



An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion
ABP-307288-20**

Strategic Housing Development

Location	Lands at Baldoyle (formerly known as The Coast), Dublin 13
Planning Authority	Fingal County Council
Prospective Applicant	The Shoreline Partnership
Date of Consultation Meeting	September 14 th 2020
Date of Site Inspection	September 05 th , 2020
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 8.8 hectares, is located on the southern boundary of Fingal County Council administrative area, approximately 8km north-east of Dublin city centre. It is located on the edge of Baldoyle village, approximately 9km from Dublin airport.

2.2 The Dublin-Belfast railway line and Clongriffin DART station abuts the western site boundary. The train line delineates the FCC and DCC boundary. The site is located approximately 650 metres from the Baldoyle Estuary, while the River Mayne lies 500 metres approximately to its north. Lands to the south and east have already been developed on foot of the Baldoyle AAP and this developed area is known as 'The Coast'.

2.3 The area is characterised as an emerging/developing mixed use urban area and is identified in the Baldoyle-Stapolin LAP as one of Dublin's larger new development areas. The subject site is relatively flat and comprises the site of the former Stapolin House. It is currently undeveloped, however works are on-going on the overall lands.

3.0 Proposed Strategic Housing Development

3.1 The proposed development comprises amendments to the permitted development, PL06F.248970 (F16A/0412), which permitted 546 no. residential units, retail units

and crèche. The proposed amendment is now seeking permission for the construction of 748 residential, units, commercial development, residential tenant amenity space, public realm works and other associated uses on lands at Baldoyle (formerly known as 'The Coast), Dublin 13. This is an increase in 202 residential units, with an increase of 1588 square metres in commercial floorspace proposed, over and above what was previously permitted on the lands.

3.2 The following details are noted:

Parameter	Site Proposal
Application Site	8.8 ha
No. of Units	748 residential units (597 apartments; 151 houses)
Density	85 units/ha
Height	2-15 storeys
Other Uses	Gym- 540m ² Convenience store-900m ² Café- 350m ² Medical centre-405m ² Pharmacy- 250m ² Creche-490m ² Retail- 590m ² TOTAL 3505m² New civic plaza; bus and cycle ramp to No of Stapolin Square; diversion of existing stormwater pipe Residential Amenity Facilities- 1363 m ²
Parking	698 car parking spaces for residential 58 car parking spaces for commercial

	(equates to 0.55 spaces/unit for apartments and 2 spaces per house) 1224 cycle parking spaces
Part V	75 units (65 apts; 10 houses)

The breakdown of the 748 residential units are as follows:

	Studio	1 bed	2 bed	3 bed	4 bed	4+ bed	Total
Apartments	34	181	327	55	-	-	597
Houses	-	-	17	102	32	-	151
Total	34	181	344	157	32		748

It is stated in the documentation that a full EIAR will be submitted with the application.

A material contravention statement was submitted in relation to height and density.

An Appropriate Assessment (AA) Screening Report is submitted which concludes that a Natura Impact Assessment Report (NIS) will be required for this application for development

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)
- Childcare Facilities – Guidelines for Planning Authorities
- Appropriate Assessment of Plans and Projects in Ireland- Guidance for Planning Authorities
- Climate Action Plan

Other documents of note are:

- National Planning Framework, 2018
- Regional Spatial and Economic Strategy for the Eastern and Midland Region, 2019

4.2 Local

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

The subject site is located within the development boundary of Baldoyle. Baldoyle is identified as a Consolidation Area within the Gateway of the Metropolitan Area of the Greater Dublin Area (GDA). Objectives SS15 and SS16 refer to consolidation areas within the gateway.

Table 2.6 of the Core Strategy indicates that there are 29 hectares of residential zoned lands available in Baldoyle with a resulting potential for 1498 residential units.

The subject site is zoned RA 'new residential', which seeks to '*provide for new residential communities subject to the provision of the necessary social and physical infrastructure.*'

The Baldoyle-Stapolin LAP 2013 (extended) applies and the following is noted:

- site located within Growth Area 1
- lands were previously the subject of an AAP 2001 and associated Masterplan in 2002, both of which have expired

The following map based objectives apply to the subject lands:

Map Based Objectives

1. Facilitate and encourage community facilities which allow for shared and multi-purpose use and adaptability within the village centre, or for non-commercial or small scale community facilities other agreed locations may be considered subject to demand and resources.
2. Provide for at least one crèche facility within the village centre area as part of the phasing requirements set out in Section 6 and as required by Section 4E of the Local Area Plan
5. Ensure that key services such as local and primary health care facilities, public house, and crèche are provided within the village centre to ensure the appropriate mix of community services and facilities, the vitality of the village centre, and to encourage the use of sustainable modes of transport.

A Green corridor is identified from Clongriffin Train Station via the Village centre, eastwards to Racecourse Park

5.0 Planning History

Overall Site:

F16A/0412 (PL06F.248970):

10 year permission GRANTED for 546 units (385 aps; 161 houses) on these lands; density 63 units/ha; village centre with 1917 sq.m commercial floorspace including café, shops and crèche; pedestrian access to train station provided across a plaza known as Stapolin Square with steps & ramps; open space of 1.57 hectares at The Haggard to NE of main part of site. Granted on appeal July 7th, 2017.

PL06F. 226287 (Reg. Ref. F07A/0040):

Permission GRANTED on appeal for 206 apartments and 187 houses, and a crèche, on a site that comprised 5.82ha of the current site. This permission has expired.

PL06F. 224781 (Reg. Ref. F06A/0671):

Permission GRANTED on appeal for 412 homes and a neighbourhood centre on a site that included the northern part of the current appeal site. This permission has expired.

Applications of note with DCC lands (west of train line)

Reg. Ref 305316:

Permission GRANTED for 916 no. apartments including the loss of 114 units (238 no. residential, 678 no. Build to Rent units), 2 no. crèches, 10 no. retail units and all associated site works. Primarily consisting of 6-7 storeys in height but also include 17 storeys at Block 17 and 15 storeys at Block 26. Density 163 units/ha

Reg. Ref. 305319:

Permission GRANTED for 500 no. apartments (235 no. residential, 265 no. build to rent), crèche and all associated site works in block of 2 – 8 storeys in height. Density 200 units/ha.

PL29N. 248713 (Reg. Ref. 3634/16):

Application for 139 houses and 5 shops, including a tower 16 storeys high. Further Information requested

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

6.1 The planning authority states that two section 247 pre-application consultations took place on the following dates- 15/04/2020; 29/01/2020.

7.0 **Submissions Received**

Irish Water

CoF issued for 932 residential units, still applies to current proposal of 748 units

8.0 **Forming of Opinion**

7.0.1 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 brief detail on each of these elements hereunder.

7.1 **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,

scaled drawings (plans, sections and elevations), a completed pre-connection enquiry feedback form from Irish Water, Part V details, Statement of Consistency, Material Contravention Statement; School Demand Assessment, Planning Report, Landscape Report, Engineering Services Report, Traffic Impact Assessment, Mobility Management Plan, Flood Risk Assessment and Architectural Design Statement.

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

7.2 **Planning Authority Submission**

7.2.1 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 02nd July 2020.

7.2.2 The planning authority's 'opinion' included, inter alia, the following matters: planning history, record of pre-application meeting, opinions from other departments, policy context, phasing, detailed issues, comments on details of proposed development including residential amenity, taking in charge, Part V, drainage, screening for AA, access and parking; open space provision, infrastructure and water services, community and social infrastructure.

7.2.3 Report concludes that documentation it is the opinion of the Planning Authority that the proposal is substantially in compliance with the relevant objectives within the Fingal Development Plan 2017 – 2023, and the relevant guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended). The proposed scheme also demonstrates a high level of architectural input; is of good quality and would provide for an appropriate extension to existing residential development located at The Coast and Myrtle. A number of issues have been raised:

- Proposed development contravenes a number of objectives set out in Baldoyle-Stapolin LAP in terms of height and density- material contravention statement submitted in this regard

- Landmark building of scale proposed should be of exceptional quality so as to establish a high architectural bar for new urban community- higher standard of design/materials for this building
- Preference for provision of ramps over lifts in general in terms of safety- alternative to provision of lifts
- Alternative access arrangements need to be considered to serve the duplex units located in Block B1-B2- gangway style entrance at 2nd floor level will give rise to significant overlooking. Planter boxes as proposed cannot be relied upon
- Clarify end users
- Clarity in relation to childcare proposal
- Further analysis required in relation to school demand
- Further details in relation to transportation matters including parking provision and segregation, construction details, road safety
- Further details on water services including flood risk, green roofs, SuDS
- Landscaping proposals requires further details, pedestrian connectivity, maintenance, red line boundary
- Phasing arrangements

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

7.3 Consultation Meeting

7.3.1 A Section 5 Consultation meeting took place via Microsoft teams due to ovid-19 restrictions on the 14th day of September 2020, commencing at 2.00 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.

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

1. Development strategy for the site to include extant permission on site; consistency with provisions of Baldoyle-Stapolin LAP; tenure; design and finishes; permeability/accessibility; open space/landscaping; phasing; childcare facility
2. Residential amenity
3. Biodiversity
4. Transportation matters
5. Drainage matters
6. Any other matters

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

- Extant permission on site PL06F.248970
- Procedural issues relating to red line boundary
- Consistency with provisions of Baldoyle-Stapolin LAP 2013, including in relation to height and density; noted density permitted in recent SHD applications to west of train line in DCC administrative area, together with locational context of site beside railway line in an established area
- Tenure of proposed development
- Design and finishes; need for high quality throughout, in particular with regards to landmark structure
- Interface with adjoining lands, including train station; relationship between proposed development and any possible future development on adjacent lands;
- Permeability/connectivity both within the site and through to surrounding areas including train station and public open space; accessibility to train station given level differences

- Open space provision/landscaping; open space calculations; greater detail required in relation to landscaping; query regarding provision of The Haggard area of open space; phasing
- Address PA concerns in relation to size of proposed childcare facility

7.3.4 In relation to residential amenity, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- 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

7.3.5 In relation to biodiversity, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Proximity of subject site to designated sites and wetland area noted; need for consistency between all documents submitted

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

- Report of Transportation Division of planning authority, as contained within section 8.3.7 Access and Transportation of PA Opinion

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

- Report of Drainage Division of planning authority, as contained within section 8.3.8 Water Services of PA Opinion
- Report of Irish Water

7.3.8 In regards to other matters, An Bord Pleanála sought further elaboration/discussion/consideration on:

- Submission of schedule of floor areas; Universal Access Plan; Building Lifecycle Report to include common areas; phasing details; proximity to

Dublin airport; submission of CGIS/visualisations/cross sections and school demand and concentration report

7.4 **Conclusion and Recommendation**

- 7.4.1 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.
- 7.4.2 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.
- 8.1 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.**
- 8.2 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:

Notwithstanding that the documentation submitted constitutes a reasonable basis for an application for strategic housing development to An Bord Pleanála, the applicant is advised to address the following:

1. Further consideration/justification of the documents as they relate to the design strategy for the subject site, as it relates to the height and density of the proposed development. In this regard, the prospective applicant should satisfy themselves that the proposal provides the optimal architectural solution for this site and should submit a rationale/justification for the heights/densities proposed. This consideration and justification should have regard to, inter alia, the minimum densities provided for in the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (May 2009) in relation to such sites. Particular regard should be had to need to develop at a sufficiently high density to provide for an acceptable efficiency in serviceable land usage given the location of the site within the Dublin Metropolitan area, its proximity to Clongriffin DART station and to Baldoyle with its established social and community services. The further consideration of this issue may require an amendment to the documents and/or design proposal submitted.

Furthermore, the applicant is advised that an appropriate statement in relation to section 8(1)(iv) of the Planning and Development (Housing) and Residential

Tenancies Act 2016, that outlines consistency with the relevant development plan and that specifically addresses any matter that maybe considered to materially contravene the said plan, if applicable, should be submitted.

2. A Materials Strategy that specifically addresses the proposed materials and finishes for buildings, open spaces, paved areas and boundaries, having regard to the requirement to provide high quality and sustainable finishes and details. This strategy shall include details of the colour, tone and texture of materials and the modelling and profiling of the materials (including any cladding or framework system) on each block. Particular attention is required in the context of the strategic location and visibility of the site and to the long term management and maintenance of the proposed development. A Building Lifecycle report should also be submitted in this regard, which includes an assessment of the long term running and maintenance costs associated with the development in accordance with Section 6.13 of the 2018 Guidelines on Design Standards for New Apartments.
3. Details of cycle and pedestrian connections including legibility and permeability through the development site to the train station and other surrounding areas. The matter of 24 hour accessibility to the train station, given the level differences involved, should also be addressed. Landscaping proposals including an overall landscaping masterplan for the development site. Details pertaining to the quantity, type and location of all proposed hard and soft landscaping including details of play equipment, street furniture including public lighting and boundary treatments should be submitted.
4. A report which addresses existing and future residential amenity and which includes matters such as daylight/sunlight analysis, micro-climate/wind impacts and noise impacts, together with proposals to address any such impacts, if necessary. A daylight/sunlight analysis, showing an acceptable level of residential amenity for future occupiers and neighbours of the proposed development, should include details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development and in adjacent properties. A month-by-

month assessment of average daylight hours within the public open space should be provided within the daylight and sunlight analysis document to allow for a full understanding of the year round level of overshadowing of the primary outdoor recreation areas for the development should be submitted.

5. A housing quality assessment which provides specific information regarding the proposed apartments and which demonstrates compliance with the various requirements of the 2018 Guidelines on Design Standards for New Apartments, including its specific planning policy requirements. This should also include a schedule of floor areas for all proposed units, clearly setting out the aspect (single, dual, triple) of each unit
6. Additional transportation details having regard to the requirements of the Transportation Planning Division as contained within section 8.3.7 Access and Transportation of PA Opinion
7. Additional drainage details having regard to the requirements of the Drainage Division as indicated in their report contained section 8.3.8 Water Services of PA Opinion. Any surface water management proposals should be considered in tandem with any Flood Risk Assessment, which should in turn accord with the requirements of 'The Planning System and Flood Risk Management' (including associated 'Technical Appendices').
8. School Demand and Concentration Report
9. CGIs, visualisations and cross sections, as necessary, which clearly show the relationship between the proposed development and existing development in the immediate and wider area.

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. Department of Culture, Heritage and the Gaeltacht
3. National Transport Authority
4. Irish Rail
5. Inland Fisheries Ireland
6. Transport Infrastructure Ireland
7. Irish Aviation Authority
8. Department of Education and Skills

Lorraine Dockery
Senior Planning Inspector

30th September 2020