



An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion
307248-20**

Strategic Housing Development	590 no. apartments, creche and associated site works.
Location	Charlestown Place, Saint Margaret's Road, Charlestown, County Dublin
Planning Authority	Fingal County Council
Prospective Applicant	Puddent Hill Property Limited
Date of Consultation Meeting	18 th November 2020
Date of Site Inspection	8 th October 2020
Inspector	F. Fair

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

- 2.1.1. The site (3.4 ha) is located on the corner of Charlestown Place and St. Margaret's Road and is within the administrative area of Fingal County Council (FCC). It lies immediately adjacent to Charlestown Shopping Centre and is approximately 4.2km east of Blanchardstown and 6.5km northwest of Dublin City Centre. It is bound by Charlestown Place to the north, McKelvey Celtic A.F.C and houses on McKelvey Avenue to the south, St. Margaret's Road to the east and light industrial warehouse units to the west fronting onto North Road / N2. The boundary to the McKelvey development is also the Dublin City Council / Fingal County Council administrative boundary. The existing estate comprises 2 storey terraced houses with the rear gardens of the existing houses on McKelvey Avenue backing onto the application site. The site is in close proximity to the M2 and M50 and is within the boundary of the M50.
- 2.1.2. The site currently comprises a temporary surface car park associated with the Charlestown Centre to the north and undeveloped greenfield areas. The temporary surface car park was constructed in 2007 as a temporary measure for customer convenience and as the planning and construction programmes for the Charlestown Centre Phase 1 and Phase 2 below podium works were being finalised. The site is accessed via an existing access road and signalised junction from Charlestown Place. This access road also serves McKelvey Celtic AFC clubhouse and playing pitch located to the southeast of the subject site.

3.0 Proposed Strategic Housing Development

- 3.1.1. Permission for 590 no. apartment units comprising of:
- 233 no. 1 bed apartments,
 - 323 no. 2 bed apartments and
 - 34 no. 3 bed apartments.
- 3.1.2. The proposed apartments are arranged in 4no. 2 to 10 storey blocks (Blocks 1 to 4). Resident support facilities of 118sq.m ancillary to the apartments are provided in Block 1.
- 3.1.3. Permission is also sought for non residential uses at ground floor level within Blocks 1 and 2 comprising
- 2 no. retail/ commercial units totalling 502sq.m,
 - a creche of 539sq.m (plus external play space of 124sq.m) and
 - 1 no. unit accommodating a community facility totalling 640sq.m.
- 3.1.4. The proposed development also includes a central landscaped public open space extending to c.4,577sq.m. The proposed public open space is linked to a north south pedestrian street connecting to the Charlestown Centre to the north of the site. Communal open spaces are provided within the courtyard areas at the ground floor levels of Blocks 1 to 4.
- 3.1.5. The central landscaped public open space is also the site of an attenuation tank permitted under Reg. Ref. F19A/0146. This attenuation tank was designed to accommodate surface water outflow from the Phase 1 Charlestown Shopping Centre, the adjoining Phase 2 apartment scheme and the current application site. Construction of the attenuation tank permitted under Reg. Ref. F19A/0146 will be completed in 2020. Surface water from the current application site will be intercepted and redirected to this attenuation tank.
- 3.1.6. Vehicular access to the proposed development will be from the existing signalised junction on Charlestown Place. Amendments to the southern arm of this junction to facilitate the proposed development include removal of the existing pedestrian islands and reductions to the junction radii. Provision is also made for vehicular access from Charlestown Place through the site to McKelvey Celtic AFC at the south

eastern corner of the site and a future access to the undeveloped greenfield site to the west.

- 3.1.7. Cycle and pedestrian access routes are provided from the northern boundary with Charlestown Place and eastern boundary with St. Margaret’s Road. Pedestrian access from the current application site to the Charlestown Centre to the north will be via a relocated pedestrian crossing aligning with the proposed pedestrian boulevard.
- 3.1.8. 502no. car parking spaces are proposed to serve the residential units within Blocks 1 to 4 and are provided within basement levels of Blocks 1, 2 and 4 and at surface level. Residential car parking is provided at a ratio of 0.85 per unit. An additional 14no. spaces are provided at surface level to serve the proposed retail/ commercial, creche and community units.
- 3.1.9. Permission is also sought for bin storage and cycle parking (1,005no. spaces), hard and soft landscaping, ESB substations, public lighting, boundary treatments, surface water drainage infrastructure and all associated site development and infrastructure works.
- 3.1.10. The following details are noted: **Table 1**

Key Statistics

Site Area	3.4ha
No. of units	590 233 one bedroom 39% 323 two bedroom 55% 34 three bedroom 6%
4 Blocks	Block 1: <u>2 to 10 storeys</u> (incorporates 210 apartments, one retail unit 259 sq. m, creche 539 sq. m and residents support facilities 118 sq. m) Block 2: 2 to 7 storeys (184 apartments, a retail / financial services 243 sq. m and community facility 640 sq. m)

	Block 3: 7 & 8 storeys (97 apartments) Block 4: 2 to 6 storey (99 apartments)
Gross Density	175 u/ha (Gross) 179 u/ha (net)
Plot Ratio & Site Coverage	1.6 and 23%
Public Open Space	Primary area of c. 4,577 sq. m (14%) Secondary area of 1,916 sq. m (6%) Central boulevard of 2,086 sq. m (6%)
Dual Aspect	50% (295 units)
Car parking	502 basement level spaces (0.85 spaces per unit)
Cycle parking	1005 spaces (885 long stay basement and 107 surface)

Table 2: The breakdown of proposed residential unit types is as follows:

Apartment Type	No.	Percentage
1 bed	233	39
2 bed	323	55
3 bed	34	6
Total	590	100%

4.0 National and Local Planning Policy

4.1.1. 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)
- ‘Design Manual for Urban Roads and Streets’ (2013)
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’) (2009)
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018)

4.1.2. Local

The statutory Development Plan for the area is the Fingal County Development Plan 2017-2023.

The subject site is zoned “TC – Town and District Centre” within the Fingal Development Plan.

The Development Plan objective attached to the TC zoning is to “protect and enhance the special physical and social character of town and district centres and provide and/or improve urban facilities.”

‘Residential’ uses are permitted in principle within the TC zone.

5.0 Planning History

The following is a summary of the planning history on the subject site.

Proposals for a Strategic Housing Development on the site comprising 162no. residential units, a creche and community floorspace were submitted to An Bord Pleanála in 2017 (Bord Ref: ABP-300255-17). Pre-application consultation with An Bord Pleanála took place in January 2018 however the proposals did not proceed to a formal application for Strategic Housing Development.

Table 3 Summary of Planning History

Reg. Refs.	Description of Development
F07A/0121 F09A/0542 F14A/0304	Permission was granted on the current application site for a temporary (3 years) surface car park (567 spaces) and associated pedestrian crossing with vehicular access from the permitted junction off Charlestown Place. Permission was subsequently granted for an additional 5 years in 2009 and again in 2014.
F05A/0230 F05A/1223 F07A/0255	Permission was granted for the existing Charlestown Centre (known as Phase 1) in 2005 and subsequently amended in 2005 and later in 2007. This development is located directly to the north of the current application site. The Charlestown Centre was constructed by the applicant and commencing trading in late 2007. It comprises a mixed-use development anchored by Dunnes Stores and a range of retail, commercial and café/ restaurant units. Residential accommodation (285no. apartments) is provided in 5 levels above the double height commercial space. Car parking is provided at basement level.
F07A/0682 F08A/0431 F09A/0403 F17A/0215 F18A/0718 F19A/0146	Phase 2 is located directly to west of Phase 1 of the Charlestown Centre and commenced construction in 2007 but ceased at podium level in 2009 due to the economic downturn. The duration of the Phase 2 permissions was extended in 2013 until Autumn 2018. Today the Phase 2 site comprises: - 7 Phase 2A - a cinema and leisure plex building (Reg. Ref. F09A/0403) operated by Odeon Cinemas since 2014 and, Phase 2B - a development site. In early 2017 the applicant submitted an application (Reg. Ref. F17A/0215) for completion of Phase 2B to comprise a mixed use commercial and residential development of c.33,200sq.m in 5 blocks of 2 to 5

	storeys in height. This development was subsequently modified under Reg. Refs. F18A/0718 and F19A/0146 and now comprises a total of 375no. apartments and 194sq.m of retail floorspace. Construction commenced on this development in 2019 and is ongoing.
F09A/0212	Located directly to the north of the signalised junction on Charlestown Place and the access to the current application site is a site (0.4ha) occupied by 2no. drive thru restaurants operated by McDonalds and KFC. Permission was granted for this development in 2009 (Reg. Ref. F09A/0212) and the restaurants commenced trading in 2011.
F17A/0091	Further to the north and directly to the south of the M50 is an L-shaped site (c.2.3ha). The Joe Duffy Property Company Limited received permission for 3no. motor showrooms on these lands under Reg. Ref: F17A/0091 and commenced trading in 2019.

6.0 Section 247 Consultation(s) with Planning Authority

- 6.1.1. Section 247 pre-planning consultation in relation to the current scheme took place with the Planning Authority on 11th November 2019. A further meeting was scheduled for the 13th March 2020 however this was cancelled due to the measures arising from the Covid-19 virus outbreak. Comments were subsequently received from the planning authority by email.

7.0 Submissions Received

7.1.1. Irish Water

Irish Water has issued a conformation of feasibility for this development for 603 no. residential units.

A section of the existing 250mm DI main is within the site boundary on the North of the Development. The Developer has been notified that they are required to demonstrate that proposed structures and works will not inhibit access for

maintenance or endanger structural or functional integrity of the infrastructure during and after the works. Drawings (showing clearance distances, changing to ground levels) and Method Statements should be included in the Detailed Design of the Development. A wayleave in favour of Irish Water will be required over the infrastructure that is not located within the Public Space.

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.

9.0 Documentation Submitted

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, Letter of Consent from Fingal County Council, Schedule of Accommodation, Part V Documentation, Planning Statement, Statement of Consistency, Architect's Design Report, Landscape Rationale, Engineering and Planning Report, Traffic and Transport Assessment, DMURS Statement of Consistency, Social Infrastructure Audit, Preliminary Daylight and Sunlight Analysis, IW pre connection enquiry, and accompanying drawings.

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

10.0 Planning Authority Submission

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

their opinion in relation to the proposal. This was received by An Bord Pleanála on 25th June 2020.

The planning authority's 'opinion' included the following matters: copies of record of section 247 consultation, zoning and site designations, site description, planning history; opinions from other departments and an assessment of the proposal.

The report addresses the following:

Principle of Development

- The Planning Authority is supportive of the development of the site.
- The individual uses proposed are permitted in principle under this zoning objective.
- The predominant use proposed in the scheme is residential.
- It is highlighted that a town centre zoning would envisage a great degree of mixed use and the site is within the core retail area for Charlestown. The quantity of retail provision does need to accord with the role of Charlestown as a Level 3 centre which, taking into account the existing floorspace in the Charlestown Shopping Centre, would affect the extent proposed on this site. However, town centres also need to accommodate other commercial non-retail uses, for example, professional services, healthcare services, office use. There is potential to include live/work units as part of the scheme, particularly to ground/first floor level as a means of contributing towards this. These matters should be taken into account in reviewing the existing floorspace in Charlestown and the uses proposed in this scheme.
- Integration
- There needs to be strong permeability within the scheme and into adjoining lands.

Attenuation and Public Open Space

- The issue of surface water attenuation is a significant concern for the Planning Authority. The developments permitted under Reg. Ref. F19A/0146, F18A/0718, F18A/0025 and F17A/0215 included part of this site within the application boundary for the purposes of providing an underground attenuation tank. The attenuation tank is situated under the area identified as public open space, with

the majority of the public open space area underlain by the tank. This approach is not considered acceptable to the Planning Authority. The proposal places severe limitations on the use and landscaping of the open space which is the only large scale space not built at roof level or over basement in the scheme.

- There is a significant shortfall in terms of the open space provided and the standards contained in the Fingal County Development Plan and the quality and usability of the space proposed.

Proposed Layout and Design

- The general design approach to the site layout is considered acceptable and will provide a good level of building frontage along Charlestown Place and St. Margaret's Road with building height used appropriate to signify the junction of these two roads and Charlestown centre.
- The Planning Authority considers that this site has potential to accommodate higher buildings. The heights proposed are generally considered acceptable. However, some of the blocks could be reduced in scale to integrate more effectively with the site and reduce to create a greater human scale within the scheme, improve the amenity of the communal spaces and also the interface with the proposed park to the south. In this regard, the four-storey eastern arm of Block 4 should be reduced to address the site context and reduce the impact of the proposal on the houses in McKelvey Avenue. The 7 storey heights on the western arm of Block 1, the western and eastern arms of Block 2 and the southern arm of Block 3 should be reduced in scale.
- The Planning Authority supports an approach which seeks to minimise the amount of surface parking. The amount provided should be further rationalised with provision for drop off parking etc the only parking provided at street level. In particular, the extent of surface car parking to the west of Block 4 should be reduced to improve the amenity of this area. The location of parking spaces relative to the units they serve is unclear. As currently proposed, it is likely that some areas of parking are removed from the units they serve.

- Block 3 would benefit from the provision of additional green space to the east and south to soften the surrounding environment and improve amenity including reducing hard standing and car parking provision.

Residential Amenity

- ‘Daylight and Sunlight Analysis’ of individual units needs to be re-examined. It is noted that the units in the scheme are based on open plan living arrangements. The Planning Authority consider that it is a reasonable expectation that a kitchen area should have a satisfactory level of daylight and not require artificial lighting as a matter of course.
- Further consideration needs to be given to the provision of basement storage.
- It is also recommended that separation distances between opposing apartment blocks are reviewed to ensure that adverse overlooking from opposing balconies does not occur.

Access and Transportation

- The data utilised in the traffic and transport assessment is not acceptable. The traffic survey information is almost 4 years old. The Planning Authority require surveys to be as up to date as possible and within 2 years of the application at most.
- The Planning Authority has concerns with regards to the level of car parking proposed, if the applicant proposes a reduced provision of car parking, then this should be supplemented by the full quantity of bicycle parking as stipulated in the ‘Sustainable Urban Housing: Design Standards for New Apartments’ document. There are a number of concerns highlighted in the report with respect to proposed layout and location of parking.

Open Space and Landscape

- There is a shortfall in the quantum of public open space. There is also a shortfall in the amount of play space provided based on the requirements of the Fingal County Development Plan and the level of play equipment provided. This is not considered acceptable in terms of meeting development standards and ensuring

a satisfactory level of amenity for residents of the scheme. It is critical that this scheme produces high quality open space and urban spaces and that these issues are fully addressed in any development proposal for these lands.

- The Daylight Analysis submitted indicates that the central communal open spaces to the blocks receive daylight in excess of the minimum requirements of the BRE guidelines, (at least half of the amenity areas receiving 2 hours of sunlight throughout the year) this bench mark is a minimum requirement. From the shadow analysis of these spaces it is apparent that the proposed block massing design results in communal spaces in shadow for the majority of times and dates analysed in March, June and December. Further consideration of the massing and scale of these blocks is recommended to ensure greater amenity and quality of light in the communal spaces and the Apartments effected by such overshadowing. This could be achieved by stepping down the height and massing of the proposed blocks as one moves into the scheme to create a greater human scale within the scheme, improve the amenity of the communal spaces and also the interface with the proposed park to the south.

Conclusion

The principle of the development of these lands for higher density development, incorporating increased building height is considered acceptable by the Planning Authority. The surface water management plan is the most significant concern for the Planning Authority in respect of the details submitted to An Bord Pleanála. In the interests of providing satisfactory public open space and an acceptable level of amenity for residents, a revised approach in this regard is advocated.

11.0 Consultation Meeting

- 11.1.1. A Section 5 Consultation meeting took place by way of conference call on the 18th November 2020, commencing at 9:30 pm. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

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

1. Principle of Development: (TC: Zoning)
2. Design rationale, Housing Quality Assessment and detailed floor plans for the apartments. Residential Amenity in the context of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities', March 2018. (Internal and external) open space provision, aspect of units and access to daylight and sunlight.
3. Development Strategy for the site including urban design considerations such as building height and the bulk, scale and mass of blocks; architectural treatment; car dominance, pedestrian connectivity, boundary treatments and interaction with the Charlestown Shopping Centre, Charlestown Place and Saint Margaret's Road (public streets). Contribution to the character and identity of the neighbourhood.
4. Visual Impact Analysis, use of materials and variety in design.
5. Site Services, Surface Water Attenuation and Irish Water issues.
6. Southern Site Boundary and Wayleave.
7. Taking in charge
8. Issues raised by the planning Authority in their report dated 26th June 2020.
9. Any other matters

11.1.2. In relation to 'Principle of Development (TC: Zoning)' An Bord Pleanála representatives sought further elaboration / discussion / consideration on the following:

- There is a need to further address and justify the 'TC' zoning objective, to "Protect and enhance the special physical and social character of town and district centres and provide and/or improve urban facilities", in any application. The predominant use proposed in the scheme is residential a town centre zoning would envisage a great degree of mixed use and the site is within the core retail area for Charlestown.
- There is a need to further consider inclusion of live-work units at ground level.

- Further elaboration for the end use for units along the central spine area to activate the proposed pedestrian street and provide facilities for the future residential population.

11.1.3. In relation to Design Rationale for the site An Bord Pleanála representatives sought further elaboration / discussion / consideration on the following:

- Further consideration of Daylight / Sunlight Impact of the development. Detailed analysis of Shadow Impact Assessment of the proposed development (internally and externally) within the scheme. Concerns of overshadowing of communal open spaces, private open space and public open spaces needs to be addressed.
- Further justification that all units comply with the recommendations of Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (B.R.209, 2011) and B.S. 8206 Lighting for Buildings, Part 2 2008: Code of Practice for Daylighting or other updated relevant documents.
- Elaboration and demonstrate clearly in any future application the % of dual aspect units proposed. The onus is on the application to demonstrate compliance with the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities', March 2018.
- Further consideration of the number and location of own door units.
- Privacy between opposing windows, private amenity areas within internal courtyards and adjoining / neighbouring property to the south needs to be addressed. Possibility of overlooking or perceived overlooking between the blocks for future residents and screening or design measures proposed to mitigate overlooking is required to be demonstrated.

11.1.4. In relation to Development Strategy for the site An Bord Pleanála representatives sought further elaboration / discussion / consideration on the following:

- Further elaboration on how the proposed scheme ties in with the expansion of the overall Charlestown Shopping Centre. The subject site represents an expansion of the existing Charlestown development (including permitted

development) on the northern side of Charlestown Place. It is important that the proposed scheme should be highly visually and functionally connected to the town centre development to the north. There needs to be strong permeability within the scheme and into adjoining lands.

- Justification of urban design considerations such as the bulk, scale and mass of blocks.
- Justification of the height, architectural design / treatment and interface with public streets in particular Charlestown Place and Saint Margaret's Road.
- Further consideration of the junction and pedestrian crossing proposed at Charlestown Place. Greater pedestrian connectivity, consideration of boundary treatments and interaction with the Charlestown Shopping Centre, Charlestown Place and Saint Margaret's Road (public streets) is needed. The proposal needs to contribute to and enhance the character and identity of the neighbourhood.
- Further consideration of landscaping in particular at the entrance of the pedestrian boulevard on Charlestown Place and approaching this entrance from the east to signify the entrance to the scheme so as to visually link to the Charlestown Centre and aid navigation.
- Further clarity is required with respect to the quantum and location of surface car parking.

11.1.5. In relation to Visual Impact, An Bord Pleanála representatives sought further elaboration / discussion / consideration on the following:

- Greater visual analysis of the development by way of clear CGI's, long-range views and photomontages from the wider area.
- Justification for height and bulk of the blocks given the nature of the surrounding environment.
- A detailed Urban Design Statement and an Architectural Statement, detailing finishes, use of materials and variety in design.

11.1.6. An Bord Pleanála sought further elaboration/discussion/consideration of Site Services:

- Further clarity of issues pertaining to surface water drainage, flood risk and agreements with IW and the Drainage Department of Fingal County.
- Further consultation and resolution / agreement is required with Fingal County Council Parks Department and Water Services Department with respect to the proposed location of the attenuation tank within the open space. If the planning authority is looking for a contribution from the applicant, this should be discussed and agreed in principle at application stage.
- Further consideration of the breakdown in provision of open space and the location and size of attenuation tanks needs to be carried out.
- A Flood Risk Assessment.

11.1.7. An Bord Pleanála sought further elaboration/discussion/consideration of Southern Site Boundary and Wayleave:

- Further clarity pertaining to the nature of the boundary treatment proposed to the southern site boundary, wayleave agreements with IW and the Drainage Department of Fingal County.
- Further consideration of open drain along the south eastern boundary and details of the proposed swales and ditches are required. Details of the maintenance of these items are required as well as management proposals.
- Justification for the proximity of proposed blocks to the southern boundary.

11.1.8. An Bord Pleanála sought further elaboration/discussion/consideration of taking in charge proposals.

- Clarification is required with respect to taking in charge. A drawing indicating what elements of the scheme are proposed to be taken in charge should be submitted at application stage.

- Consideration for a building life cycle report to be submitted with any application. There is a need to consider maintenance and development costs of tanks, open drains, open space, costs to residents.
- Further clarification on whether the proposal is a build to rent or build to sell scheme.

11.1.9. In relation to Any Other Matters, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Consideration of a detailed up to date Traffic and Transportation Report and a Mobility Strategy.
- Justification of the proposal in terms birds and SuDS's features proposed in the vicinity of the airport, with consequences for operations at the airport.
- Consultation with Dublin City Council (DCC) given that this site lies on the administrative boundary with the City Council.
- Further discussion on matters raised within the PA Opinion and Appended Fingal County Council Department reports submitted to ABP on the 25.06.2020.

11.1.10. 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 ABP-307248-20' 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.

Submission from Irish Water

11.1.11. Irish Water has issued a conformation of feasibility for this development for 603 no. residential units.

11.1.12. A section of the existing 250mm DI main is within the site boundary on the North of the Development. The Developer has been notified that they are required to

demonstrate that proposed structures and works will not inhibit access for maintenance or endanger structural or functional integrity of the infrastructure during and after the works. Drawings (showing clearance distances, changing to ground levels) and Method Statements should be included in the Detailed Design of the Development. A wayleave in favour of Irish Water will be required over the infrastructure that is not located within the Public Space.

12.0 Conclusion and Recommendation

- 12.1.1. 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.
- 12.1.2. 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.
- 12.1.3. Having regard to all of 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.
- 12.1.4. 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.

13.0 Recommended Opinion

- 13.1.1. 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.
- 13.1.2. 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.**
- 13.1.3. 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:
1. Landscaping, Materials and Character: Further consideration/justification of the documents as they relate to the visual impact, materials and finishes to the proposed buildings and hard & soft landscaping. The further consideration / justification should address the proposed human scale, character and identity and creation of family friendly neighbourhood, regard being had, inter alia, to the architectural treatment, landscaping, quality public and communal open spaces, pedestrian way finding and connectivity. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted.
 2. Interaction with Charlestown Place and Charlestown District Shopping Centre – Further consideration and / or justification of the documents as they relate to the proportion of live work units, own door units, end use of non-residential units along the central spine area to activate the proposed pedestrian street

and provide facilities for the future residential population specifically the contribution proposed to the character and identity of the neighbourhood.

3. Residential Design - Further consideration/justification of the documents as they relate to the quality of the proposed residential amenity. 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' in particular with regard to number of single aspect and north facing units, and daylight and sunlight access to internal habitable areas and in particular to communal courtyards. Shadow Impact Assessment of communal open spaces, private open space and public open spaces. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted relating, inter alia, to layout of the proposed development, improving the quality and providing extended hours of daylight and sunlight to the internal courtyards and to the public open space.

13.1.4. 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. A detailed statement of consistency and planning rationale, clearly outlining how in the prospective applicant's opinion, the proposal is consistent with local planning policies having specific regard to the zoning objective of the site, "TC" - town centre and its applicability to the development site in question having regard to the concerns raised in the Planning Authority's opinion.
2. A detailed statement, which should provide adequate identification of all such elements and justification as applicable, where the proposed development

materially contravenes the Development Plan other than in relation to the zoning of the land, indicating why permission should, nonetheless, be granted, having regard to a consideration specified in section 37(2)(b) of the Act of 2000.

3. An assessment on how the proposed scheme ties in with the expansion of the overall Charlestown Shopping Centre. The subject site represents an expansion of the existing Charlestown development (including permitted development) on the northern side of Charlestown Place. It is important that the proposed scheme should be highly visually and functionally connected to the town centre development to the north. There needs to be strong permeability within the scheme and into adjoining lands.
4. Further consideration of the junction and pedestrian crossing proposed at Charlestown Place. Greater pedestrian connectivity, consideration of boundary treatments and interaction with the Charlestown Shopping Centre, Charlestown Place and Saint Margaret's Road (public streets) is needed. The proposal needs to contribute to and enhance the character and identity of the neighbourhood.
5. Justification of landscaping, in particular, at the entrance of the pedestrian boulevard on Charlestown Place and approaching this entrance from the east to signify the entrance to the scheme so as to visually link to the Charlestown Centre and aid navigation.
6. A Housing Quality Assessment that provides details in respect of the proposed apartments set out as a schedule of accommodation, with the calculations and tables required to demonstrate compliance with the various requirements of the 2018 Guidelines on Design Standards for New Apartments. It is important that the proposal meets and preferably exceeds the minimum standards in terms of dual aspect and proportion of apartment which exceed the floor area by 10%. In the interests of clarity clear delineation

/ colour coding of floor plans indicating which of the apartments are considered by the applicant as dual / single aspect and which apartments exceeds the floor area by 10%.

7. A report that addresses issues of residential amenity (both existing residents of adjoining development and future occupants), specifically with regards to potential overlooking, overshadowing and overbearing. The report shall include full and complete drawings including levels and cross-sections showing the relationship between the proposed development and adjacent residential development.
8. A Daylight and Shadow Impact Assessment of the proposed development, specifically with regard to impact upon adequate daylight and sunlight for individual units, public open space, courtyards, communal areas, private amenity spaces and balconies.
9. A visual impact assessment. Long range views / photomontages of the proposed development from the surrounding area.
10. Response to issues raised in the Parks and Green Infrastructure department report submitted to the Board on the 25.06.2020.
11. Response to issues raised in Architects department report submitted to the Board on the 25.06.2020. Justification is required with respect to height and shadow analysis, in particular of communal open space.
12. Justification of hierarchy and quantum of open space provision, both communal and public open space (POS). Clarity with regard to compliance with Development Plan standard and location of underground attenuation tanks and storage systems under public open space, as part of SuDS solution. A response to the contribution suggested by the planning authority

in accordance with Section 48(2) (c) of the Planning and Development Act 2000 in lieu of public open spaces provision.

13. Detailed landscape drawings that illustrate hard and soft landscaping, useable communal open space, meaningful public open space, quality audit and way finding. The public open space shall be usable space, accessible and overlooked to provide a degree of natural supervision. Details of play equipment, street furniture including public lighting and boundary treatments should be submitted.

14. A full response to matters raised within the PA Opinion and Appended Fingal County Council Department comments submitted to ABP on the 25.06.2020

13.1.5. 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 (IW)
2. Irish Aviation Authority (IAA)
3. Fingal County Childcare Committee.
4. Dublin City Council, planning department.
5. Transport Infrastructure Ireland (TII)
6. National Transport Authority (NTA)
7. Dublin Aviation Authority (DAA)

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.

Fiona Fair

Senior Planning Inspector

07.12. 2020