



An  
Bord  
Pleanála

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

## Inspector's Report on Recommended Opinion TC0023



<b>Strategic Housing Development</b>	536 residential units (104 houses and 432 apartments), public community rooms, gym and crèche.
<b>Location</b>	Sybill Hill, Raheny, Dublin.
<b>Planning Authority</b>	Dublin City Council
<b>Prospective Applicant</b>	Marlet Property Group
<b>Date of Consultation Meeting</b>	18 <sup>th</sup> October 2017
<b>Date of Site Inspection</b>	5 <sup>th</sup> October 2017
<b>Inspector</b>	Sarah Moran

## **1.0 Introduction**

- 1.1. 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 site is an area of 6.11 ha located within the grounds of St. Paul's College, Raheny, Dublin. It is currently sports grounds to the rear (east) of the school buildings. It is surrounded on 3 sides by St. Anne's Park. Sybill Hill House, within the school grounds, is a protected structure and is a residence for the Vincentian order. Aside from the school complex, there is a 2 storey residential development to the immediate west of the site, The Meadows, which is accessed from the Howth Road to the north. Permission was recently granted for infill housing further to the west of The Meadows and to the north of the school grounds, accessed off Sybill Hill road, ref. PL29N.246250. Harmonstown Dart station is located c. 0.5 km to the north and there is a QBC along Howth Road. The site is level with St. Anne's Park and at a lower ground level than the school site and The Meadows.

## **3.0 Proposed Strategic Housing Development**

- 3.1. The development comprises 536 no. residential units. There are 104 no. houses on the southern side of the site, laid out in 4 courtyard perimeter blocks of 26 units each, 96 no. terraced 3 bed units and 8 no. detached 4 bed houses. Each house has a private garden overlooking the shared courtyard. The apartments are to be developed as a Build to Rent scheme, with an overall housing mix of 29% 1 bed, 46% 2 bed, 24% 3 bed and 1% 4 bed units. There are 6 no. blocks on the northern side of the site, as follows:

- Block 1, 5-8 stories over basement, at the north eastern corner of the site. 143 no. apartments. Also containing 450 sq.m. of amenities including external breakout space, concierge, community rooms, meeting, dining, kitchen, communal areas, office pods at ground floor level. Basement amenities 200 sq.m. comprising cinema, games room, office and meeting room. Within 500m of the DART station.
- Blocks 2 and 4. 8 storey, each with 63 no. units. Also within 500m of the DART station.
- Blocks 3 and 5, 5 storey, each with 39 no. units. Outside the 500m DART radius.
- Block 6, 5 storey. 85 no. units. Gym (183 sq.m.) and crèche (250 sq.m.) to provide 37 no. childcare spaces, to cater for 137 no. houses and 3 bed apartments within the scheme. Outside the 500m DART radius.
- Basement car park under the apartments. With bin stores, cycle parking and ancillary facilities.

The proposed net residential density is 88 units / ha. There are 2 main areas of public open space, i.e. an area of passive open space to the east, which acts as a 40m buffer to The Meadows and a 'kick about' area and playground to the west, adjacent to the crèche. The layout indicates pedestrian links to St. Anne's Park at the northern end of the western open space and at the eastern end of the site.

- 3.2. The development is to be accessed from Sybill Hill Road by a new road through the school complex, between the school buildings and the grounds of Sybill Hill House. The road continues as a spine route dividing the northern and southern ends of the development and terminating in a pedestrian access to St. Anne's Park. Parking provision of 687 no. spaces, including provision for electric cars and disabled. 884 no. cycle parking spaces.
- 3.3. The development is part of a larger scheme that includes the provision of a sports centre and all weather pitches for St. Paul's College at the southern end of the school complex, to the west of the development site. These are the subject of a separate planning application to Dublin City Council.

## 4.0 Planning History

### 4.1. 4185/15 Subject Site

Permission sought for development at the subject site with a new vehicular access from Sybill Hill Road including (1) construction of 2 no all-weather playing pitches and a multipurpose sports hall at St. Paul's College and (2) a residential development of 381 no. units comprising 107 no. 3 and 4 bed houses and 274 no. apartments in 6 no. 5 storey blocks. Application withdrawn.

### 4.2. 3777/17 Current Application at St Pauls College

An application was lodged with Dublin City Council on 4<sup>th</sup> September 2017 for a development on the grounds of St Paul's College, to the immediate west of the subject site, comprising demolition of 3 no. existing school structures and construction of a 2 storey sports hall, 2 no. all-weather playing pitches and associated parking.

### 4.3. 4242/15 PL29N.246250 Adjacent Site to North of St. Paul's College

4.4. Relating to a 0.68 ha site to the north of Sybill Hill House and west of The Meadows. The Board granted permission for the demolition of nos. 1, 1A and 1B Sybil Hill Road and the construction of 76 no. dwellings comprising 8 no. 2 and 3 bed houses and 68 no. 1, 2 and 3 bed in 2 no 3 to 5 storey blocks, also crèche, community/café and basement car park with 105 car spaces.

## 5.0 National and Local Planning Policy

### 5.1. Section 28 Ministerial Guidelines

5.1.1. 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 directly relevant section 28 Ministerial Guidelines are:

- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- 'Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities'

- ‘Design Manual for Urban Roads and Streets’
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’)
- ‘Childcare Facilities Guidelines for Planning Authorities’

## 5.2. Dublin City Development Plan 2016-2022

5.2.1. Zoning objective Z15 – Institutional and Community, ‘to protect and provide for institutional and community uses and to ensure that existing amenities are protected’. Residential units open to consideration. There is a requirement for proposals on Z15 zoned lands to be accompanied by a masterplan that sets out a clear vision for the zoned lands, to provide for the identification of 25% of the lands for open space and/or community facilities, in lieu of the 10-20% of public open space normally provided for in development plan standards (does not apply if the footprint of the existing buildings > 50% of the total site area of the institutional lands)  
The following standards also apply within Z15:

- Plot ratio 0.5 – 2.5
- Indicative site coverage 50%

5.2.2. Section 16.7 Building Height. Low rise outer city. Up to 16m / 5 stories for residential. Up to 24 m / 8 stories for residential within 500m of DART station.

5.2.3. Development plan map J strategic transport and parking areas. The entire development site is within zone 2 “the development is in close proximity to good transport links”. Car parking provision in zone 2 is restricted on grounds of proximity to public transport. Residential car parking standard of 1 space /dwelling. No standard for crèche. Cycle parking 1 per unit for all zones.

## 6.0 Forming of the Opinion

6.1. 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 submissions and the discussions which took place during the tripartite consultation meeting. I shall provide a brief detail on each of these elements hereunder.

## 6.2. Documentation Submitted

6.2.1. 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, the following:

Completed application form; existing site layout / site location map; site layout; proposed areas to be taken in charge by Dublin City Council; site sections; view from The Meadows to Block 1; apartment blocks 1-6 floor plans, elevations and sections; architects design statement; housing courtyards site layout and sections, ground plan, roof plan, sections and elevations; house types A, B, C and D plans, sections, elevations; housing courtyard A corner house study floor plans, sections, elevations, perspective views, terrace screening and balustrading; Tree Constraints Plan; Arboricultural Implications and Tree Protection Plan; Landscape Masterplan; detailed landscaping plans; landscape design rationale report; Tree Survey report; photomontages; roads layouts and sections, road markings and traffic signs, swept path analysis; watermain layouts; drainage layouts, attenuation and SUDS details; Engineering Services Report; Statements of Consistency with local planning policy context, regional and national planning context; Statement of Consistency: Urban Design Manual A Best Practice Guide (May 2009); Housing Quality Assessment; demolition record building 01; Foxlands Residential Development Aerials & CGIs; report on potential significant effects on the environment / European sites; AA screening report; NIS; heritage report; residential amenities observations and recommendations; correspondence from the Department of Education and Skills; Correspondence from Irish Water; Part V validation letter from Dublin City Council; section 247 consultations records; Draft TIA and Mobility Management Plan.

6.2.2. 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. These statements have been submitted, as required.

6.2.3. I have reviewed and considered all of the above mentioned documents and drawings.

### 6.3. Planning Authority Submission

6.3.1. In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Dublin City Council, submitted a copy 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 4<sup>th</sup> October 2017.

6.3.2. The planning authority's 'opinion' included the following matters:

- The planning authority considers that the Statements of Consistency do not provide a sufficiently rigorous assessment of the relevant national, regional and local policy contexts. The most significant issue is whether the development fully complies with the Z15 objective.
- The masterplan for proposals for Z15 lands is to ensure that the development facilitates potential future public use and protects existing sporting and recreational facilities which are available predominantly for community use. The applicant must demonstrate:
  - That both the needs of the school and the community will continue to be satisfactorily met on the site, i.e. the retention of the main institution and any community uses by local sports clubs, including allocating spaces for any necessary expansion of such uses and the retention of existing functional open space, e.g. school playing fields.
  - That the requirement for the provision of 25% of public open space is met on the lands surplus to requirements, i.e. associated with any future residential development.
- The Dept. of Education has confirmed that the existing and future needs of St. Paul's College will continue to be met on site. However, it is not clear whether this will be the case for the needs of local sports clubs. The pitches are intensively used by the local community. Current proposals under reg. ref. 3777/17 will result in 3 pitches in place of 7 existing. The applicant has not satisfactorily demonstrated that the site is surplus to the requirements of the local community and that the development will protect existing sporting and recreational facilities which are available predominantly for community use.

- Z15 requirement that 25% of the lands deemed to be 'surplus to requirements' shall be allocated as public open space and/or community facilities on site. 21.3% of the proposed development is public open space. No objection to this shortfall due to proximity to St. Anne's Park, subject to a financial contribution in lieu of the 25% requirement, to be invested in the improvement and enhancement of St. Anne's Park. Any public open space within the development will not be taken in charge.
- Proposed layout is considered satisfactory. No objection in principle to the proposed site coverage, plot ratio and density. Does not consider that the development would have a detrimental impact on adjoining residential amenities or on the visual amenities of the area or St. Anne's Park.
- Parks & Landscape Services comment that access to St. Anne's Park should be improved by path connections to the northeast and southeast corners of the site but no access to St Anne's Park main avenue. Recommendations for tree retention and removal are generally acceptable.
- Z15 objective, any development at the perimeter of the site adjacent to existing residential development shall have regard to the prevailing height of existing residential development and avoid abrupt transitions of scale between zonings. The heights are generally considered to be compliant with the development plan. No objection in principle to minor incursions above the permitted height limits where the 8 story blocks encroach slightly beyond the 500m radius of the Dart line and where height restrictions would normally be capped at 16m.
- The site is likely to be used by Brent Geese for winter feeding, linkage to Bull Island SPA. Inadequate information to confirm if the loss of the site, or cumulative future losses with any similar sites in Dublin supporting this species, will cause a decline in their population.
- The applicant has engaged with the Housing Dept. in relation to Part V and has identified units for consideration.
- Roads & Traffic Planning Division. Existing pedestrian crossing at Sybill Hill Road to be relocated to the south to avoid conflict with new vehicular access, also new pedestrian crossing to the north of the access to serve the



development. Links to St. Anne's Park would improve walking times to the Howth Road bus facilities and Harmonstown Dart station. Proposed parking provision exceeds development plan maximum standards without justification. Proposal to have carriageway taken in charge with footways and parking in control of management company is not acceptable as it would result in confusion and car parking directly adjacent to the public road cannot remain private. Traffic generated by the development can be accommodated on the existing road network.

#### 6.4. Consultation Meeting

6.4.1. A section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 18<sup>th</sup> October 2017, commencing at 12.10 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.

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

1. Principle of development, Masterplan for Z15 zoning objective.
2. Residential amenity, proposed and existing.
3. Urban design, public realm, interaction with St. Anne's Park and Sybill Hill House protected structure.
4. Access / traffic / parking, compliance with DMURS.
5. Potential effects on Natura 2000 sites.
6. Any other matters.

6.4.3. In relation to the principle of development and Z15 zoning objective, ABP representatives sought further elaboration / discussion on:

- How proposed development meets the objectives of Z15 in the development plan.
- Records of past uses of the sports grounds, assessment of sports facilities in wider area.

6.4.4. In relation to the issue of residential amenity, ABP representatives sought further elaboration / discussion on:

- Proposed development in relation to The Meadows estate and open spaces in development.
  - Requirement of cross sections for application.
- 6.4.5. In relation to the issues of urban design, public realm, interaction with St. Anne's Park and Sybill Hill House protected structure, ABP representatives sought further elaboration / discussion on:
- Visual impact and planting along protected structure.
- 6.4.6. In relation to the issues of access / traffic / parking, compliance with DMURS, ABP representatives sought further elaboration / discussion on:
- Access from Sybil Hill Road, areas to be taken in charge, parking in Z2.
- 6.4.7. In relation to potential effects on Natura 2000 sites, ABP representatives sought further elaboration / discussion on:
- Specific areas that may needed to be addressed in application
  - Mitigation measures to be provided in Appropriate Assessment
- 6.4.8. Both the prospective applicant and the planning authority were given an opportunity comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting TC0023' which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

## 7.0 Conclusion and Recommendation

- 7.1. 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.
- 7.2. 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 section 28 Ministerial Guidelines, and local policy, via the statutory development plan for the area.

- 7.3. 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 in respect of the following elements: Z15 Masterplan; residential amenity; impacts on St. Anne's Park and Sybill Hill House protected structure; car parking; Appropriate Assessment, details of which are set out in the Recommended Opinion below.
- 7.4. 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 **requires further consideration and amendment in order to constitute a reasonable basis for an application** under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 7.5. 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.

## 8.0 Recommended Opinion

- 8.1. 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.
- 8.2. 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 **requires further consideration and amendment to constitute a reasonable basis for an application** for strategic housing development to An Bord Pleanála.

- 8.3. In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development:

#### Z15 Masterplan

1. Further consideration of the documents as they relate to the replacement of the existing sports facilities at the site as provided for under the Z15 zoning objective. This consideration and justification should have regard to the detailed Z15 zoning provisions as set out in the Dublin City Development Plan 2016-2022. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted relating to density and layout of the proposed development.

#### Residential Amenities

2. Further consideration of the documents as they relate to potential impacts on the residential and visual amenities of properties within The Meadows. This consideration and justification should have regard to the provisions of the Dublin City Development Plan 2016-2022. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted relating to density and layout of the proposed development

#### Impacts on St. Anne's Park and Sybill Hill House

3. Further consideration of the documents as they relate to potential impacts on the visual amenities of St. Anne's Park and on the setting of Sybill Hill House protected structure. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

#### Car Parking

4. Further consideration of the documents as they relate to justification for the proposed quantum of car parking in view of (i) the proximity of the site to Harmonstown Dart station and the Howth Road QBC and (ii) the location of the site within development plan parking zone 2. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted.

### Appropriate Assessment

5. Further consideration of the documents as they relate to potential effects on adjoining designated sites with regard to their conservation objectives, specifically potential effects associated with the on the usage of the development site by Brent Geese for winter feeding. The further consideration of this issue may require amendments to the documents and/or design proposals submitted.
- 8.4. Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission:
1. Planning report to address consistency with the Z15 zoning objective, specifically use of the existing sports facilities at the site by community groups, use of the proposed new sports facilities at St. Paul's College and the availability of other sports / community facilities in the wider area
  2. A site layout plan, cross sections, landscaping details, visual impact analysis and detailed shadow analysis to indicate potential impacts on the residential and visual amenities of adjacent properties within The Meadows.
  3. Photomontages, cross sections and landscaping details to indicate potential impacts on St. Anne's Park and on the setting of Sybill Hill House protected structure.
  4. Planning report providing a detailed rationale for the proposed car parking provision with regard to the location of the site within 500m of Harmonstown Dart Station and Howth Road bus facilities, to be supplemented by a Transportation Impact Assessment and a Mobility Management Plan.
  5. Natura Impact Statement to assess potential effects on relevant designated sites with regard to their conservation objectives, including potential effects associated with the usage of the development site by Brent Geese for winter feeding.
- 8.5. 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. The Minister for Culture, Heritage and the Gaeltacht (in relation to archaeological heritage protection and nature conservation)
2. The Heritage Council
3. An Taisce
4. An Comhairle Ealaíonn
5. Fáilte Ireland
6. Irish Water
7. Transport Infrastructure Ireland
8. National Transport Authority
9. 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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Sarah Moran  
Senior Planning Inspector  
6<sup>th</sup> October 2017