

Statement of Response to An Bord Pleanála's Opinion

In respect of

**Proposed Student Accommodation
at Nolans Seafood Ltd, Rathdown Road, Dublin 7**

Prepared by

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On behalf of

NTM ROI Seed Capital LP

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1.0 INTRODUCTION

1.1 The pre-application consultation opinion from An Bord Pleanála (ABP) in relation to the proposed strategic housing development for student accommodation at Nolans Seafood Ltd, Rathdown Road, Dublin 7 was received on 14th September 2018 case reference: ABP-302164-18 (the “Opinion”).

1.2 The Opinion states that ABP *‘is of the opinion that the documents submitted with the request to enter into consultations require further consideration and amendment to constitute a reasonable basis for an application for strategic housing development’*.

1.3 The Opinion further states that *‘An Bord Pleanála, considers the following issues need to be addressed in the documents submitted that could result in them constituting a reasonable basis for an application for strategic housing development’*. The issues listed are under the following headings:

1. Scale & Design of the Development

2. Stormwater Drainage of the Site

3. Access to the Site

1.4 Section 2 of this report sets out how the Applicant has responded to each of the issues raised by ABP in its Consultation Opinion, with particular reference to the reports and drawings prepared by the design team, which accompany this application. This Statement of Response, and the associated amendments to the scheme, respond in turn to the key issues raised by Dublin City Council (DCC) in its report on the pre-application proposals.

1.5 Article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017 states:

‘(5) At the conclusion of a pre-application consultation, the Board may do either or both of the following: (b) notify the prospective applicant that specified information should be submitted with any application for permission for the proposed development, including photographs, plans, maps, drawings or other material or particulars and, where the Board considers it appropriate, either or both—...’

1.6 The pre-application consultation Opinion from ABP states pursuant to Article 285(5)(b) that the following specific information (summarised) should be submitted with any application for permission:

1. *An environmental management plan for demolition and construction.*
2. *A management plan for the proposed development including details of its use outside term time.*
3. *A schedule indicating compliance with the development management standards for student accommodation set out in 16.10.7 of the Dublin City Development Plan 2016-2022, as well as a statement of evidence that there is not an over-concentration of student accommodation in the including a map showing all such accommodation within 0.25km of the site as is required by that section of the development plan.*

[NB. Student accommodation has been assessed to a 1km radius of the site in accordance with Variation 3 of the Dublin City Development Plan.]

4. *A daylight and sunlight analysis demonstrating the impact of the proposed development on neighbouring properties and the level of light available within it.*
5. *Photomontages of the proposed development showing its appearance from public streets around the site and to those using the Luas stop and trams.*
6. *Details of water supply, foul drainage and refuse management.*

1.7 The necessary information to address Items 1 to 6 above accompany this application and are discussed further in Section 3 of this report.

2.0 STATEMENT OF RESPONSE TO ISSUES RAISED

2.1 The following sets out how the applicant has addressed the 3 no. issues raised in ABP's Notice of Pre-Application Consultation Opinion, with reference to the accompanying documentation submitted, to ensure the subject application constitutes a reasonable basis for an application for strategic housing development.

Scale & Design of the Development

- '1. *Further consideration/amendment of the documents as they relate to the scale and design of the development. A justification of the proposals in this regard should be provided that refers to the objectives in national and local planning policy to secure a sufficient quantum of development on brownfield sites in urban areas served by high capacity public transport corridors, as well as to the existing context of the site. Consideration should also be given to the possibility that the new guidelines on building heights would be material to a decision on the application having regard to the recently issued draft guidelines on the topic, and to the provision of supervision of the private lane to the west of the site from circulation spaces within the development.'*
- 2.2 With respect to the rationale for the scale and design of the development, this is qualified within the accompanying Architect's Design Statement prepared by John Fleming Architects.
- 2.3 The proposed development comprises 2 no. blocks of student accommodation on the site at Nolans Seafood, Rathdown Road. The proposed development comprises 289 no. student bedspaces, within a site extending to approximately 0.43ha. Block A, located immediately adjacent to the western perimeter of the site, consists of 3 no. storeys and its scale and massing has been directly informed by the height and footprint of the industrial building currently existing at the location. The western façade of Block A is located approximately 25 metres from the rear building line of the nearby residential dwelling at Rathdown Road. The design and scale of Block A ensures that the amenity of these residential dwellings is not impacted upon by the proposed development.
- 2.4 Block B, located in the eastern part of the site, adjacent to its boundary with the neighbouring Luas stop at Grangegorman, rises to 7 no. storeys at its northernmost point, falling in elevation to 5 no. storeys moving south. The proposed scale of Block B has been amended to include 1 additional storey in comparison to that originally submitted to An Bord Pleanála within the Pre-Application Consultation Request. This additional storey results in the proposed Block B extending to +25.575m above ground level, an increase of +2.625 metres at the building's highest and most northerly point, and contributes to an increase of 27 no. bedspaces within Block B.

- 2.5 The amended proposals have taken cognisance of point 1 of the content of the Board's Notice of Pre-Application Consultation Opinion, as well as the existing National Planning Framework, the National Policy Objectives set out within this and the emerging Department Guidelines on Urban Development and Building Heights, published in draft format for consultation in August 2018. The rationale for the proposed increase in height at Block B is considered as follows.

National Planning Framework

- 2.6 The National Planning Framework (NPF) is the Government's high-level strategic plan for shaping the future growth and development of the country up to 2040.

- 2.7 A core National Strategic Outcome of the NPF is achieving compact growth through the sustainable growth of compact cities in order to add value and create more attractive places to live and work. The Framework targets a '*significant proportion of future urban development on infill/brownfield development sites within the built footprint of existing urban areas*'.

- 2.8 The NPF seeks to achieve '*better use of under-utilised land and buildings, including 'infill', 'brownfield' and publicly owned sites and vacant and under-occupied buildings, with higher housing and jobs densities, better serviced by existing facilities and public transport*'. Section 2.2 of the NPF targets 40% of future housing development to be within and close the existing footprint of built-up areas.

- 2.9 National Policy Objective 4 aims to '*ensure the creation of attractive, liveable, well designed, high urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being*'.

- 2.10 National Policy Objective 11 states that:

'In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.'

- 2.11 The NPF advocates compact urban development and focuses maximising existing uses onsite and maximising potential with respect to connections to transport links.

- 2.12 National Policy Objective 13 states that:

'In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.'

- 2.13 Objective 35 of the National Planning Framework aims to:

'Increase residential density in settlements through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area of site-based regeneration and increased building heights.'

- 2.14 The proposed development comprises the regeneration of a piece of underutilised brownfield land in a highly accessible location which will contribute effectively to achieving the content and policy objectives of NPF. The proposed student accommodation is considered to be suitably placed to benefit from the site's location within 100m of DIT's Campus at Grangegorman and will provide a secure and professionally managed scheme helping ensure student wellbeing through a high quality development. In this regard, the proposals are seen to represent sustainable development of the brownfield site, increasing urban densification and compact growth in accordance with the National Strategic Outcomes within the National Planning Framework.

Draft Guidelines on Urban Development & Building Heights

- 2.15 The Department of Housing, Planning & Local Government issued draft Guidelines on Urban Development & Building Heights for consultation in August 2018. The draft Guidelines introduce a more flexible approach to building heights in urban locations in order to deliver compact growth in accordance with the strategic outcomes of the NPF. It is noted that under Section 28 (1) (c) of the Planning & Development Act 2000, as amended, once the Guidelines are finalised, planning authorities and An Bord Pleanála will be required to have regard to these and apply any Specific Planning Policy Requirements (SPPRs).
- 2.16 The draft Guidelines support the consideration of building heights within the canal ring in Dublin *'of at least 6 storeys at street level as the default objective, subject to keeping open the scope to consider even greater building heights by the application of the objectives and criteria'* as set out within the document. Elements such as the configuration of sites and infrastructure provision, e.g. public transport capacity and connectivity, as well as high quality architecture, urban design and public realm outcomes, are key considerations in permitting higher buildings in urban areas.
- 2.17 Notably, relative to Development Planning, Specific Planning Policy Requirement 1 requires Planning Authorities to avoid provision of blanket *'numerical limitations on building height'* and advises the identification of areas *'where building height will be actively pursued'* within Development Plans. The Guidelines advocate increased building heights *'in locations with good public transport accessibility, particularly town/city cores'*.
- 2.18 The draft Guidelines introduce Development Management criteria which proposals for higher buildings will be required to satisfy. The relevant criteria in respect of the proposed student accommodation are noted and responded to as follows:

At the scale of the relevant city/town

- *The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport.*
- The subject lands are highly accessible, located immediately adjacent to the Luas stop at Grangegorman and in close proximity to both the Bus Rapid Transit bus route linking Blanchardstown and UCD located at Prussia Street approximately 650 metres to the west, and the proposed Bus Connects Corridor linking Dublin city centre with Ballymun located at Phibsborough Road, approximately 250 metres to the east of the site. The site also benefits from good cycling connections,

and a number of Dublin Bikes stations which are located within 500 metres of the subject lands.

- *Development proposals incorporating increased building height... should successfully integrate into/enhance the character and public realm of the area, having regard to topography, its cultural context, setting of key landmarks, protection of key views. Such development proposals shall undertake a landscape and visual assessment by a suitably qualified practitioner such as a chartered landscape architect.*
- The scale of the proposed development is considered to integrate appropriately with its surroundings. There is a clear graduation in height on the site, as Block A has been informed directly by the height of the existing industrial building at the same footprint. This rationale in respect of Block A has been adopted in order to preserve the residential amenity at the dwellings located to the west on Rathdown Road.
- It is considered that the proposed development will complement and enhance the residential environment into which it is located due to the compatible residential use. The proposed Block A includes elements of glazing located within tertiary areas at the western façade in order to give the impression of passive surveillance within the adjoining gated laneway, which is accessible to residents of Rathdown Road only. As noted in the accompanying Daylight & Sunlight Analysis Report prepared by 3D Design Bureau, all windows on the rear (eastern elevation) of the dwellings at nos. 51-71 Rathdown Road meet the BRE Guidelines. The mono-pitched roof design and height of Block A also largely prevents visual sightlines of Block B when viewed from the rear gardens of these dwellings. This ensures the impact of the proposed development is minimised and fits well within the surrounding scale and character of the area.
- The scale and design of Block B has been informed by the adjacent permitted development to the north at 274 North Circular Road (DCC Reg. Ref.; 4262/16; ABP Ref: PL29N.248726) as well as the topography of the site, which falls in elevation moving south. The student accommodation development to the north is currently under construction and rises in part to +49.800m AOD at Block H, which is higher than the proposed Block B which rises to +49.575m AOD at its most northerly point. The proposed block falls in height by 2 no. storeys moving south, contributing to a parapet level of +39.600m AOD at its most southerly point. This ensures that the proposed development provides continuity to the prevailing permitted building heights in the immediate vicinity of the site and will introduce a landmark building of high quality, pure architectural form to the adjacent Luas stop at Grangegorman, whilst respecting the topography of site through a reduction in height moving south. This also benefits the visual integration of the development with the surrounding prevailing 2 no. storey residential dwellings located to the south and west of the site.
- It is considered that the proposed development will enhance the public realm and surrounding urban environment, providing a sense of place to the public transport corridor whilst instilling an element of enclosure and safety for pedestrians. The proposed development represents a far superior alternative to that of the existing industrial use at the site and will contribute positively to the urban environment, with only a minor visual impact upon the surrounding area. In this regard, the

proposed height of Block B is considered to respect the urban context and will be well related to the adjacent student development under construction to the north, providing continuity to higher buildings in the area.

- The visual integration of the proposed development in the context of its built surroundings is illustrated by the accompanying CGIs, prepared by 3D Design Bureau, and the Landscape and Visual Impact Assessment prepared by Chris Kennett Consulting.
- *On larger urban redevelopment sites, proposed developments should make a positive contribution to place-making, incorporating new streets and public spaces, using massing and height to achieve the required densities but with sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape.*
- The proposed development site extends to approximately 0.43ha and is therefore not considered as a 'larger urban redevelopment site'. However, the site proposes pedestrian connections with the development currently under construction immediately to the north, which, pending a grant of planning permission, will become a collective entity under single management by GSA and Uninest. In this regard, the proposed development can be read collectively with the adjoining development and will enhance permeability between both.
- The proposals are seen to make a positive contribution to place-making through the implementation of external amenity space, landscaping and informal recreation spaces. The primary area of external amenity is located to the south of Block B and benefits from passive surveillance from the ground floor gym located adjacent, as well as the roof terrace at 5th floor level.
- The central landscaped area located between the 2 no. blocks provides informal seating and grassed areas, with accompanying bicycle parking. This provides a pedestrian route to the adjoining site to the north. It is proposed that upon the merging of the schemes no physical boundary will be implemented at the perimeter. This will benefit the visual integration of the developments and contribute positively to a sense of place within a securely managed student development.
- As discussed above, the proposed scale and height of the proposed development at Nolans Seafood reflects and provides continuity to that permitted at 274 North Circular Road and integrates appropriately with the prevailing low-rise residential areas to the south and west through a sensitively designed gradual increase in building height between Blocks A and B. This ensures an appropriate density can be achieved at the subject lands through a development of suitable scale and height.

At the scale of district / neighbourhood / street

- *The proposal responds to its overall natural built environment and makes a positive contribution to the urban neighbourhood and streetscape*

- It is considered that the proposal introduces a high quality development which is vastly superior to the existing industrial use at the location. Student accommodation is defined as a residential use by the Dublin City Development Plan and the proposal will be directly compatible with the neighbouring environment and prevailing land use in the area.
- The scale and design of the development relates appropriately to neighbouring residential uses and the amended western façade of Block A introduces an element of passive surveillance to the adjoining laneway. This complements the high quality feature brick finish of the elevation and implements a visually attractive edge to the development which is seen to make a positive contribution to the urban neighbourhood and streetscape.
- *The proposal avoids long, uninterrupted walls of building in the form of perimeter blocks or slab blocks with materials / building fabric well considered.*
- The proposal introduces 2 no. student accommodation blocks to the site. Block A has been informed by the existing building on the site at present which extends along the western perimeter of the site boundary. The western façade of this block has been carefully designed and finished through a high quality, feature ‘hit and miss’ brick pattern with regular interval glazed elements. This introduces a perceived element of passive surveillance to the adjoining laneway and provides visual interest in the site edge through appropriate building fabric and a creative finish.
- The siting of the 2 no. residential blocks have been designed to maximise the use of the site, integrate appropriately with the development to the north and introduce an element of safety for student residents.
- The larger Block B defines the eastern perimeter of the site with the adjacent Grangegorman Luas stop and introduces a landmark building which will become synonymous with the public realm at the location. The building benefits from a mono-pitch roof in order to complement the similar design treatment at Block A and the falling elevation of the building moving south serves to reduce its perceived scale and presence in the surrounding urban context. The building’s visual interest is enhanced through feature glazing at corners and the implementation of a standing seam metal clad roof terrace at 5th floor level. The building introduces a pure element of architectural form to the location and provides a high quality solution which is unique for a landmark building at this location.
- *The proposal enhances the urban design context for public spaces and key thoroughfares and inland waterway/ marine frontage, thereby enabling additional height in development form to be favourably considered in terms of enhancing a sense of scale and enclosure while being in line with the requirements of “The Planning System and Flood Risk Management – Guidelines for Planning Authorities” (2009).*
- As noted above, the proposal introduces a compatible student accommodation land use at a location characterised by similar uses and implements a landmark building of an appropriate scale and height to fit with existing surrounding development. Block B of the proposal will provide an urban design context in

close proximity to a public space in the form of Grangegorman Luas stop. In this regard, the proposal will enhance the urban realm and add an element of high quality architecture and passive surveillance to a publicly accessible place.

- *The proposal makes a positive contribution to the improvement of legibility through the site or wider urban area within which the development is situated and integrates in a cohesive manner.*
- The proposed development is accessed from a laneway extending to Rathdown Road to the south west of the site, in close proximity to DIT's Grangegorman Campus, approximately 100m from the site. In this regard, the site benefits from an excellent geographical location for its proposed student accommodation use. The site is immediately adjacent to the Luas stop, which provides high frequency links to Broombridge in the north and Dublin city centre to the south, where a number of other third level institutions are located.
- In the event of securing planning permission, the proposed development will merge physically with the adjacent student accommodation which is currently under construction to the north. This will enhance student permeability throughout the site, enabling students residing in the northern site to benefit from an alternative route to DIT and the Luas stop. Additionally, pedestrian flows will be anticipated to increase moving north through the site towards the Dublin Bus routes at North Circular Road and the district centre at Phibsborough. Therefore, the proposal is considered to enhance legibility and permeability within the area for pedestrians and provide good, cohesive links to the surrounding area. These connections are noted within the accompanying architectural drawings and Design Statement by JFA, as well as the Landscape Report prepared by Parkhood.

At the scale of the site/building

- *The form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light.*
- *Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd Edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.*
- *Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution.*
- The proposed scale, massing and height of the development has been informed by the existing and emerging built environment in the surrounding area. The scale and height of Block A provides continuity to that of the building currently occupying the site. The mono-pitch roof rising towards Block B serves to minimise the visual impact of this block from the amenity areas to the rear of the dwellings at

Rathdown Road and therefore it is considered that the development will enhance the urban and residential environment in the area.

- The application is accompanied by a Daylight and Sunlight Analysis Report prepared by 3D Design Bureau. This confirms that all garden areas to the rear and windows on the eastern elevation of the dwellings at nos. 51-71 Rathdown Road meet the BRE Guidelines in terms of daylight and sunlight access. There is no perceptible increase in overshadowing at the rear gardens of the residential dwellings in comparison with the existing situation. This confirms that the proposal will not have any adverse impact upon residential amenity in the area.
- The primary external amenity courtyard within the development to the south of Block B is seen to comply with BRE Guidelines in terms of sun lighting. All but one of the interior rooms in the proposed development complies with the Guidelines for daylighting, where a living/kitchen/dining area at Cluster A2 falls below the 1.5% minimum values.
- It should be noted that the proposed increased height of Block B, amended in response to the pre-application consultation and opinion received from An Bord Pleanála, has resulted in this minor non-compliance with BRE Guidelines. The proposal as submitted to the Board when requesting Pre-Application Consultation complied fully with the Guidelines in the context of daylight and sunlight.
- In this respect, if the Board considers this impact on amenity within the development as unacceptable, the applicant is willing to accept a condition attached to any grant of planning permission which limits the height of Block B by 1 no. storey to replicate the proposal as submitted at Pre-Application Consultation Request stage.
- It is considered that this minor non-compliance with the Guidelines in terms of daylighting arises from the additional storey is compensated for through the provision of adequate internal and external amenity space within the development. The proposal provides an average of 7.4 sqm of amenity space per bed space, significantly in excess of the 5 sqm requirement of the Development Plan. Additionally, the room which falls below the required threshold is considered to be of secondary use in the context of the development, where students are anticipated to spend a greater quantum of their time within bedrooms.
- The proposal provides a total of 2,140.9 sqm of amenity space, which is considered to be appropriate for the scale and density of the site. The student accommodation development will also ensure the regeneration of the subject site and the sustainable reuse of the site, contributing positively to the urban context and public realm. In this regard, the minor non-compliance of a single area within the development can be considered justifiable.

2.19 It is clear that there is a strong emphasis towards increased density and building height in appropriate locations within existing urban centres and in close proximity to public transport links within existing and emerging Government policy. Nonetheless, should the Board have any concerns regarding the additional storey, added in response to the opinion of the Board, it is respectfully noted that this could be addressed by a condition omitting the additional storey.

- 2.20 From the above analysis, it is considered that the proposal meets the criteria for higher buildings as set out within the draft Guidelines on Building Heights. The site is well placed to absorb a high density development which is appropriately scaled and designed in the context of its urban surroundings, at a highly accessible location and in close proximity to a major third level institution. The proposal visually integrates with the permitted development immediately to the north and introduces a landmark building to a public space associated with the Grangegorman Luas stop, whilst having a negligible visual or amenity impact upon the adjacent residential dwellings to the west and south.
- 2.21 Please refer to the accompanying Design Statement prepared by JFA for further detail on the design rationale of the proposals in terms of scale, massing, height and material finishes. In this respect, the proposed development is considered to have responded appropriately to point 1 as raised within the Board's Notice of Pre-Application Consultation Opinion.

Stormwater Drainage at the Site

'2. Further consideration/amendment of the documents as they relate to stormwater drainage of the site, having regard to the extension of the surface water sewer serving the area and the need to provide appropriate attenuation/SUDS measures to serve the development.'

- 2.22 The proposed development will implement a sustainable drainage strategy for foul and surface water treatment and disposal in accordance with relevant national policy and guidelines and Development Plan standards. This is detailed further within the accompanying Engineering Report and drawings prepared by Lohan & Donnelly Consulting Engineers.
- 2.23 An Irish Water letter confirming the feasibility of a connection to the Irish Water network accompanies this application. This states that a new connection to mains water supply on Rathdown Road is required to service the development. Drainage Layout drawing 1822-C01 includes the implementation of this pipeline, alongside new foul water and surface water pipes which will be installed in agreement with and on behalf of Dublin City Council. This ensures no disposal of surface water to the existing combined sewer as the surface water outflow will be connected to the newly implemented surface water sewer laid as part of the development to the north at 274 North Circular Road.
- 2.24 Lohan & Donnelly Consulting Engineers have been engaged in ongoing correspondence with Dublin City Council Engineering section in preparation for this submission. Dublin City Council has confirmed its acceptance of the proposed drainage strategy which includes gravity surface water flows and an attenuation tank located beneath the proposed external amenity courtyard to the south of Block B.
- 2.25 The Stormtech attenuation system provides 88.61 m³ of surface water storage capability to provide for the 1:100 year storm event and a 20% increase in volume to allow for climate change. The system reduces the volume of rain water leaving the site during storm events and hence mitigates pressure on the public sewer. The attenuation chambers will be surrounded by permeable geotextile to promote infiltration and other surfaces throughout the development will be of permeable finish.

- 2.26 The proposed drainage strategy is considered to contribute to the appropriate attenuation of surface water on the site and a controlled release to the public sewer in storm events. In terms of other SUDS measures, the accompanying engineering drawings identify potential areas which may be utilised for the implementation of green roofs at both Block A and Block B. Owing to the nature of the sloping roofs within the development, green roofs are not considered to be viable or efficient. Sufficient alternative SUDS measures are provided within the scheme which mitigate any requirement for green roofs. However, if deemed necessary by An Bord Pleanála, the applicant is willing to accept a condition attached to any grant of planning permission requiring the installation of these elements.
- 2.27 Furthermore, the accompanying Flood Risk Assessment, having considered the content of the Dublin City Development Plan and the Greater Dublin Strategic Drainage Study and notes that risk of flooding at the site is minimal. In this regard, the proposed drainage strategy for both foul and surface water disposal is considered acceptable and has been developed appropriately through ongoing consultation with Dublin City Council.
- 2.28 It is acknowledged that Irish Water state a requirement for a 'Statement of Design Acceptance' to be submitted alongside an application for Strategic Housing Development, as per the enclosed Confirmation of Feasibility dated 18th July 2018. However, we note that section 297 of the Planning & Development (Strategic Housing Development) Regulations 2017 do not require any such 'Statement of Design Acceptance' to accompany an application. An Bord Pleanála have confirmed that this is not required.
- 2.29 Notwithstanding this, further correspondence with Irish Water has been undertaken and the proposed developed drainage strategy for the development was submitted to the statutory body for review on 24th September. Agreement with Dublin City Council has been reached regarding the proposed strategy and is noted within the accompanying letter prepared by Lohan & Donnelly Consulting Engineers.
- 2.30 Therefore, it is considered that point 2 of the Board's Notification of Pre-Application Consultation Opinion has been adequately addressed.

Access to the Site

'3. Further consideration/amendment of the documents as they relate to access to the site, including provision access to and from the adjoining site to the north and the possibility of more direct access to the Luas stop, improvements to the access from Rathdown Road that has been taken in charge by the council, adequate storage and parking for bicycles, as well as appropriate management measures and physical facilities to accommodate vehicles accessing the site for deliveries and for drop-offs and collections by students beginning and ending their occupation of the proposed units.'

Permeability & Movement

- 2.31 The proposed development is considered to increase legibility and permeability within the surrounding area through the implementation of pedestrian connections to the adjacent student accommodation scheme currently under construction to the north of the site. Upon securing planning permission and following completion of the proposal, the Rathdown Road scheme will be linked with the 274 North Circular Road site. This will remove any physical perimeter between the two sites and implement an area of landscaping which will connect the developments, integrating both under single

management. This pedestrian connection is illustrated within the package of Landscape Architects drawings and Landscaping Report prepared by Parkhood accompanying this submission.

- 2.32 The introduction of this pedestrian link will add to the cohesiveness of the adjoining student accommodation schemes and will enhance the permeability within the development, which will operate as a single development under joint management in the event that planning permission for the proposal is secured. This will be conducive to improved pedestrian flows throughout the area, providing easy access for residents staying in the north of the site with a safe and secure route to DIT's campus and the Grangegorman Luas stop through the adjoining proposed scheme to the south. In equal measure, access to Dublin Bus routes at North Circular Road and a range of facilities at Phibsborough district centre will be improved for those students residing in the proposed Rathdown Road site.

Potential Connection to the Luas

- 2.33 Significant correspondence has been undertaken on the part of the applicant to engage Transport Infrastructure Ireland in preparing this application. This contact was focused around the possible inclusion of a direct point of entry from the north east corner of the proposal site to the adjacent Luas platform at Grangegorman. Contact in this regard was facilitated by Dublin City Council.
- 2.34 A formal meeting was held with TII and DCC at Dublin City Council offices on 6th July 2018 to discuss the possibility of incorporating a controlled pedestrian link from the subject site directly to the platform of the Grangegorman Luas stop in order to improve permeability through the development. An additional point of entry to the pedestrian walkway to the south of the boundary wall providing access to the Luas platform by forming an opening in the existing stone wall was also a point for discussion.
- 2.35 TII concluded that they were not in a position to support either proposal as direct connections from privately owned and operated developments are resisted by the body on the basis that this would set an unwanted precedent in planning and development terms. Furthermore, any connection through the existing stone wall was considered to have potential archaeological implications owing to the presence of a burial ground in the area and was discounted on this basis. The presence of this historical burial ground is noted within the accompanying Archaeological Report, verifying that this option is not viable.
- 2.36 The contact and meeting undertaken with TII was clarified by the applicant during the Pre-Application Consultation Meeting of 28th August. This meeting was attended by Dublin City Council Traffic & Transport representatives, as well as Transport Infrastructure Ireland personnel and those from the applicant's design team.
- 2.37 Further direct contact has taken place between the applicant's design team and TII during the preparation of this application and a draft Construction Management Plan forwarded for information.
- 2.38 The applicant remains open to the possibility of a direct link from the proposed development to the Luas platform. An accompanying drawing (P-9-1000) by John Fleming architects notes the estimated walking times for residents of both student accommodation schemes in accessing both the Luas stop at Grangegorman, immediately east of the

proposal site, as well as at Phibsborough, approximately 320 metres north of the site, assuming the merging of the two schemes in future. This notes walking distances of approximately 2 no. minutes from the proposed site entrance to Grangegorman Luas stop and approximately 7 no. minutes from the site entrance to the Phibsborough Luas stop. In this regard, the site remains to be considered highly accessible in terms of adjacent and nearby Luas public transport links.

Site Access

- 2.39 The access laneway linking the proposal to Rathdown Road is taken in charge by Dublin City Council. These lands have been incorporated into the red line boundary of the proposed site as the applicant intends to carry out surface upgrade works as part of the proposed development. This will enhance the quality of the environment and contribute to the creation of a safe and secure route to and from the site from which students can benefit. It is proposed that this section of laneway will be upgraded to a bitmac surface finish, with a delineated pedestrian route along the northern section of the laneway adjacent to the existing stone wall.
- 2.40 This pedestrian route which extends from the reception area at Block A to the most westerly point of the site is clearly specified by a surface finish of a textured granite paved surface. This provides an easily distinguishable route for residents accessing the site at this point and promotes safety throughout the development. Access to the site is gained from a controlled pedestrian gate in the same location as the existing entry point to the Nolans Seafood site.
- 2.41 A letter of consent (enclosed with this application) issued by Transportation Planning Division confirms that the *'City Council has no objection to the inclusion of these lands for the purpose of making a planning application'*. This will enable the appropriate surface upgrades to be undertaken in accordance with the proposed plans.

Vehicular Access

- 2.42 The implementation of this route within the site serves to segregate the use of the entrance area for pedestrians and vehicles. It is considered that service vehicles will access the site at a low frequency throughout a typical week, with access arrangements to be managed to avoid periods of anticipated peak movement to and from the site e.g. during the hours of 0800 to 0900 and 1700 to 1800. Service vehicles such as refuse and delivery vehicles will be permitted to enter the site via a point of controlled access at the reception which is in clear view of the gates. Upon entry, vehicles can access the refuse store and reception which are located in close proximity to the entrance for ease of use and to minimise any conflict between vehicle and pedestrian uses. A specified set down area capable of accommodating 2 no. cars located adjacent to the reception can be used by service vehicles for short periods of time, and these periods will be regulated by management staff based at reception.
- 2.43 Sufficient space is provided within the specified vehicular access and turning area for vehicles to enter the site, perform a simple 3-point manoeuvre and exit safely. These movements applicable refuse vehicles and cars are illustrated by the drawings (C02 and C04) accompanying this application prepared by Lohan & Donnelly Consulting Engineers. This vehicle and turning area adjacent to the reception and site entrance is excluded from the external amenity calculations, as illustrated by John Fleming Architects attached to the accompanying schedule of accommodation. It should be noted that emergency

- vehicle access is facilitated throughout the extent of the site, with a hammerhead turning area located within the northern part, adjacent to the boundary. This access route is depicted within Lohan & Donnelly drawing no. C03.
- 2.44 The introduction of varied surface finishes and the controlled access arrangements at the site entrance are considered appropriate measures to encourage low vehicular speed within the development, while ensuring segregation between pedestrian and vehicular use to avoid and potential conflict between these uses and promote safety at the site.
- 2.45 The accompanying Student Accommodation Management Plan, prepared by GSA and Uninest, makes provision and provides explanation for the movement of vehicles within the site. The vehicular set down area is designed to provide disabled access to the development and facilitate the 'move in' and 'move out' transitional periods at the beginning and end of the academic year. Outside of these periods, the set down area will be used for deliveries and waste collections which will be low in frequency and occur during the academic day in order to minimise the risk of conflict with pedestrian movement. Controlled entry to the site ensures the safe and regulated admission of vehicles by the staff based at reception.
- 2.46 A comprehensive strategy for the management of the 'move in' and 'move out' periods are included within the Student Accommodation Management Plan. This specifies allocated 30-minute time slots for students to make use of the set down area. Students will be advised of this strategy well in advance through online correspondence. The 'move in' period will extend over the course of 2 no. weeks to minimise disruption. It is also considered that not all students will arrive by private car which will mitigate any potential congestion at this period. The 'move out' period will effectively be a reversal of the 'move in' strategy. Students will be pre-notified of arrangements and time slots. It is likely that the 'move out' process will take place across a longer time period owing to differing course conclusion dates. This will reduce any potential impacts and minimise disruption further.
- 2.47 A similar approach is adopted outside of academic term time during summer months when the residence will offer accommodation to students, leisure and business travellers. It is noted that an increased number of staff will be employed during these times to deal with anticipated queries and a higher quantity of people checking in and out of the development, as well providing cleaning and maintenance.
- 2.48 This approach has been adopted at other student residences operated by GSA and Uninest in Ireland and the UK and has worked effectively to date. In this regard it therefore considered appropriate for the efficient and orderly movement of vehicles and students to and from the site at the beginning and end of academic years.

Bicycle Parking

- 2.49 The proposed development now includes spaces for 90 no. bicycles, 58 no. of which are covered, provided throughout the site. The proposed quantum of bicycle parking spaces has increased from the previously proposed 80 no. spaces, as submitted to the Board within the Pre-Application Consultation Request. This is a direct response to issue raised by the Planning Authority and further to the An Bord Pleanála Opinion.
- 2.50 This increase in bicycle parking spaces equates to 62% of the Development Plan requirement, as discussed with Dublin City Council Transportation Planning Division. It is considered that the proposed quantum of spaces is sufficient based on the incidence of

bicycle use in other GSA managed student residences. This is considered to be further justified taking cognisance of the site's location in very close proximity to the Luas stop at Grangegorman and DIT's campus.

- 2.51 Notwithstanding this, additional areas for 55 no. bicycle parking have been indicated on site and are illustrated within the accompanying JFA drawing no. P-9-500 in the event that increased parking is required.
- 2.52 In this regard, the proposed development is considered to have sufficiently addressed point 3 of the An Bord Pleanála Notification of Pre-Application Consultation Opinion in respect of access. The subject benefits from a highly accessible location and through the proposed design and layout, enhances the permeability and cohesiveness of the area through establishing new pedestrian links and increasing routes to the Luas stop and DIT's campus at Grangegorman.

3.0 STATEMENT OF RESPONSE TO SPECIFIC INFORMATION REQUIRED

- 3.1 The following sets out how the applicant has addressed ABP's request for additional specific information in respect of the proposed development.

1. An environmental management plan for demolition and construction.

- 3.2 A Construction and Demolition Waste Management Plan and an Operational Waste Management Plan, prepared by AWN Consulting Engineers, are submitted alongside this application. A draft Construction Management Plan, prepared by DCON, also supplements the submission.
- 3.3 The Construction and Demolition Waste Management Plan provides information necessary to ensure that the management of construction and demolition waste at the site is undertaken in accordance with current legal and industry standards including the *Waste Management Acts 1996-2011* and associated Regulations, the *Protection of the Environment Act 2003* as amended, the *Litter Pollution Act 1997* as amended, and the *Eastern-Midlands Region Waste Management Plan 2015-2021*.
- 3.4 The Plan aims to ensure maximum recycling, reuse and recovery of waste with diversion from landfill, where possible. It also seeks to provide guidance on the appropriate collection and transport of waste from the site to prevent issues associated with litter or other environmental pollution. The Plan includes legal and policy framework for construction and demolition waste in Ireland, estimates of types generated and recommends the management of these waste streams.

2. A management plan for the proposed development including details of its use outside term time

- 3.5 A comprehensive Student Accommodation Management Plan, prepared by GSA and Uninest, accompanies this submission and provides a detailed explanation of how the site will be managed outside of academic term time.
- 3.6 The management plan notes that the accommodation will be offered to students, leisure and business travellers and will complement the provision of visitor and tourist accommodation during the summer months. Opening the development for alternative

- residential use is a key part of the business operations and helps to provide a steady income throughout the year.
- 3.7 It is anticipated that operating a summer business will see an increase in activity levels at the development which will be augmented by additional staff numbers. This will ensure that the higher frequency of people checking in and out of the premises will be managed efficiently, with supplementary staff in place to deal with queries, operating on a 24 hour basis.
- 3.8 A similar procedure to that of the 'move in' and 'move out' of students will apply to the arrival of guests by private car or taxi, with specific time slots arranged in advance. Entry to the site will continue to be regulated by reception personnel, with pedestrian access gained via security card or fob system.
- 3.9 It is considered that the proposed residential use outside academic term time will be managed appropriately and is compliant with the definition of student accommodation as per section 13 of the Planning & Development (Housing) and Residential Tenancies Act 2016 as it constitutes '*residential accommodation that is used as tourist or visitor accommodation but only if it is so used outside of academic term times*'.
- 3. A schedule indicating compliance with the development management standards for student accommodation set out in 16.10.7 of the Dublin City Development Plan 2016-2022, as well as a statement of evidence that there is not an over concentration of student accommodation in the area including a map showing all such accommodation within 0.25km of the site as is required by that section of the development plan.**
- 3.10 A Student Concentration and Demand Report has been prepared by John Spain Associates and accompanies this application. This assesses the proposals in the context of the Dublin City Development Plan and provides an analysis of other student accommodation schemes within a 1km radius of the site, in accordance with Variation No. 3 of the Plan.
- 3.11 The Report concludes that the proposed development itself would represent only 7.2% of an increase in the existing student population within the 1km metre catchment area and would contribute to an overall student population of 10.0% of the area's total population. This is not considered to represent an over concentration of student accommodation or student population within an area in close proximity to the third level institution at the DIT Campus at Grangegorman and easily accessible to Dublin city centre via public transport.
- 4. A daylight and sunlight analysis demonstrating the impact of the proposed development on neighbouring properties and the level of light available within it.**
- 3.12 A Daylight and Sunlight Analysis Report prepared by 3D Design Bureau is submitted alongside this application. This assesses the quantity and quality of light access as a result of the proposed development from the adjacent residential development to the west on Rathdown Road, as well as within the development.
- 3.13 It is concluded that all windows and amenity spaces at Rathdown Road and within the proposed development meet with the recommended BRE Guidelines relative to daylight and sunlight with just one exception. A kitchen/living/dining area at the eastern façade of

Block A falls marginally below the threshold for daylighting and therefore fails to meet the Guidelines.

- 3.14 It should be noted that the proposed development includes an additional floor at Block B to that submitted to An Bord Pleanála at Pre-Application Consultation Request stage. The Daylight and Sunlight Analysis Report relative to the proposal concluded that all windows and amenity areas assessed were compliant with the BRE Guidelines.

5. Photomontages of the proposed development showing its appearance from public streets around the site and to those using the Luas stop and trams.

- 3.15 A visual analysis of the area has been undertaken in preparation for the submission of the application and a document prepared by 3D Design Bureau including Photomontages from 8 no. viewpoints within the surrounding area accompanies the submission.
- 3.16 This document provides a detailed assessment of the proposed development as a standalone scheme, as well as in combination with the permitted student accommodation scheme currently under construction at 274 North Circular Road adjacent to the north. This considers the impact of the development in the context of its surroundings, including local streets and the Grangegorman Luas stop.
- 3.17 It is considered that the proposal relates strongly to the local urban context in terms of scale and height and integrates appropriately within a predominantly residential area. The development introduces a landmark building in the form of Block B to the eastern perimeter of the site and conveys a sense of place and enclosure to the public space at the Luas stop. In this respect, the development contributes positively to the urban context and enhances the visual quality of the area.

6. Details of water supply, foul drainage and refuse management.

- 3.18 The proposed drainage and water supply provision for the development is included within the package of information prepared by Lohan & Donnelly Consulting Engineers. This includes a rationale for the provision of foul water disposal to a combined sewer at Rathdown Road and the proposed connection to an existing watermain at Rathdown Road through the implementation of necessary pipelines. Any drainage infrastructure works noted outside the red line site boundary will be undertaken in agreement with Dublin City Council Transportation Planning Division.
- 3.19 Provision for the management of refuse on site is specified within the Operational Waste Management Plan as prepared by AWN Consulting Engineers and submitted alongside this application. This ensures the management of waste is undertaken in accordance with the current legal and industry standards in order to maximise recycling and reuse and divert waste from landfill. The OWMP aims to provide a robust strategy for storing, handling, collection and transport of the wastes generated at site.

4.0 CONCLUSION

- 4.1 This document summarises how the issues outlined in the pre-application consultation opinion from ABP in relation to the proposed student accommodation development at Nolans Seafood, Rathdown Road, Dublin 7 have been fully addressed by the Applicant and design team prior to lodgement of this application. Please refer to the accompanying documentation for further details.

- 4.2 The document also addresses the specific information requested by ABP and identifies the source or location of the information within the planning application documentation.
- 4.3 The prescribed authorities identified in the pre-application consultation opinion from ABP have also been notified of the submission of the planning application in accordance with Section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 4.4 It should be noted that the proposed development now submitted to An Bord Pleanála comprises 1 no. additional floor at Block B. This design change has been implemented following the Pre-Application Consultation meeting with and Opinion received from An Bord Pleanála in respect of the development. It is considered that the site is capable of accommodating the slightly higher building at Block B owing to its highly accessible strategic location in respect of public transport links and proximity to DIT's campus at Grangegorman, a short distance to the west.
- 4.5 As a result of this increase in height, the proposal now marginally fails to meet the BRE Guidelines relative to daylighting at 1 no. room at the eastern elevation of Block A. It should be noted that the proposal meets all other requirements in terms of daylight and sunlight, as illustrated within the accompanying Analysis Report prepared by 3D Design Bureau. Furthermore, the development is compliant with all other development standards relative to student accommodation and set out by the Dublin City Development Plan and has taken cognisance of National policy and draft Department Guidelines relative to compact growth and building heights.
- 4.6 Notwithstanding this, it should be stated that in the event that the Board considers the amended Block B to be unacceptable in nature, the applicant is willing to accept a conditional grant of planning permission which will permit the implementation of the previously proposed scheme, identical to that submitted to An Bord Pleanála in requesting Pre-Application Consultation. This request was submitted on 23rd July 2018.
- 4.7 The height and design changes incorporated into the final scheme are considered to result in improvements to the overall proposed development in accordance with current and emerging national policy and guidelines and ensure that a high-quality scheme is presented to An Bord Pleanála for approval.
- 4.8 It is respectfully submitted that the proposed development is consistent with the proper planning and sustainable development of the area, and is consistent with all relevant national, regional and local planning policies and guidelines.