential impacts of the proposed development on nearby Protected Structures

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

- Provision of bicycle parking in the context of the standards set out in the Dublin City Development Plan 2016-2022
- Location of site adjacent to Flood Zone A

- Proposed development relative to nearby residential properties

7.4 Conclusion and Recommendation

- 7.4.1 Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 7.4.2 I have examined all of the information and submissions before me including the documentation submitted by the prospective applicants, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the section 28 Ministerial Guidelines and local policy via the statutory plans for the area.
- 7.4.3 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.**
- 7.4.4 I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

8.0 Recommended Opinion

The Board refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

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

Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission arising from this notification:

- (1) A schedule of the proposed floor areas relative to the Development Plan standards, as set out in Section 16.10.7 of the Dublin City Development Plan 2016
- (2) Updated/revised 'Internal Daylight/Sunlight Analysis' as referred to in the Consultation Meeting of October 11th 2017
- (3) Additional photomontages showing the proposed development in context with adjacent Protected Structures (RPS No.s 2053 and 2054)
- (4) Clarification of bicycle parking provision, in the context of, inter alia, Development Plan standards and 'future proofing' demand management.

Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

1. Irish Water
2. National Transport Authority
3. HSE
4. Departments of Culture, Heritage and the Gaeltacht (in the interests of architectural heritage protection and archaeological heritage protection)
5. An Taisce-the National Trust for Ireland (in the interests of architectural heritage protection and archaeological heritage protection)
6. Heritage Council (in the interests of architectural heritage protection and archaeological heritage protection)
7. Failte Ireland (in the interests of architectural heritage protection)
8. An Comhairle Ealaíonn (in the interests of architectural heritage protection)

PLEASE NOTE:

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

Lorraine Dockery
Senior Planning Inspector

13th October 2017