



An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion
ABP-307464-20**

Strategic Housing Development

221 no. Build to Rent apartments,
creche and associated site works.

Location

Old Schoolhouse Site (former Clonsilla
School, Protected Structure RPS. 700),
Porterstown Road, Clonsilla, Dublin 15.

Planning Authority

Fingal County Council

Prospective Applicant

Osh Ventures Limited

Date of Consultation Meeting

6th October 2020

Date of Site Inspection

25th September 2020

Inspector

Rachel Gleave O'Connor

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 is located on the west side of Porterstown Road, south of The Village residential estate and north of the Royal Canal. A vehicular railway crossing is located to the south of the site on Porterstown Road and Clonsilla Station is located between 400m and 1,200m (approximately) to the west of the site. Clonsilla Road and its associated amenities, are located approximately 300m to the north of the site. St Mochta's National School is located on the corner of Clonsilla Road and Porterstown Road.
- 2.2. The area in the immediate vicinity of the site is characterised by two storey suburban housing, the closest of which are located in Lambourn Park and The Village to the north of the site. A single detached dwelling is also situated adjacent to the northern boundary to the site on Porterstown Road. An undeveloped site is located to the north of the subject site and west of The Village. Opposite the site to the east of Porterstown Road is a detached single dwelling and private access road for agricultural land. To the south of the of the site is the embankment for the Royal Canal, the canal and associated towpath itself is situated a significantly lower level to the site.
- 2.3. The site itself covers 2.32 hectares and is unoccupied and overgrown. Two structures are currently located on the site, the Old Schoolhouse building, a Protected Structure (RPS. 700) and an associated outhouse to the schoolhouse. The Old Schoolhouse is in a neglected condition and in need of substantial restoration

work. The site is situated at a higher level than those surrounding areas to the north and south.

3.0 Proposed Strategic Housing Development

3.1. The proposed development involves 221 no. Build-to-Rent units as follows:

Unit Type	Number
1 bed apartments	132
2 bed apartments	67
3 bed apartments	22
Total Apartments	221

The development has a stated net residential density of c. 95.26 units/ha based on a development area of c. 2.32 ha. The development scheme comprises the following:

- 221 no. Build-to-Rent apartments, in 8 no. blocks ranging in height from 4-7 storeys;
- Renovation and refurbishment works of the Old Schoolhouse Protected Structure to provide administration storage, manager’s office and community use;
- A creche 317sqm;
- Car and bicycle parking;
- Landscaping and public open spaces; and
- All associated site development works and services provision.

4.0 Planning History

4.1. Reg. Ref. F95A/0965 - Planning permission refused on 15th February 1996 for the construction of a dwelling to the rear of Old School House. There were 2 reasons for refusal relating to the zoning at that time for open space and recreational amenities and the visually intrusive impact overlooking the Royal Canal.

- 4.2. Reg. Ref. F97A/0316 – Planning permission refused on 19th June 1997 for the provision of a dwelling house to the rear of Old School House. There were 2 reasons for refusal (as per the application above) relating to the zoning at that time for open space and recreational amenities and the visually intrusive impact overlooking the Royal Canal.

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 and 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) 2009
- Design Standards for New Apartments Guidelines for Planning Authorities 2018 ('The Apartment Guidelines')
- Design Manual for Urban Roads and Streets (DMURS) 2019
- The Planning System and Flood Risk Management (including the associated Technical Appendices) 2009
- Childcare Facilities Guidelines for Planning Authorities 2001
- Urban Development and Building Heights Guidelines for Planning Authorities 2018
- The Architectural Heritage Protection Guidelines for Planning Authorities

5.2. National Planning Framework

- 5.3. The NPF seeks to achieve compact urban growth by targeting a greater proportion (40%) of future housing development to be within and close to the existing 'footprint' of built-up areas and plans for growth of 490,000 to 500,000 people in the Eastern and Midlands Region.

- 5.4. The National Planning Framework includes a specific Chapter, No. 6, entitled 'People Homes and Communities'. It includes 12 objectives among which Objective

27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages.

5.5. Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

5.6. Objective 35 seeks to increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

5.7. **Fingal County Development Plan 2017-2023**

5.7.1. Zoning: The site is zoned 'Residential Area – RA' with the objective to 'Provide for new residential communities in accordance with approved local area plans and subject to provision of the necessary social and physical infrastructure', and MP 13.B (Masterplan Area), under the Fingal Development Plan 2017-2023. Residential and creche uses are permitted in principle in this zone.

5.8. General: Chapter 2 of the Plan outlines housing and settlement strategy for Fingal. Chapter 3 describes the approach to the creation of placemaking, and particularly section 3.4 in relation to sustainable design standards. Chapter 4 describes urban Fingal and Chapter 5 rural Fingal. Chapter 7 describes the approach to movement and infrastructure in Fingal. Chapter 9 relates to natural heritage and Chapter 10 relates to cultural heritage. Chapter 12 describes the Development Management Standards.

5.9. The following objectives are of particular relevance.

- Objective PM14 Prepare Masterplans for areas designated on Development Plan maps in co-operation with relevant stakeholders, and actively secure the implementation of these plans and the achievement of the specific objectives indicated.

- Objective NH26 Protect existing woodlands, trees and hedgerows which are of amenity or biodiversity value and/or contribute to landscape character and ensure that proper provision is made for their protection and management.
- Objective CH20 Ensure that any development, modification, alteration, or extension affecting a Protected Structure and/or its setting is sensitively sited and designed, is compatible with the special character, and is appropriate in terms of the proposed scale, mass, height, density, layout, materials, impact on architectural or historic features, and junction with the existing Protected Structure.
- Objectives DMS24 to DMS48 describe the qualitative standards for new residential development.

5.10. **Nature Heritage Designations**

5.11. The Royal Canal proposed Natural Heritage Area (Site Code 002103) immediately adjacent to the south of the site.

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:

- Application Form for a Section 5 Pre-Application Consultation Request in respect of a Strategic Housing Development;
- Planning Report and Statement of Consistency;
- Part V;

- Appropriate Assessment Screening;
- Ecological Impact Assessment;
- Heritage Impact Report;
- Engineering Report;
- Engineering – Mobility Management Plan
- Engineering Drawings;
- Arboricultural Report;
- Tree Schedule, Survey, Protection and Removal Plans;
- Architectural Drawings of Proposed Development;
- Old Schoolhouse Existing and Proposed Plans;
- Housing Quality Assessment;
- Design Statement;
- Landscape Report and Plans;
- Grassland and Open Space Quantum's;
- Green Infrastructure Plan;
- Public Lighting Layout and Report.

6.2.2. 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.

6.2.3. 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, South Dublin County Council, submitted a copy of their section 247 consultations with the prospective applicant

and also their opinion in relation to the proposal. The planning authority's 'opinion' included the following matters:

- There are concerns regarding the proximity of the blocks to the Royal Canal which would result in the removal of a vast amount of vegetation and trees from along this area of the site;
- The design of the blocks is considered to be repetitious and monolithic with little visual interest or variety and requires significant design revision;
- It is not considered that a clear strategy for the building height has been put forward in the documentation submitted;
- There are concerns regarding the scale of the buildings proposed, which would detract from the character and setting of the Old Schoolhouse which is currently a recognisable, and the dominant feature in this local landscape;
- An excessive level of surface area is given over to parking at the expense of open space provision;
- No Traffic and Transport Assessment has been submitted. The implications of required upgrade works have not been described;
- No public open space provided;
- The proposal is generally unacceptable in terms of its approach to green infrastructure;
- This site contains dry calcareous and neutral grasslands, further details / case studies are required to demonstrate the proposals are feasible in relation to the removal, preservation and reinstatement of these grasslands on the site as part of the development;
- A planted buffer should be retained along the canal;
- The preliminary assessment of flood risk set out in the engineer report is not considered to be sufficient;
- Sufficient regard has not been had to the Royal Canal as a Protected Structure;
- 12 no. detailed points of information are requested relating to daylight / sunlight, a statement on DMS03a as required under the development plan, land ownership,

visual impact, sight lines, transport assessment, acoustic design, correction of errors in planning report, archaeological assessment, revised architectural heritage impact report, green infrastructure plan and flood risk assessment;

- Planning Authority are supportive of the appropriate development of the subject site to provide for residential development. It is considered that the proposed layout requires a significant revision in order to achieve an appropriate form of development for this sensitive historical site.

6.4. Irish Water

- 6.4.1. The submission from Irish Water (dated 30th July 2020) states that a Confirmation of Feasibility has been issued for a development of 309 units on the site. In respect of connection for water services, it is noted that in order to accommodate a connection for water services, approximately 25m of 150mm ID pipe has to be laid, in addition approximately 250m of new 150mm ID pipe to replace the existing 4" PVC main in Porterstown Road is required for connection. Irish Water has no plans to carry out the upgrades in this area at this time. In order to accommodate a connection for wastewater services, connection should be made at existing 375mm uPVC gravity sewer in Lambourn Park.

6.5. Consultation Meeting

- 6.5.1. A section 5 Consultation meeting took place via a video conference on the 6th October 2020. 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.

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

1. Height Strategy, Design, Scale and Mass (Including Impact upon Protected Structures);
2. Access and Connectivity;
3. Residents Amenity Areas and Community Use;
4. Cycle Storage and Car Parking;
5. Creche Design and Drop-off/Parking;
6. Ecology, Grasslands / Trees (Including Impact upon the Royal Canal);
7. Technical Assessments (Flood Risk; Daylight, Sunlight and Overshadowing; Transport Assessment; DMURS Compliance); and
8. Any Other Matters.

6.5.3. 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-307464-20' 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.

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 and to the preliminary nature of the submitted documentation, I recommend that further consideration and/or possible amendment of the documents submitted are required at application stage in respect of the following elements – safe pedestrian and cycle access / egress to the site; residential density; detailed design; compliance with DMURS and Irish Water confirmation of feasibility - as 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, and submissions received from statutory consultees referred to under Section 6(10) of the Act, 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.

In the opinion of An Bord Pleanála, the following issues will need to be addressed in the documents submitted to which section 5 (5) of the Act of 2016 relates that could result in the constituting a reasonable basis for an application for strategic housing:

Design Strategy

The prospective applicant should provide further justification and/or detail in relation to the design strategy for the proposed development. In particular, the prospective applicant should provide further justification and/or detail in relation to the layout, mass, elevational design and material treatment of blocks, as well as the relationship with the Royal Canal and Protected Structures both within and adjacent to the site. In consideration of the layout of blocks, regard to the quality and usability of open space should be had, alongside potential impacts upon grassland areas. Further consideration of this issue may require an amendment to the documents and/or design proposals submitted. Photomontages, CGIs and a Landscape Visual Impact

Assessment alongside verified views, will be required to accurately illustrate the appearance of the proposed development.

Connections and Routes

The prospective applicant should provide further justification and/or detail in relation to connections from the site to surrounding areas, and in particular routes to Clonsilla village and rail station, alongside future potential connections. The submission should clearly indicate whether connection to the towpath forms part of development works. Connections that form part of development works should be consistently illustrated in all submission drawings / documents if these form part of development works. The agreement of all landowners for proposed works should be demonstrated. The submission should also demonstrate compliance with DMURS, in particular the prioritisation of safe walking and cycling routes both within and around the development. Further consideration of this issue may require an amendment to the documents and/or design proposals submitted.

Transport Impact Assessment

A Transport Impact Assessment is required and should demonstrate compatibility of the proposed development with required upgrade works to both Porterstown Road and electrification of the Irish Rail Line close to the site. Any impact upon access routes to the site should be clearly described along with any necessary mitigation.

Pursuant to article 285(5)(b)(i) and (ii) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that the following specific information should be submitted with any application for permission:

1. The prospective applicant should satisfy themselves in relation to whether the proposed development represents a material contravention of the Development Plan and/or Local Area Plan and satisfy the subsequent submission requirements in relation to this.
2. Topographical survey of the site and associated commentary on how this has impacted the design of the proposed development.
3. Additional details and/or revised proposals in relation to the proposed material palette for the proposed development. Details shall be described in a building life

cycle report in accordance with section 6.3 of the 'Sustainable Urban housing: Design Standards for New Apartments (2018)'. Details should include the proposed materials and finishes of buildings, landscaped areas and any screening/boundary treatment. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinct character for the development.

4. A Housing Quality Assessment with regard to relevant national and local planning policy on residential development. Requirements relating to Build-to-Rent accommodation under the Apartment Guidelines should be addressed with residential facilities and amenity areas clearly described in both drawings and schedules.
5. Submission of a Daylight, Sunlight and Overshadowing Assessment providing analysis of both the proposed accommodation and any potential impact upon surrounding dwellings/amenity spaces.
6. A plan of landscape proposals clearly delineating public, communal and private spaces to be provided, as well as a detailed breakdown of the total area of same. Consideration of how the design of the landscape and provision of furniture/equipment will facilitate use of these spaces for both adults and children should be provided. A response to the comments from the Planning Authority in relation to the landscape proposals is also required.
7. Further detail on the biodiversity impacts of the proposal. Proposals in relation to removal, storage and reinstatement of grasslands require further justification, detail and description of precedent schemes. Proposals for tree removal should be accurately reflected in all proposed drawings / plans for the proposal. Potential impact upon the ecology of the Royal Canal waterway, towpath and embankment edge should be investigated further.
8. Address the 12 detailed points outlined in section 7 of the Planning Authority opinion.
9. Additional detail of arrangement for future connections to water supply and wastewater services is required in consultation with Irish Water.

8.3. 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. Minister for Culture, Heritage and the Gaeltacht (Built Heritage and Nature Conservation)
2. The Heritage Council
3. Fáilte Ireland
4. The Commission for Railway Regulation
5. An Taisce
6. Irish Water
7. Transport Infrastructure Ireland
8. National Transport Authority
9. Fingal Childcare Committee
10. Inland Fisheries Ireland
11. Waterways Ireland

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.

Rachel Gleave O'Connor

Planning Inspector

5th November 2020