



An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion
304637-19**

Strategic Housing Development	Mixed-use scheme comprising 512 residential units, crèche, 4 x commercial units and 1 x retail unit
Location	Former Techcrete site, Howth Road, Howth, Co. Dublin
Planning Authority	Fingal County Council
Prospective Applicant	Atlas GP Ltd
Date of Consultation Meeting	July 17 th 2019
Date of Site Inspection	July 12 th 2019
Inspector	L. Dockery

1.0 Introduction

Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority and the documentation received from the prospective applicant, 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 subject site, which has a stated area of 2.68 hectares, is located on the Howth Road, Howth, Co. Dublin. The site is located close to the entrance to the village. It is bound by local authority lands to its west, Baltray Park; the DART line and Claremont Strand to its north; Howth DART station and a number of residential properties to its east and the Howth Road to its south. The Bloody Stream runs under the western part of the site as a culverted stream.

2.2 On the opposite side of Howth Road is an embankment with tress and the entrance to Howth castle/Church of Ireland/Deerpark Golf Club.

2.3 The site was previously the former Howth garden centre, Beshoff Motors and the Techcrete premises.

3.0 Proposed Strategic Housing Development

3.1 The proposed development comprises the demolition of buildings, with stated floor area of 8162 square metres and the construction of 512 residential units, crèche, 4 x commercial units, 1 x retail unit, together with ancillary site works.

The following details are noted:

Parameter	Site Proposal
Application Site	2.68 ha
No. of Units	512 residential units
Density	191 units/ha
Height	Maximum seven storeys
Other Uses	Childcare facility- 220 m ² 4 x commercial units- 2630 m ² 1 x retail units- 563 m ² Residential Amenity floorspace- 630 m ²
Parking	359 car parking spaces 808 bicycle parking spaces
Vehicular Access	From Howth Road
Part V	54 units

The breakdown of unit types is as follows:

Unit Type	Studio	1 bed	2 bed	3 bed	Total
Apartments	-	226	276	10	512
% Total	0%	44.1%	53.9%	2%	100%

4.0 National and Local Planning Policy

4.1 National

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 (2018)
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018)
- Design Manual for Urban Roads and Streets (2013)
- The Planning System and Flood Risk Management (including the associated 'Technical Appendices') (2009)

4.2 Local

The Fingal County Development Plan 2017-2023 is the operative County Development Plan.

Zoning

'Objective TC- Town and District Centre' which seeks to 'protect and enhance the special physical and social character of town and district centres and provide and/or improve urban facilities'.

The following objectives are of note:

Local Objective 108

Development shall be between three and five storeys. The three storey aspect of the development shall be on the western side of the site and a maximum of 30% of the overall development shall be five storeys

Local Objective 117

Preserve views from lands opposite the site, from the avenue/exit from Howth castle, which is a designated ACA

Also

Indicative cycle/pedestrian route bounding site to north and south

There are a number of policies within the Development Plan relating to residential development.

Howth Urban Centre Strategy (2008)- the subject site is noted as a development site within the Strategy.

5.0 **Planning History**

There is a long and protracted history relating to the overall site. Two applications of note are as follows:

F15A/0362 (PL06F.246151)

Permission GRANTED for 200 residential units, 4 houses for traveller community, community centre, 487 car parking spaces (June 2016) (expires June 2021)

F11A/0028 (PL06F.240171)

Permission GRANTED for 286 residential units, 3 commercial units, leisure centre, 462 car parking spaces (expires March 2023)

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

6.1 It is stated by the planning authority that extensive pre-planning discussions took place in relation to this site. One pre-application consultation took place with the planning authority on 05th June 2019, under section 247 of the Planning and Development Act 2000, as amended.

7.0 **Submissions Received**

Irish Water

Confirmation of Feasibility issued for this site for 570 no. residential units.

As stated in CoF, Irish Water must carry out capital works to install a new 300mm trunk water main. This project is on IW Capital investment Plan and is scheduled to be complete by Q4 2020. No statutory or third party approvals are required for this upgrade other than a road opening licence from the local authority.

As also stated in the CoF, the applicant must enter into a Project Works Services Agreement with IW to deliver infrastructure upgrades to facilitate the connection of the development to IW infrastructure.

The following upgrades are required:

- Cross connection between new trunk main and existing 9" water main
- New pressure reducing valve and water meter
- 220m of existing 100mm water main to be upgraded to 150mm.

No statutory or third party approvals are required for this upgrade other than a road opening licence from the local authority.

The applicant has not yet signed a Project Works Services Agreement with IW but has entered into discussions with IW to progress the works subject to this planning application.

Therefore, based on the CoF and a fully executed Project Works Services Agreement, Irish Water confirms that subject to a compliant water and wastewater layout and a valid connection agreement being put in place between Irish Water and the developer, the proposed connections to the Irish Water networks can be facilitated.

8.0 Forming of Opinion

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 brief detail on each of these elements hereunder.

8.1 Documentation Submitted

- 8.1.1. 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, completed application form, a completed pre-connection enquiry feedback form from Irish Water, Statement of

Consistency, Statement of Material Contravention, Landscape Design Report, Landscape and Visual Impact, architectural drawings; landscape drawings; Traffic and Transport Assessment; Flood Risk Assessment, engineering drawings, Civil Infrastructure Report, Draft NIS, Draft AA Screening Report and Daylight and SunCast Report.

8.1.2. I have considered all of the documentation submitted by the prospective applicant, relating to this case.

8.2 Planning Authority Submission

8.2.1 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 note of their section 247 consultations with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on 05th July 2019.

The planning authority's 'opinion' included the following matters: site location and description, development proposal, planning history, departmental reports, policy considerations, strategic context, building height and layout; residential amenity, development standards, access and transportation, conservation, flood risk, surface water drainage, foul sewer, water supply and foul sewer, open space and landscape proposals, appropriate assessment and EIA.

The following points are noted:

- Number of relatively large developments proposed/under consideration in area and cumulative impacts of these needs to be considered
- Phasing arrangements in particular for construction traffic
- Justification for increase in numbers in accordance with core strategy
- Clarity around scaled floor plans and elevational drawings
- Architectural merit- considered to be of good quality and would provide appropriate extension to Howth village
- Redevelopment of site would be a significant visual improvement upon arrival into Howth from western side
- Use of deck access is considered inappropriate/poor quality residential amenity

- Query as to sufficient amount of daylight/sunlight
- Additional details required in relation to shadow analysis
- Curved edges of blocks may date over time
- Durable, high quality finishes required
- Residential car parking provision below Development Plan standards; provision of 0.7 spaces per unit
- Residential parking should make provision for electric vehicle parking/charging
- Commercial parking is below CDP standards; shortfall of 44 spaces
- Bicycle parking is below CDP standards; shortfall of 478 spaces
- Access to basement car and cycle parking requires revision
- Capacity issue in Howth area highlighted/ Sutton Cross remains a significant constraint with no proposals for its upgrade in short to medium term
- Aspects of pedestrian bridge to Claremont Strand require further consideration
- Flood risk should take climate change into consideration- need or otherwise for justification test should be determined based on existing site rather than post development site- should consider current capacity of Bob Davis culvert and its ability or otherwise to pass the 0.1% AEP HEFS flows. Flood risk posed by storm events should also be taken into consideration
- Need to clarify the proposal for remedying existing deficiencies in Bob Davis culvert to ensure it doesn't represent an increased flood risk to the site
- Additional details required in relation to surface water drainage, water supply and foul drainage
- Only open space that appears to meet PA requirement for such is the western parkland
- Shortfall of open space could not be calculated
- Phasing of delivery of open space requires addressing, as does taking in charge
- Need for full EIAR, AA Screening and NIS to consider cumulative impacts of other developments on Howth peninsula
- Need for CMP, CTMP and proposal for provision of public art

8.2.2 I have reviewed and considered all of the documentation submitted by the planning authority relating to this case.

8.3 Consultation Meeting

8.3.1 A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 17th day of July 2019, commencing at 11.00 am. 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.

8.3.2 The main topics raised for discussion at the tripartite meeting were as follows:

- Development strategy- density, height, elevational treatments, open space/public realm and connectivity
- Visual and residential amenity
- Drainage and flood risk
- Appropriate assessment
- Parking and transportation
- Any other matters

8.3.3 In relation to development strategy, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- Density proposed in context of core strategy, as contained within operative Fingal CDP
- Height of proposed development in context of Local Objective 108 of Fingal CDP, which allows for maximum height of five storeys; submission of material contravention statement in this regard, if considered necessary
- Elevational treatments, in particular details in relation to materials/finishes
- Quantum of public open space provision and the desire to ensure that it is functional and usable, passively supervised with good pedestrian and cycle linkages; interface between proposed blocks and public realm; interface along railway line/river; landscaping/boundary treatments including details for proposed civic plaza and other areas of open space; level differences

- Connectivity/accessibility- both within the site in terms of level differences/stepped access and to wider area

8.3.4 In relation to visual and residential amenity, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- Visual impacts of proposal on Protected Structures within the vicinity and also on ACA- cross sections/visualisations/CGIs required
- Potential impacts on nearby residential properties development in terms of overlooking, overshadowing, overbearing and noise
- Compliance with Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018); daylight/sunlight; microclimate; aspect of proposed units
- Internal daylight/sunlight analysis to ensure adequate amenity of future residents including sunlight analysis to include areas of open space

8.3.5 In relation to drainage and flood risk, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Report of Drainage Division of planning authority, as contained in sections 8.2.6- 8.2.9 inclusive of Chief Executive Opinion
- Report of Irish Water to An Bord Pleanála dated 08th July 2019

8.3.6 In relation to appropriate assessment, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Comments made by PA in section 8.2.11 of Chief Executive Opinion

8.3.7 In relation to traffic and transportation, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Quantum of car parking proposed
- Report of Transportation Division of planning authority, as contained within section 8.2.4 Access and Transportation of PA Opinion

8.3.8 In relation to other matters, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Submission of schedule of floor areas; details relating to any contamination on site; Universal Action Plan; Building Lifecycle Report to include common areas; phasing details; submission of ecological survey; proximity to Dublin airport; landscaping/boundary treatments; submission of CGIS/visualisations/cross sections; discrepancies between information; school demand and concentration report, waste management and EIAR

8.4 **Conclusion and Recommendation**

8.5 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.

8.6 I have examined all of the information and submissions before me including the documentation submitted by the prospective applicants, 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 plans for the area.

8.7 Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act: **constitutes a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.**

8.8 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.

9.0 Recommended Opinion

The Board 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.

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

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

1. Notwithstanding that the proposal constitutes a reasonable basis for an application:
 - (a) The prospective applicant should satisfy themselves that their Statement of Consistency adequately addresses Local Objective 108 of Fingal County Development Plan in relation to the height of the proposed development and if considered necessary, a material contravention statement should be submitted in this regard at application stage
 - (b) Likewise, the prospective applicant should satisfy themselves that their Statement of Consistency adequately addresses the matter of core strategy of the Fingal County Development Plan 2017 in light of the number of units proposed, having regard to section 8.1 of the Chief Executive Opinion

2. A report including CGIs, visualisations and cross sections, as necessary, which clearly show the relationship between the proposed development and existing development along Howth Road, which includes for, inter alia, the relationship between the proposed development and nearby Protected Structures. A Visual Impact Assessment should be submitted in this regard. In addition, details should also include the interface between the proposed development and Howth Road/railway line/river; boundary treatments; public realm and ground floor elevational treatments.
3. A report that addresses issues of residential amenity (both existing residents of nearby development and future occupants), specifically with regards to daylight/sunlight analysis, overlooking, overshadowing, overbearing and noise. The report shall include full and complete drawings including levels and cross-sections showing the relationship between the proposed development and nearby residential development.
4. A detailed landscaping plan for the site which clearly differentiates between areas of public, communal and private open space and which details exact figures for same. Details should also include proposals for hard and soft landscaping including street furniture, where proposed, which ensures that areas of open space are accessible, usable and available for all. Details relating to the materiality of the proposed interface between proposed development and adjoining lands should be also submitted. Additional cross sections, CGIs and visualisations should be included in this regard.
5. A detailed phasing plan for the proposed development
6. School Demand and Concentration Report
7. Additional details in relation to surface water management for the site, having regard to the requirements of the Drainage Division as indicated section 8.2.7 of the Planning Authority's Opinion. Any surface water management proposals should be considered in tandem with a Flood Risk Assessment specifically relating to appropriate flood risk assessment that demonstrates the development proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk.

8. Additional details and justification for the proposed development in relation to roads, access and circulation, having regard to the report of the Transportation Division of the planning authority as detailed in section 8.2.4 of their Opinion.
9. Waste management details
10. A life cycle report shall be submitted in accordance with section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2018). This report should specifically address proposed materials, finishes and detailing which seek to create a distinctive character for the development and which provides for active frontages and corners. The documents should also have regard to the long term management and maintenance of the proposed development.
11. A schedule of floor areas for all proposed units
12. Site Specific Construction and Demolition Waste Management Plan

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. An Taisce
2. Department of Culture, Heritage and the Gaeltacht
3. The Heritage Council
4. Irish Water
5. National Transport Authority
6. Transport Infrastructure Ireland
7. Iarnrod Eireann
8. Inland Fisheries Ireland
9. Irish Aviation Authority
10. Dublin Airport Authority

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.

Lorraine Dockery
Senior Planning Inspector

30th July 2019