

**PLANNING APPLICATION FOR
STRATEGIC HOUSING DEVELOPMENT
PLANNING REPORT -
ST. PAUL'S COLLEGE,
SYBIL HILL ROAD, RAHENY, DUBLIN 5**



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Environment.**

Place
Making
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16 October 2019

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1 INTRODUCTION

This Planning Application Report has been prepared in support of a SHD application to An Bord Pleanála, on behalf of Crekav Trading GP Limited. The subject application site (hereafter called 'the site') is located at St. Paul's College, Sybil Hill Road, Raheny, Dublin 5. It is a site of approx. 6.7 hectares, with a site development area of 6.4 hectares. The site is bound to the north, east and south by St Anne's Park and to the west by residential development at The Meadows, Sybil Hill House (a Protected Structure) and St Paul's College. Vehicular access to the site is from Sybil Hill Road.

This application falls under the definition of Strategic Housing Development as set out under Section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 as it is a proposed development 'of 100 or more houses on land zoned for residential use or for a mixture of residential and other uses'.

The lands are zoned Z15 – Institutional & Community Uses' which are included in the Core Strategy with regards to the availability of land to deliver residential development.

This Planning Report, in addition to a Statement of Consistency with Planning Policy, accompanies the Strategic Housing Development application.

The development for which permission is being sought can be summarised as follows:

- 1. The construction of a residential development with a gross floor area of c. 65,125 sq.m (excluding basement parking areas) set out in 9 no. blocks, ranging in height from 5 to 9 storeys to accommodate 657 no. apartments, residential tenant amenity spaces and a crèche. The site will accommodate 499 no. car parking spaces, 1646 no. bicycle parking spaces, storage, services and plant areas. Landscaping will include extensive communal amenity areas, and a significant public open space provision.*
- 2. The 9 no. residential buildings range in height from 5 storeys to 9 storeys accommodating 657 no. apartments comprising 224 no. 1 bed units, 378 no. 2 bed units and 55 no. 3 bed units. Balconies and terraces to be provided on all elevations at all levels for each block. The breakdown of residential accommodation is as follows:*
 - Block 1 is a 5 to 8 storey building, accommodating 143 no. units*
 - Block 2 is an 8 storey building, accommodating 63 no. units*
 - Block 3 is a 9 storey building, accommodating 71 no. units*
 - Block 4 is an 8 storey building, accommodating 63 no. units*
 - Block 5 is a 9 storey building, accommodating 71 no. units*
 - Block 6 is a 7 storey building, accommodating 124 no. units*
 - Block 7 is a 5 to 6 storey building, accommodating 36 no. units*
 - Block 8 is a 5 to 6 storey building, accommodating 43 no. units*

- *Block 9 is a 5 to 6 storey building, accommodating 43 no. units*
 - *Residential tenant amenity space is provided at ground and basement level of Block 1 (c.719 sq.m) and ground level of Block 6 (c.162 sq.m). External residential open space is provided to the west, east and between all blocks. A crèche is provided at ground level in Block 7 with a total floor area of c.612 sq.m.*
3. *Blocks 1 to 6 are located above a proposed basement accessed from the new access road. The basement will accommodate 465 no. car parking spaces (456 for residential and 9 for crèche staff) and 1314 no. bicycle parking spaces, storage, services and plant areas. 34 No. Surface car parking is provided for visitors, crèche drop off and shared parking/club car adjacent to Block 7 and 332 no. cycle parking spaces, are provided throughout the landscaped areas.*
 4. *A new 1.6ha public open space is provided to the south of the site. Proposed pedestrian access from the site to the adjacent St Anne's Park is proposed in the north-west, north-east, east and south-east boundaries of the site.*
 5. *Widening and realignment of an existing vehicular access onto Sybil Hill Road to facilitate the construction of an access road with footpaths and on-road cycle tracks from Sybil Hill Road between Sybil Hill House 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. To facilitate this new access road it is proposed to demolish an existing pre-fab building. The application also includes for a proposed pedestrian crossing on Sybil Hill Road.*
 6. *The laying of a foul water sewer in Sybil Hill Road. The routing of surface water discharge from the site via St. Anne's Park to the Naniken River and the demolition and reconstruction of existing pedestrian river crossing in St. Anne's Park with integral surface water discharge to Naniken River.*
 7. *The proposed application includes all site landscaping works, green roofs, substations, PV panels, boundary treatments, lighting, servicing, signage, surface water attenuation facilities and associated and ancillary works, including site development works above and below ground.*

This report examines the site location, context, and planning history. It also has regard to issues of compliance with the Dublin City Development Plan 2016-2022, and Section 28 Guidelines, which are the relevant statutory documents against which the development will be considered.

This SHD planning application is accompanied by a comprehensive set of documentation which specifically seeks to address the requirements of the Planning and Development (Housing) and Residential Tenancies Act 2016, the Planning and Development (Strategic Housing Development) Regulations 2017 and the requirements of the Dublin City Development Plan 2016-2022.

ST. PAUL'S COLLEGE SHD

Planning Report

An Environmental Impact Assessment Report (EIAR), which also constitutes an Environmental Impact Statement (EIS) as required under the Planning and Development Regulations, 2001 (as amended), is submitted to An Bord Pleanála with the planning application. The EIAR provides information on the likely significant impacts on the environment of the proposed development.

A Natura Impact Assessment Report (NIS) is submitted to An Bord Pleanála with the planning application. The NIS provides information on the likely significant impacts on Natura sites as a result of the proposed development.

This Planning Report should be read in conjunction with the other documentation (reports and drawings) accompanying this SHD planning application, set out in the schedule included in the Cover Letter to An Bord Pleanála.

We confirm that prior to making this planning application the drawings enclosed herewith have been checked with reference to the Planning and Development Regulations, 2001-2018.

Planning Application Boundary

As the Board will note from the SHD Application Form and submitted Site Location Map, some of the lands within the site boundary include lands outside the applicant's ownership both within the public roadway and on adjacent lands. These lands are within the control of Orsigny CLG and Dublin City Council who have consented to their inclusion (see consenting letters included with this application).

2 SITE LOCATION AND CONTEXT

The application site is located on lands east of St. Paul's College, Sybil Hill Road, Raheny, Dublin 5. The site is located approximately 5km north east of Dublin City Centre and is centrally located in the mature residential suburb of Raheny.

The site is bound to the north, east and south by St. Anne's Park and to the west by residential development at The Meadows, Sybil Hill House (a Protected Structure) and St. Paul's College. Vehicular access to the site is from Sybil Hill Road.

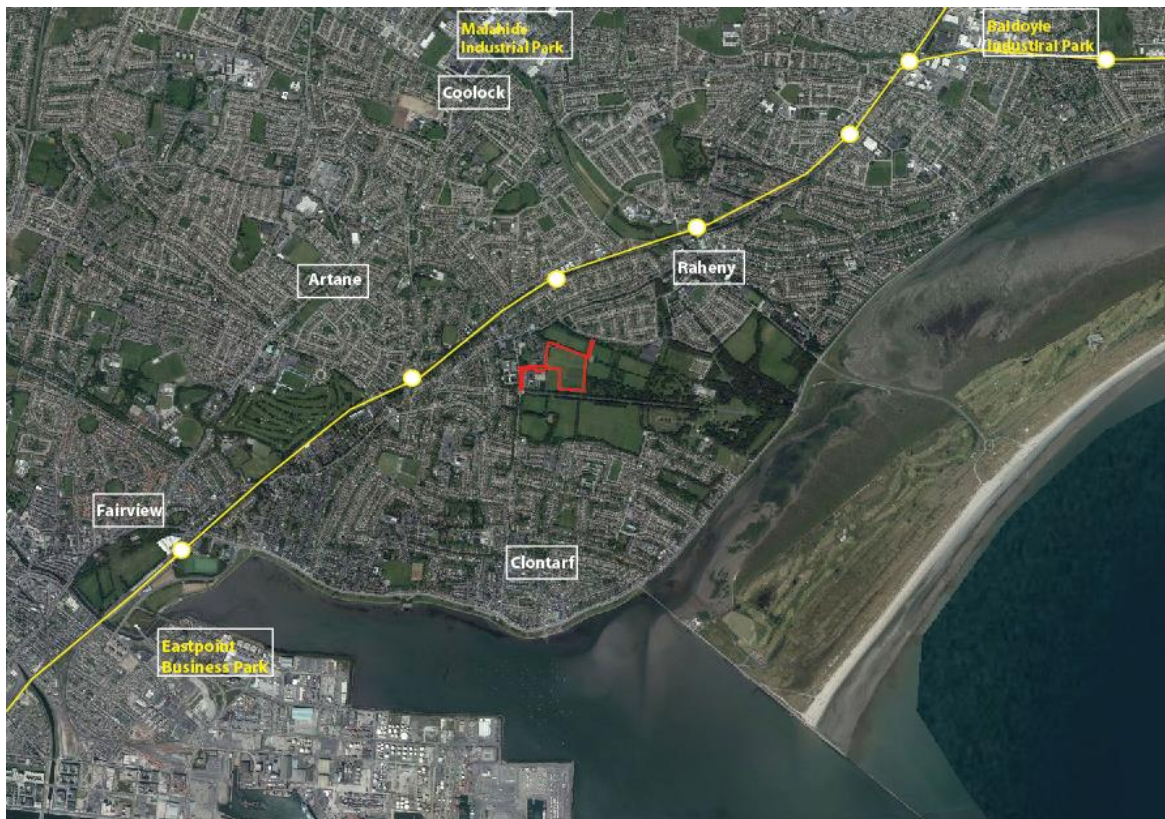


Fig. 1 Site Location Map

The application site is 6.7ha in size and includes lands within the ownership of Dublin City Council on Sybil Hill Road and within St. Anne's Park which are required for infrastructural works as part of the proposed development.

The development site is 6.4ha and incorporates the lands owned by the applicant, and lands required for access at St. Paul's College.

3 PLANNING HISTORY

3.1 Previous Planning Applications

The application site, and adjacent lands, have been subject to a number of planning applications in recent years. Subsequent to consultation on this current application, An Bord Pleanála in their Opinion of 17th July 2019 requested that the Planning Report contain a 'Detailed chronology of all relevant planning applications on or adjacent to the site, including legal challenges or judgement as appropriate'. This is set out below in chronological order, and relates to the following sites:



Fig 2: Planning History Sites (Indicative Site Locations)

Site 1: DCC Reg. Ref.: 3074/10; ABP Reg. Ref.: PL 29N.238232:

An Bord Pleanála, in May 2011, overturned a decision by Dublin City Council to grant permission, subject to conditions, for a development consisting of the demolition of 3 habitable dwellings and the construction of 98 dwelling units (houses and apartments) on this site.

Site 1: DCC Reg. Ref.: 3383/14; ABP Reg. Ref.: PL 29N.244588

An Bord Pleanála, in July 2015, overturned a decision by Dublin City Council to grant permission, subject to conditions, for a development consisting of the demolition of 3 habitable dwellings and the construction of 79 dwelling units (houses and apartments) on this site.

Site 2 & 3: DCC Reg. Ref.: 3899/15

An application for the development of a residential development comprising 381 no. units - 107 no. houses and 274 no. apartments in 6 no. five storey blocks comprising ground floor with three storeys over plus penthouse with a basement and 2 no. all-weather playing pitches a two storey multipurpose sports hall was lodged with Dublin City Council in October 2015 and declared invalid by the Council in December 2015.

Site 2 & 3: DCC Reg. Ref.: 4185/15

An application for the development of a residential development comprising 381 no. units - 107 no. houses and 274 no. apartments in 6 no. five storey blocks comprising ground floor with three storeys over plus penthouse with a basement and 2 no. all-weather playing pitches a two storey multipurpose sports hall was lodged with Dublin City Council in December 2015 and withdrawn by the applicant in October 2016.

Site 1: DCC Reg. Ref.: 4242/15; ABP Ref. PL29N. 246250.

Permission was granted by An Bord Pleanala, in July 2016, for 76 dwellings consisting of houses and apartments ranging in height from 2 to 5 storeys. This permission has been largely completed and the development is partly occupied.

Site 3: DCC Ref: 3777/17; ABP- 301482-18

Permission has been refused by Dublin City Council for a new Sports Hall and all-weather pitches at St. Paul's College. The application is currently on appeal with An Bord Pleanala. A small portion of the proposed site overlaps with the application boundary of this application.

Site 2: ABP-300559-18 & ABP-302225-18

Planning permission was sought by way of a Strategic Housing Development Application to An Bord Pleanala in December 2017 for the development of 536 no. units (104 no. houses and 432 no. apartments), widening and realignment of an existing vehicular access onto Sybil Hill Road to facilitate the proposed access road with footpaths and on-road cycle tracks from Sybil Hill Road and Sybil Hill House (Protected Structure) and St. Paul's College incorporating new accesses to Sybil Hill House and St. Paul's College and associated site works.

Following consideration by An Bord Pleanala the application was granted on 3rd April 2018 (ABP-300559-18) before being subsequently refused (ABP-302225-18) as outlined below.

Legal Challenges

The grant of permission under case reference ABP-300559-18, was challenged by Peter Sweetman, Clonres CLG, John Conway and Louth Environmental Group by way of judicial review in the High Court in May 2018.

The decision of the Board was ultimately quashed, by Order of the High Court, on 1st August 2018 and the matter was remitted back to the Board. The Board subsequently refused the application, under a new case number ABP-302225-18 on 11th September 2018.

The Board's refusal under case number ABP-302225-18, dated 11th September 2018, was challenged by the applicant for permission, Crekav Trading GP Limited under High Court record number 2018/880JR. The judicial review proceedings were heard before Mr Justice Barniville in February 2019 and judgment is awaited.

A separate letter addressing other current legal challenges prepared by A&L Goodbody is included in Appendix 1 of this Report.

3.2 Previous SHD Refusal Reasons

As outlined above the previous SHD Application (Ref.: ABP-300559-18) lodged to An Bord Pleanala was originally granted by An Bord Pleanala. An Bord Pleanala noted in the Order for this decision 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.'

Following the application returning to An Bord Pleanala, the Board determined (under a new file number Ref.: ABP-302225-18) that the application was refused for the following reasons:

1. *Having regard to the information provided in the Screening Report dated 21st December 2017, the Board could not be satisfied that the exclusion from the Natura Impact Statement of relevant species of Special Conservation Interest associated with European sites within the Zone of Influence of the proposed development, on the basis of the infrequency*

of their use of development lands and the low numbers of species involved was appropriate, and therefore that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the North Bull Island Special Protection Area (SPA), (Site Code: 004006), the South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024), the Baldoyle Bay SPA (Site Code: 004016), the Malahide Estuary SPA (Site Code: 004025), the Rogerstown Estuary SPA (Site Code: 004015), or any other European site in view of the sites' Conservation Objectives.

2. *Having regard to the fact that the subject site is one of the most important ex-situ feeding sites in Dublin for the Light-bellied Brent Goose, a bird species that is a qualifying interest for the North Bull Island SPA (Site Code: 004006), the South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024), the Baldoyle Bay SPA (Site Code: 004016), the Malahide Estuary SPA (Site Code: 004025), and the Rogerstown Estuary SPA (Site Code: 004015) and having regard to the lack of adequate qualitative analysis and accordingly the lack of certainty that this species would successfully relocate to other potential inland feeding sites in the wider area, as proposed as mitigation for the development of the subject site in the submitted Natura Impact Statement, the Board cannot be satisfied, beyond reasonable scientific doubt, that the proposed development, either individually or in combination with other plans and projects, would not adversely affect the integrity of these European sites in view of the sites' Conservation Objectives. The Board considered that the proposed development would contravene materially a development objective (GI23) indicated in the Dublin City Development Plan (2016-2022) for the protection of European sites. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.*

The reasons for refusal on the previous SHD application are set out in the Natura Impact Statement which forms part of this application.

4 PRE-PLANNING CONSULTATION

Both the context and approach to the application site and the design rationale for the proposed development, have been subject to considerable consultation with the Dublin City Council Planning Department under Section 247.

A series of meetings have been held with the City Council's Planning Department as formal pre-application discussions on the substance of the proposed development, on the following dates:

- 18th February 2019
- 21st March 2019
- 15th July 2019
- 10th September 2019

In addition meetings and consultation took place with officials from the Roads & Traffic Section, Drainage, Housing and Parks Departments.

In addition a tri-partite meeting took place with An Bord Pleanala and Dublin City Council on 28th June 2019 as part of the Pre-Application Consultation Request submitted on the project.

5 PLANNING FRAMEWORK

The planning policy and context for the proposed scheme is established in national and local policy. These are considered in the Statement of Consistency with this section of the Planning Report outlining the key elements of the specific local planning policy established in the Dublin City Development Plan 2016-2022.

5.1 Dublin City Development Plan 2016-2022

The subject site is located within the administrative area of Dublin City Council (DCC). The Dublin City Development Plan 2016-2022 sets the statutory planning policy for development within the City Boundary, having regard to national and regional plans and policies. The Development Plan also provides the planning policy framework and design and development standards for development of the subject lands.

Core Strategy

The proposed development supports the achievement of DCC Development Plan objectives in a number of key areas which are discussed below. Further, compliance with County, Regional and National policy are detailed within the enclosed Statement of Consistency prepared by BSM which should be [read in conjunction to this Planning Report.

The Core Strategy of the Dublin City Development Plan 2016-2022 identifies a need for approximately 29,500 new residential units over the life of the Plan. Table C of the Core Strategy quantifies the area of lands zoned for residential development (4,466ha) or for a mixed use development including residential (2,043ha). The latter includes Z15 zonings and as noted in the City Development Plan, is based on an assumption of 100 units per hectare. In this regard the subject Z15 zoned lands are included in Core Strategy calculations for achieving sufficient zoned lands to cater for targeted population growth.

The subject area is located in the North Central housing strategy area. The Core Strategy indicates the subject lands zoned have strategic capacity in terms of housing provision for the North Central Area. The lands have been included in the residential core strategy as *'available suitable land for housing development'*. Of the total 6509 hectares identified in the Development Plan as lands zoned for residential or mixed use including residential the Development Plan there are only 440 hectares that remain to be developed. This site represents 6.4ha of that 440ha and as such is an important site for the delivery of residential development in this area.

Overall the proposed development has had careful regard to the policies and objectives contained within the Development Plan. In particular the proposed development supports the achievement of Objective SC13:

SC13: To promote sustainable densities, particularly in public transport corridors, which will enhance the urban form and spatial structure of the city, which are appropriate to their context, and which are supported by a full range of community infrastructure such as schools, shops and recreational areas, having regard to the safeguarding criteria set out in Chapter 16 (development standards), including the criteria and standards for good neighbourhoods, quality urban design and excellence in architecture. These sustainable densities will include due consideration for the protection of surrounding residents, households and communities.

The design, layout and open space will result in a high quality community and residential environment. Communal facilities have been included within the proposed development to serve future residents.

Residential Development

Similarly Chapter 5 of the Development Plan relates to Quality Housing Objectives. In particular the QH6 & QH7 aim to:

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

The Development Plan further notes that, in Dublin City, it is envisaged that the majority of new housing in the city area will be apartments or another typology that facilitates living at sustainable urban densities.

With regards to apartments, the DCC policies are as follows:

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.

QH19: *To promote the optimum quality and supply of apartments for a range of needs and aspirations, including households with children, in attractive, sustainable, mixed-income, mixed-use neighbourhoods supported by appropriate social and other infrastructure.*

QH20: *To ensure apartment developments on City Council sites are models of international best practice and deliver the highest quality energy efficient apartments with all the necessary infrastructure where a need is identified, to include community hubs, sports and recreational green open spaces and public parks and suitable shops contributing to the creation of attractive, sustainable, mixed-use and mixed-income neighbourhoods.*

Zoning and Land Use

The majority of the application site, together with the adjoining St Paul's College and the Vincentian Generalate in Sybil Hill House, is zoned objective Z15 in the Dublin City Development Plan 2016-2022:- *To protect and provide for institutional and community uses.* Under the zoning objective, the proposed residential use is open for consideration.

A small section of the application site is zoned Z9 as this includes lands within St. Anne's Park required to provide for the routing of a surface water discharge from the site via St. Anne's Park to the Naniken River. The application also seeks permission for the demolition and reconstruction of the existing pedestrian river crossing in St. Anne's Park with integral surface water discharge to Naniken River as requested by Dublin City Council. No residential development is proposed on the lands contained within the application boundary which are zoned Z9.



Fig. 3 DCC Development Plan 2016-2022 Zoning Map B with Subject site indicated

Where Z15 lands are to be subject to comprehensive redevelopment, and, where the development proposed does not relate to extensions or enhancements to the existing community and institutional use, the Development Plan requires the preparation of a Masterplan.

A Masterplan entitled “Z15 Institutional Lands – Land use Disposition Masterplan”, prepared by Simon Clear Associates included with this application, and addresses the provisions of the Z15 Zoning Objective. The Masterplan, which has been prepared on behalf of Orsigny CLG/ The Vincentian Order, relates to all of the lands in the original St Paul’s College campus that are subject to the Z15 zoning, describes the future strategic vision and structure for the redevelopment of lands at St. Paul’s College. The Development Plan requires a single Masterplan vision for the use of the lands within the area subject to the zoning, irrespective of the current ownership structure.

The Masterplan represents the intentions of the main institutional stakeholder of the lands, working in co-operation with the other landowners within the subject Z15 area and with Dublin City Council to deliver a vision for the integrated and sustainable development of the lands, while retaining the main institutional use in an enhanced condition and setting. The Institutional Owners confirm that the main institutional and community uses on the lands, including space for any necessary expansion of such uses will be maintained and improved in the future by Orsigny/The Vincentian Order.

This has been considered comprehensively in the proposed approach as set out in this SHD Application and is detailed in this report, and in the Masterplan Report prepared by Simon Clear Associates.

Height

The Development Plan Height Strategy identifies a building height cap of 24m for residential development *within 500m of Rail Hubs*; and, Up to 16m in the *Outer City*.

Proposed building heights across the site vary between 5 and 9 storeys. It is submitted that the rationale for increased height at this location goes beyond the specific height limits set out in the Development Plan and should be considered in the context of the wider height policies of the Development Plan, Government policy, and the site context. The Urban Development and Building Height Guidelines (2018) establish the principle for the re-examination of height limits and these can now be considered over the Development Plan height limits on a site specific contextual basis. This is considered in detail in Section 7.3 of this Report and in the Statement of Material Contravention and the Statement of Consistency included in this application.

6 PREVIOUS USE OF THE LANDS

As the Board will be aware, the lands, which are now unused grasslands, were previously used, under licences (which expired in January 2018), by local sporting organisations, all of whom have primary club facilities elsewhere, with the consent of the previous owners. The applicant has consulted with the St Paul's College Board of Management and with the Order, Orsigny. The Order and Board of Management have noted the following: -

- It has been confirmed that the school's sports program in the academic year 2018- 2019 has been carried out within the resources of the college as currently configured, whereby the lands owned by Crekav GP Trading Ltd. are fenced off and are excluded from use;
- This has been achieved in the absence of the proposed improvement to the sports facilities in the school requested in a planning application, which was refused permission by DCC and has been on appeal to An Bord Pleanala for in excess of 1 year;
- It has been reconfirmed that the enhanced sports facilities described in the planning application will be made available to community clubs, as a significant addition to sports facilities resources in the district, after their construction;
- New importance has been placed on physical education in the school curriculum and the Department of Education and Skills (DES) has indicated it will not be developing new sports facilities in particular schools to meet curriculum requirements. St Paul's intends to provide these facilities from its own resources;
- Local sports clubs are currently accommodated at St Paul's, with Clontarf Soccer Club being the greatest user of the existing Astro turf Pitch within the school grounds;
- The Clontarf GAA nursery is still accommodated at St Paul's School grass pitch on Sunday mornings;
- St Paul's is actually a feeder school to Clontarf Rugby Club, which is self-sufficient within its own facilities and will be facilitated further when the new sports facilities are provided;
- Clontarf Rugby Club has an artificial pitch and plays competitive games on it;
- Licence conditions placed on pitches at St Paul's meant they were not made available during the January and February annual fallow period, which meant that club league matches could not be scheduled on those pitches during those months;
- Therefore, league scheduling programs already took into account the non- availability of pitches to under age teams from the locality in the previous arrangement;

- The information available from DCC is that under 18's have access to pitches in St Anne's Park without charge.

The information from available sources indicate that the three clubs that previously had limited access to pitches at St Paul's College have accommodated their activities elsewhere and also under their current arrangement with St Paul's for access to facilities within the college grounds. These facilities would be enhanced through a grant of permission for the sports facilities that is currently subject to an appeal at An Bord Pleanala.

7 PROPOSED DEVELOPMENT

Planning permission for the site is sought by way of a Strategic Housing Development planning application for the development. The development which is the subject of this Planning Application consists of:

1. *The construction of a residential development with a gross floor area of c. 65,125 sq.m (excluding basement parking areas) set out in 9 no. blocks, ranging in height from 5 to 9 storeys to accommodate 657 no. apartments, residential tenant amenity spaces and a crèche. The site will accommodate 499 no. car parking spaces, 1646 no. bicycle parking spaces, storage, services and plant areas. Landscaping will include extensive communal amenity areas, and a significant public open space provision.*
2. *The 9 no. residential buildings range in height from 5 storeys to 9 storeys accommodating 657 no. apartments comprising 224 no. 1 bed units, 378 no. 2 bed units and 55 no. 3 bed units. Balconies and terraces to be provided on all elevations at all levels for each block. The breakdown of residential accommodation is as follows:*
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 - *Residential tenant amenity space is provided at ground and basement level of Block 1 (c.719 sq.m) and ground level of Block 6 (c.162 sq.m). External residential open space is provided to the west, east and between all blocks. A crèche is provided at ground level in Block 7 with a total floor area of c.612 sq.m.*
3. *Blocks 1 to 6 are located above a proposed basement accessed from the new access road. The basement will accommodate 465 no. car parking spaces (456 for residential and 9 for crèche staff) and 1314 no. bicycle parking spaces, storage, services and plant areas. 34 No. Surface car parking is provided for visitors, crèche drop off and shared parking/club car adjacent to Block 7 and 332 no. cycle parking spaces, are provided throughout the landscaped areas.*
4. *A new 1.6ha public open space is provided to the south of the site. Proposed pedestrian access from the site to the adjacent St Anne's Park is proposed in the north-west, north-east, east and south-east boundaries of the site.*
5. *Widening and realignment of an existing vehicular access onto Sybil Hill Road to facilitate the construction of an access road with footpaths and on-road cycle tracks from Sybil Hill Road between Sybil Hill House 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. To facilitate this new access road it is proposed to demolish an existing*

pre-fab building. The application also includes for a proposed pedestrian crossing on Sybil Hill Road.

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7. *The proposed application includes all site landscaping works, green roofs, substations, PV panels, boundary treatments, lighting, servicing, signage, surface water attenuation facilities and associated and ancillary works, including site development works above and below ground.*

7.1 Overall Design Rationale

The site strategy and design evolution followed a number of key structuring principles and in response to site specific characteristics. Key design decisions were made during the design process, and including alterations since the tri-partite meeting with An Bord Pleanala, to optimise the living environment for current and future residents. These included:

- Generous open space buffer to be provided to existing housing and the Protected Structure to reduce impact.
- Retention of existing good quality trees.
- Generous spacing between apartment blocks.
- Positioning of apartment blocks in parkland setting.
- Public open space provision of 25% in accordance with Z15 zoning.
- Provision of pedestrian links to St. Anne's Park.
- Massing and positioning of apartment blocks to ensure good daylight levels to all apartment units, open space and existing dwellings.
- Passive supervision to all open space to ensure they are safe and well used spaces.
- Tallest blocks are located in the centre of the development where they will not be visible from St. Anne's Park.
- Smallest blocks and large buffer of public open space located adjacent to the Avenue of St. Anne's Park to minimise visual impact on the Avenue.

Since the tri-partite meeting during the Pre-Application Consultation Request process the proposed development has been amended, as outlined above, to take account of comments from both Dublin City Council and An Bord Pleanala and Section 28 Guidelines.

The key changes, as outlined above, relate to the consolidation of the 25% public open space to the south of the site, the amendment of previously

proposed houses to apartments and the increase in height to the centre of the site.

The proposed development has been designed to sit comfortably within its surrounds, minimising impact on adjacent development, the nearby Protected Structure and St. Anne's Park. Particular attention was paid to the massing of apartment Block 1 ensuring no casting of shadows or reduction in daylight levels of the existing residential development at The Meadows.

The following steps have been taken to reduce the mass of Apartment Block 1 and eliminate potential for overshadowing and minimise overlooking on the existing housing at The Meadows and on to Sybil Hill House:

- Good quality trees in the existing stand along the boundary will be retained for screening.
- Proposed c. 12 meter tall trees will be planted in the open space to enhance this screening.
- Block 1 is set back from the The Meadows housing by c. 50.
- Block 1 is set back from Sybil Hill House by c.78m (c.43m to the boundary + c.35m to Sybil Hill House).
- Block 1 is east of The Meadows, which will result in no overshadowing of the housing.
- The ground floor of the apartment block 1 has been lowered by 2 meters, which will reduce the visual impact of the apartment block.
- The penthouse level of the apartments is setback, which will reduce the mass of the block.
- The block has been broken up into 3 distinct blocks with glazed links in between, which visually reduces the length of block one by giving it the appearance of 3 smaller blocks.
- The elevations have been designed to have horizontal emphasis, drawing the eye along the elevation, which reduces the visual height of the block.
- All balconies are inset to reduce overlooking on existing buildings.

7.2 Compliance with the Zoning Objective

The majority of the application site, together with the adjoining St Paul's College and the Vincentian Generalate in Sybil Hill House, is zoned objective Z15 in the Dublin City Development Plan 2016-2022:- *To protect and provide for institutional and community uses*. Under the zoning objective, the proposed residential use is open for consideration.

The Development Plan sets out specific guidance in relation to development in Z15 lands which are considered with regards to the subject site as follows:

These generally large blocks of land, consisting of buildings and associated open spaces, are located mainly in the suburbs. The present uses on the lands generally include community related development including schools, colleges, residential institutions and healthcare institutions, such as hospitals. Institutional and community lands display a variety of characteristics ranging from institutions in open grounds to long established complexes of buildings. They often provide ancillary and incidental activities for the local community such as use of part of the site for recreational purposes or the use of rooms for local meetings.

The subject site is a 6.7 ha site (6.4ha development site) located to the east of St. Paul's College. The lands previously formed part of the St. Paul's College lands, a secondary school for boys. Previously, they were leased by the school to various recreational groups for use when not required by the school. The lands are currently unoccupied and unused grasslands, and have been so since November 2017.

These lands play an important role in the achievement of a more compact city in that they contribute to the creation of vibrant neighbourhoods and a sustainable well connected city through the provision of such infrastructure as schools, hospitals and open space. The city also includes nationally important institutions, such as hospitals and educational facilities, which as stated in Section 14.1 – Zoning principles, is Council policy to cooperate with, in order to promote the strategic long-term needs of the city and the country.

The lands are located within the established community of Raheny and Artane, proximate to local schools, green infrastructure and public transport. The development of these lands encourages a more compact city by providing for an appropriate density of development on a well-connected and serviced site in an existing community. The lands were formerly part of the adjacent St. Paul's College lands but have since been deemed not required for the schools long term operation, and were sold to the applicant.

With any development proposal on these lands, consideration should be given to their potential to contribute to the development of a strategic green network (see also Chapter 10 – Green Infrastructure, Open Space and Recreation), and to the delivery of housing in the city. In addition, development at the perimeter of the site adjacent to existing residential development shall have regard to the prevailing height of existing residential development and to standards in Section 16.10 (standards for residential accommodation) in relation to aspect, natural lighting, sunlight, layout and private open space, and in Section 14.7 in relation to the avoidance of abrupt transitions of scale between zonings.

The proposed scheme is designed and arranged in a manner relating to the site's parkland setting. Extensive green external space, significantly in excess

of open space requirements, is provided throughout the scheme in addition to a proposed public open space to the south of the proposed residential development, to be taken in charge by Dublin City Council. The scheme allows for future connections into St. Anne's park facilitating continuation of the green network while providing for a high quality residential development.

The scale of the site facilitates that the proposed buildings are set back from the site boundaries adjacent to more sensitive receptors such as low-density housing at The Meadows to the west of the site, and the avenue in St. Anne's Park to the south of the site, with taller elements of the proposed residential development located centrally in the site.

A balance is achieved between respecting the existing context while providing for a density of development required to facilitate a more compact city.

The following sections of this report details compliance and consideration of the standards in Section 16.10 of the Development Plan, or as they have been superseded by the *Sustainable Urban Housing: Design Standards for New Apartments- Guidelines for Planning Authorities*'. The proposed development is compliant with regards to aspect, natural lighting, sunlight, layout and private open space.

As set out in Section 7.1 particular attention has been paid to minimising any impact on the adjacent The Meadows housing to the west of the northern section of the site. The proposed development is significantly set back (50m), to the east of existing housing and existing trees will be supplemented by additional 12m tall trees.

Where there is an existing institutional and/or community use, any proposed development for 'open for consideration' uses on part of the landholding, shall be required to demonstrate to the planning authority how the proposal is in accordance with and assists in securing the aims of the zoning objective; how it secures the retention of the main institutional and community uses on the lands, including space for any necessary expansion of such uses; how it secures the retention of existing functional open space e.g. school playing fields; and the manner in which the nature and scale of the proposal integrates with the surrounding lands.

As noted above the previous use of the site was open space associated with the adjacent St. Paul's College however these lands were not deemed necessary for the long term operation of the school and were sold to the applicant in 2015. The lands are currently unoccupied and unused grasslands and as such have no current institutional or community use. . The adjacent St. Paul's College, and the Provincial Headquarters of the

Vincentian Order, continue to be located on the remainder of the subject Z15 zoned lands.

As residential development is included as 'open for consideration' the zoning objective as outlined above requires this application to demonstrate:

- *demonstrate to the planning authority how the proposal is in accordance with and assists in securing the aims of the zoning objective;*
- *how it secures the retention of the main institutional and community uses on the lands, including space for any necessary expansion of such uses;*

The lands have not been deemed required for the long term operational needs of the main institutional use of the Z15 lands (St Paul's College and the Provincial Headquarters of the Vincentian Order) and they have no current community or institutional use on them. The lands are no longer in the ownership of the main institutional use and could not be utilised by this use.

The school has retained the lands required for its current operations and has sought to further provide for expansion of their sporting infrastructure through a planning application to Dublin City Council which is currently on appeal to An Bord Pleanála (DCC Ref: 3777/17; ABP- 301482-18). This would secure the expansion it requires for its long term operations.

- *how it secures the retention of existing functional open space e.g. school playing fields;*
As previously set out, there is no existing functional open space e.g. school playing fields, on the lands. The lands are unused grasslands, and have been so since November 2017.
- *and the manner in which the nature and scale of the proposal integrates with the surrounding lands.*
As outlined in this report and in the Architects Design Statement the proposed residential development has been designed to sit comfortably within its surrounds, minimising impact on adjacent development and the nearby Protected Structure, and on St. Anne's Park. Particular attention was paid to the massing of block one ensuring no casting of shadows or reduction in daylight levels of the existing residential development and the location of taller elements and any visual impact on the setting of St Anne's Park.

A masterplan may assist in demonstrating how the requirements of this paragraph may be satisfied. A masterplan is not required in the case of minor developments associated with the existing use or where the development

proposed relates to extensions to the existing community and institutional use and would enhance the facilities.

A Masterplan Report (Z15 Institutional Lands – Land use Disposition Masterplan by SCA) has been prepared for the lands which describes the future strategic vision and structure for the redevelopment of lands at St. Paul's College, Sybil Hill Road, Raheny- to retain and continue to accommodate education and religious community facilities with improved and increased capacity sports and community facilities and new residential development.

In considering whether there is no longer a need for the existing institutional use and a material contravention or variation to the development plan is proposed, the planning authority shall consult with the owner/ operator of the existing institutional and community uses and the relevant statutory provider (e.g. the Department of Education and Skills in the case of schools, and the Department of Health and the HSE in the case of hospitals). A masterplan is required in these circumstances.

As outlined above, and as set out in the Masterplan submitted with this application, the lands have no current or existing institutional use as they have been sold to the applicant by the Institutional Owners who confirm that that the main institutional and community uses on the lands, including space for any necessary expansion of such uses will be maintained and improved in the future by Orsigny/The Vincentian Order. No material contravention in relation to the zoning is proposed by this application.

The masterplan, which may necessitate a variation, shall set out a clear vision for the lands zoned Z15, to provide for the identification of 25% of the lands for open space and/or community facilities (instead of the 10-20% public open space provided for in earlier in this chapter. This requirement need not apply if the footprint of the existing buildings exceeds 50% of the total site area of the institutional lands.

The 25% public open space requirement has been incorporated into the proposed application. This proposed open space is located to the south of the proposed residential development, adjacent to St. Anne's Park, and is proposed to be taken in charge by Dublin City Council who will manage and operate it for future uses.

The masterplan must incorporate landscape features which retain the essential open character of the lands zoned Z15.

The Masterplan is supported by a Landscape Design Rationale Statement prepared by Brady Shipman Martin. This outlines the parklands nature of the

proposed development which retains much of, and enhances, the existing landscape features.

The proposed development is not gated and includes for potential linkages to St Anne's Park subject to agreement with Dublin City Council which will provide for permeability and access from the site to the Park, which is currently inaccessible.

It must also ensure that the space will be provided in a manner designed to facilitate potential for future public use and protect existing sporting and recreational facilities which are available predominantly for community use. The 25% public open space shall not be split up, unless site characteristics dictate otherwise, and shall comprise mainly of soft landscaping suitable for recreational and amenity purposes and should contribute to, and create linkages with, the strategic green network.

The proposed 25% public open space proposed in this application is provided as a single space which will be taken in charge by Dublin City Council for future public use. A landscape layout is identified in the application however it is considered that this will be subject to detailed discussions and conditioned to be agreed with Dublin City Council prior to it being taken in charge. It will be the responsibility of DCC to decide on and manage the future uses of the public open space.

In this regard it is suggested that the Board, in any grant of permission for the proposed scheme, apply a condition allowing for the final agreement of the landscaping design of the public open space in writing with the Planning Authority.

7.3 Height

The Development Plan Height Strategy identifies a building height cap of 16m/24m (as set out above) for residential development in this location. However it is submitted that the rationale for increased height at this location goes beyond the specific height limits set out in the Development Plan and should be considered in the context of the wider height policies of the Development Plan, Government policy, and the site context.

The Urban Development and Building Height Guidelines (2018) establish the principle for the re-examination of height limits and these now take precedence over the Development Plan height limits on a site specific contextual basis.

Development Management Principles and Criteria

Section 3.2 of the Urban Building Height Guidelines provide guidance for Planning Authorities/An Bord Pleanala in considering development

proposals for buildings taller than prevailing building heights in pursuit of the Guidelines. These are considered, in relation to St.Paul's, as follows:

Proposed Scheme	
Principles	
Does the proposal positively assist in securing National Planning Framework objectives of focusing development in key urban centres and in particular, fulfilling targets related to brownfield, infill development and in particular, effectively supporting the National Strategic Objective to deliver compact growth in our urban centres?	Yes the proposed development provides for sustainable and high quality compact development within an existing established urban area which supports compact growth of key population centres.
Is the proposal in line with the requirements of the development plan in force and which plan has taken clear account of the requirements set out in Chapter 2 of these guidelines?	Yes- the proposed development is fully in line with Development Plan objectives for the delivery of residential development within lands incorporated in to the Core Strategy.
Where the relevant development plan, local area plan or planning scheme pre-dates these guidelines, can it be demonstrated that implementation of the pre-existing policies and objectives of the relevant plan or planning scheme does not align with and support the objectives and policies of the National Planning Framework	Yes- the Dublin City Development Plan 2016-2022 pre-dates the publication of the Section 28 Guidelines. The Development Plan provides for height limits which are not recommended in the Guidelines.
Criteria	
City/Town Scale	
The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport	Yes the site is located proximate to existing DART stations and along QBC bus routes.
Development proposals incorporating increased building height, including proposals within architecturally sensitive areas, should successfully integrate into/enhance the character and public	The heights proposed across the scheme are sensitively located to minimise impact on views from adjacent development and from St. Anne's Park. In addition mitigation in the form of additional planting

<p>realm of the area, having regard to topography, its cultural context, setting of key landmarks, protection of key views. Such development proposals shall undertake a landscape and visual assessment, by a suitably qualified practitioner such as a chartered landscape architect.</p>	<p>has been incorporated to further offset any perceived impacts, with proposed built form set back from The Avenue at St. Anne's Park, introducing a public open space at this location. The potential for impact of the proposed development on its surroundings is considered in detail in the Landscape Chapter of the EIAR, where a landscape and visual assessment is set out in detail. Accompanying photomontages are provided in the EIAR Appendix.</p>
<p>On larger urban redevelopment sites, proposed developments should make a positive contribution to place-making, incorporating new streets and public spaces, using massing and height to achieve the required densities but with sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape.</p>	<p>The proposed development contributes to new public open space through the provision of 25% of the site development area as new public open space, (area of 1.6ha), to be taken in charge by Dublin City Council. The development introduces a variety of heights through the site which respond to surrounding land uses.</p>
District/ Neighbourhood/ Street Scale	
<p>The proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape</p>	<p>The proposed development incorporates provision for a significant area of public open space, adjacent to St. Anne's Park, positively contributing to the natural and built environment of the wider area. It also provides for a crèche within the development, which will serve the wider area. The proposed development is set back from Sybil Hill Road, and sits within a parkland setting with significant green areas surrounding the proposed residential development.</p>
<p>The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks</p>	<p>The proposed development incorporates a variety of building forms, heights, and façade</p>

<p>with materials / building fabric well considered.</p>	<p>treatments, creating diversity yet presenting a unified approach to built form at this location. Specific treatment for apartment buildings e.g. Block 1 at the north-western boundary of the site, and for upper floors, is set out in the OMP Architectural Design Statement.</p>
<p>The proposal enhances the urban design context for public spaces and key thoroughfares and inland waterway/ marine frontage, thereby enabling additional height in development form to be favourably considered in terms of enhancing a sense of scale and enclosure while being in line with the requirements of “The Planning System and Flood Risk Management – Guidelines for Planning Authorities” (2009).</p>	<p>The proposed development incorporates heights of 5-9 storeys at appropriate locations on the site, where impact on adjacent lands is minimized, and where open space provision is enhanced. A Site Specific Flood Risk Assessment is submitted as part of this application for development, which demonstrates the development is in accordance with the <i>Guidelines</i>.</p>
<p>The proposal makes a positive contribution to the improvement of legibility through the site or wider urban area within which the development is situated and integrates in a cohesive manner.</p>	<p>Currently the site is inaccessible and acts as a barrier to movement from the adjacent sections of St.Anne’s Park to the north and west. The proposed development provides for extensive pathways and potential connections into St.Anne’s Park providing increased permeability and integration with the existing area.</p>
<p>The proposal positively contributes to the mix of uses and/ or building/ dwelling typologies available in the neighbourhood.</p>	<p>The proposed development includes for a mix of apartment types and sizes which provide for occupancy at all stages of life. It provides for company and modern apartment living in a parklands setting in an area predominated by two storey dwellings.</p>
<p>Site/Building Scale</p>	
<p>The form, massing and height of proposed developments should be carefully modulated so as to</p>	<p>The heights proposed across the scheme step up and down across the site to ensure daylight levels</p>

<p>maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light.</p>	<p>are achieved and to minimise impact on views from adjacent lands. This is considered in detail in the Landscape Chapter of the EIAR.</p>
<p>Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight (2nd Edition or BS 8206-2:2008 – 'Lighting for Buildings- Part 2: Code of Practice for Daylighting'.</p>	<p>A daylight sunlight Report accompanies the planning application, in addition to being considered in the EIAR. It concludes that across the entire development excellent levels of internal daylight and sunlight access of external spaces are achieved. The analysis also shows that the proposed building has negligible daylight Impact to surrounding properties.</p>
<p>Specific Assessments</p>	
<p>Specific impact assessment of the micro-climatic effects such as downdraft. Such assessments shall include measures to avoid/ mitigate such micro-climatic effects and, where appropriate, shall include an assessment of the cumulative micro-climatic effects where taller buildings are clustered.</p>	<p>A wind microclimate modelling assessment has been carried out for the proposed development, in addition to consideration of same in the EIAR. It concludes that the development has been designed to be a high-quality environment for the scope of use intended of each areas/building (i.e. comfortable and pleasant for potential pedestrian), and from a quantitative point of view, it does not introduce any major or critical impact on the surrounding areas and on the existing buildings</p>
<p>In development locations in proximity to sensitive bird and / or bat areas, proposed developments need to consider the potential interaction of the building location, building materials and artificial lighting to impact flight lines and / or collision.</p>	<p>The proposed development is subject to both an EIAR and a NIS which considers the impact of birds and bats as a result of the proposed development.</p>
<p>An assessment that the proposal allows for the retention of important telecommunication channels, such as microwave links.</p>	<p>Given the heights proposed and the nature of the site context it is not considered that there will be any impact on any important telecommunication channels.</p>

<p>An assessment that the proposal maintains safe air navigation.</p>	<p>The proposal does not exceed the height required by the Development Plan to notify with IAA. As such it is considered that safe air navigation is maintained.</p>
<p>An urban design statement including, as appropriate, impact on the historic built environment</p>	<p>This is considered in both the EIAR and in respect of the historic built environment but also in the OMP Architects Design Statement in regards to proposed build form and materials.</p>
<p>Relevant environmental assessment requirements, including SEA, EIA, AA and Ecological Impact Assessment, as appropriate.</p>	<p>As the site is over 500 units an EIAR has been carried out and accompanies this SHD Planning Application. Additionally an AA Screening Report and Natura Impact Statement is included.</p>

Taking into account the scale of the subject site, the site's proximity to public transport and existing facilities and infrastructure, the design of the development with regards to minimising any impacts on both adjacent residential development and St. Anne's Park it is considered that the site is wholly capable of accommodating increases in height above the height limits set out in the Development Plan and in line with the objectives of the National Planning Framework.

The Guidelines in relation to the criteria above state that:

Where the relevant planning authority or An Bord Pleanála considers that such criteria are appropriately incorporated into development proposals, the relevant authority shall apply the following Strategic Planning Policy Requirement under Section 28 (1C) of the Planning and Development Act 2000 (as amended).

SPPR 3 in this regard states:

It is a specific planning policy requirement that where;

- 1. an applicant for planning permission sets out how a development proposal complies with the criteria above; and*
- 2. the assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines; then the planning authority may approve such*

development, even where specific objectives of the relevant development plan, local area plan or planning scheme may indicate otherwise.

As is outlined in this report and the other documentation accompanying this application, the subject site, is a prime example of the type of site anticipated in the Guidelines that can achieve increased modest building height increases and resulting increased density.

7.4 Residential Accommodation

The proposed apartment scheme comprises 657 units, with a mix of generously sized 1, 2 and 3 bed units. The proposed unit mix is 34% 1 bed, 58% 2 bed, 8% 3 bed. All apartments have East or West aspect and the majority of units are dual aspect.

Two apartment block types are proposed. A traditional 8 units per core pavilion block and a feature 'street' block. Apartment block heights vary from 5storeys to 9 storeys.

The apartment blocks have been positioned to ensure minimal overshadowing, which will provide ground floor apartments and open spaces with good levels of daylight.

The variety of apartment blocks types, lengths and heights will create a sense of place, visual interest and variety.

The blocks will have their own identity and the inclusion of shared tenant amenity facilities will foster a sense of community.

7.5 Residential Development Standards

The proposed development is fully in compliance with the Dublin City Council Development Plan Standards, as set out in Chapter 16, and where superseded by the *Sustainable Urban Housing: Design Standards for New Apartments- Guidelines for Planning Authorities'* of March 2018. In addition the Development Plan sets out additional standards.

This section of the Planning Report sets out compliance with these standards in tandem with the detail set out in the Housing Quality Assessment Table which is included with this Application.

Residential Quality Standards – Apartments

Unit Mix

The proposed mix is in compliance with the amended mix requirements of SPPR 1 of the Guidelines which states:

SPPR 1

Apartment developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms.

The proposal includes the following mix:

- 1 beds 34.1%
- 2 beds 57.5%
- 3 beds 8.4%

Floor Areas

The proposed floor areas are in compliance with the amended mix requirements of SPPR 3 of the Guidelines which states:

SPPR 3

Minimum Apartment Floor Areas:

- Studio apartment (1 person) 37 sq.m
- 1-bedroom apartment (2 persons) 45 sq.m
- 2-bedroom apartment (4 persons) 73 sq.m
- 3-bedroom apartment (5 persons) 90 sq.m

The proposed development includes units with the following minimum floor areas:

- 1 beds 49.5 sq.m
- 2 beds 77.7 sq.m
- 3 beds 99.4 sq.m

Further it is a requirement that the majority of all apartments in any proposed scheme of 10 or more apartments shall exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types, by a minimum of 10% (any studio apartments must be included in the total, but are not calculable as units that exceed the minimum by at least 10%).

The proposed residential units meet or exceed the minimum standards for apartment sizes.

Compliance with minimum aggregate floor areas and widths for living/dining/kitchen rooms and bedrooms is outlined in the HQA as prepared by OMP Architects, and submitted with this application.

Private and Communal Amenity Space

The Guidelines states that private amenity space shall be provided in the form of gardens or patios / terraces for ground floor apartments and balconies at upper levels. Where provided at ground floor level, private amenity space shall incorporate boundary treatments appropriate to ensure privacy and security.

Where balconies or terraces are provided, they should be functional, screened with opaque material, have a sunny aspect, and be of a minimum depth of 1.5m.

The Guidelines require the following minimum balcony sizes:

- Studio 4 sq.m
- 1-bed 5 sq.m.
- 2-bed 7 sq.m.
- 3-bed 9 sq.m.

The proposed balconies meet or exceed the minimum standards for private open space.

The Guidelines also requires that communal amenity space must be provided within a scheme which can be in the form of courtyards, roof gardens etc. In addition in larger schemes communal internal spaces are to be provided for residents use only i.e. multi-purpose rooms, cinema rooms, gym etc.

The Guidelines require the following minimum communal open space areas:

- Studio 4 sq.m
- 1-bed 5 sq.m.
- 2-bed 7 sq.m.
- 3-bed 9 sq.m.

		No.	Area	Total
Communal Open Spaces	Studios	0	4	0
	1 beds	224	5	1120
	2 beds	378	7	2646
	3 beds	55	9	495
	Total	657		4261

The total communal open space requirement for the development is therefore 4,261 sq.m. This requirement has been met through the provision of a series of open spaces throughout the scheme (as indicated in Fig 3 below).

		Total
Communal Open Spaces Proposed	West	5518
	Central	11356
	East	6655
	Connection	2253
		25782

These spaces while publicly accessible within the scheme, will be partly enclosed with low hedging and tree and shrub planting to provide a sense of enclosure. This is to ensure the parkland feel to the scheme is retained without the need for extensive fencing throughout. A network of footpaths connect to the wider setting and feature tree planting, including tree planting extending from the basement below, is used as focal points. A semi-private landscape strip is provided around the base of the apartments to accommodate apartment terraces. In addition, a metal trellis structure supporting climbers is to be provided over the entrance to the basement carpark.



Fig 3: Breakdown of Public & Communal Open Spaces

The proposed development also proposes internal tenant amenity spaces which totals 881 sq.m in size within the building envelope of a residential block. It is considered that this will take the form of multi-purpose rooms, working spaces, wifi zones, games rooms, meeting rooms, gym, cinema

rooms etc. These are located in Block 1 and 6 providing accessibility to all residents.

Storage

The Guidelines states that minimum storage requirements must be met as follows:

The Guidelines require the following minimum storage areas:

- Studio 3 sq.m
- 1-bed 3 sq.m.
- 2-bed 6 sq.m.
- 3-bed 9 sq.m.

The proposed residential units meet or exceed the minimum standards for storage areas.

Aspect

With regards to dual aspect units the Development Plan and the Urban Development and Building Height Guidelines require that a minimum of 50% of the overall number of units in a scheme should be dual aspect for a suburban site.

The Development Plan standards state that apartment units shall be provided with a good level of daylight and sunlight which contribute to a high quality living space.

Where single aspect apartments are provided, the provision of south facing units should be maximised with west or east facing single aspect units also being acceptable. Living spaces in apartments should provide for direct sunlight for some part of the day. North facing single aspect apartments may be considered where overlooking a significant amenity such as a public park, garden or formal space or a water body or some other amenity feature.

The proposed scheme is in compliance with the amended mix requirements of SPPR 4 of the Urban Development and Building Height Guidelines which states:

SPPR 4

In relation to the minimum number of dual aspect apartments that may be provided in any single apartment scheme, the following shall apply:

- (i) A minimum of 33% of dual aspect units will be required in more central and accessible urban locations, where it is necessary to achieve a quality design in response to the subject site characteristics and ensure good street frontage where appropriate.

- (ii) **In suburban or intermediate locations** it is an objective that there shall generally be a **minimum of 50% dual** aspect apartments in a single scheme. [our emphasis]
- (iii) For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha , planning authorities may exercise further discretion to consider dual aspect unit provision at a level lower than the 33% minimum outlined above on a case-by-case basis, but subject to the achievement of overall high design quality in other aspects

The proposed scheme includes for 52.20% of dual aspect units, in compliance with the Development Plan and Guidelines standards. There are no single aspect north facing units.

Floor to Ceiling Heights

The proposed mix is in compliance with the amended mix requirements of SPPR 5 of the Guidelines which states:

SPPR 5

Ground level apartment floor to ceiling heights shall be a minimum of 2.7m and shall be increased in certain circumstances, particularly where necessary to facilitate a future change of use to a commercial use. For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha , planning authorities may exercise discretion on a case-by-case basis, subject to overall design quality.

The Guidelines identify that 2.4m is standard good practice however 2.7m would be a minimum standard for ground floor apartments but a higher ground floor should be considered where apartments are not proposed at ground level.

The proposed scheme has ground floor, floor to ceiling heights of 2.7m with all upper floors at 2.4m.

Detailed daylight assessment has been carried out on the proposed development by OCSC, and is outlined in greater detail in their accompanying report and in Section 7.8 of this report.

Lift and Stair Cores

The proposed mix is in compliance with the amended mix requirements of SPPR 6 of the Guidelines which states:

SPPR 6

A maximum of 12 apartments per floor per core may be provided in apartment schemes. This maximum provision may be increased for building

refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, subject to overall design quality and compliance with building regulations.

The proposed development has sought to minimise the number of cores and maximise the number of apartments off each and typically, the blocks have 8 apartments per core in compliance with the standards.

Internal Space Configuration

Minimum internal space requirement for living/dining/kitchen rooms and bedrooms are set out in the Development Plan. Compliance with the internal rooms sizes are demonstrated in the HQA Table included in the OMP Design Statement. It is considered that all of the proposed units meet or exceed the Guidelines requirements.

Residential Quality Standards – Apartments & House Standards

Section 16.10.3 of the Development Plan outlines a number of residential quality standards to be applied to both apartment and house developments as follows:

Public Open Space

The Development Plan sets out requirements in relation to public open space on Z15 lands. This open space strategy is set out in detail within the Landscape Design Rationale Report prepared by Brady Shipman Martin A landscaping plan is required for all developments, identifying all public, communal and private opens space.

Site Development Area	= 6.4ha/ 64,166 sq.m
Proposed Public Open Space (25%)	= 1.6ha/ 16,050 sq.m

The scheme as proposed meets the 25% public open space. This is identified in the image below.

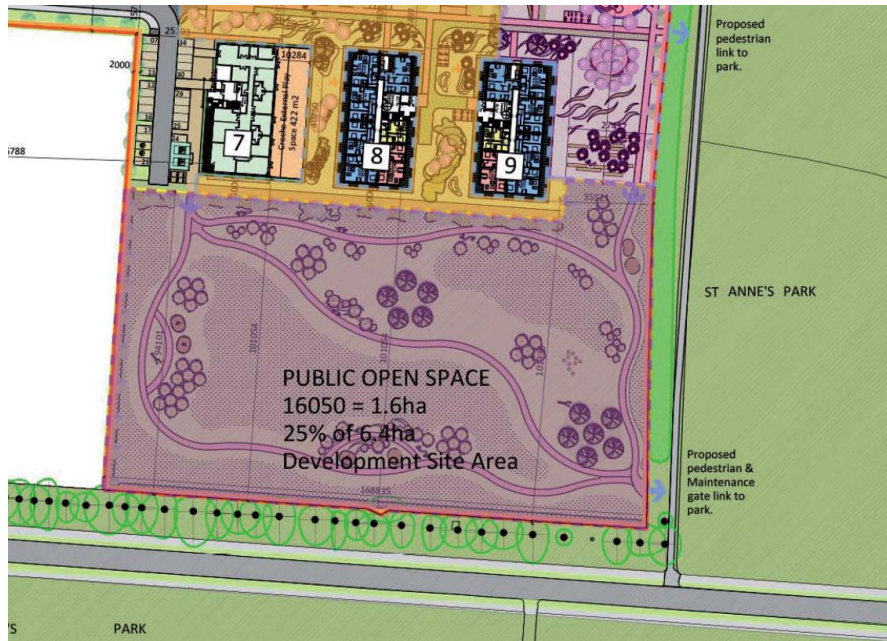


Fig 4: Breakdown of Public Open Space

A detailed landscape plan and design rationale prepared by Brady Shipman Martin Landscape Architects has been submitted with the application which outlines the rationale and design concepts proposed.

The final landscaping layout is to be agreed with Dublin City Council prior to their taking in charge of the space.

Plot Ratio & Site Coverage

The Development Plan sets indicative plot ratio and site coverage levels, to be used as a tool to assess development proposals. The Development Plan however acknowledges that both cannot be used alone to determine development proposals and *'need to be used in conjunction with other development control measures, including site coverage, building height, public and private open space, the standards applied to residential roads, and parking provision'*.

The Development Plan sets an indicative plot ratio standard of 0.5 – 2.5 for Z15 lands and the proposed scheme has a plot ratio of 1.

The Development Plan sets an indicative site coverage standard of 50% for Z15 lands and the proposed scheme has a site coverage of 16.5%.

Safety & Security

The Development Plan sets out that the design of all residential proposals should have regard to the safety and security measures outlined in the 'Safety Design Guidelines' Appendix and the 'Design for Safety and Security' guidance contained in the DEHLG 'Quality Housing for Sustainable

Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007).

It is submitted that the scheme has been designed cognisant of these Guidelines and this is evident from the Architectural Design Statement prepared by OMP.

Acoustic Privacy

The Development Plan sets out that the design of all residential proposals should have regard to the guidance on sound insulation and noise reduction for buildings contained in BS 8233:2014. It is submitted that the scheme, as designed by OMP, has been designed cognisant of these BS standards.

7.6 Residential Amenity & Crèche

The residential development will be supported by a gym, cinema, wifi zone, workspace, games room, meeting and function rooms, communal rooms and hot desks which will be provided in conjunction with the proposed residential development. A variety of amenity spaces are distributed throughout the development. Ground floor amenity spaces have associated external break out terraces. Informal seating areas will be provided at all levels of the street apartment blocks.

A new crèche is proposed on the site to cater for the needs of the development. It has a secure adjacent play area and is located beside the main open space area within the development, as shown below. It is proposed to provide crèche spaces for all 2 and 3 bed apartments (433 apts). In accordance with the guidance in "Childcare Facilities - Guidelines for Planning Authorities" the total number of units to be provided with crèche spaces is 115 (20 spaces per 75 units), which equates to a crèche of approximately 600 sq.m.

The proposed crèche is 612msq with an external play area of 422 sq.m. The crèche will be located on the ground floor of Block 7, close to the avenue for easy access. Parking spaces on at grade will be provide for drop off along with staff parking in the basement. The external play area associated with the crèche will be South-East facing.

7.7 Access, Car & Cycle Parking

The Urban Development and Building Height Guidelines seek to minimise car-parking in accessible locations and to maximise a modal shift to public transport due to proximity to public transport routes, in particular the DART and Dublin Bus at this location. The proposed development minimises residential car parking numbers to 456 (499 total for the scheme), at a rate of 0.7 spaces per unit. The residential and crèche staff parking is provided a basement and visitor and crèche drop off ate provided at surface level.

The 0.7 spaces per unit is below the Development Plan requirement of 1 per unit however given the schemes highly accessible location to the City Centre and adjacent the DART line, it is considered appropriate in ensuring a sustainable urban development form. This is considered further in the accompanying Traffic & Transport Assessment and Mobility Management Plan Report prepared by ILTP.

In addition high-quality cycle parking and associated facilities are provided in the proposed development. 1314 no. spaces are located in secure facilities in the basement and 332 space are located throughout the landscaped open space in the scheme providing easy access for visitors to apartment occupiers.

The proposed residential development will promote sustainable travel patterns due to its location, layout, design and proximity to the public transport and cycle networks. These will be complemented with a MMP and the appointment of a Mobility Manager to promote sustainable travel patterns by residents.

The proposed residential development is located such that it will not have any traffic impact on the existing residential development in the area and should improve overall use of and provide for passive surveillance of the adjacent St. Anne's Park. The access and internal layout is designed in accordance with DMURS and includes for good permeability and will promote and facilitate sustainable travel patterns as part of the overall development.

7.8 Sunlight and Daylight

The overall configuration and design of the proposed development has been influenced by the need to achieve the best possible levels of sunlight and daylight penetration into the development. The proposed orientation of the blocks represents the best response to the site context in terms of day light and sunlight availability as a result of the density and height proposed. The Architectural Design Statement prepared by OMP accompanying this Report, sets out how the internal elevations are designed to address sunlight and daylight optimisation in terms of reflectivity and lightness of materials proposed.

Detailed Daylight and Sunlight assessment has been carried out on the proposed development by OCSC, Daylight Sunlight Report and is outlined in greater detail in their accompanying Daylight Sunlight Report.

The analysis confirms that across the entire development excellent levels of internal daylight are achieved. The significant majority of apartments not only meet but greatly exceed the recommendations

outlined within the BRE guidelines on "Site Layout Planning for Daylight and Sunlight" and British Standard BS 8206.

In terms of sunlight access, excellent levels of sunlight are experienced across the development. The communal amenity space provided to the apartment areas greatly exceeds the BRE guidelines for sunlight on the test day of 21st of March.

The analysis also shows that the proposed building has negligible daylight Impact to surrounding properties.

7.9 Wind Microclimate Study

A Wind Microclimate Study prepared by B-Fluid is included as part of this planning application. Through the wind assessment it has been possible to highlight, at design stage, areas of concern in terms of downwash/funnelling/downdraft/and to identify critical flow accelerations that could potentially occur. Results of the wind analysis have been discussed with the design team so as to configure the optimal layout for St. Paul's Development for the objective of achieving a high-quality environment for the scope of use intended of each areas/building (i.e. comfortable and pleasant for potential pedestrian) and without compromising the wind impact on the surrounding areas and on the existing buildings.

The Report shows that the development has been designed to be a high-quality environment for the scope of use intended of each areas/building (i.e. comfortable and pleasant for potential pedestrian), and from a quantitative point of view, it does not introduce any major or critical impact on the surrounding areas and on the existing buildings

7.10 Community Infrastructure & Schools Assessment

As required by the Dublin City Development Plan Section 16.10.4 ('Making Sustainable Neighbourhoods') a "Community Infrastructure and School Demand & Capacity Assessment Report" has been prepared as part of this application.

This Report, prepared by Enviroguide, recognises that the subject site is located in a well-established neighbourhood of Dublin city, in close proximity to the city and well served by public transport which connects it to the wider city area. It equally recognises that there is a well-established social, community, recreation, and education infrastructure in the area, which the proposed development can contribute to, sustain, and further expand with a new residential community, new crèche facility, and an addition to the public open space provision in the area.

8 PART V REQUIREMENTS

Part V documentation is included with this application. The applicant has reached agreement in principle with the Housing Department of Dublin City Council in respect to the Part V requirements for the lands at St. Paul's College. The proposal is to provide 66 no. residential units (i.e. 10% of 657).

Preliminary consultation has taken place with DCC Council Housing Department in this regards and the units proposed under Part V have been considered accepted in principle. At this stage we would be happy to discuss any of the options, as set out under Section 96 of Part V of the Planning and Development Act (as amended), with DCC. We enclose a letter confirming as such from DCC.

9 ENVIRONMENTAL ASSESSMENT

9.1 Environmental Impact Assessment Report

The revised 2014 EIA Directive (Directive 2014/52/EU amending Directive 2011/92/EU) uses the term Environmental Impact Assessment Report (EIAR) rather than the previous Environmental Impact Statement (EIS). Where current national guidelines and regulations refer to an Environmental Impact Statement or EIS, this can be taken to mean an Environmental Impact Assessment Report (EIAR).

Projects requiring environmental impact assessment are listed in Parts 1 and 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended).

Schedule 5 (Part 2) of the Planning & Development Regulations 2001 (as amended) set mandatory thresholds for each project class above which EIA is required. Sub-sections 10(b) (i) addresses 'infrastructure projects' referring to housing and urban developments, and require that the following classes of project, relevant to this project, be subject to EIA:

*"Class 10(b) (i). Construction of **more than 500 dwelling units.**"*

The proposed development involves the construction of a residential development of 657 no. residential units and a creche in Raheny, Dublin and as such an Environmental Impact Assessment Report (EIAR) is submitted to An Bord Pleanála with this SHD Planning Application.

9.2 Appropriate Assessment

A Natura Impact Assessment Report (NIS) is submitted to An Bord Pleanála with the planning application. The NIS provides information on the likely significant impacts on Natura sites as a result of the proposed development.

A Natura Impact Statement (NIS) has been prepared by Enviroguide Consulting as part of this application, which appraises the potential impacts of the Proposed Development on the relevant designated Natura 2000 sites. This included an assessment of any potential effects on specific species that may use the Proposed Development site for winter feeding (known as ex-situ feeding).

The authors of the NIS concluded that, in relation to Light-bellied Brent Goose (*Branta bernicla hrota*) and based on the best and most recent scientific information available, including the analysis of the information contained in the NIS, the loss of ex-situ inland feeding habitat at St Paul's as a result of the proposed development will not adversely impact on the conservation objective attributes of Light-bellied Brent Geese. (Reason for refusal number 2).

The authors of the NIS also conclude that, while an existing foraging resource for other SCI species (i.e. Curlew, Oystercatcher, Black-tailed Godwit and Black-headed Gull) will be lost as a result of the proposed development, the results of wintering bird surveys at the site have demonstrated that this site is not of importance for any of these species. Therefore it has been determined that the loss of ex-situ habitat will not impact on the conservation objective attributes of any of the SCI species recorded at the proposed development site. (Reason for refusal number 1).

It is therefore concluded, on the basis of objective information that the possibility of effects from the Proposed Development on any Natura 2000 site can be ruled out.

10 CONCLUSION

The proposed redevelopment at St. Paul's College, Sybill Hill Road, Raheny, Dublin 5 represents an opportunity to deliver a new residential development offering a quality living environment, respectful of its context, site topography, and site character.

We consider the proposed development to be fully in accordance with recent Government guidance in relation to the delivery of apartment developments, *Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities*, March 2018 (Dept Housing, Planning & Local Government), DCC Development Plan 2016-2022 policies and objectives, and with the intent of the *Urban Development & Building Heights Guidelines* (2018), and with the proper planning and sustainable development of the area.

APPENDIX 1 A&L Goodbody Letter

Date | 16 October 2019
Our ref | JHM 01429305
Your ref | PL29N.304524

An Bord Pleanála
64 Marlborough Street
Dublin 1

Our Client: Crekav Trading GP Limited
Re: Lands east of St. Paul's College, Sybil Hill Road, Raheny, Dublin 3

Dear Sirs

This is a legal submission on behalf of Crekav Trading GP Limited in relation to a strategic housing development application (referred to as **SHD 2**) for the demolition of existing pre-fab classroom structure, construction of 657 no. units and associated site works on lands east of St. Paul's College, Sybil Hill Road, Raheny, Dublin 3 (the **subject lands**).

The purpose of these legal submissions is to assist the Board in understanding the background facts and legal issues associated with *Clonres CLG v Minister for Arts, Heritage and the Gaeltacht and others* (High Court record No. 2019/2960P), as those proceedings relate directly to the subject lands.

1. Background Facts

- 1.1. Clonres CLG (**Clonres**) seeks various declaratory reliefs and mandatory injunctions in respect of the subject lands, which are described in the proceedings as "*the former sports pitches to the rear of Saint Paul's School, Sybil Hill Road, Clontarf, Dublin 3*".
- 1.2. The Defendants are the Minister for Arts, Heritage and the Gaeltacht (the **Minister**), Ireland and the Attorney General and an entity described as Crekav Limited. The latter is defined in the proceedings as "*the owner of the lands the subject matter of these proceedings*". However, the subject lands are in fact owned by our client, Crekav Trading GP Limited (**Crekav**); there is no company called Crekav Limited.
- 1.3. In essence, Clonres contends that the subject lands should be designated as a special protection area (**SPA**) for the purpose of Council Directive 2009/147/EC (the **Birds Directive**). In consequence, it seeks orders:
 - Requiring that the subject lands be designated as a SPA; and
 - Aimed at maintaining the subject lands in a condition that will prevent disturbance of light bellied brent geese and black tailed godwit.
- 1.4. The reliefs are sought under the Birds Directive; Council Directive 92/43/EEC (the **Habitats Directive**) and the European Communities (Birds and Natural Habitats) Regulations 2011 (the **2011 Regulations**).

1.5. The majority of the reliefs are sought against the Minister. However, mandatory injunctions are sought against Crekav and the Attorney General, requiring Crekav and / or the Attorney General to maintain the subject lands in a condition that will avoid disturbance to light bellied brent geese and black tailed godwit.

2. Reliefs Sought

2.1. Clonres seek two reliefs pursuant to the Birds Directive:

- A Declaration that the Minister is required to designate the subject lands as a SPA under the Birds Directive and / or an injunction compelling her to do so; and
- A Declaration that the Minister is required pursuant to article 4(4) of the Birds Directive pending designation of the subject lands as a SPA to take appropriate steps, or to direct the taking of appropriate steps to avoid disturbance to light bellied brent geese and black tailed godwit which disturbance will result in the species being deprived of a key feeding area by reason of the current overgrown state of the lands and / or an injunction requiring her to do so.

2.2. Clonres seeks one relief under the Habitats Directive:

- A Declaration that the Minister is required, pursuant to article 6(2), to take appropriate steps to avoid disturbance to light bellied brent geese and black tailed godwit where that disturbance will result in the species being deprived of a key feeding area by reason of the current overgrown state of the lands and / or an injunction requiring her to do so.

2.3. The principal relief sought under the 2011 Regulations is a Declaration that the Minister is required to issue a direction or notice pursuant to her powers under Part 4 of the 2011 Regulations requiring Crekav:

- to cut or otherwise maintain the grass on the subject lands so as to restore the subject lands to a condition in which it may be continued to be used by light bellied brent geese and black tailed godwit
and
- to maintain those lands in such a condition that there is no disturbance to those species and no deterioration of their habitat and / or an injunction requiring her to do so.

3. Analysis

3.1. The defendants' collective position is that the Minister is not required to designate the subject lands as a SPA under article 4(2) of the Birds Directive. A letter from the Chief State Solicitors Office (CSSO), dated 31 July 2018 (copy enclosed), makes it clear why the Minister did not consider it necessary to do so:

"The existing boundary of North Bull Island SPA encompasses the core areas used by the bird species by the inclusion of relevant wetland habitats. These wetland habitats provide safe roosting and feeding resources for the birds. Contrary to what is suggested in your letter, it is not appropriate to extend the designation to include non-wetland areas. This is because inter alia of the fact that there is a temporal variation of usage of non-wetland areas by the birds, and the fact that same are not an integral part of the core habitat for the species." (emphasis added)

3.2. The CSSO, in a further letter, dated 24 August 2018 (copy enclosed), referred to the fact that the conservation status of the light bellied brent goose and the black tailed godwit are considered to be favourable at the North Bull Island SPA and stated that:

"There is no requirement under the Birds Directive to include as part of a SPA all and any lands which might be used on occasion as feeding grounds. This is especially so in the case of non-wetland habitats which might only be used on a temporary basis." (emphasis added)

- 3.3. As the subject lands are not designated as a SPA, and there is no requirement to designate the subject lands, the provisions of article 6(2) of the Habitats Directive do not apply.
- 3.4. By letter dated 7 August 2018, solicitors for Clonres requested the Minister to issue a direction under article 28 and / or 29 of the 2011 Regulations requiring Crekav to cut the grass on the subject lands. This was responded to by the CSSO by letter dated 24 August 2018 (copy enclosed), which states that there is no basis to issue a direction under either article 28 or 29:

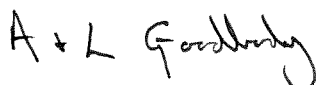
"With respect, there is no basis for issuing the Ministerial Directions requested by your clients. The lands the subject of your clients' concern do not form part of a designated European Site, and there is no activity being carried out on the lands which meets any of the criteria for the issuing of directions under either Regulation 28 or Regulation 29. Without prejudice to the generality of the foregoing, it is specifically denied that there has been any failure to take appropriate steps to avoid deterioration of habitats or any disturbances affecting the birds that use the Saint Paul's site, nor any failure to strive to avoid deterioration of habitats outside protected sites. We note that your clients have failed to adduce any evidence of such effects."

- 3.5. We agree with the Minister's position that there is no basis to issue a Direction under either article 28 or 29 of the 2011 Regulations in circumstances where: (i) there is a question as to whether the cutting of grass / letting grass grow is in fact an "activity" and (ii) there is no evidence that cutting the grass / letting grass grow which has resulted in the light bellied brent geese and black tailed godwit no longer using the subject lands as an ex situ feeding ground is having an effect on the numbers of light bellied brent geese and the black tailed godwit using the designated SPAs.
- 3.6. In addition, while cutting of grass / letting grass grow may be an "activity", Clonres have not produced any evidence to show that it is likely to impact on the habitat of wild fauna. There is also no evidence advanced by Clonres in the pleadings that the current state of the lands has resulted in the disturbance of the light bellied brent geese and the black tailed godwit. While no evidence has been referred to by Clonres in its pleadings, Winter Bird Surveys carried out in 2018/2019 confirm that the subject lands are no longer used by the light bellied brent geese and the black tailed godwit.
- 3.7. On the basis of the above analysis, there is simply no basis for seeking a mandatory injunction requiring the Attorney General and / or Crekav to maintain the subject lands in such a condition to avoid disturbance to the light bellied brent geese and the black tailed godwit.

An application will shortly be made to transfer the proceedings to the commercial division of the High Court and, accordingly, it is expected that they will be listed for hearing in approximately 6 to 8 months' time.

We trust this clarifies the position in respect of these proceedings.

Yours faithfully



A&L Goodbody

M-47314706-1