



An  
Bord  
Pleanála

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

### Inspector's Report on Recommended Opinion ABP-300255-17

**Strategic Housing Development**

162 no. residential units.

**Location**

Charlestown Place and St. Margaret's  
Road, Charlestown, Dublin 11.

**Planning Authority**

Fingal County Council

**Prospective Applicant**

Bovale Developments

**Date of Consultation Meeting**

9<sup>th</sup> January 2018

**Date of Site Inspection**

14<sup>th</sup> December 2017

**Inspector**

Sarah Moran

## 1.0 Introduction

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

## 2.0 Site Location and Description

- 2.1. The site (3.3 ha) is located in the area of Charlestown, adjacent to the M50 in north Dublin. It is situated to the immediate south of Charlestown Shopping Centre, on the opposite side of Charlestown Place. The site has an L shape, with the northern portion currently in use as a surface car park and the southern area currently undeveloped lands. It is level with the public road. There is a dry drainage ditch running along the southern site boundary. There is an overall fall of approx. 3m across the site from north west to south east.
- 2.2. The immediate boundaries are as follows:
- Charlestown Place to the north.
  - Lands zoned for development to the west.
  - St. Margaret's Road (R104) to the east.
  - Grounds of McKelvey Celtic AFC to the south. The 2 storey clubhouse immediately adjoins the site boundary. Also the rear boundaries of 2 storey housing on McKelvey Avenue and light industrial / commercial units that front onto the Finglas Road (R135) further to the west. There is a 12m sewerage wayleave at the boundary with McKelvey Avenue.
- 2.3. The boundary to McKelvey Avenue is also the Dublin City Council / Fingal County Council administrative boundary. Century Business Park is located to the east of the site, on the opposite side of St. Margaret's Road. There are residential developments

in the Meakstown area further to the east and north, primarily medium density housing construction in the last 15 years.

### 3.0 Proposed Strategic Housing Development

3.1. The proposed development comprises:

- 3 no apartment blocks (Blocks 1, 2 and 3) facing the Charlestown Place frontage on the northern half of the site, each laid out around a central courtyard. I note that the application form and the design statement state that the development contains 120 no. apartments (71 no. 2 bed units and 49 no. 2 bed units). However, the submitted Housing Quality Assessment indicates a total of 116 no. apartment units, as follows

Block	Height	Unit Type
1	4 storey  Courtyard open space to 588 sq.m.	11 no. 2 bed units
		11 no. 3 bed units
		Total 22 no. units
2	3-4 storey with the 4 storey element at the Charlestown Place frontage.  Courtyard open space 703 sq.m.	20 no. 2 bed units
		20 no. 3 bed units
		Total 40 no. units
3	3-7 storey with the 7 storey element at the corner of Charlestown Place and St. Margaret's Road.  Courtyard open space 1,096 sq.m.	38 no. 2 bed units
		16 no. 3 bed units
		Community facility (164 sq.m.)
		Total 54 no. units
<b>Total</b>		<b>116 apartments</b>

- 42 no. 3 and 4 bed 2 storey houses. They are arranged in terraces / semi-detached units in the southern part of the site with private rear gardens and a central open space measuring 2,047 sq.m., which includes a playground.
- Crèche (158 sq.m.) located in an end-of-terrace unit at the St. Margaret's road site frontage.

- The proposed overall housing mix is 44% 2 bed units (apartments and duplex); 50% 3 bed units (houses and duplex) and 6% 4 bed units (all houses). The development has a gross residential density of 49 units per ha.
- 3.2. It is proposed to allocate 10% of the units on-site for social housing to meet Part V requirements, i.e. 16 no. units comprising 8 no. 2 bed ground floor units and 8 no. 3 bed first floor duplex units within Blocks 2 and 3, to be transferred to Fingal County Council. A reasonable estimate of costs has been submitted, in order to facilitate an agreement under section 96 of the Planning and Development Act 2000 (as amended).
- 3.3. It is proposed to simplify the existing Charlestown Place junction by removing the pedestrian islands and reducing the junction radii. This access will lead to a through route with rear access to the McKelvey Celtic AFC grounds. The layout indicates pedestrian and cyclist connections to Charlestown Place and St. Margaret's Road and allows for future access to the undeveloped lands to the immediate west of the site, subject to the rezoning of these lands as residential. The development also includes 288 no. car parking spaces, bin storage areas, hard and soft landscaping, ESB substation and all associated site and development works. The prospective applicant has submitted a rationale for the loss of existing parking at the site in the context of parking provision for the adjacent Charlestown shopping centre. In addition, there are 6 no. bus stops in the vicinity of the site on Charlestown Place, St. Margaret's Road and Melville Road. Details of the frequency and services on the relevant routes are provided.
- 3.4. It is proposed to drain surface water to a sub-surface attenuation tank within the central open space. The tank is designed to accommodate the combined attenuated outflow from the development site and the prospective applicant's land at the Charlestown Centre Phases 1 and 2, to cater for a 1 in 100 year flood event plus 10% climate change. Outflow from the attenuation tank will connect to the existing surface water sewer at the south-eastern corner of the site, which links to a culvert on St. Margaret's Road and discharges to the Finglas River. Surface water drainage arrangements include SUDS measures comprising permeable paving and rainwater harvesting at each of the houses. The development is to connect to the existing Meakstown foul sewer adjacent to the northern site boundary.

- 3.5. The development is to connect to an existing watermain beneath the carriageway at Charlestown Place. Irish Water response to pre-connection enquiry confirms feasibility, a copy of same is submitted.
- 3.6. A management company is to be established to oversee the management and maintenance of the development including communal space, internal common areas and public open spaces.
- 3.7. The development is below threshold for EIA. The planning report submitted includes AA screening. There are no Natura 2000 sites within or directly adjacent to the subject site and there are no habitats on the site that are associated with habitats or species for which SAC's or SPA's are generally designated.

## 4.0 Planning History

### 4.1. Subject Site F07A/0121, F09A/0542, F14A/0304

- 4.1.1. Permission granted for a temporary (3 years) surface car park, 567 no. spaces and associated pedestrian crossing with vehicular access from permitted junction off Charlestown Place. Permission was subsequently granted for an additional 5 years in 2009 and again in 2014.

### 4.2. Charlestown Centre Phase 1

- 4.2.1. The planning history of the adjacent Charlestown shopping centre is summarised in the planning report submitted by the prospective applicant. Permission was granted for the existing Charlestown Centre (known as Phase 1) in 2005 and subsequently amended in 2005 and later in 2007, ref. F05A/0230, F05A/1223 and F07A/0255. The centre is a mixed use development anchored by Dunnes Stores and a range of retail, commercial and café / restaurant units. Residential accommodation (258 no. apartments) is provided in 5 levels above the double height commercial space. Car parking is provided at basement level.

### 4.3. Charlestown Centre Phase 2

Phase 2 of the Charlestown Centre is located directly to the west of Phase 1 and is partially constructed. The durations of the Phase 2 permissions were extended in 2013 until 2018, ref. F07A/0682 PL 06F.226794, F08A/0431. Phase 2A comprises a completed cinema and leisure centre, ref. F09A/0403. The applicant sought

permission for Phase 2B in early 2017, ref. [F17A/0215](#), comprising a mixed use commercial and residential development of c. 33,200 sq.m. in 5 blocks of 2-5 storeys height with 222 no. 1, 2 and 3 bed apartments, c. 5,600 sq.m. of retail floorspace, a crèche and a gym. Permission was granted for 222 apartments, subject to the omission of the gym and its replacement with a retail / commercial unit. The decision was not appealed.

- 4.3.1. The planning statement submitted by the applicant provides detail of the planning histories of other nearby sites. No applications have been submitted to date for the undeveloped lands to the immediate west of the subject site.

## 5.0 National and Local Planning Policy

### 5.1. Section 28 Ministerial Guidelines

- 5.1.1. Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant section 28 Ministerial Guidelines are:

- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- 'Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities' and the Draft Update of same issued in December 2017.
- 'Design Manual for Urban Roads and Streets'
- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices')
- 'Childcare Facilities Guidelines for Planning Authorities'

### 5.2. Fingal County Development Plan 2017-2023

#### 5.2.1. Zoning Objectives

The site has the zoning objective 'TC – Town and District Centre' under the current development plan. The stated objective for TC zoned lands is to:

*Objective: Protect and enhance the special physical and social character of town and district centres and provide and/or improve urban facilities.*

*Vision: Maintain and build on the accessibility, vitality and viability of the existing Urban Centres in the County. Develop and consolidate these Centres with an appropriate mix of commercial, recreational, cultural, leisure and residential uses, and to enhance and develop the urban fabric of these Centres in accordance with the principles of urban design, conservation and sustainable development. Retail provision will be in accordance with the County Retail Strategy, enhance and develop the existing urban fabric, emphasise urban conservation, and ensure priority for public transport, pedestrians and cyclists while minimising the impact of private car based traffic. In order to deliver this vision and to provide a framework for sustainable development, Urban Centre Strategies will be prepared for centres in accordance with the Urban Fingal Chapter objectives.*

'Residential' uses are permitted in principle within the TC zone.

The lands to the immediate west of the subject site are zoned 'GE- General Employment' and 'Z6 – Enterprise / Employment' under the Fingal county development plan and the Dublin City Development Plan 2016-2022 respectively. The grounds of McKelvey Celtic AFC to the immediate south are zoned as open space.

#### 5.2.2. Strategic Policy

Development plan section 1.6 Strategic Policy includes the following for Charlestown Town Centre:

*7. Develop a strategy to promote and deliver an enhanced identity and link with Fingal for the wider communities of Santry, Ballymun, Meakstown / Charlestown, Finglas and Lanesborough.*

#### 5.2.3. Settlement Strategy

Charlestown and Meakstown are designated as 'Consolidation areas within Gateway' within the Metropolitan Area in the settlement strategy. The following objectives apply:

*Objective SS15 Strengthen and consolidate existing urban areas adjoining Dublin City through infill and appropriate brownfield redevelopment in order to maximise the efficient use of existing infrastructure and services.*

*Objective SS16 Examine the possibility of achieving higher densities in urban areas adjoining Dublin City where such an approach would be in keeping with the character and form of existing residential communities, or would otherwise be appropriate in the context of the site.*

#### 5.2.4. Placemaking and Specific Local Objectives

Charlestown is designated as a 'Town and District Centre (TC)', offering a range of services, facilities and retail for an immediate hinterland.

Design criteria for residential development. The following objectives apply:

*Objective PM40 Ensure a mix and range of housing types are provided in all residential areas to meet the diverse needs of residents.*

*Objective PM41 Encourage increased densities at appropriate locations whilst ensuring that the quality of place, residential accommodation and amenities for either existing or future residents are not compromised.*

*Objective PM63 Facilitate the provision of appropriately scaled children's playground facilities within new and existing residential development.*

*Objective PM76 Require as part of planning applications for new residential and commercial developments that provision be made for appropriate purpose built childcare facilities where such facilities are deemed necessary by the Planning Authority.*

There are 3 no. specific objectives relating to the Charlestown and Meakstown areas as follows:

##### *Objective CHARLESTOWN AND MEAKSTOWN 1*

*Develop an enhanced community identity within Fingal through the improvement of social, cultural, community and residential amenities. Support the development of a sense of identity for the area including improvements to signage, landscaping and physical appearance and through the promotion of mixed uses, including residential, in Charlestown Centre.*

##### *Objective CHARLESTOWN AND MEAKSTOWN 2*

*Continue to improve and deliver enhanced community and recreational amenities to the area with particular emphasis on a community centre to provide for the*



*community and sporting needs of the area including the provision of changing rooms if required and improvements to the quality of open space.*

*Objective CHARLESTOWN AND MEAKSTOWN 3*

*Continue to support and facilitate the established cross boundary forum, which includes Dublin City Council, to co-ordinate development between Dublin City's North West Area (which includes parts of Santry, Poppintree and Ballymun) and the adjoining areas in Fingal which include Santry, Meakstown and Charlestown and lands to the north of Ballymun.*

5.2.5. Retail Policy

Charlestown is designated as a Level 3 Town Centre in the retail hierarchy with the following stated purpose:

*Level 3 Centres will vary in terms of scale of provision and the size of catchment based on their proximity to a Level 2 Centre. Generally where the centre has a large catchment (such as Balbriggan) and is not close to a major town centre, there should be a good range of comparison shopping (though no large department store), with a mix of uses and services, some leisure activities and a range of cafes and restaurants. At least one supermarket and a smaller scale department store may be required to meet local needs. Where the Level 3 Centre is close to an existing major town centre, the scale of retail and mixed use provision should be lower, with the proposed range of shops meeting more basic day to day needs, with only small scale range of comparison units trading. Level 3 Centres should generally cater for a population of between 10,000 and 40,000 people.*

The following specific objectives apply:

*Objective ED42 Ensure the development of Balbriggan, Malahide, Skerries and Charlestown as sustainable, vibrant and prosperous Town Centres performing at a high retail level within the Fingal Retail Hierarchy to meet the retailing needs of and offer sufficient retail choice to their local populations and catchment populations.*

*Objective ED43 Facilitate appropriately scaled improvements to the quantum and quality of retail offer and function in Balbriggan, Malahide, Skerries and Charlestown, and ensure their sustainable development by consolidating, intensifying and*

enhancing their existing core retail areas, and by directing new retail opportunities into the core retail areas identified for each.

*Objective ED44 Ensure that the Level 3 Town Centres have a retail offer that is sufficient in terms of scale, type, and range without adversely impacting on or diverting trade from the higher order retailing locations.*

Development plan Figure 6.6 indicates the Core Retail Area of Charlestown, including the subject site.

#### 5.2.6. Development Management Standards

Section 12.4 design criteria for residential development.

Table 12.5 'Open Space Hierarchy and Accessibility' requires the provision of pocket parks for residential developments, to includes facilities for smaller children, but not necessarily formal play facilities. No contributions in lieu.

*Objective DMS57 Require a minimum public open space provision of 2.5 hectares per 1000 population. For the purposes of this calculation, public open space requirements are to be based on residential units with an agreed occupancy rate of 3.5 persons in the case of dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms.*

The site is located within Zone 1 as it is within 1,600m of the planned rail stop of Meakstown. Table 12.8 car parking standards includes the following:

Unity Type	Car Parking Standard
3+ bed house	2-3 spaces
2 bed unit	1.5 spaces + 1 visitor space per 5 units
3+ bed unit	2 spaces + 1 visitor space per 5 units
Creche	0.5 spaces per classroom maximum
Comm. centre	1 space per 50 sq.m. complementary uses encouraged

## 6.0 Forming of the Opinion

6.1. Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the planning authority submissions and the discussions which took place during the tripartite

consultation meeting. I shall provide a brief detail on each of these elements hereunder.

## **6.2. Documentation Submitted**

- 6.2.1. The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. This information included, inter alia, the following:

Completed application form; site location map; site layout; architectural drawings; road and block levels; drainage layout; watermain layout; standard roads details; attenuation and drainage details; road and drainage sections; landscape drawings; planning statement (including a Statement of Consistency); design statement including landscape design strategy; traffic and transportation statement; engineering report; housing quality assessment.

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

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

## **6.3. Planning Authority Submission**

- 6.3.1. In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Fingal County Council, submitted a copy of their section 247 consultations with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on 18<sup>th</sup> December 2017.

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

- The area is not subject to any LAP and does not require the preparation of a Master Plan under the Fingal Development Plan 2017-2023.
- Charlestown and Meakestown are important residential settlements close to the M50, to the south of Fingal and adjacent to Dublin City. The area is well served

by retail facilities, schools and community facilities within the Dublin City Council area. The Development Strategy seeks to consolidate the development of both settlements in a coordinated manner promoting and enhancing the role of the Charlestown Centre as a focal point of the community while improving integration and linkages within Finglas and neighbouring industrial areas.

- Development plan section 1.6 seeks to develop a strategy to promote and deliver an enhanced identity and link with Fingal for the wider communities of Santry, Ballymun, Meakstown/Charlestown, Finglas and Lanesborough. In this regard, Charlestown is included within those settlements defined as Consolidation areas within a Gateway.
- Charlestown is a level 3 town centre within the development plan retail hierarchy. It is considered appropriate that the scheme, while substantially residential in nature, is viewed in its wider context including the Charlestown lands as a whole. To date commercial floor space has centred on lands to the north within the Charlestown shopping centre. It is appropriate that such uses should be concentrated at this location ensuring that a critical mass of retail and commercial activity is achieved which is complemented by supporting land uses including residential. Permission was granted by Fingal Co. Council under F17A/0215 for additional commercial floor space within the centre, complemented by further residential units to the perimeter of the site. It is envisaged that the subject development of additional residential units would further enhance the mix of complementary land uses in this important centre, aiding the creation of enhanced levels of sustainability and neighbourhood creation. It is appropriate given the scale of the TC land bank within Charlestown, the level of retail floor space permitted to date and given the bisection of the lands by public carriageway, that the focus of the southern lands should be residential in nature. Such use would also be compatible with adjoining established residential development at McKelvey.
- The design of the scheme must provide strong definition to its northern and eastern boundaries where it abuts adjoining public roads in order to create a high

quality urban streetscape, complementary to the existing commercial development to the north. Particular attention must be paid to the north-eastern corner of the site which will become a focal point given the proximity of the apartment block opposite. A balance must be struck between the protection of amenities of future residents and the achievement of an appropriate building line/streetscape design close to the road edge. It is imperative that residents are afforded a high degree of amenity in terms of private and communal open space and that a sense of community is fostered. It is considered that the design proposed substantially achieves the foregoing.

- Sufficient levels of pedestrian connectivity through the site are provided and sufficient levels of integration with the existing Charlestown centre are noted.
- The proposal should be accompanied by a Natura Impact Statement.
- The Housing Division has no objection to the detailed Part V proposals submitted. Financial details of same are required.
- As advised by the Transportation Division the proposed development should provide further detail with regard to the following:
  - Quantum of in-curtilage parking. The mid-terrace units appear to have limited frontage and may only provide for one in-curtilage parking space.
  - Parking should be provided so as to provide for appropriate levels of passive surveillance.
  - Parking spaces are 4.8m long. There are a significant percentage of saloons by all manufacturers which exceed this dimension. As a consequence parking which overhangs the parking space will reduce the width of the road below the required 6m needed for access to perpendicular parking making access to the spaces problematic.
  - The number of in-curtilage parking spaces should be clearly outlined. Development Plan Standards require 308 no. parking spaces for the proposed development.
  - Parking and set down areas for the crèche should be clearly identified.

- Traffic calming measures on the main access road should be clearly detailed.
- The possible future extension to the proposed development would increase the number of units above 200 at which point a secondary entrance to the overall development would be required.
- Issues in relation to taking in charge require further examination and the development should be constructed to a standard for taking in charge. Parking for the residential units appears to divide the road and the footpath and would result in potential conflict between public space and private parking should the roads and footpaths be taken in charge. Similarly, the location of attenuation tanks under areas of open spaces pose difficulties for taking in charge purposes.
- As advised by the Water Services Division, all conditions contained within Irish Water's pre-connection feedback letter of the 10<sup>th</sup> November 2017 apply. There is no objection in principle to the development, noting that the applicant previously received consent to attenuate stormwater flows from this development including Phases 1, 2 and 3 using underground tanking at this location. The applicant should examine the attenuation volumes to be provided and provide further detail regarding the design of the attenuation tank including access points and measures to allow for easy maintenance and cleaning of the tank.
- The planning authority considers that the proposal is an appropriate form of development and is in compliance with the land use zoning objective of the site, all relevant objectives of the Fingal County Development Plan 2017–2023 and relevant Section 28 guidelines and would accord with the proper planning and sustainable development of the area.

#### **6.4. Consultation Meeting**

- 6.4.1. A section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 9<sup>th</sup> January 2018, commencing at 14.30 pm. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

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

1. Principle of development of 'TC' zoned lands in the context of the Charlestown Centre.
2. Building height, density, quantum and standard of residential development.
3. Urban design, open space, public realm, creation of a sense of place and enclosure, interaction with McKelvey Celtic AFC and McKelvey Avenue.
4. Access / traffic / parking layout, compliance with DMURS.
5. Potential effects on Natura 2000 sites.
6. Any other matters.

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

- Zoning – no LAP in place.
- Fingal County Development Plan objectives pertaining to Charlestown and Meakestown area – Objectives No. 1 and No. 2 in particular.
- Site history of Charlestown Shopping Centre.

6.4.4. In relation to building height, density, quantum and standard of residential development, ABP representatives sought further elaboration / discussion on:

- Overall site layout.
- Anomalies between Housing Quality Assessment and drawings submitted.
- Childcare provision.
- Wayleave on site.

6.4.5. In relation to urban design, open space, public realm, creation of a sense of place and enclosure, interaction with McKelvey AFC and McKelvey Avenue, ABP representatives sought further elaboration / discussion on:

- This topic was included in the discussion above in relation to agenda item 2.

- 6.4.6. In relation to access / traffic / parking layout, compliance with DMURS, ABP representatives sought further elaboration / discussion on:
- Proposed amendments to junction at Charlestown Place.
  - Car parking provision relative to development plan requirements.
  - Rationale re. roads and traffic layout.
- 6.4.7. In relation to potential effects on Natura 2000 sites, ABP representatives sought further elaboration / discussion on:
- No Natura 2000 sites adjacent to the proposed development site.
  - Appropriate Assessment Screening Report submitted with pre-application consultation request.
  - PA noted in their opinion report that the proposal should be accompanied by a Natura Impact Statement.
- 6.4.8. In relation to any other matters, ABP representatives sought further elaboration / discussion on:
- Part V proposals
- 6.4.9. Both the prospective applicant and the planning authority were given an opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting 300255' which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

## 7.0 Conclusion and Recommendation

- 7.1. Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 7.2. I have examined all of the information and submissions before me including the documentation submitted by the prospective applicant, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I



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

- 7.3. Having regard to all of the above, I recommend that further consideration and/or possible amendment of the documents submitted are required at application stage in respect of the following elements: standard of residential development and housing quality assessment; public realm and interaction with Charlestown Place and St. Margaret's Road; car parking provision relative to public transport services in the area and development plan requirements, also design of car parking with regard to DMURS and the provision of satisfactory dedicated parking for the crèche; details of the southern site boundary including the existing wayleave; details of which are set out in the Recommended Opinion below.
- 7.4. Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **requires further consideration and amendment in order to constitute a reasonable basis for an application** under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 7.5. I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

## 8.0 Recommended Opinion

- 8.1. An Bord Pleanála refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and

amendment in order to constitute a reasonable basis for an application under section 4.

- 8.2. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála is of the opinion that the documentation submitted **requires further consideration and amendment to constitute a reasonable basis for an application** for strategic housing development to An Bord Pleanála.
- 8.3. In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development:

#### Residential Design and Density

1. Further consideration/justification of the documents as they relate to the proposed residential density and to the quality of the proposed residential development. This consideration should have regard to, inter alia, the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual'); the 'Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities' and the Draft Update of same issued in December 2017 and the relevant provisions of the Fingal County Development Plan 2017-2023. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted relating to density and layout of the proposed development.

#### Interaction with Charlestown Place and St. Margaret's Road

2. Further consideration of the documents as they relate to the design rationale/justification outlined as it relates to the interaction with Charlestown Place and St. Margaret's Road, in particular justification for the layout of the surface car park at the St. Margaret's Road frontage with regard to Criterion 01 'Context' in the 'Urban Design Manual' issued by the Department of Environment, Heritage and Local Government in May 2009, specifically contribution to the character and identity of the neighbourhood and appropriate response to the nature of specific boundary treatments.

. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

### Car Parking

3. Further consideration of the documents as they relate to justification for the proposed quantum of car parking in view of development plan car parking standards and the availability of public transport in the area, both for the residential aspect of the scheme and for the crèche. The design of the proposed car parking is also to be considered with regard to the requirements of DMURS, the Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities (2015) and the draft update of same issued in December 2017, in particular sections 4.15 – 4.24 of the draft update. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted.

### Wayleave and Southern Site Boundary

4. Further consideration of the documents as they relate to (1) the design of the development at the existing sewerage wayleave at the southern end of the site, in particular landscaping details, elevational treatments with regard to passive surveillance and (2) clarification of the exact location of the southern site boundary in relation to the drainage ditch in this part of the site. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted.

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

1. Planning report to address consistency with the 'TC' zoning objective and the issue of proposed residential density with regard to the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (2009); the

‘Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities’ and the Draft Update of same issued in December 2017

2. Design rationale, Housing Quality Assessment and detailed floor plans for the apartments.
  3. A site layout plan, cross sections, landscaping details, photomontages and visual impact analysis to indicate potential impacts on and interaction with Charlestown Place and St. Margaret’s Road.
  4. A site layout plan clearly indicating the site boundary at the southern end of the site, the sewerage wayleave at this location and which areas are to be taken in charge by the Local Authority.
- 8.5. Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:
1. Irish Water
  2. Transport Infrastructure Ireland
  3. National Transport Authority
  4. Relevant Childcare Committee

**PLEASE NOTE:**

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

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January 2018