



An  
Bord  
Pleanála

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

### **Inspector's Report on Recommended Opinion ABP-307202-20**

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<b>Strategic Housing Development</b>	Demolition of existing dwellings, construction of 105 no. apartments and associate site works.
<b>Location</b>	52, 54, 56 and 58 Station Road, Raheny, Dublin 5.
<b>Planning Authority</b>	Dublin City Council
<b>Prospective Applicant</b>	Earlsfort Centre Developments
<b>Date of Consultation Meeting</b>	15 <sup>th</sup> July 2020
<b>Date of Site Inspection</b>	5 <sup>th</sup> July 2020
<b>Inspector</b>	Una O'Neill



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## 1.0 Introduction

Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

## 2.0 Site Location and Description

- 2.1. The application site has a stated area of c.3.6 ha and is located on Station Road, proximate and north of Raheny village and Raheny DART station in north Dublin City. The site comprises a short cul-de-sac of four terraced dwellings, a woodwork workshop and associated outbuildings, all accessed off Station Road. The majority of the site is inaccessible, undeveloped and extensively overgrown. The western boundary along Station Road is primarily formed by a rendered and capped wall, which is over 2m in height.
- 2.2. The site is irregular in shape, with 60m frontage onto Station Road to the west. On the opposite side of Station Road, to the west of the appeal site, are rows of two-storey terraced dwellings and a childcare facility. A portion of the southeastern boundary sides onto railway lands for a distance of 50m. The remainder of the eastern boundary is onto public open space associated with the residential estate of Ashcroft to the east, beyond which is a cul-de-sac street onto which are a row of twelve terraced houses. Adjacent to the north of the site are terraced two-storey dwellings also forming part of Ashcroft estate, which are set back from Station Road by a parallel slip-road and a line of trees. To the south of the application site and fronting onto Station Road is the former Raheny National School, a two-storey Protected Structure currently occupied by a childcare facility/Montessori school, and a residential unit. Immediately south of the railway lands, opposite the site, the area is generally characterised by rows of terraced two-storey dwellings within Rathmore Park and along Station Road. There is also a two-storey detached dormer-style

dwelling, No. 26a Rathmore Park, adjacent to the railway line and positioned between housing in Rathmore Park and Station Road.

2.3. The estate access roads through Ashcroft have been taken in charge by Dublin City Council. Ground levels drop slightly moving eastwards on site and within the wider area ground levels generally drop steadily towards the coastline to the southeast.

### 3.0 Proposed Strategic Housing Development

3.1. The proposed development comprises the following elements:

- Demolition of four cottages, a workshop and ancillary buildings
- Erection of a four to seven storey residential apartment block, with upper floor setbacks, containing 105 no. apartments, over a basement car park.

3.2.

3.3. The following details as submitted by the applicant are noted:

<b>Parameter</b>	<b>Site Proposal</b>
<b>Application Site Area</b>	0.36 ha
<b>No. of Units</b>	105 apartments
<b>Density</b>	292 units per hectare.
<b>Public Open Space</b>	Reservation of an area of land to the north to be ceded to DCC.
<b>Height</b>	4-7 storeys (overall height of 20.975m)
<b>Car Parking</b>	56 car spaces - 0.53 per apt.
<b>Bicycle Parking</b>	134 cycle spaces
<b>Vehicular Access</b>	From Ashcroft Estate, with emergency fire access and bin lorry access from Station Road.

3.4. The breakdown of unit types as submitted by the applicant is as follows:

Unit Type	1 bed	2 bed	Total
Apartments	51	54	105
% Total	49%	51%	100%

## 4.0 Planning History

PL 29N. 248490 (2017)/DCC ref 3973/16 – Permission GRANTED for erection of an apartment block containing 71 number apartments (seven number one bedroom; 52 number two bedroom; and 12 number three bedroom apartments) in a single block varying in height from four to six storeys with upper floors set back; over basement car park with ramped vehicle access from Ashcroft Estate, containing 60 car parking spaces, 76 bicycle spaces, bin stores and ancillary services, emergency fire tender and bin lorry access from Station Road, all on a site of 0.36 hectares, at 52, 54, 56, 58 Station Road,(adjacent to Ashcroft Housing Estate), Raheny, Dublin.

## 5.0 Policy Context

### 5.1.1. Project Ireland 2040 - National Planning Framework

- National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- National Planning Objective 13: In urban areas, planning and related standards, including, in particular, 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.
- National Policy Objective 27: Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising

walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages.

- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

#### 5.1.2. **Section 28 Ministerial Guidelines**

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the following policy documents and Section 28 Ministerial Guidelines are relevant:

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) and the accompanying Urban Design Manual: A Best Practice Guide (2009)
- Sustainable Urban Housing: Design Standards for New Apartments (2018)
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018)
- Design Manual for Urban Roads and Streets (2013)
- The Planning System and Flood Risk Management (including the associated 'Technical Appendices') (2009)
- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme.

#### 5.2. **Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031**

Under the RSES a Dublin Metropolitan Area Strategic Plan (MASP) has been prepared to manage the sustainable and compact growth of Dublin. The aim of the Dublin Metropolitan Area Strategic Plan is to deliver strategic development areas identified in the Dublin Metropolitan Area Strategic Plan (MASP) to ensure a steady supply of serviced development lands to support Dublin's sustainable growth.

#### 5.3. **Local Planning Policy**

## **Dublin City Development Plan 2016-2022**

- Zoning Objective Z1: To protect, provide and improve residential amenities.
- Section 16.7.2 of the Development Plan sets out building height limits for development, including a 24m restriction in the outer city within 500m of a DART station.

The following policies and objectives are of relevance:

- QH1: To have regard to the DEHLG Guidelines on ‘Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities’ (2007), ‘Delivering Homes Sustaining Communities – Statement on Housing Policy’ (2007), ‘Sustainable Urban Housing: Design Standards for New Apartments’ (2015) and ‘Sustainable Residential Development in Urban Areas’ and the accompanying ‘Urban Design Manual: A Best Practice Guide’ (2009).
- QH6: To encourage and foster the creation of attractive mixed-use sustainable neighbourhoods which contain a variety of housing types and tenures with supporting community facilities, public realm and residential amenities, and which are socially mixed in order to achieve a socially inclusive city.
- QH7: To promote residential development at sustainable urban densities throughout the city in accordance with the core strategy, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.
- QH18: To promote the provision of high quality apartments within sustainable neighbourhoods by achieving suitable levels of amenity within individual apartments, and within each apartment development, and ensuring that suitable social infrastructure and other support facilities are available in the neighbourhood, in accordance with the standards for residential accommodation.
- QH23: To discourage the demolition of habitable housing unless streetscape, environmental and amenity considerations are satisfied, and a net increase in the number of dwelling units is provided in order to promote sustainable development by making efficient use of scarce urban land.

Variation 7 Dublin City Development Plan (adopted March 2020):



The purpose of this Variation is to incorporate the National Planning Framework (NPF) and the Regional Spatial Economic Strategy (RSES) into the City Development Plan 2016 – 2022, in accordance with Section 11 (1) (b) (iii) of the Planning and Development Act, 2000, as amended. This is in order to align national, regional and local policy objectives.

- Dublin city in its entirety lies within the Dublin Metropolitan Area Strategic Plan (MASP) area and the RSES's give direction to Dublin city as the 'global gateway' for high-intensity clusters, brownfield development, urban renewal and regeneration. The RSES settlement strategy for the metropolitan area includes a strong policy emphasis on the need to gain maximum benefit from existing assets, such as public transport and social infrastructure, through the continuation of consolidation and increasing densities within the existing built footprint of the city.
- Assuming an average occupancy rate of two persons per residential unit, the housing requirement for the 2016 – 2022 period is between c.21,000 – 26,500 units over a 6 year period. The Development Plan provides capacity to exceed this figure in the Housing Strategy for the Development Plan period 2016–2022, in order to accommodate longer-term sustainable growth. From the above analysis, and particularly because there is capacity in excess of the required population and housing figures (see housing strategy below), it is concluded that the policies and objectives of this Dublin City Development Plan remains consistent the high-level national and regional policies.

## 6.0 Section 247 Consultation(s) with Planning Authority

6.1. It is stated by the prospective applicant that a pre-application consultation took place with the planning authority on 14th November 2019. Issues were raised in relation to:

- Residential density and height;
- Over preponderance of set-backs in the initial design;
- Consideration of the views of the proposed development in the context of the nearby protected structure;
- The oversailing roof profile;
- The proximity of the rail line;

- The provision of a childcare facility on the site and a revised social audit.
- Proposed car parking ratio of 0.6 spaces per unit requires a strong mobility management strategy including the provision of car sharing and increased bicycle parking.
- Potential requirement for a Basement Impact Assessment and Flood Risk Assessment.
- Parks Department highlighted the issue of the ceding of land for public open space and also the scheme's green roof strategy, with some commentary on avoiding siting the play areas too close to waste vehicles.

## 7.0 Submission Received

### Irish Water

Irish Water has issued a Confirmation of Feasibility for this development.

## 8.0 Forming of the Opinion

8.1. Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the Planning Authority submission and the discussions which took place during the tripartite consultation meeting. I shall provide a brief detail on each of these elements hereunder.

### 8.2. Prospective Applicant's Case

#### Documentation Submitted

8.2.1. The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. This information included, inter alia, a Cover Letter, Completed Application Form, Statement of Consistency, Possible Significant Effects on Environment Report, NIS Report, Planning and Architectural Design Statement, Architectural Drawings, House type samples, Engineering Drawings, Part V Details, Letters of Consent, Traffic and Transportation Infrastructure, SUDS

Strategy Report, Preliminary Engineering Report, Landscape Rationale, Landscape Masterplan, Boundary Plan and Primary Open Space, Social Infrastructure Report, Childcare Assessment, School Demand Report.

8.2.2. Section 5(5)(b) of the Act of 2016 requires the submission of a statement that, in the prospective applicant's opinion, the proposal is consistent with both the relevant objectives of the development plan or local area plan concerned, and the relevant guidelines issued by the Minister under section 28 of the Act of 2000. This statement has been submitted, as required.

8.2.3. I have reviewed and considered all of the documents and drawings submitted.

8.2.4. **Planning Authority Submission**

8.2.5. In compliance with section 6(4)(b) of the Act of 2016 the planning authority for the area in which the proposed development is located, Dublin City Council, submitted a note of their section 247 consultations with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on 24<sup>th</sup> June 2020.

8.2.6. Dublin City Council's written opinion includes a description of the site and proposed development, planning history, record of pre planning meeting, policy considerations, departmental reports, and an assessment of the proposed development. The content of the report is summarised as follows:

- Density acceptable; Height acceptable and within development plan limits.
- Queries raised in relation to sunlight daylight analysis and requirement for a more vertical element to the elevational component on the northern elevation be considered in addition to an evaluation of the solid-to-void ratio.
- Dual aspect design of some apartments on northern elevation with high level windows.
- Consultation with childcare committee required.
- Requirement for a car parking strategy.

## 9.0 The Consultation Meeting

9.1. A Section 5 Consultation meeting took place via a Conference Call on the 15<sup>th</sup> July 2020, commencing at 12.30 pm. Representatives of the prospective applicant, the Planning Authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

The main topics raised for discussion at the tripartite meeting were based on the Agenda that issued in advance and contained the following issues:

1. Height and Design.
2. Residential Amenity - sunlight/daylight analysis; northern elevation and open private amenity areas.
3. Landscape Strategy – Issues raised by PA; internal courtyard; positioning of ESB substation adjoining Station Road; DCC plans for northern area of open space.
4. Pedestrian Movement around the Site.
5. Interface with Open Space to the North and East.
6. Surface Water Management Issues Raised by PA.
7. Traffic and Transportation Issues Raised by PA.
8. Any Other Matters.

### 9.1.1. Point 1

In relation to Height and Design, ABP representatives sought further elaboration/discussion/consideration in relation to:

- Overall height - principle of additional height.
- Issues raised by PA in relation to bulk, mass and vertical emphasis which should be addressed in any application.
- Photomontages should be shown when trees are not in leaf, for clarity, particularly of northern elevation.

### 9.1.2. Point 2

In relation to Residential Amenity, ABP representatives sought further elaboration/discussion/consideration in relation to:

- Standards applied in relation to BRE guidance.
- Northern elevation and high level opens to bedroom – consider internal amenity and outlook to park with alternative provision such as a projecting angled window, which would be of benefit in terms of passive supervision of the open space.
- Planted buffer zone around ground floor units to be further considered.
- Apartment 6 and above has a limited projecting side elevation for a window – to consider light and additional high level window.
- Balconies are proposed directly over the basement car park, which is a revision to the previously permitted scheme – consider further the amenity issues with this arrangement; consider further PA concerns in relation to visual softening of the entrance to the car park.

#### 9.1.3. **Point 3**

In relation to Landscape Strategy, ABP representatives sought further elaboration/discussion/consideration in relation to:

- Northern area to be ceded to DCC to form part of existing open space and interface of the development with this open space. Clarify what is the plan for this area with DCC parks division and how this development can improve on the interface with this area. Opportunity to improve on the amenity of this denser apartment development.
- Submit boundary treatment plans. Consider further the visual dominance of 1.8m high boundary wall and railing to Station Road and 2m boundary wall and railing to the open space to the north and east. Also consider the location of the pedestrian only entrance from station road.
- ESB substation detracts from the public realm at this location – reconsider location of this.
- Submit cross sections of central courtyard showing level changes.

#### 9.1.4. **Point 4**

In relation to Pedestrian Movement around the Site, ABP representatives sought further elaboration/discussion/consideration in relation to:

- Function of paved area along northern boundary – areas should be fully utilised where possible; consider additional entrance to park from this boundary; consider ground level terraces and open space between along eastern boundary.

9.1.5. **Point 5**

9.1.6. In relation to Interface with Open Space to the North and East, ABP representatives sought further elaboration/discussion/consideration in relation to:

- Opportunity to improve on overlooking and interaction with existing open space to north and east. Re-examine in the context of maximising amenity for future occupants.

9.1.7. **Point 6**

In relation to Surface Water Management, ABP representatives sought further elaboration/discussion/consideration in relation to issues raised by the Drainage Division of DCC.

9.1.8. **Point 7**

In relation to Traffic and Transportation, ABP representatives sought further elaboration/discussion/consideration in relation to issues raised in PA report.

9.1.9. **Any Other Matters**

Reference to requirement for a financial contribution in relation to open space to be clarified/justified.

## 10.0 **Assessment**

10.1. Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

10.2. I have examined all of the information and submissions before me including the documentation submitted by the prospective applicant, the submissions of the Planning Authority and the discussions which took place at the tripartite meeting. I

have had regard to both national policy, via the s.28 Ministerial Guidelines, and local policy, via the statutory plan for the area.

- 10.3. Having regard to all of the above, I recommend that further consideration and/or possible amendment of the documents submitted are required at application stage as set out in the recommended Opinion below.

### **Conclusion**

- 10.4. Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 10.5. I have examined all of the information and submissions before me including the documentation submitted by the prospective applicant, the submissions of the Planning Authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the s.28 Ministerial Guidelines, and local policy, via the statutory plan for the area.
- 10.6. Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act: **constitutes a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.**
- 10.7. I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

## **11.0 Recommended Opinion**

- 11.1. An Bord Pleanála refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the

Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

11.2. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála is of the opinion that the documentation submitted would constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.

11.3. Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission arising from this notification:

1. Additional photomontages/CGI's to include views showing trees when they are not in leaf.
2. Full details of boundary treatment to the open space and to Station Road, which should comprise high quality design and finishes and ensure passive overlooking and surveillance of the street/open space.
3. Consideration of the location of the ESB substation to minimise visual impact on Station Road.
4. Ascertain DCC Parks Division's plans for proposed open space to the north and given further consideration to the interaction of the development with this space.
5. Daylight/sunlight analysis.
6. A detailed schedule of accommodation which shall indicate compliance with relevant standards in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' 2018, including its specific planning policy requirements.



7. A building life cycle report shall be submitted in accordance with section 6.3 of the Sustainable Urban housing: Design Standards for New Apartments (2018). The report should have regard to the long term management and maintenance of the proposed development.
8. Noise Impact Assessment.
9. Mobility Management Plan.
10. Construction and Demolition Waste Management Plan.
11. Additional details in relation to surface water management, SUDS features and flood risk assessment as raised in the report issued by the Engineering Department Drainage Division dated 22<sup>nd</sup> June 2020 and detailed in Addendum B of the Planning Authority's Opinion.
12. Additional details in relation to issues raised in the report issued by the Transportation Planning Division Report dated 22<sup>nd</sup> June 2020 and detailed in Addendum B of the Planning Authority's Opinion.

Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

1. Irish Water
2. Transport Infrastructure Ireland
3. National Transport Authority
4. Irish Rail
5. Commission for Railway Regulation
6. Coras Iompair Eireann
7. Relevant Childcare Committee

**PLEASE NOTE:**

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

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Una O'Neill  
Senior Planning Inspector

4<sup>th</sup> August 2020