



STATEMENT IN RESPONSE TO THE SPECIFIC ADDITIONAL INFORMATION REQUESTED BY AN BORD PLEANÁLA

In respect of

**PROPOSED STUDENT ACCOMMODATION LOCATED AT THE FORMER
RIALTO CINEMA, 355 SOUTH CIRCULAR ROAD, DUBLIN 8, D08 TX20**

Prepared on behalf of

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in association with

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Murphy, Matson, O'Sullivan
DK Partnership
The Big Space

2 August 2019



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1.0 INTRODUCTION

This Report addresses issues raised by An Bord Pleanála (ABP) and Dublin City Council (DCC) during the Pre-Application Consultation stage of the subject SHD application.

Specifically, it demonstrates how the Applicant has addressed the issues highlighted in the ABP Opinion of 18th April 2019. In addition, the Applicant has also addressed items raised in Dublin City Council's (DCC) pre-application S.6 (4)(b)(ii) report (dated 19th March 2019), along with any other matters discussed during the tripartite pre-application consultation meeting on 1st April 2019.

2.0 RESPONSE TO ISSUES RAISED BY AN BORD PLEANÁLA

In its *Notice of Pre-Application Consultation Opinion* of 18th April 2019 (ABP Ref. 303756-19), the Board stated that the documentation submitted **constitute a reasonable basis for an application for strategic housing development (SHD)**.

In addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the Board recommended that the following specific information should be submitted with any application for permission:

1. Impact of height on adjoining residential properties and the Strategic Development Regeneration Area (SDRA).
2. Potential for overlooking and overshadowing.
3. Proposed boundary treatments.
4. A site layout plan which clearly identifies the full extent of works to the site frontage including provision of footpaths and whether the footpaths are to be taken in charge.
5. A construction and demolition waste management plan for asbestos removal.
6. Additional drainage details.
7. Details regarding management of set down area to site frontage.
8. A site layout plan indicating all areas to be taken in charge and clarity whether the footpath to the site frontage is to be taken in charge.
9. A student management plan.

The above issues are addressed in detail below.

2.1 Impact of height on adjoining residential properties and the Strategic Development Regeneration Area (SDRA)

2.1.1 ABP's Requirement:

"Having regard to the zoning of the site and its suitability for development with increased height, the prospective applicant should demonstrate/justify the suitability of the proposed site to accommodate the increased height particularly in the context of the adjoining residential properties and the Strategic Development Regeneration Area. Further consultation with the Planning Authority regarding the proposed phase 2 development of the SDRA is advised."

2.1.2 Applicant's Response

The site has the zoning objective Z4 'District Centres', Section 14.8.4 of the *Dublin City Development Plan 2016-2022* requires, in relation to the built environment in Z4 lands, that:

"Development should have regard to the existing urban form, scale and character and be consistent with the built heritage of the area."

The development proposal is fully cognisant of the built environment in the area, including the re-development proposal at the adjoining SDRA 13 and has adequate regard to the surrounding urban form, scale and character, as demonstrated in the accompanying photomontages.



Figure 2.1: Extract of *View 8 Future Development* dated July 2019 prepared by Digital Dimensions showing the successful integration of the proposed building with the existing built environment and the proposed redevelopment of the Dolphin Estate.

Furthermore, Section 14.8.4 of the Plan also states in relation to the capacity of Z4 lands:



“Capacity for development: Encourage the development/re-development of under-utilised sites.”

The redevelopment of a significantly under-utilised site is at the core of the current proposal.

The site is located within the Inner City, as defined by Map J of the *Development Plan*, according to Section 16.7.2 of the *Development Plan*, the height limit for residential developments within the Inner City is up to 24m. The proposed building has a maximum height of 20.05m, which is fully compliant with the *Development Plan* standards.

The *Urban Development and Building Heights Guidelines for Planning Authorities*, December 2018, establish that assessment of heights based on building performance is more appropriate. The information submitted as part of this SHD Application demonstrates that the proposed building will successfully integrate with its receiving environment and will not impinge on the amenity of adjoining buildings.

As requested by the Board, the Applicant has liaised further with the local authority in relation to the proposal for the redevelopment of the Dolphin Estate.

The current proposal subject of this Application has been assessed against the Draft Scheme presented to the Dolphin Estate’s residents at the public consultation event in May 2019. As demonstrated by the accompanying documentation the proposed student accommodation facility will not cause any detrimental effect on the residential amenity of the existing (or proposed) adjoining units

2.2 Potential for Overlooking and Overshadowing

2.2.1 ABP’s Requirement

“A report that addresses residential amenity (both existing residents of adjoining developments and future occupants of the proposed student accommodation), specifically how the development will limit the potential for overlooking and overshadowing. This report should also include a sunlight and daylight analysis for both March and December.”

2.2.2 Applicant’s Response

The following documentation is submitted to demonstrate that the residential amenity of adjoining developments and future student residents of the proposed scheme is in accordance with best practice standards.:

- *Shadow – Sunlight Analysis, Shadow / Sunlight effects of the New Building and DCC Future Buildings* , dated 4th July 2019 prepared by DK Partnership.
- *Daylight Reception, Daylight Reception in Habitable Rooms in Neighbouring Buildings*, dated 26th June 2019 by DK Partnership.
- *Daylight Reception, Daylight reception in Habitable Rooms within the New Development*, dated 26th June 2018 by DK Partnership.

As requested, we have carried out the Sunlight Analysis for December, in addition to the 21st March. However, we respectfully submit that assessing December is not in accordance with neither the recommendations of the BRE guidelines and, to our knowledge, nor any other international best practice guidance.

December is by far the month with the lowest global solar radiation in Dublin with just 4,115 joules/cm² in 2018, according to Met Eireann data. Therefore, in our opinion, the conclusions that can be extracted from assessing December are, in our opinion, very limited.

Notwithstanding, the assessments carried out demonstrate that the proposed development will ensure that the residential amenity of existing and future residents is adequately protected.

The *Daylight Reception, Daylight reception in Habitable Rooms within the New Development*, dated 26th June 2018 by DK Partnership demonstrates that the majority of the bedrooms proposed have an average daylight factor in excess of 2%.

In addition, Drawing No. SB-2017-015-303, Rev. E prepared by ShipseyBarry demonstrates that the scheme has been designed in a manner that ensures that the privacy of adjoining residents is protected. Furthermore, we note that the proposal will significantly improve the privacy of adjoining residents compared to the existing situation, whereby from the top of the existing car ramp to the east, a person can directly overlook the rear garden of the adjoining houses (see Figures 2.2 and 2.3 below.)

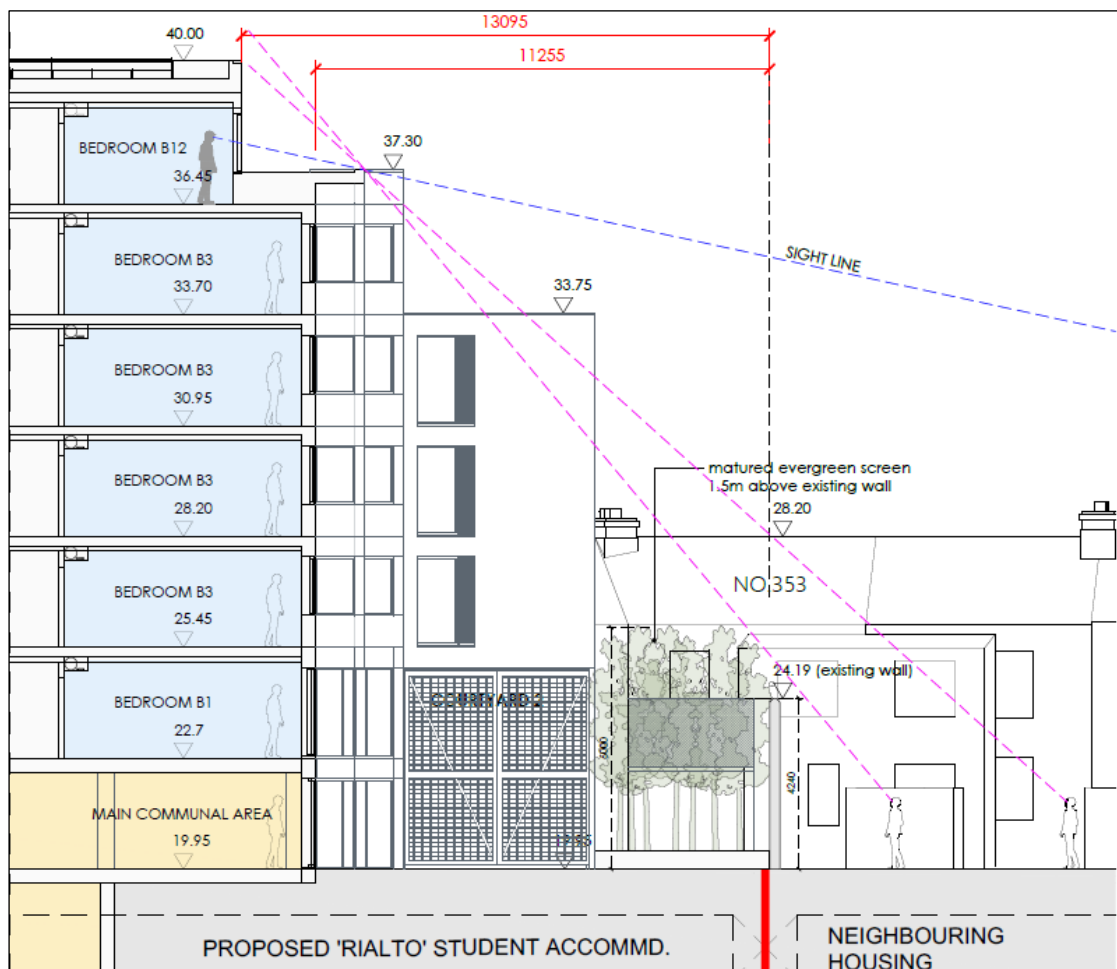


Figure 2.2: Extract of Drawing No. SB-2017-015-303 Rev. E, prepared by ShipseyBarry, which shows how the design of the scheme ensures that the adjoining residential amenity is preserved.

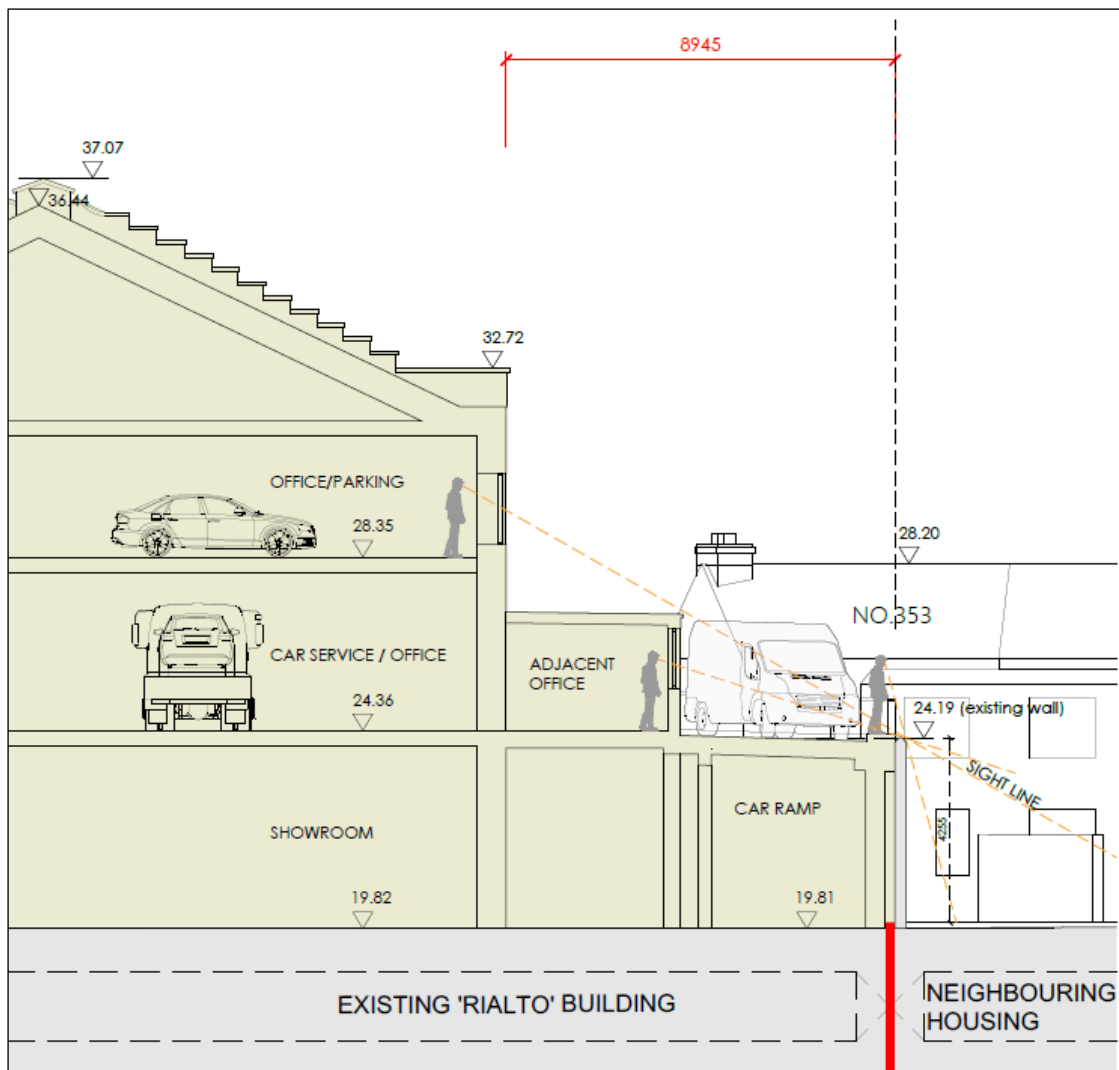


Figure 2.3: Extract of Drawing No. SB-2017-015-303 Rev. E, prepared by ShipseyBarry, which shows how the existing building does not protect adjoining housing units from overlooking onto the rear garden.

2.3 Proposed Boundary Treatments

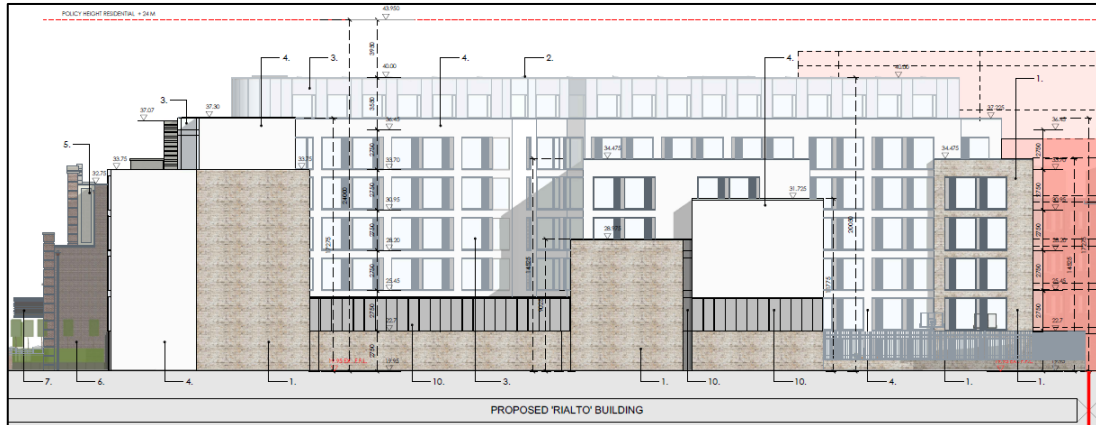
2.3.1 ABP's Requirement

"Proposed boundary treatments should be specified having particular regard to need to protect existing residential amenities of the area."

2.3.2 Applicant's Response

We refer to the *Landscape Plan* (Drawing No. 300 Rev. 2 prepared by The Big Space) and Drawings Nos. SB-2017-015-401, Rev E; and, SB-2017-015-402, Rev E, by ShipseyBarry, which illustrate the proposed boundary details.

As explained in section 2.2.2 above, the proposal is mindful of the need to protect the residential amenities of the area



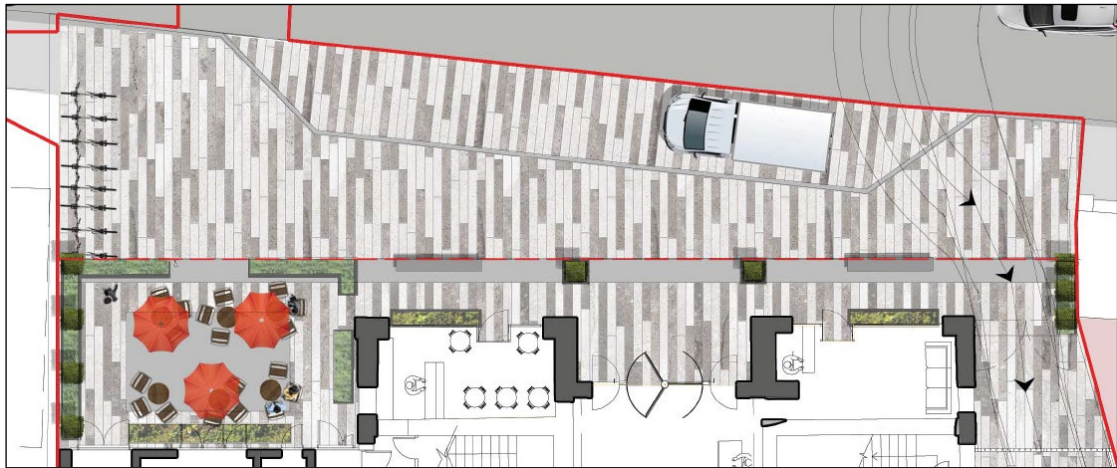


Figure 2.5: Extract of drawing No. 300 Rev. 2 prepared by The Big Space showing the full extent of works proposed to the site frontage.

In addition, please refer to Drawing No. SB-2017-015-002, Rev. E, prepared by ShipseyBarry for the proposed Taking in Charge Plan.

A Letter of Consent dated 12th June 2019 by Mr John Flanagan, City Engineer, providing consent for the inclusion of lands in control of DCC within the SHD Application is submitted as part of the Application documentation.

2.5 Construction and Demolition Waste Management Plan including details on Asbestos Removal

2.5.1 ABP's Requirement

"A construction and demolition waste management plan which should include comprehensive details for the appropriate removal of asbestos materials that may exist on site."

2.5.2 Applicant's Response

Please find an *Outline Construction & Demolition Management Plan*, Rev. 02 dated 4th July 2019, prepared by Murphy Matson O'Sullivan accompanying the current SHD Application.

In relation to the removal of asbestos, the OC&DM states the following:

"The Asbestos containing materials will be removed and disposed of as asbestos waste before demolition commences. All asbestos removal works must be carried out in accordance with S.I. No. 386 of 2006 Safety, Health & Welfare at Work (Exposure to Asbestos) Regulations 2006-2010. Refer to Phoenix Environmental Safety Ltd. Asbestos Survey Report for details."

We refer to the *Outline Construction & Demolition Management Plan*, Rev. 02 by MMOS and the *Asbestos Survey Report*, dated 3rd July 2018, prepared by Phoenix Environmental Safety for full details regarding asbestos removal



2.6 Additional Drainage Details

2.6.1 ABP's Requirement

"Additional drainage details to address matters raised in the planning authority's opinion dated 14th March 2019."

2.6.2 Applicant's Response

We refer to the *Engineering Services Report* Rev 6 dated 4th July 2019, prepared by c and the Engineering Drawings prepared by Murphy Matson O'Sullivan, which fully address the issues raised by Dublin City Council in their opinion on 14th March 2019.

2.7 Details Regarding Management of Set Down Area to Site Frontage.

2.7.1 ABP's Requirement

"Details regarding management of set down area to site frontage."

2.7.2 Applicant's Response

Additional information regarding the management of the set down area is contained within the *Student Management Plan* dated June 2019 prepared by CRM. Management regarding the use of the set down area for unloading cars, getting taxis, parcel deliveries and food deliveries are detailed within the document.

In relation to the parcel's deliveries, for instance, the *Student Management Plan* states:

"We will contact the major delivery firms, working with the likes of Amazon, to try and minimize the number of visits per day."

Where assistance is provided, all personal goods will be stored in a secure location on the ground floor. This enables those with cars to unload quickly and move their vehicles quickly from the set-down area.

The management of the facility will work with the likes of Amazon, to try and minimize the number of visits per day.

Additionally, a *Mobility Management Plan* Rev. 02, prepared by Murphy Matson O'Sullivan is submitted as part of the Planning Application documentation, which sets out a number of measures to promote the use of sustainable means of transport and minimise the number of trips by private vehicles.



2.8 Taken in Charge Areas

2.8.1 ABP's Requirement

"A site layout plan indicating all areas to be taken in charge and clarity whether the footpath to the site frontage is to be taken in charge."

2.8.2 Applicant's Response

We refer to Drawing No. SB-2017-015-002, Rev. E, prepared by ShipseyBarry for the proposed Taking in Charge Plan.



2.9 Student Accommodation Management Plan

2.9.1 ABP's Requirement

"Student Accommodation Management Plan"

2.9.2 Applicant's Response

A *Student Management Plan* dated June 2019 prepared by CRM is submitted as part of the subject SHD Application



3.0 CONCLUSION

We respectfully submit that this Statement and the information referenced as included within the application documentation fully address the specific additional information requested by An Bord Pleanála in their Opinion dated 18th April 2019.

The subject proposal represents the opportunity to deliver a significant quantum of much needed student accommodation in Dublin City as well as re developing a large underutilised brownfield site and restoring the character of a derelict NIAH listed building, the former Rialto Cinema.

**APPENDIX A – NOTICE OF PRE-APPLICATION CONSULTATION OPINION REF. ABP-303756-19,
DATED 18TH APRIL 2019 BY AN BORD PLEANÁLA**



An
Bord
Pleanála

ABP-303756-19

**Planning and Development (Housing) and Residential Tenancies Act 2016
Notice of Pre-Application Consultation Opinion**

Case Reference: ABP- 303756-19

**Proposed Development: 319 no. student bedspaces with an ancillary cafe.
355 South Circular Road, Dublin 8.**

An Bord Pleanála has considered the issues raised in the pre-application consultation process and, having regard to the consultation meeting and the submission of the planning authority, is of the opinion that the documents submitted with the request to enter into consultations constitute a reasonable basis for an application for strategic housing development.

Furthermore, 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. Having regard to the zoning of the site and its suitability for development with increased height, the prospective applicant should, notwithstanding that the proposal constitutes a reasonable basis for an application, demonstrate/justify the suitability of the proposed site to accommodate the increased height particularly in the context of the adjoining residential properties and the Strategic Development Regeneration Area.
2. A report that addresses residential amenity (both existing residents of adjoining developments and future occupants of the proposed student accommodation), specifically how the development will limit the potential for



overlooking and overshadowing. This report should also include a sunlight and daylight analysis for both March and December.

3. Proposed boundary treatments should be specified having particular regard to need to protect existing residential amenities of the area.
4. A site layout plan which clearly identifies the full extent of works to the site frontage including provision of footpaths and whether the footpaths are to be taken in charge. Relevant consents to carry out works on lands that are not included within the red-line boundary. The prospective applicant is advised that all works should as far as possible be included within the red-line boundary.
5. A construction and demolition waste management plan which should include comprehensive details for the appropriate removal of asbestos materials that may exist on site.
6. Additional drainage details to address matters raised in the planning authority's opinion dated 14th March 2019
7. Details regarding management of set down area to site frontage
8. A site layout plan indicating all areas to be taken in charge and clarity whether the footpath to the site frontage is to be taken in charge.
9. A Student Accommodation Management Plan

Also, 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. Minister for Culture, Heritage, and the Gaeltacht
3. Heritage Council
4. An Taisce – the National trust for Ireland



Tom Rabbette

Assistant Director of Planning

April, 2019