



An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion
TC0029**

Strategic Housing Development

Location	Former 'Matts of Cabra' public house and lands to the rear, Fassaugh Avenue, Cabra, Dublin 7
Planning Authority	Dublin City Council
Prospective Applicant	Labinies Ltd
Date of Consultation Meeting	November 21 st 2017
Date of Site Inspection	November 19 th 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 0.5 hectares, is located at Fassaugh Road, Cabra, Dublin 7. To the front of the site is the former 'Matts of Cabra' public house, set back from the road edge with an area of parking to the front. This structure is currently vacant and is somewhat vandalised. The area to the rear is currently under grass with horses grazing at the time of my site visit. To the west is the railway line while to the east are the rear gardens of established two-storey dwellings and a funeral home.

2.2 The site is elevated in nature and is visible as one travels along Fassaugh Road in both directions.

3.0 Proposed Strategic Housing Development

3.1 The proposed development comprises 214 student accommodation bedspaces in 34 house units in a linked 4 and 5 storey building; together with 10 single bed en-suite studio rooms in a three storey building; 2 x retail units at ground floor and ancillary uses. The associated ancillary areas account for a stated 625 square metres while the retail/café unit accounts for a stated 530 square metres. The proposed development has a height of 3-5 storeys over basement level. 10 car parking spaces are proposed and 114 cycle parking spaces. Open space is generally provided

along the western and northern boundaries, while the area to the east of the proposed structure is a shared surface area.

- 3.2 The student accommodation will be professionally managed. The retail units, one accessed directly from Fassaugh Road and the other accessed from behind proposed gates, will be independently managed from the student accommodation. The development works include demolition of the existing structures on site.

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)

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 majority of the subject site is zoned 'Objective Z1' which seeks to 'protect, provide and improve residential amenities'. Residential use is permitted under the Z1 zoning objective. A portion of the site (to the front abounding Fassagh Road) is zoned Objective Z3' which seeks to 'provide for improved neighbourhood centre facilities'. Residential use is permitted under the Z3 zoning objective.

5.0 Planning History

The most recent history pertaining to this site is as follows:

3420/16: Permission GRANTED for 19 no. residential units and 1 retail unit in a four-storey development on this site

6.0 Section 247 Consultation(s) with Planning Authority

6.1 It is stated that one pre-application consultation 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, Statement of Consistency with Planning Policy, letter of ownership, Irish Water Pre-Connection Enquiry letter, Statement on how the proposed development would address traffic and transportation issue, Statement indication that the proposal is consistent with DMURS, Appropriate Assessment Screen Report, Engineers Drainage Report, Site Specific Flood Risk Assessment, Planning Report for Proposed Strategic Housing Development Pre-Application Consultation Request and Student Management Plan.
- 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 14th November 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, principle of student accommodation, retail and active frontage, plot ratio and site coverage, height and scale; design; impact on adjoining residential amenities; student accommodation standards; need for Student Demand and Concentration report and map; amenity facilities; daylight and shadow analysis; public open space; energy efficiency and community facilities. Report concludes that there are a number of concerns in relation to the proposed development, with further improvements and consideration required.

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 21st day of November 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 Strategy to include proposed uses, layout and connectivity; scale and massing; elevational treatment and finishes
- Amenity issues
- Development standards to include internal layout; open space provision; daylight/sunlight; noise
- Irish Water constraints
- Any other matters

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

- Proposed uses in the context of the zoning objectives for the site
- Public accessibility to proposed retail units
- Connectivity/security (including proposed access/gateway in the context of Development Plan policy)
- Scale and massing/extent of proposed building in the context of the residential character of the existing area- linked to elevated nature of the site
- Elevational treatment and finishes
- Impacts on railway line and embankment

7.3.4 In relation to amenity issues, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- Impacts on existing residential development in terms of overlooking, overshadowing, overbearing and noise
- Location of bin store and basketball hoop
- Management of scheme

7.3.5 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 layout and clustering
- Concentration of proposed communal uses in basement- both from a usage/quality perspective and access to daylight
- Quality of open space provision and public realm
- Access to open space
- Internal daylight/sunlight analysis to ensure adequate amenity of future residents
- Noise mitigation from railway line

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

- Pre-Connection Enquiry Report of Irish Water dated 21st March 2017

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

- Need for proposed student accommodation- submission of a Student Demand and Concentration Report
- Links with third level institutions
- Use of proposed development outside of term-time

- Site slope/levels
- Boundary treatments
- Report of Roads Division of planning authority
- Provision of secure bicycle parking

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 all of 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.
- 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 **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 and/or justification of the documents as they relate to the scale, form, massing, elevational treatment/expression and finishes of the proposed development, having regard to the context of this elevated site within an established residential area. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage.
2. Further consideration and/or justification of the documents as they relate to the proposed retail element of the scheme, in particular relating to public accessibility and their availability for use by the wider public. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage.

3. Further consideration and/or justification of the documents as they relate to the proposed open space provision and public realm. In this regard, the documents should clearly show that the proposed open space is comprised of high quality, functional and accessible areas. In addition, further justification of the documents as they relate to connectivity between the proposed development and the public realm should be included, including justification for the proposed gateway. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted.
4. Further consideration and/or justification of the documents as they relate to the internal layout of the proposed development, having particular regard to the extent of communal facilities concentrated at basement level with limited natural light. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage.
5. Drainage details require further examination having regard to the Pre-Connection Enquiry Report of Irish Water dated 21st March 2017 submitted by the prospective applicant as part of the Section 5 Pre-Application Consultation request

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) Colour coded drawing indicating individual clusters within the student accommodation scheme

- (3) Additional photomontages and cross sections showing the proposed development from various vantage points in the public realm
- (4) Lighting plan
- (5) Construction Management Plan

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. Irish Rail
- 3. Commission for Railway Regulation
- 4. HSE

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

30th November 2017