



---

## **Planning and Development Acts 2000 to 2017**

### **Planning Authority: Dublin City Council**

**Application** for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 22<sup>nd</sup> day of December 2017 by Crekav Trading GP Limited care of Simon Clear and Associates, 3 Terenure Road West, Terenure, Dublin 6.

#### **Proposed Development:**

A strategic housing development on a site on lands east of St. Paul's College, Sybil Hill Road, Raheny, Dublin 5.

The proposed development will consist of:

1. Demolition of one number existing pre-fab classroom structure;
2. Construction of an access road with footpaths and on-road cycle tracks from Sybil Hill Road between Sybil Hill House (protected structure) and St Paul's College incorporating new accesses to Sybil Hill House and St Paul's College and the provision of new wall and railing boundary treatment along the new road and new pedestrian / vehicular gates to the new and existing accesses to Sybil Hill House and St Paul's College;
3. Widening and realignment of an existing vehicular access onto Sybil Hill Road to facilitate the proposed access road;
4. A residential development of 536 number units comprising 104 number houses and 432 number apartments.

The houses will be laid out in four number courtyard perimeter blocks of 26 number units each, and will comprise 96 number terraced three-bedroom units and eight number detached four-bedroom units, all three-storey in height with associated terraces including roof terraces.

The apartments will be accommodated in six number blocks ranging in height from five to eight number storeys (over basement).

Block 1 (five to eight number storeys) will accommodate 143 number units comprising 48 number one-bedroom, 92 number two-bedroom and three number three-bedroom units.

Blocks 2 and 4 (eight-storey) will each accommodate 63 number units comprising 15 number one-bedroom, 39 number two-bedroom and 9 number three-bedroom units.

Blocks 3 and 5 (five-storey) will each accommodate 39 number units comprising nine number one-bedroom, 24 number two-bedroom and six number three-bedroom units.

Block 6 (five-storey) will accommodate 85 number units comprising 59 number one-bedroom and 26 number two-bedroom units.

All apartments will be provided with associated balconies / terraces.

The development provides for:

- Community rooms at ground and basement level of Block 1;
- Gym and crèche facility at ground floor in Block 6;
- Two areas of public open space east and west of apartment blocks;
- Substation / switch room buildings;
- Basement level providing 434 number car parking spaces, 864 number bicycle parking spaces, refuse storage and plant;
- All other site development works and services including roads and footpaths, surface parking (200 number spaces), bicycle parking, bin storage, landscaping and boundary treatments and surface water attenuation facilities.

## Decision

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Act and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) the site's location close to Dublin city centre, within an established built-up area on lands with zoning objective Z15, which seeks to 'protect and provide for institutional and community uses' in the Dublin City Development Plan 2016-2022;
- (b) the policies set out in the Dublin City Development Plan 2016-2022;
- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness; (Government of Ireland, 2016);
- (d) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- (e) The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009;
- (f) The Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued in March 2018;

- (g) The Planning System and Flood Risk Management Guidelines, November 2009 (including the associated Technical Appendices);
- (h) the nature, scale and design of the proposed development;
- (i) the availability in the area of a wide range of social, community and transport infrastructure;
- (j) the pattern of existing and permitted development in the area;
- (k) the planning history within the area;
- (l) the submissions and observations received, and
- (m) the report of the Inspector.

It is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density in this suburban location, would not seriously injure the residential or visual amenities of the area, would not detract from the character and setting of St. Anne's Park or the nearby protected structure, Sybil Hill House, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Appropriate Assessment**

The Board completed an Appropriate Assessment in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban area, the Natura impact statement submitted with the application, and the Inspector's report and submissions on file. In completing the Appropriate Assessment, the Board adopted the report of the Inspector and concluded that, subject to the implementation of the proposed mitigation measures contained in the Natura impact statement, the proposed development, by itself or in combination with other development in the vicinity, would not be likely to have a significant effect on any European Site in view of the sites' conservation objectives.

## Environmental Impact Assessment

The Board completed an environmental impact assessment of the proposed development, taking into account:

- (a) the nature, scale and extent of the proposed development;
- (b) the environmental impact assessment report and associated documentation submitted in support of the application;
- (c) the submissions from the planning authority, the observer and the prescribed bodies in the course of the application, and
- (d) the Inspector's report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board agreed with the examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report and associated documentation submitted by the applicant and submissions made in the course of the application.

The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and will be mitigated as follows:

- (i) Traffic and transportation impacts, which will be mitigated by preparation of a construction management plan and environmental plan.
- (ii) Land and soils impacts, which will be mitigated by control of soil excavation and export from site, sources of fill and aggregates for the project, fuel and chemical handling, transport and storage and control of water during construction.
- (iii) Water impacts, which will be mitigated by construction management measures

The Board completed an environmental impact assessment in relation to the proposed development and concluded that subject to the implementation of the mitigation measures proposed and subject to compliance with the conditions set out herein, the effects on the environment of the proposed development by itself and in combination with other development in the vicinity would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

## Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Mitigation and monitoring measures outlined in the plans and particulars, including the environmental impact assessment report, submitted with this application as set out in particular but not exclusively in Chapter 14 of the environmental impact assessment report "Principal Mitigation and Monitoring Measures", shall be carried out in full, except where otherwise required by conditions attached to this permission.

**Reason:** In the interest of protecting the environment and in the interest of public health.

3. Prior to commencement of any works on site, revised details shall be submitted to and agreed in writing with the planning authority with regard to the following:
  - (a) Details regarding the opening hours of the access points between the development site and St. Anne's Park, which reflect the opening hours of St. Anne's Park.
  - (b) Details regarding availability / opening hours of the proposed community uses within Block 1 and Block 6 to the wider public.
  - (c) Details of protection and repair measures for the remaining section of the walled garden along the northern site boundary. This wall shall be retained and repaired, where possible and any demolition deemed necessary shall not be undertaken without the prior agreement of the planning authority.
  - (d) Details of the proposed entrances from the street to the communal gardens to the rear of the proposed houses.
  - (e) Details of upper floor terrace screening in the housing elements of the proposal.
  - (f) Details of proposed roof finish to the apartment blocks.

**Reason:** In the interest of proper planning and sustainable development, to safeguard the amenities of the area, and to enhance permeability.

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. In particular:
  - (a) The surface water outfall pipe and headwall details to the Naniken River shall be agreed in writing with the planning authority prior to any works commencing on site. Additional details in relation to the scouring of the river channel or river banks shall be submitted for the written agreement of the planning authority.

- (b) Development shall not commence until the finalised alignment and details of surface water pipe are agreed in writing with the planning authority. The design and construction of the pipe will minimise impact on existing tree root zones and will include on-site supervision by a qualified Arboriculturist employed by the developer and reporting to the planning authority. Following construction, the alignment will be landscaped in accordance with the requirements of the planning authority.
- (c) Development shall not commence until requirements for demolition and reconstruction of the bridge with the proposed drainage outfall at the Naniken River are agreed with the planning authority.

**Reason:** In the interest of public health and to ensure a satisfactory standard of development.

5. The period during which the development hereby permitted may be carried out shall be 5 years from the date of this Order.

**Reason:** In the interests of proper planning and sustainable development.

6. The site shall be landscaped in accordance with the submitted scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works. The approved landscaping scheme shall be implemented fully in the first planting season following completion of the development or each phase of the development and any plant materials that die or are removed within three years of planting shall be replaced in the first planting season thereafter.

**Reason:** In the interest of residential and visual amenity.

7. All trees and hedgerows within and on the boundaries of the site shall be retained and maintained, with the exception of the following:
- (a) Specific trees, the removal of which is authorised in writing by the planning authority to facilitate the development.
  - (b) Trees which are agreed in writing by the planning authority to be dead, dying or dangerous through disease or storm damage, following submission of a qualified tree surgeon's report, and which shall be replaced with agreed specimens.

**Reason:** In the interests of amenity, ecology and sustainable development.

8. Retained trees and hedgerows shall be protected from damage during construction works. Within a period of six months following the substantial completion of the proposed development, any planting which is damaged or dies shall be replaced with others of similar size and species, together with replacement planting required under paragraph (b) of condition number 7. There will be no impact on trees within St. Anne's Park without the written agreement of the planning authority.

**Reason:** In the interests of amenity, ecology and sustainable development.

9. A security bond to the value of €100,000 (one hundred thousand euro) shall be lodged with the planning authority, prior to the commencement of development, as security to ensure the appropriate protection and preservation of trees on the development site and St. Anne's Park. The form of the security bond shall be agreed between the planning authority and the developer or, in default of agreement, shall be agreed to An Bord Pleanála for determination.

**Reason:** In the interests of amenity, ecology and sustainable development.

10. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

11. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

**Reason:** To protect the residential amenity of property in the vicinity and the visual amenity of the area.

12. Site development and building works shall be carried out only between 07.00 to 18.00 hours Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the amenities of property in the vicinity.

13. The developer shall comply with all requirements of the planning authority in relation to roads, access, lighting and parking arrangements, including facilities for the recharging of electric vehicles. In particular:

- (a) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense;
- (b) The roads layout shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii;

- (c) Pedestrian crossing facilities shall be provided at all junctions within the site;
- (d) The materials used in any roads / footpaths provided by the developer shall comply with the detailed standards of the planning authority for such road works, and
- (e) A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

**Reason:** In the interests of traffic, cyclist and pedestrian safety and to protect residential amenity.

14. Prior to commencement of development, proposals for an apartment and house numbering scheme and associated signage shall be submitted to the planning authority for agreement.

**Reason:** In the interest of orderly development.

15. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Owners' Management Company. This shall include a layout map of the permitted development showing the areas to be taken in charge and those areas to be maintained by the Owner's Management Company. Membership of this company shall be compulsory for all purchasers of property in the development. Confirmation that this company has been set up shall be submitted to the planning authority prior to the occupation of the first residential unit.

**Reason:** To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.

16. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interest of orderly development and the visual amenities of the area.

17. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall:
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
  - (b) employ a suitably qualified archaeologist who shall carry out site testing and monitor all site investigations and other excavation works, following demolition, and
  - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection (in situ or by record) of any remains that may exist within the site.

18. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of social and affordable housing in accordance with the requirements of section 96 of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

19. Prior to commencement of development, a phasing programme for the development shall be submitted to the planning authority for agreement.

**Reason:** To provide for the orderly development of the site.

20. No advertisement or advertisement structure shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the site, unless authorised by a further grant of planning permission.

**Reason:** In the interest of visual amenity.

21. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste, and in particular recyclable materials, in the interest of protecting the environment.

22. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide a demolition management plan, together with details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction / demolition waste.

**Reason:** In the interests of public safety and residential amenity.

23. The developer shall pay to the planning authority a financial contribution under section 48 of the Planning and Development Act 2000 (as amended) and the Dublin City Development Plan 2016, in lieu of the provision of public open space. This contribution shall be paid prior to commencement of development or in such phase payments as the planning authority may facilitate.

**Reason:** For the provision of improvements or enhancement of existing amenities in the local area given the 6.3% shortfall in public open space provision.

