



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-308916-20

Strategic Housing Development

Demolition of existing buildings,
construction of 109 no. Build to Rent
apartments and associated site works.

Location

The Former Mall Shopping Centre,
Quay Street and High Street,
Balbriggan, Co. Dublin.

Planning Authority

Fingal County Council

Prospective Applicant

Rhonellen Developments Ltd

Date of Consultation Meeting

7th May 2021

Date of Site Inspection

25th April 2021

Inspector

Una O'Neill

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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 subject site, 0.43ha in area, is located within the town centre of Balbriggan, Co. Dublin.
- 2.2. The site comprises the former three storey Mall Shopping Centre building and rooftop car park along the frontage to Quay Street and an existing single storey shed building to the east containing a Cycling and Angling Store, with frontage to High Street. A section of the centre of the site is overgrown. There is a level difference across the site from High Street to Quay street of c. 9m. The site is located in the middle of a roughly triangular shape block, with the main square in Balbriggan to the west and the Harbour area and Balbriggan Viaduct down to the east. Along the western boundary is the rear of the Bracken Court hotel and rear of properties fronting onto Dublin Street/Bridge Street. The Carnegie Library and its extension adjoins the Bracken Court Hotel and on the High Street side there is a relatively new three storey apartment block. To the east the site is bounded by single storey cottages along High Street and two storey dwellings opposite. A storey dwelling is located neighbouring the site at the Quay Street side.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development is for a Build to Rent development of 109 residential units, a ground floor retail unit, and a two storey amenity building within the block.

Table 1: Development Parameters

Parameter	Site Proposal
Site Area	0.43 ha gross
No. of Residential Units	109 apartments
Other Uses	2 storey res amenity building (c. 307.52 sqm) Ground floor retail unit (c. 133.38 sqm)
Density	253 units per ha
Building Heights	2 x blocks A & B, 4-7 storeys.
Open Space	Public realm to front of Block A – 200 sqm Communal open space at podium – 1500 sqm Communal open space at roof – 300 sqm
Parking	34 car parking spaces at basement 214 bicycle spaces
Dual Aspect	53% dual aspect
Vehicular Access	From High Street to basement (2 levels beneath Block B)

Table 2: Unit Mix

Unit Type	Studio	1 bed	2 bed	3 bed	Total
Apartments	29	34	44	2	109
% Total	27%	31%	40%	2%	100%

4.0 Planning History

ABP Reg Ref Ref. PL06F.125910 (FCC Reg. Ref. F00A/0707) - Permission granted for the demolition of High Street shop units and the shopping centre roof top structure and to construct a mixed use development contained in two and three-storey blocks. The development comprised 41 no. dwelling units 627 sq.m of office space, 375 sq.m of retail and a 741 sq.m extension to the shopping centre. The proposal also included the provision of 184 no. car parking spaces.

5.0 Section 247 Consultation(s) with Planning Authority

5.1. A consultation meeting under Section 247 of the Planning and Development Act 2000 (as amended) took place on the 3rd November 2020. The following issues were discussed:

- PA Comments: Planning Context and Design – narrow width of Quay Street and shoulder height of proposal; fenestration on Quay Street repetitive design and doesn't emphasise grain sufficiently; consideration of use of brick to break the form; overshadowing and daylight issues from Quay Street frontage on the street; note public realm work at Quay Street are a principle part of Our Balbriggan Strategy to improve the street and ensure connection from the harbour to the park to the west; potential for greater floor to ceiling heights along Quay Street to facilitate future commercial uses; request widest possible footpath to provide for improved pedestrian comfort. High Street – set back at upper level to be considered in terms of massing and impact on artisan cottages; set back on building to the west if more successful as set back is greater.
- PA Comments: Transportation – TIA required. Note that 55 spaces proposed. Reduced standards of 86 spaces could apply. Structural stability as a consequence of excavation must be adequately detailed due to the 3 storey level of the basement.
- PA Comments: Parks – Green roof acceptable; playground location to avoid nuisance; development contribution required for POS.
- PA Comments: Waster Services – SSFRA required; pumping station capacity in the vicinity is queried.

6.0 National and Local Planning Policy

6.1. Project Ireland 2040 - National Planning Framework

National Strategic Outcome 1 is identified as Compact Growth, recognising the need to deliver a greater proportion of residential development within existing built-up areas. Activating these strategic areas and achieving effective density and consolidation, rather than sprawl of urban development, is a top priority.

A number of key policy objectives are noted as follows:

- National Policy Objective 3(b): Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.
- National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- National Planning Objective 13: In urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
- National Policy Objective 27: 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.
- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- National Policy Objective 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of

existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

6.2. **Section 28 Ministerial Guidelines**

The following list of Section 28 Ministerial Guidelines are considered to be of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) and the accompanying Urban Design Manual: A Best Practice Guide (2009)
- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities (2020)
- Urban Development and Building Height Guidelines for Planning Authorities (2018)
- Design Manual for Urban Roads and Streets (2013) (as updated)
- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme.
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009)

6.3. **Regional Policy - Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Region 2019-2031**

The RSES sets out a settlement strategy for the region, identifying settlement typologies of Dublin City and Suburbs, Regional Growth Centres, Key Towns, Self-Sustaining Growth Town, Self-Sustaining Towns, Towns and Villages and Rural.

Balbriggan is identified as a Self-Sustaining Town within the Core Region of the RSES.

Balbriggan is identified as a settlement for which a Local Transport Plan will be made.

The RSES recognises the built heritage assets of towns such as Balbriggan.

Table 7.1 identifies Balbriggan beach as one of the 'Strategic Natural, Cultural and Green Infrastructure Assets in the Region'.

The following Regional Policy Objectives are of note:

- RPO 3.3: Local authorities shall, in their core strategies, identify regeneration areas within existing urban settlements and set out specific objectives relating to the delivery of development on urban infill and brownfield regeneration sites in line with the Guiding Principles set out in the RSES and to provide for increased densities as set out in the 'Sustainable Residential Development in Urban Areas', 'Sustainable Urban Housing; Design Standards for new Apartments Guidelines' and the 'Urban Development and Building Heights Guidelines for Planning Authorities'
- RPO 6.12: Local authorities shall include objectives in development plans and local area plans supporting emphasis on placemaking for town centres, for example through inclusion of a Placemaking Strategy for towns and implementation of Town Centre Renewal Plans.
- RPO 8.6: In order to give local expression to the regional level Transport Strategy within the Region in conjunction with the NTA, Local Transport Plans (LTP) will be prepared for selected settlements in the Region.

6.4. Local Planning Policy

Fingal County Development Plan 2017-2023 (as amended by Variation 1, 2 and 3):

Zoning

- The subject site is by governed by land use zoning objective MC. Objective MC seeks to 'Protect, provide for and/or improve major town centre facilities'.

Vision: 'Consolidate the existing Major Towns in the County (Blanchardstown, Swords, and Balbriggan). The aim is to further develop these centres by densification of appropriate commercial and residential developments ensuring a mix of commercial, recreational, civic, cultural, leisure, residential uses, and urban streets, while delivering a quality urban environment which will enhance the quality of life of resident, visitor and workers alike. The zone will strengthen retail provision in accordance with the County Retail Strategy, emphasise urban conservation, ensure priority for public transport,

pedestrians and cyclists while minimising the impact of private car-based traffic and enhance and develop the existing urban fabric. In order to deliver this vision and to provide for a framework for sustainable development, masterplans will be prepared for each centre in accordance with the Urban Fingal Chapter objectives’.

- The site is located within the Balbriggan Architectural Conservation Area (ACA) and the Balbriggan Retail Core Area.
- There is an indicative Pedestrian/Cycle route along High Street.
- Green Infrastructure Map 1: Highly Sensitive Landscape.

Chapter 2 – Core Strategy and Settlement Hierarchy

The Fingal Development Plan 2017-2023 was varied in June 2020 to align with the National Planning Framework (NPF) and the Regional Spatial and Economic Strategy (RSES).

Balbriggan is identified as a Self-Sustaining Town within the Core Area.

The town is served by a railway line, has access to a regional park and harbour and contains significant employment zoned lands, including the most significant High Technology zoned landbank in the ‘Core’ area. The regeneration of the town is a key aim of FCC and is being managed through the targeted ‘Our Balbriggan’ strategy for improved public realm, active land management and public spaces to provide a robust vibrant centre.

Table 2.4 identifies Total Residential Capacity provided under Fingal Development Plan 2017-2023 (updated 2019) with Balbriggan assigned 3805 residential units.

The development plan states Fingal have developed and published the ‘Our Balbriggan 2019-23 Rejuvenation Plan’, which is set to transform Balbriggan Main Street and Harbour. Fingal are investing in public realm, town centre improvement and rejuvenation to provide a more vibrant and vital centre to the town, working with stakeholders, increasing employment, attraction for investment and promoting industrial lands. Over 4,000 locals took part in a survey to prioritise a list of suggested improvements for the ‘Our Balbriggan’ Plan.

Objective SS02 Ensure that all proposals for residential development accord with the County's Settlement Strategy and are consistent with Fingal's identified hierarchy of settlement centres.

Objective SS19 Support and facilitate residential, commercial, industrial and community development to enable Balbriggan to fulfil its role as a Self- Sustaining Town in the Settlement Hierarchy recognising its important role as the largest town in the core area.

Chapter 3 - Placemaking

Objective PM31: 'Promote excellent urban design responses to achieve high quality, sustainable urban and natural environments, which are attractive to residents, workers and visitors and are in accordance with the 12 urban design principles set out in the Urban Design Manual – A Best Practice Guide (2009)'

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

Objective PM42 Implement the policies and objectives of the Minister in respect of 'Urban Development and Building Heights Guidelines' (December, 2018) and Sustainable Urban Housing: Design Standards for New Apartments (March, 2018) issued under section 28 of the Planning and Development Act, as amended.

Chapter 3 Placemaking

Detailed Urban Structure Plans and Masterplans have been prepared for Blanchardstown and Swords respectively and an Urban Design Framework has been prepared for the centre of Balbriggan. These continue to be the main frameworks for the development of these areas.

Objective PM17 Consider the Urban Design Framework prepared for the centre of Balbriggan to inform and guide development in this area.

Chapter 4 Urban Fingal

Fingal have recently developed and published the 'Our Balbriggan 2019-23 Rejuvenation Plan', which is set to transform Balbriggan Main Street and Harbour. Fingal are investing in public realm, town centre improvement and rejuvenation to provide a more vibrant and vital centre to the town, working with stakeholders,

increasing employment, attraction for investment and promoting industrial lands. Over 4,000 locals took part in a survey to prioritise a list of suggested improvements for the 'Our Balbriggan' Plan.

The **Development Strategy** for Balbriggan is to 'Further consolidate and regenerate the town in line with its designation as a Self-Sustaining Town in the RSES. Development will focus on the town as a primary commercial, industrial, retailing and social centre in the north of the County providing for the needs of its developing community and promoting the growth of sustainable local employment in the industry, service and tourism sectors'.

Objective BALBRIGGAN 2 Facilitate the implementation of the Urban Design Framework Plan and Balbriggan Public Realm Plan for the town centre to encourage the regeneration of the identified potential development sites within the town centre.

Objective BALBRIGGAN 7 Preserve and improve access to the harbour, beaches, seashore, and other coastal areas while protecting environmental resources including water, biodiversity and landscape sensitivities.

Chapter 7 Movement and Infrastructure

Objective MT30 Support Iarnród Éireann and the NTA in implementing the DART Expansion Programme, including the extension of the DART line to Balbriggan, the design and planning for the expansion of DART services to Maynooth, and the redesign of the DART Underground.

Objective SW02 Allow no new development within floodplains other than development which satisfies the justification test, as outlined in the Planning System and Flood Risk Management Guidelines 2009 for Planning Authorities (or any updated guidelines).

Objective SW04 Require the use of sustainable drainage systems (SuDS) to minimise and limit the extent of hard surfacing and paving and require the use of sustainable drainage techniques where appropriate, for new development or for extensions to existing developments, in order to reduce the potential impact of existing and predicted flooding risks.

Chapter 12 Development Management Standards

Objective DMS03 Submit a detailed design statement for developments in excess of 5 residential units or 300 sq m of retail/commercial/office development in urban areas.

Objective DMS30 Ensure all new residential 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.

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

Objective DMS157 Ensure that any new development or alteration of a building within or adjoining an ACA positively enhances the character of the area and is appropriate in terms of the proposed design, including: scale, mass, height, proportions, density, layout, materials, plot ratio, and building lines.

Objective DMS158 All planning applications for works in an Architectural Conservation Area shall have regard to the information outlined in Table 12.11.

Objective RF04 (Variation 2) Submit a detailed statement for developments on land zoned residential or mixed use, in excess of 100 residential units outlining:

- Compliance with the sequential approach in relation to development of the area
- Potential for sustainable compact growth
- The scale of employment provision and commuting flows
- Extent of local services provision i.e. administration, education- particularly third level, health, retail and amenities
- Transport accessibility
- Environmental sensitivities, resources and assets and
- Current and planned infrastructure capacity

7.0 Submissions Received

Irish Water:

- A Statement of Design Acceptance has been issued to the applicant.
- Wastewater - Separated foul flow can be accommodated to the 525mm sewer on Quay Street.

8.0 Forming of the Opinion

8.1. 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 submission and the discussions which took place during the tripartite consultation meeting. I shall provide a brief detail on each of these elements hereunder.

8.2. 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:

- Planning Report
- Statement of Consistency
- Material Contravention Statement
- Architectural Design Statement
- Residential Quality Audit
- Architectural Heritage Impact Assessment
- Landscape and Visual Impact Assessment
- Photomontages
- Landscape Strategy
- EIA Screening Report

- Civil Planning Report
- Site Specific Flood Risk Assessment
- Structural Intent Report
- Traffic and Transport Assessment
- Sunlight and Daylight Analysis
- AA Screening Report
- Part V

8.3. Applicant's Statement of Consistency

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.

8.4. 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 a note of the S.247 meeting, the planning authority opinion, along with interdepartmental reports and the relevant planning applications in the area. These were received by An Bord Pleanála on the 27th January 2021.

The issues raised in the submitted PA Opinion are summarised below:

PA Comments - Compliance with Zoning Objective/Development Plan/Relevant Guidelines

- In compliance with zoning and density guidance. Contribution in lieu of POS required.
- Potential overlooking from rear of block A on dwellings on High Street.

PA Comments - Amenity Issues

- Overlooking - Concern in relation to residential units at ground level and first floor within the proposed courtyard due to proximity, overshadowing, and low light levels achievable.
- Residential amenity to ground floor units facing Quay Street and High Street.
- Proximity of ESB substation to residential amenity of adjoining properties.

PA Comments - Integration and Urban Design

- Concern in relation to Scale and Height of Block A and its relationship to Quay Street. Significantly alters sense of enclosure of the street as would be a very dominant insert, dwarfing neighbouring buildings.
- Block A is 5 storeys to the street (marginal set back of 5th floor) and set back of further two floors. View of the building from the wider area of concern given how its fit in with existing environment – height combined with design treatment makes it stand out starkly. Height should be not greater than 4 storeys with greater set back of upper floors. Seventh storey should be omitted. The design does not break up the mass of the block or reference the traditional plot widths of the town, which appears to be proposed through the use of tonal changes proposed by the bricks, which does not result in a legible contrast.
- Concern in relation to lack of entrances, and hence activity and interest, along Quay Street and High Street.
- High Street Block – Block B – Concern in relation to transition of five storeys down to artisan cottages. Preference for fifth storey to be omitted and height to be maintained as per existing three storey with set back block.
- Concerns in relation to visual impact on the wider receiving landscape given scale and height. Views 2, 10, 13 and 14 highlight the prominence of the proposal, particularly the upper floors of the blocks. While recessed to address the street impacts, they are nonetheless prominent when viewed from Harbour Road, Drogheda Street, Quay Street and Harbour Park.
- Consider additional retail units or addition entrances onto Quay Street.

PA Comments – Transportation

- 34 parking spaces provided, with no visitor parking. Concern in relation to overspill parking.
- RSA required.

PA Comments – Surface Water

- Additional SUDS measures required.
- SSFRA unacceptable.

PA Comments – Parks

- Ensure adequate space for street trees.

9.0 The Consultation Meeting

9.1. A Section 5 Consultation meeting took place remotely via Microsoft Teams on Friday 7th May 2021, commencing at 10:00am. Representatives of the prospective applicant, the planning authority and An Bord Pleanála participated in the meeting. An agenda was issued by An Bord Pleanála prior to the meeting.

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. Development Strategy – Height/Scale/Mass/Interaction with Streetscape
2. Residential Amenity
3. Transportation Issues
4. Water Services and Flood Risk
5. Any Other Matters

Point 1 Development Strategy

- Further consideration in terms of the design, scale and massing of the buildings, in terms of their impact when viewed from the street, particularly relating to Block A, and the visual impact from both Blocks when viewed from the wider area.

- A greater rationale to be set out in terms of the height strategy proposed, having regard in particular to the bulk and massing, when considered against the existing context of the town centre and ACA.
- Further regard should be given to Objective DMS158 and table 12.11 of the development plan.
- Consideration in relation to the contribution of the buildings to the urban neighbourhood and streetscape. Your documentation should clearly indicate public realm improvements proposed to Quay Street, including consideration of footpath widths at this location and PA plans in this regard, as well as to High Street.
- Consideration of proposed staggered building line at street level of Block A in terms of contribution to the public realm.
- Consider further the maximisation of opportunities for activity at street level.

Point 2 Residential Amenity

- Sunlight-daylight analysis – note FCC objective DMS30 relates to the two docs referenced in the Apartment Guidelines. The latter document referenced in DMS30 has been updated.
- Relationship with single storey dwellings on High Street, as well as two storey dwellings opposite, needs to be more explicitly examined and potential impacts explored further in terms of sunlight analysis, daylight analysis, overshadowing etc. Consideration of these issues also in relation to building proximate to Quay Street block.
- With regard to VSC calculation, consider further baseline assumptions being made and ensure all necessary information is submitted.
- Query re whether lowest level of accommodation relating to Block B is included in ADF assessment and extent of rooms being considered.
- Documentation and assessment in relation to sunlight, daylight, and overshadowing needs to be robust.
- Documentation and plans should clearly indicate compliance with SPPR7 and 8. Justification and analysis in relation to what Resident Support Facilities and Resident

Services and Amenities are being provided and consideration as to whether the uses and scale of uses being provided is adequate for the number of units proposed.

- Justification and analysis of communal amenity space calculations required – Explore further the usability and functionality of the open space proposed, including area to rear of Block B identified as a maintenance strip.
- Plans should be clear in relation to what units are being classified as dual aspect units and north facing units.
- Vibration and noise issues should be addressed within a construction management plan.

Point 3 Transportation Issues

- Documentation should elaborate on public transport availability and walking/cycling distance to existing amenities and national policy context in this regard.
- Consideration of overspill parking issues.
- Consideration of cycle parking location and facilities.

Point 4 Water Services and Flood Risk

- Further exploration of SUDS measures to be adopted, having regard to amenity and biodiversity as well as water quantity and water quality.
- Address Issues raised in relation to adequacy of SSFRA and FFL.

Point 5 Any Other Matters

- Advised that there is no provision for further information at application stage, all details to be submitted at application stage; ensure consistency between documentation submitted by various consultants.
- Ensure compliance with updated Apartment Guidelines and SPPRs in relation to BTR developments.
- Photomontages should also be submitted with trees not in leaf so that the buildings can be fully considered.
- Scope of inclusion of a Bat Survey relating to the derelict buildings.

- Clarification of areas to be retained in relation to the two rights of way to the south of Block A.

10.0 Conclusion and Recommendation

- 10.1. 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.
- 10.2. 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 s.28 Ministerial Guidelines, and local policy, via the statutory plan for the area.
- 10.3. 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.
- 10.4. 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.

11.0 Recommended Opinion

- 11.1. 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.

- 11.2. 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.
- 11.3. 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:

Height and Design

1. While the site may be considered suitable for high density development and may be able to absorb height and taller elements within it, the documents require further consideration and/or justification as they relate to the scale, bulk and mass of the building relating specifically to the visual impact on Quay Street and High Street and on the receiving environment of the Harbour Area, all of which are within Balbriggan ACA. The further consideration of these issues may require an amendment of the documents and/or design proposal submitted.

Public Realm

2. Further consideration/justification of the documents in relation to the public realm along Quay Street and maximisation of opportunities for activity at street level.
- 11.4. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted.
- 11.5. Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that in addition to the requirements as specified in articles 297 and 298 of the Planning and

Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission arising from this notification:

1. Further consideration/justification of the documents in relation to sunlight, daylight and overshadowing, including impacts on neighbouring properties, as well as internally within the proposed development.
2. Documentation to clearly indicate details of public realm improvements proposed to Quay Street, including consideration of consistent footpath widths at this location, in conjunction with PA plans in this regard. Details in relation to public realm improvements along High Street are also required.
3. Further consideration/justification in relation to the Flood Risk Assessment and SUDS measures proposed.
4. Detailed drawings, cross-sections, elevations and additional CGIs of the site to demonstrate that the development provides an appropriate interface with the adjoining lands and provides for a quality public realm. Additional photomontages/CGI's should include views showing trees when they are not in leaf.
5. Details of the proposed materials and finishes to the scheme. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the development.
6. Justification and analysis in relation to type of Resident Support Facilities and Resident Services and Amenities being provided and scale of such uses.
7. Ecological Impact Assessment.
8. Wind micro-climate study, including analysis of balconies and any upper level roof gardens.
9. Mobility Management Plan.
10. A detailed Construction Environmental Management Plan.
11. A detailed schedule of accommodation which shall indicate compliance with relevant standards in the Sustainable Urban Housing: Design Standards for

New Apartments, Guidelines for Planning Authorities' 2020, including its specific planning policy requirements.

12. A building life cycle report shall be submitted in accordance with section 6.3 of the Sustainable Urban housing: Design Standards for New Apartments (2020). The report should have regard to the long term management and maintenance of the proposed development.
13. Response to issues raised by the Parks and Green Infrastructure Division (dated 15.01.21), Transportation Planning Section (dated 19.01.21), Water Services Division (dated 20.01.21) and Conservation Officer Section (dated 11.01.21) of FCC, as per the reports submitted in Appendix 3 of the Planning Authority Report, received on 27th January 2021.
14. Where the applicant considers that the proposed strategic housing development would materially contravene the relevant development plan or local area plan, other than in relation to the zoning of the land, a statement indicating the plan objective (s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format.
15. An Appropriate Assessment screening report and/or Natura Impact Statement.

Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

1. Irish Water
2. Transport Infrastructure Ireland
3. National Transport Authority
4. Minister for Housing, Local Government and Heritage

5. Heritage Council
6. An Taisce
7. Fingal Childcare Committee

PLEASE NOTE:

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

Una O'Neill
Senior Planning Inspector

13th May 2021