

The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902

Tuesday, 6th August 2019
(By Hand)

Dear Sir/Madam

RE: APPLICATION FOR STRATEGIC HOUSING DEVELOPMENT (SHD) COMPRISING A MIXED-USE SCHEME OF STUDENT ACCOMMODATION AND ANCILLARY CAFÉ AT 355 SOUTH CIRCULAR ROAD, DUBLIN 8, D08 TX20

1.0 INTRODUCTION

Molaga Capital Limited¹ has retained Tom Phillips + Associates², to seek-planning permission in respect of the proposed SHD student accommodation and ancillary café development at No. 355 South Circular Road, Dublin 8, D08 TX20 (identified as the former Rialto Cinema). This Application is made in accordance with the provisions of the *Planning and Development (Housing) and Residential Tenancies Act 2016* ('the 2016 Act').

A full schedule of all contents of this submission is appended to this Cover Letter. Two hard copies of the documentation as well as three digital copies, are hereby submitted.

Six copies of all documentation enclosed (along with three digital copies) are being submitted to Dublin City Council, as required under the *Planning and Development Regulations 2001-2019*.

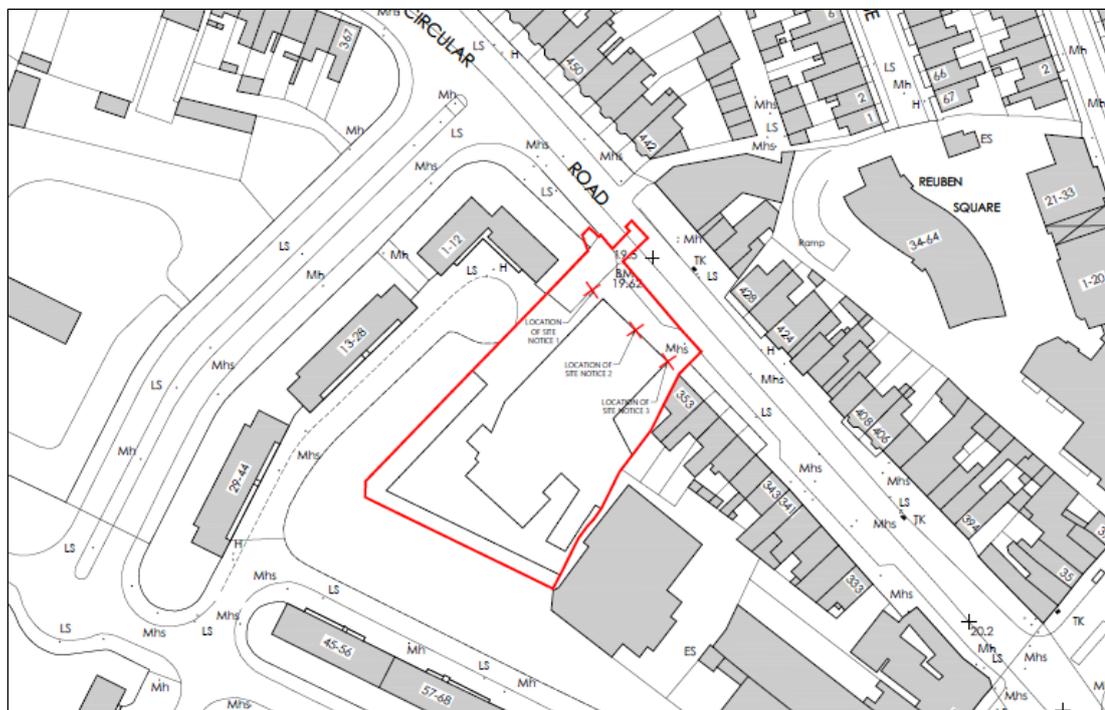


Figure 1.1: Extract of OS Site Location Map. (Source: Drawing No. SB-2017-015-001 Rev. A) prepared by ShipseyBarry.

¹ Amberley Lawn Grange, Douglas, Cork, T12 X2AX.

² 80 Harcourt Street, Dublin 2, D02 F449.

The Design Team in relation to this project is comprised as follows:

1. Architects. (ShipseyBarry Architects.)
2. Landscape Architects. (The Big Space.)
3. Civil Engineering Services. (Murphy Matson O’Sullivan Engineers.)
4. Electrical Engineering/Energy Sustainability/Daylight and Shadow Analysis. (DK Partnership.)
5. Ecology and Appropriate Assessment. (DixonBrosnan Environmental Consultants.)
6. Photomontages. (Digital Dimensions.)
7. Archaeology. (Irish Archaeological Consultancy.)
8. Conservation Assessment. (Rob Goodbody.)
9. Facility Management. (CRM Students.)
10. Town Planning. (Tom Phillips + Associates, Town Planning Consultants.)

A copy of the Application is also submitted to the following prescribed bodies, as indicated by the Board in their *Notice of Pre-Application Consultation Opinion* dated 18th April 2019:

1. Irish Water
2. Minister for Culture, Heritage, and the Gaeltacht
3. Heritage Council
4. An Taisce - the National trust for Ireland

2.0 SITE LOCATION AND CONTEXT

The subject site is located on South Circular Road, Dublin 8, D08 TX20. Sitting within the site is the vacant Rialto Cinema designed by architect Frederick J. Macaulay.³

The Cinema opened in 1936 and had capacity for c. 1,600 individuals, the building was described at the time as “*one of the most original and attractive scheme, combining outlined, character comfort and beauty with the dignity and strength if modern architecture.*”⁴ (See Figure 2.1.)

The existing Rialto Cinema building can be described as a detached three-bay, three-storey cinema with a recessed second floor to the front (north-east) elevation with pediment central

³ <http://archiseek.com/2015/1936-rialto-cinema-rialto-dublin/>

⁴ <http://archiseek.com/2015/1936-rialto-cinema-rialto-dublin/>

bay, and a pitched metal roof having stepped rendered parapet with concrete capping to front elevation.⁵

The Cinema was later closed in August 1970 and was converted into a car showroom in 1971.⁶ The site measures some 0.3 ha⁷ and comprises a detached three-bay, three-storey former cinema. The building has an internal floorspace area of approximately 3,089 sq m.

The subject site is bounded: to the north by South Circular Road; to the east by terraced house (Nos. 333 to 353 South Circular Road); to the south and west by Dolphin House.

The site is located in Dublin's Inner City and forms part of Dolphin's Barn. The surrounding context is distinguished by a mixture newly refurbished social housing, established low-rise residential dwellings and a new, modern car dealership and residential development.

The cinema building is categorised as 'Architectural Historical' within the National inventory of Architectural heritage (Reg. No. 50080224). It is not a Protected Structure.

The subject site is well served by public transport, being only c. 1 km from the Rialto Luas stop.

A number of bus routes run in the immediate vicinity of the site with bus stops located c. 140m to the west and c. 220 m to the east.

3.0 DESCRIPTION OF PROPOSED DEVELOPMENT

Our Client is seeking permission for a Strategic Housing Development of a student accommodation scheme with ancillary café (c. 11,266 sq m). It will consist of 317 No. student bedspaces arranged in 313 No. bedrooms (276 No. 1-bed bedrooms; 4 No. 2-bed bedrooms and 33 No. studios.)

The development will consist of: the demolition of all buildings and structures (c.2,575 sq m) on site with the exception of the front Art Deco section of the building, which will be retained, restored to its original form, and incorporated into the proposed development (existing window opes on the eastern and western façade of the retained section of the building will be infilled with matching brickwork); the eastern boundary wall will be retained and restored.

The development will also consist of the construction of a mixed-use building (with a total area of c. 11,266 sq m) ranging in height from three to seven storeys over basement comprising a student accommodation scheme of 317 No. student beds arranged in 313 No. bedrooms (276 No. 1-bed bedrooms, 4 No. 2-bed bedrooms and 33 No. studios); and ancillary café with an outdoor garden area.

The development includes: 4 No. open courtyards (3 No. at Ground Floor Level and 1 No. at First Floor Level); TV lounge; gym; cinema; communal areas; circulation areas; reception; library; and a meeting/event room.

The development will also consist of: parking for 160 No. bicycles accessed directly from South Circular Road; 7 No. visitor bicycle parking spaces located to the front of the building off South

⁵ <http://www.buildingsofireland.ie/niah/search.jsp?type=record&county=DU®no=50080224>

⁶ <http://cinematreasures.org/theaters/24495>

⁷ ShipseyBarry Architects.

Circular Road; a set down area off South Circular Road; attenuation chamber; tank, plant and pump room; water storage and pump room; boiler, buffer and calorifier room; sprinkler, storage and pump room; laundry; toilets; bins area; substation; switch/meter room; green roofs; PV solar panels; and all hard and soft landscaping; and all other associated site excavation, infrastructural and site development works above and below ground including changes in level, boundary treatments and associated site servicing (foul and surface water drainage and water supply).

Pre-Application Consultation with the Local Authority

Significant pre-application consultation took place over several months with representatives from Dublin City Council's Planning; Water Services; and Architectural Departments in relation to this development. Discussions have also been undertaken with Irish Water as required.

The issues raised in these discussions included *inter alia*: conservation; height; massing; quality of accommodation for the students; residential amenity of adjoining properties including of the proposal for the redevelopment of the Dolphin Estate; and flooding.

These considerations are addressed in the design of the proposed development and in the enclosed reports and assessments enclosed with this Application.

Pre-Application Consultation with An Bord Pleanála

The Applicant held a Pre-Application Consultation meeting on 1 April 2016 with Dublin city Council and An Bord Pleanála, in accordance with the provisions of the section 5 of the *Planning and Development (Housing) And Residential Tenancies Act 2016*.

In the *Notice of Pre-Application Consultation Opinion* dated 18th April 2019 (ABP Ref. ABP-303756-18) the Board confirmed that the documentation submitted with the request to enter into consultation "*constitute a reasonable basis for an application for strategic housing development.*"

In their Opinion, the Board recommended that specific additional information was submitted with any application for permission. A *Statement in Response to the Specific Additional Information Requested by An Bord Pleanála* dated 2nd August 2019 prepared by Tom Phillips + Associates is submitted with this Application, the Statement details how the Application includes all the additional details requested by the Board.

Consultation with Irish Water

Murphy Matson O'Sullivan Consulting Engineers submitted a Pre Connection Enquiry Form to Irish Water on 14th March 2018 for the proposed development. Irish Water subsequently responded on 11th January 2019 confirming that, subject to a valid connection agreement being put in place and the conditions listed in the letter, the proposed connection to the Irish Water network can be facilitated. A copy of this letter is submitted as part of this SHD Application.

Additionally, A Statement of Design Acceptance by Irish Water, dated 20th May 2019 confirms that:

“We have reviewed your proposal for the connection(s) at the Development. Based on the information provided, which included the documents outlined in Appendix A to this letter, **Irish Water has no objection to your proposals.**”

[Our emphasis.]

4.0 PLANNING HISTORY

4.1 Planning History overview

The most recent applications pertaining to the site are as follows:

Reg. Ref.	Address	Development Description	DCC Decision	ABP Decision
2203/15	357 / 359, South Circular Road, Rialto, Dublin 8	Demolition of existing building (retaining the façade) and construction of a mixed use development: comprising 24 residential units above ground floor retail (including a discount food store).	Grant Permission 13 th August 2015	Refuse Permission 20 th January 2016 ABP Ref. PL29S.245460
4118/08	Windsor Rialto, South Circular Road, Rialto, Dublin 8	The demolition of all onsite buildings and the development of a mixed use scheme, incorporating 2 gardens at first floor level. The development would of also include 2 No. ground floor retail units, a community primary care centre, office space, 29 No. residential apartment units, plant and all other associated site works, on a site measuring 3,075 sq m, located at the former Windsor Motor site. The residential apartment units will cater for senior citizen/social housing and will include 13 No. one-bedroom, 15 No. two-bedroom and 1no. three-bedroom units, all with private balconies;	Withdrawn	N/A
0791/01	Windsor Rialto, South Circular Road, Rialto, Dublin 8	Alterations and upgrading of existing front and side elevations as well as slight extension to front of building at second floor level and new entrance canopy structure.	Grant Permission 17 th May 2001	N/A

Figure 4.1 Summary Table of Planning History for Subject Site. (Source: www.dublincity.ie and www.pleanala.ie with information formatted and summarised by Tom Phillips + Associates, 2018.)

4.2 Analysis of Planning History Associated with Subject Site

There is a limited planning history associated with the subject site.

In particular, the most recent Application (Reg. Ref. 2203/15; ABP Ref. PL29S.245460) sought to provide a 5 No. storey mixed-use development with a discount food store at first floor level, 24 No. residential units and second to fourth floor level with associated balconies on upper levels.

The Application was granted by DCC on 13th August, 2015 where it was appealed to the Board by Dolphin Alliance and Joint Dolphin Housing and Park Regeneration Board.

The Board ultimately decided to refuse permission on 20th January, 2016. The Board's reasoning for refusal consisted *inter alia* of the following:

- Having regard to its height, scale and bulk, to the elevation and location of open space and the nature of its use, the proposed development would seriously injure the visual and residential amenities of property in the vicinity;
- Overlooking, overshadowing overbearing impact, visual obtrusiveness and diminution of privacy and daylight;
- The proposed alterations do not appropriately reflect the architectural heritage of the original design;
- The proposed development would result in the erosion of character of a structure of architectural and social value; and,
- The proposed development would seriously diminish the contribution of the cinema to the streetscape, injure the amenities of the area and of property in the vicinity.

The above issues raised by An Bord Pleanála have been taken into consideration in the preparation of this scheme. In our opinion, the proposed scheme will not give rise to any of the negative impacts listed above.

With regards to potential overlooking and protection of the residential amenity of properties in the vicinity, the proposal is designed in away that ensures that the privacy of existing residents is protected. We refer to Drawing No. SB-2017-015-303, Rev. E by ShipseyBarry. (See Figure 4.1 below.)

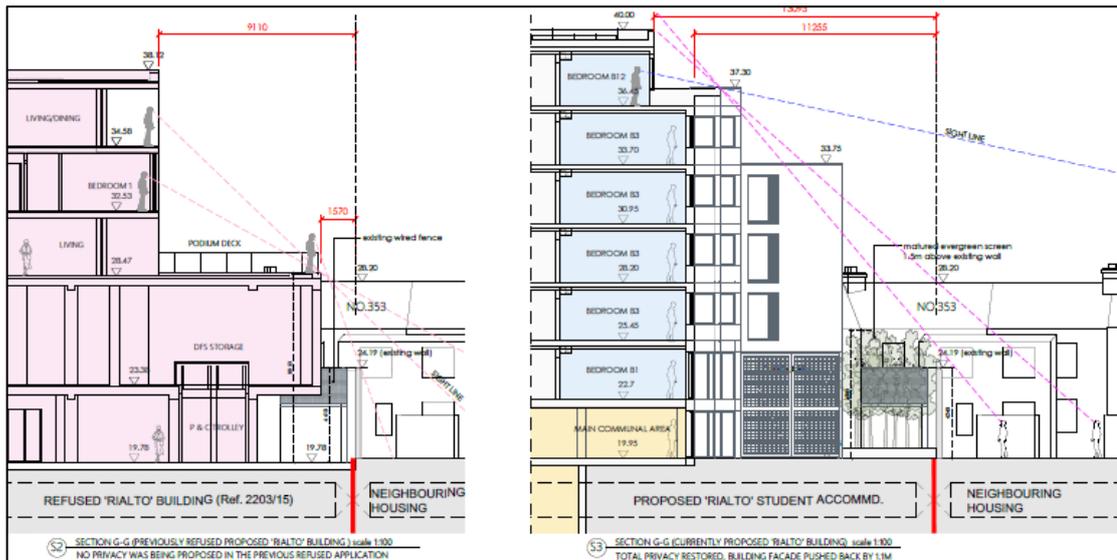


Figure 4.1: Extract of Drawing No. by ShipseyBarry that shows that whilst the scheme proposed under Reg. Ref. 2203/15 (ABP Ref. 245460) severely impinged on the amenity adjoining residents, the proposed scheme avoids any potential overlooking onto adjoining rear gardens.

With regards to access to sunlight and daylight, 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.

Whilst Reg. Ref. 2203/15 (ABP Ref. 245460) sought retention of the face of the existing building only, the current proposal retains the entire front section, which comprises a more sensitive approach to protect the character of the structure and preserve the heritage value of the building within the local area. We note that the Conservation Assessment dated 6th June 2019 prepared by Rob Goodbody concludes that:

“The development now proposed would bring the site back into use while retaining a significant element of the local streetscape and without detracting from the character of the area or of the former Rialto Cinema.”

We submit that the current proposal addresses all the identified shortcomings of the scheme refused by the Board (ABP Ref. 245460) and presents a significant opportunity to revitalise a significantly underperforming site.

5.0 KEY STATUTORY CONTEXT

The enclosed *Statement of Consistency* seeks to outline the site's inherent compliance with the relevant suite of National, Regional and Local Development Plan planning guidance policies and objectives pertaining to the development of student accommodation schemes in the Dublin City Council area, as required in respect of development proposals being submitted under the Strategic Housing Development (SHD) planning provisions.

5.1 *Dublin City Development Plan 2016-2022*

Zoning – Residential is a Permitted in Principle Use

Under the *Dublin City Development Plan 2013-2019*, the subject site is zoned 'Z4 District Centres' with the Objective "*To provide for and improve mixed-services facilities.*"

Residential use (which encompasses student accommodation) and restaurant are "permitted in principle" under zoning objective Z4.

Guidelines for Student Accommodation

The subject proposal adheres to the provisions set out in the "Guidelines for Student Accommodation" included in the *DCC Development Plan 2016-22*.

Compliance with the standards provided in the 'Guidelines for Student Accommodation' is detailed in the accompanying *Statement of Consistency* dated 2nd August 2019 by Tom Phillips + Associates and the *Architectural Report* dated July 2019 by ShipseyBarry.

5.2 National Planning Guidance

The subject development inherently complies with the provisions of *Project Ireland 2040 National Planning Framework* (NPF) particularly in relation to the promotion of higher density compact residential development.

Under the heading of 'Compact Growth', the NPF is:

'Targeting a greater proportion (40%) of future housing development to happen within and close to existing built-up areas'.

The NPF further notes in National Policy Objective 10:

'There will be a presumption in favour of development that encourages more people, jobs and activity within existing urban areas, subject to development meeting appropriate planning standards and achieving targeted growth'.

It states that the key test is meeting appropriate planning standards, which should be performance-based to ensure well-designed, high quality outcomes, rather than absolute in all cases. Although sometimes necessary to safeguard against poor quality design, the NPF notes that planning standards should be flexibly applied in response to well-designed

development proposals that can achieve urban infill and brownfield development objectives in settlements of all sizes.

The proposed development is also in line with the policy requirements included in the *Sustainable Residential Development in Urban Areas, 2009*.

Building Height

The proposed building is 20.05m high, which is c.4m below the maximum height standard for residential buildings in the inner city (24 m). Therefore, the proposal accords with the height limits of the *Development Plan*.

Roads and Drainage

The design of the proposed development has taken into account the principles set-out by the *Design Manual for Urban Roads and Streets (DMURS)* by encouraging pedestrian and cycling usage and by proposing a development free of car parking. The proposed design increases the existing footpath width in front of the development and provides a dedicated lay-by for set-down on the South Circular Road. The external road network will be unchanged. We refer to the *Statement on Traffic and Transportation & Associated Infrastructure Rev. 01* prepared by Murphy Matson O'Sullivan dated 4th July 2019.

6.0 SUMMARY OF ENCLOSURES

Please find enclosed 2 No. hard copies and 3 No. digital copies of the required material submitted as part of the current SHD application which are detailed on the attached enclosure at Appendix A.

In addition, we also enclose the associated statutory fee of €21,082.36, which is calculated in accordance with the Fees and Charges (April 2019) document available in An Bord Pleanála's website:

1. Student Accommodation (HA1A): 317 bed spaces provided/2 x €130 = €20,625.00.
2. Café (HA1B): 66.3 sq m x 7.20/sq m = €477.36.

7.0 CONCLUSION

We trust that you will find this submission in order and look forward to discussing the proposal with you in greater detail. Please revert with any queries on the enclosed.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Tom Phillips', with a horizontal line drawn underneath it.

Tom Phillips
Managing Director
Tom Phillips + Associates

Enc.

APPENDIX A: Schedule of Inputs:

- *Strategic Housing Development Application Form* signed on 6th August 2019.
- Copy of Site Notice erected on Tuesday 6th August 2019.
- Newspaper Notice published in the Irish Daily Star on Tuesday 6th August 2019.
- *Cover Letter* (this document) prepared by Tom Phillips + Associates, dated 6th August 2019.
- *Architectural Report* dated July 2019 by ShipseyBarry Architects.
- *Statement of Consistency* prepared by Tom Phillips + Associates, dated 2nd August 2019.
- *Statement in Response to the Specific Additional Information Requested by An Bord Pleanála* dated 2nd August 2019 prepared by Tom Phillips + Associates.
- *Environmental Screening Report* dated 2nd August 2019 prepared by Tom Phillips + Associates.
- *Student Management Plan Rialto Student Accommodation, South Circular Road, Dublin*, dated June 2019 by CRM.
- *Proposed Residential Development Rialto Student Housing (Photomontages)* dated 30th Jul 2019 by Digital Dimensions.
- *Appropriate Assessment Screening Report dated July 2019* prepared by DixonBrosnan.
- *Ecology Assessment for a proposed development at Rialto, South Circular Road, Dublin 8*, prepared by DixonBrosnan, dated 25rd July 2019.
- *Archaeological Assessment at Rialto Cinema* prepared by Irish Archaeological Consultancy Limited, dated January 2019.
- *Design Submission for Strategic Housing Development at Rialto Student Accommodation, South Circular Road, Dublin (the "Development") (the "Design Submission") / 5475419949* dated 20 May 2019 by Irish Water.
- *Outline Construction and Demolition Management Plan Rev.02* prepared by Murphy Matson O'Sullivan dated 4th July 2019.
- *Engineering Services Report Rev 6* prepared by Murphy Matson O'Sullivan, dated 4th July 2019.
- *Flood Risk Assessment Rev H* prepared by Murphy Matson O'Sullivan, dated 4th July 2019.
- *Pre-Connection Enquiry Letter* dated 11th January 2019 by Irish Water

- *Mobility Management Plan Rev 02* prepared by Murphy Matson O'Sullivan, dated 4th July 2019.
- *Statement on Traffic and Transportation and Associated Infrastructure Rev.01* dated 4th July 2019, prepared by Murphy Matson O'Sullivan.
- *Asbestos Survey Report* dated 3rd July 2018 prepared by Phoenix Environmental Safety.
- *Ground Investigation Report* dated 6th September 2018 prepared by Ground Investigations Ireland.
- *Former Rialto Cinema South Circular Road Dublin 8 Conservation Assessment* dated 6th June 2019, prepared by Historic Building Consultants
- *Room Data Sheet* prepared by ShipseyBarry.
- *Area Data Sheet* prepared by ShipseyBarry.
- *Energy Statement Report* dated 19th January 2019, prepared by DK Partnership.
- *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.
- *Building Service Appraisal* dated 18th January 2019 prepared by DK Partnership.
- *Letter of Consent to Planning Application* dated 12th June 2019 by Dublin City Council.

ShipseyBarry Architects					
Drawing No.	Title	Scale	Size	Rev.	
SB-2017-015-001	<i>Site Location Plan</i>	1:1000	A3	E	
SB-2017-015-002	<i>Taking in Charge Plan</i>	1:1000	A3	E	
SB-2017-015-101	<i>Survey</i>	1:200	A1	E	
SB-2017-015-102	<i>Demolition 1</i>	1:200	A1	E	
SB-2017-015-103	<i>Demolition 2</i>	1:100 1:200	A1	E	
SB-2017-015-201	<i>Site Plan</i>	1:500	A1	E	
SB-2017-015-202	<i>Floor Plans</i>	1:200	A1	E	
SB-2017-015-203	<i>Floor Plans</i>	1:200	A1	E	
SB-2017-015-204	<i>Floor Plans</i>	1:200	A1	E	
SB-2017-015-205	<i>Floor Plans</i>	1:200	A1	E	
SB-2017-015-206	<i>Roof Plan</i>	1:200	A1	E	
SB-2017-015-301	<i>Sections</i>	1:200	A1	E	
SB-2017-015-302	<i>Sections</i>	1:200	A1	E	
SB-2017-015-303	<i>Cross Section G-G</i>	1:100	A1	E	
SB-2017-015-401	<i>Elevations</i>	1:200	A1	E	

SB-2017-015-402	<i>Elevation Details</i>	1:100	A1	E
SB-2017-015-601	<i>Room Layouts</i>	1:100	A1	E

Murphy Matson O'Sullivan				
Drawing No.	Title	Scale	Size	Rev.
1000	<i>Overall Site Drainage/Watermain Layout at Ground Level 0</i>	1:200	A1	07
1006	<i>Foul Drainage Layout at Ground Level 0</i>	1:100	A1	07
1007	<i>Surface Water Drainage Layout At Ground Floor Level 0</i>	1:100	A1	06
1008	<i>Watermain Layout at Ground Level 0</i>	1:100	A1	07
1009	<i>Section Through Site Drainage Outfall</i>	1:100	A1	01
1010	<i>Foul & Storm Water Longitudinal Sections</i>	1:100	A3	02

The Big Space				
Drawing No.	Title	Scale	Size	Rev.
300	<i>Landscape Plan</i>	1:200 1:100	A1	02