



An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion
309783-21**

Strategic Housing Development

274 no. residential units (212 apartments, 62 duplexes), creche, Montessori, community facilities, co-working hub and retail / commercial space.

Location

Kilmartin Local Centre, Hollywoodrath, Dublin 15.

Planning Authority

Fingal County Council

Prospective Applicant

Glenveagh Homes Limited

Date of Consultation Meeting

30th August 2021

Date of Site Inspection

23rd June 2021

Inspector

F. Fair

1.0 Introduction

- 1.1.1. 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 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 subject lands comprising approximately c. 4.8 hectares with a developable area of c 3.29 hectares are primarily undeveloped and greenfield lands. The site is bound by the R121 to the east; existing residential areas of Bellgree and French Park to the west; Tyrrelstown Local Centre to the south; and Tyrrelstown Community Centre and Tyrrelstown Educate Together National School to the north and west. The site is divided into two-character areas as large 220kv pylons traverse the middle of the site from the north west to south east corners which leaves a large portion of the site unavailable for development but can be used for amenity purposes. The western part of the site is in use as football pitches but the eastern part of the site is unused greenfield.

3.0 Proposed Strategic Housing Development

- 3.1.1. The proposed development consists of a mixed-use development comprising retail, community facilities, co-working hub, residential, and childcare facilities in addition to a civic plaza and public open space, car and cycle parking, and the continuation of the link road running north south through the lands, connecting south to Tyrrelstown Local Centre and north to Hollystown Road.

3.1.2. The development includes the following mix of uses and residential units:

- c.1,325.7sqm of retail / commercial development
- c. 274.4 sqm community hub facilities
- c. 261.2sqm co-working hub
- c. 500sqm Crèche
- c. 273.2 sqm Montessori
- 274 no. residential Units (212 Apartments and 62 duplexes)
- Tenant amenity space of c. 230 sq. m

3.1.3. The proposed development is set out in 8 no. blocks as follows:

- **Block A** (incorporating Blocks A1, A2, A3) is a 3-storey residential block which shares podium parking. It incorporates 26 no. residential units, of which 14 no. are duplex units
- **Block B** is a 3-storey block comprising retail / mixed use on its northern frontage at ground floor, with 37 no. residential units, of which 17 no. are duplex units
- **Block C** is a 3-4 storey block which comprises **retail / mixed use and Montessori at ground floor addressing the Civic Plaza** and the interface with the future proposed school, accommodating 29 no. residential units, of which 8 no. are duplex units, with communal amenity space at roof level.
- **Block D** is a 3-4 storey block which comprises **retail / mixed use at ground floor addressing the Civic Plaza**, with 27 no. residential units, of which 8 no. are duplex units, with communal amenity space at roof level
- **Block E** is a 7-storey block at the south-east of the Civic Plaza at the new link road, incorporating **a community and co-working hub at ground and first floor**, and comprising 25 no. residential units

- **Block F** is a 4-storey block located along the R121, incorporating a **Creche** at ground floor addressing the public open space, and comprising 33 no. residential units
- **Block G** is a 3-4 storey block residential block of 47 no. residential units, of which 9 no. are duplex units, sharing podium parking and shared courtyard
- **Block H** Block H is a 3-5 storey residential block comprising **tenant amenity**, podium parking, and shared courtyard with Block G, and comprises 50 no. residential units, of which 6 no. are duplex units.

3.1.4. The following details are noted: **Table 1**

Parameter	Site Proposal
Application Site	4.80 ha – Stated development area of 3.29ha
No. of Units	274 units (212 Apartments and 62 duplexes)
Non residential GFA	2,636 sq. m
Residential GFA	23,125 sq. m
Residential Density	Gross: 57.1 u/ha Net: 83.3 u/ha
Building Height	3 / 7 Storey
Public Open Space	6471 sq. m / 0.65 ha (13.4% of total site area)
Semi Private Open Space	4666 sq. m / 0.45 ha
Total Proposed	1.4 ha (29% of site area)
Shortfall:	1.2 ha there is a shortfall on POS of c. 5,530 sq. m
Car Parking	248 (surface car parking residential 115, surface car parking commercial 18 and Podium 151) (Ratio; 1:0.97)

Bicycle Parking	662 no. bicycle parking spaces (452 long stay and 210 short stay).
Vehicular Access	Off Hollystown Road – A New Kilmartin Link road runs through the site
Part V	27 units (10%)

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

One Bed Units	102	37%
Two Bed Units	136	50%
Three Bed Units	36	13%
Total	274	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’) including Section 5.8 (minimum net densities of 50 dwellings per hectare, subject to appropriate design and amenity standards should be applied within public transport corridors, with the highest densities being located at rail stations/bus stops and decreasing with distance away from such nodes).

- ‘Sustainable Urban Housing: Design Standards for New Apartments’ (Dec 2020)

Notab“2) Intermediate Urban Locations

Para. 4.21 In suburban/urban locations served by public transport or close to town centres or employment areas and particularly for housing schemes with more than 45 dwellings per hectare net (18 per acre), planning authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard.

3) Peripheral and/or Less Accessible Urban Locations

Para 4.22 As a benchmark guideline for apartments in relatively peripheral or less accessible urban locations, one car parking space per unit, together with an element of visitor parking, such as one space for every 3-4 apartments, should generally be required”.

- The standards are broadly the same as those in the Fingal Development Plan. Chapter 4 (Communal Facilities in Apartments) includes guidance on car parking as follows:
 - The quantum of car parking provision for residential developments generally is a matter for individual planning authorities having regard to local circumstances (notably location and access to public transport). As a benchmark guideline for apartments, one car parking space per unit should generally be required. However, car parking provision should be reduced or avoided in very accessible areas such as central business districts and a confluence of public transport systems, or should be increased within an overall maximum parameter in a more suburban context.
 - Car parking requirements for apartment schemes should generally be expressed as maximum car parking standards and should exceed 1 space per apartment only in more suburban contexts, to a maximum of 1.5 spaces per apartment dwelling.

- ‘Architectural Heritage Protection- Guidelines for Planning Authorities

- Urban Development and Building Heights, Guidelines for Planning Authorities (2018)
- Rebuilding Ireland Action Plan for Housing and Homelessness, (Government of Ireland, 2016),
- Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March, 2013

4.1.2. **Local**

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

The site is governed by the policy and provisions contained in the Fingal County Development Plan 2017-2023. The lands are zoned 'Local Centre' in the Fingal Development Plan 2017-2023 and the Kilmartin Local Area Plan (2013, as extended).

The vision for the LC zoning objective is: “Provide a mix of local community and commercial facilities for the existing and developing communities of the County. The aim is to ensure local centres contain a range of community, recreational and retail facilities, including medical/dental surgeries and childcare facilities, at a scale to cater for both existing residential development and zoned undeveloped lands, as appropriate, at locations which minimise the need for use of the private car and encourage pedestrians, cyclists and the use of public transport. The development will strengthen local retail provision in accordance with the County Retail Strategy”.

4.1.4. **Airport Related Policy**

The site is located within the Dublin Airport Noise Zone C.

Objective DA07: Strictly control inappropriate development and require noise insulation where appropriate in accordance with table 7.2 above within Noise Zone B and Noise Zone C and where necessary in Assessment Zone D, and actively resist new provision for residential development and other noise sensitive uses within

Noise Zone A, as shown on the Development Plan maps, while recognising the housing needs of established families farming in the zone. To accept that time based operational restrictions on usage of a second runway are not unreasonable to minimize the adverse impact of noise on existing housing within the inner and outer noise zone.

4.1.5. Fingal Development Plan 2017-2023 and Variation No. 2 Core Strategy and Settlement Hierarchy

The core strategy of the Development Plan outlines the overall hierarchy for the county with the intention that "Each identified settlement center will accommodate an agreed quantum of future development appropriate to its respective position in the hierarchy."

Core and Settlement Strategy Blanchardstown is a Metropolitan Consolidation Town within the Fingal Settlement Strategy 2011-2017.

Objective S501 - Consolidate the vast majority of the County's future growth into the stronger of the Metropolitan Area while directing development in the towns and villages, as advocated by national and regional planning guidance.

Objective SS01b - Consolidate within the existing urban footprint, by ensuring 50% of all new homes within or contiguous to the built up area of Dublin City and Suburbs and 30% of all new homes are targeted within the existing built-up areas to achieve compact growth of urban settlements, as advocated by the RSES.

Objective SSO2 - 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 SS 02b Focus new residential development on appropriately zoned lands within the County, within appropriate locations proximate to existing settlement centre lands where infrastructural capacity is readily available, and they are along an existing or proposed high quality public transport corridors and on appropriate infill sites in the town centres, in a phased manner alongside the delivery of appropriate physical and social infrastructure.

Objective SS03a - Support the implementation of and promote development consistent with the National Strategic Outcome of Compact Growth as outlined in the NPF and the Regional Strategic Outcome of Compact Growth and Regeneration as set out in the RSES,

Urban Development

The Fingal Development Plan emphasises the importance of sustainable communities and placemaking. The strategy of the Development Plan addresses urban design and urban development and design criteria for residential development.

Objectives in this respect include:

Objective PM37 Ensure an holistic approach, which incorporates the provision of essential and appropriate facilities, amenities and services, is taken in the design and planning of new residential areas, so as to ensure that viable sustainable communities emerge and grow.

Objective PM38 Achieve an appropriate dwelling mix, size, type, tenure in all new residential developments.

Objective PM39 Ensure consolidated development in Fingal by facilitating residential development in existing urban and village locations.

Objective PM40 Ensure a mix and range of housing types are provided in all residential areas to meet the diverse needs of residents.

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.

4.1.6. Kilmartin Local Area Plan 2013 and extended to 2023, Key Principles:

The subject site lands fall within the boundary of Kilmartin LAP and is within the Local Centre zoning.

Local centres support a range of services including shops, supermarket and non-retail services for the local community at a convenient and accessible location. The Tyrrelstown Local Centre provides a mix of daytime and evening uses. The LAP provides for an expansion of the existing centre.

The Local Centre is highly accessible to residential, schools and community facilities. The Local Centre zoning is c. 6 hectares. This figure does not include existing retail facilities at Tyrrelstown, which has a net retail convenience floor space in the region of 5,000sq m. The Local Centre zoning has the potential to accommodate a significant level of development. To ensure the Local Centre develops at a scale to serve its catchment population, retail applications shall, where deemed necessary by the Planning Authority, be accompanied by a Retail Impact Assessment (RIA). The RIA shall demonstrate compliance with the Development Plan and demonstrate that there will be no material or unacceptable adverse impact on the vitality and viability of any existing centre or Blanchardstown Town Centre

The Local Centre will be designed within an urban village street pattern connecting in a fully permeable manner with the surrounding street network. Residential / office over retail/commercial units will be supported. Stand-alone, single-storey

supermarket buildings are not considered appropriate. Small scale comparison shops which cater for local requirement will be accommodated, such as a shoe shop, clothing boutique, bookshop or similar. Trip intensive commercial developments with requirements for significant carparking should be concentrated to the east of the main urban street.

Objective LC01 Promote the clustering of retail, service, office, educational, healthcare, recreational and community facilities within the Local Centre zoning to meet the demands of the future residents of the area.

Objective LCO2 Facilitate the development of the Local Centre having regard to the retail and service needs of its catchment population.

Objective LC03 Ensure retail applications, where deemed necessary by the Planning Authority, are accompanied by a Retail Impact Assessment.

5.0 Planning History

Note. Numerous applications in the area, in particular 3 no. significant planning applications within the applicant's landholdings in recent years. The wider area has had a significant amount of planning activity as an emerging residential area, in particular to the north and east at Hollywoodrath.

5.1.1. Subject Site & Immediate Adjacent Sites in the Applicant's Landholding

FCC Reg. Ref. FW21A/0042 (Hollystown Site 1) Glenveagh Homes applied for planning permission to Fingal County Council for 69 No. dwellings in March 2021. Planning permission was granted by FCC in July 2021. It was prepared in tandem

with the subject application and considered as part of a wider development strategy for the landholding.

ABP Reg. Ref. 309926 – 21 (SHD) simultaneous Pre - application for 428 no. residential units (401 houses 27 no. apartments) and associated site works, Kilmartin Sites 2 and 3, Hollywoodrath Dublin 15.

ABP Reg. Ref. 303956-19 (SHD) Glenveagh Homes applied for planning permission for 253 No. dwellings in March 2019. The application was refused by An Bord Pleanala (ABP) citing 2 No. reasons for refusal on the 25th June 2019. The reasons for refusal included:

1. The Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in 2009, to accompany the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, includes key criteria such as context, connections, inclusivity, variety and distinctiveness. It is considered that the proposed development results in a poor design concept that is substandard in its form, layout and elevational treatment, fails to provide high quality usable open spaces, fails to establish a sense of place, and would result in a substandard form of development lacking in variety and distinctiveness, all of which would lead to conditions injurious to the residential amenities of future occupants. Furthermore, the layout of the proposed scheme, being dominated by roads and surface car parking, is contrary to the provisions of the Design Manual for Urban Roads and Streets, issued by the Department of the Environment, Community and Local Government and the Department of Transport, Tourism and Sport in 2013. The proposed development would seriously injure the residential amenities of future occupants, would be contrary to these Ministerial guidelines and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Section 4.10 of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, together with Criteria Number 2 (Connections) in the

accompanying Design Manual, seeks in the creation of well-connected communities, to minimise the need for car journeys and encourage walking and cycling. Having regard to the lack of meaningful pedestrian and cycle facilities proposed along the site boundary with the R121 regional road, it is considered that any development of the subject lands would be premature pending the provision of these improvement works. The lack of cycle paths along the main access road through to the designated Gaelic Athletic Association lands is also considered unacceptable. Furthermore, it is considered that if developed prior to the carrying out and completion of these improvement works, the proposed development would endanger public safety by reason of a traffic hazard, including hazard to pedestrians and cyclists. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

FCC Reg. Ref FW13A/0088 (/E1) (ABP Reg. Ref 243395) Twinlite Services Ltd applied for planning permission for 177 No. dwellings in August 2013. The application was subsequently granted by An Bord Pleanála on the 20th October 2014. 19 No. conditions were attached to ABP's Order. The application was revised resulting in 172 No. units. The Applicant was granted an extension of duration of permission 13th August 2019 under FCC Reg. Ref. FW13A/0088/E1. This site, now known as Bellingsmore, is located within the Applicant's landholding, to the north, and has just recently been completed.

There are a series of planning applications on the lands to the north and east of the subject site part of which is under construction at Hollywoodrath, Hollystown. Originally permitted under FCC Reg. Ref. FW14A/0108, once complete the area is likely to deliver approximately 481 units. Most recently, Gembira Limited applied for alterations to Phase 3 of the permitted scheme under FCC Reg. Ref. FW19A/0058. (Previously permitted under the following FCC Reg. Ref. FW18A/0132; FW17A/0016; FW16A/0148; FW16A/0099, FW14A/0108). Directly to the south of the above referenced site, FCC granted Kavcre Tyrellstown Limited permission for 183 units under FCC Reg. Ref. FW15A/0009 (amended by F16A/0191).

6.0 Section 247 Consultation(s) with Planning Authority

It is stated by the prospective applicant that pre-application consultations took place with the planning authority on the 19 Dec 2019, 20 Feb 2020 and 03 June 2020. The minutes of the meeting are attached to the file.

7.0 Submissions Received

Irish Water

Irish Water has assessed the proposal and has issued the applicant a Confirmation of Feasibility for connection (s) to the Irish Water network (s) subject to:

In respect of Wastewater:

- Completion of 9C Duplication Project is required prior to any connection(s) to service this development. The Project is currently at construction phase and is scheduled to be completed by Irish Water in Q3/2022 (this may be subject to change).

In respect of Water:

- The applicant has been advised that there is existing Irish Water infrastructure(s) within the site boundaries. Diversion(s) of the infrastructure may be required subject to layout proposal of the development and separation distances being achieved. Therefore, the applicant must engage with Irish Waters Diversion Team in order to assess feasibility of any potential build over/diversion(s) which may be required ahead of the applicant progressing to SHD application. Please note, any structures or works over or in close proximity to IW infrastructure that will inhibit access for maintenance or endanger structural or functional integrity of the infrastructure are not permitted.

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,

- Planning Report prepared by Brady Shipman Martin
- Statement of Consistency prepared by Brady Shipman Martin
- Community & Social Infrastructure Overview prepared by Brady Shipman Martin
- Retail Planning Report prepared by Brady Shipman Martin
- Childcare Facilities & Schools Demand Report prepared by Brady Shipman Martin
- Architectural Drawings including Site Location Map, Site Layout Plans and, Schedule of Drawings and Design Statement, Appendix, and HQA prepared by OMP Architects;
- Part V proposals including a brochure of drawings prepared by OMP Architects, a Part V Cover Letter and an Estimate of Costs prepared by the Applicant
- Landscape Drawings and Design Report prepared by Bernard Seymour Landscape Architects
- Infrastructure Design Report prepared by DBFL

- Engineering Services Drawings prepared by DBFL
- Site Specific Flood Risk Assessment prepared by DBFL
- Transportation Assessment Report prepared by DBFL
- Mobility Management Plan prepared by DBFL
- Traffic Layout Drawings prepared by DBFL
- Kilmartin Inward Noise Impact Assessment prepared by AWN
- Operational Waste Management Plan prepared by Byrne Environmental
- Energy Report prepared by IN2
- Daylight Sunlight Summary Report prepared by IN2
- Environmental Impact Assessment Summary Report prepared by BSM
- Preliminary AA Screening Report prepared by BSM

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 copies 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 the 26th April 2021.

The Planning Authority has identified a number of considerations which may have a bearing on the Board's decision as to whether the proposal constitutes a reasonable basis for an application. These can be categorised in terms of the strategic context and the carrying capacity of the area for the proposed development and then more specific issues pertaining to transport, open space provision, design and layout,

residential amenity and landscaping with reference made to the Fingal County Development Plan 2017-2023 as necessary. EIAR and AA are also referred to.

The planning authority's 'opinion' included the following matters:

- The proposed uses are permitted under the LC zoning objective for the lands. It is envisaged that the development of the subject lands will extend and enhance the existing Tyrrelstown local centre and serve the wider community.
- The retail uses are welcomed and the co-working hub, however it is considered that local centres can also accommodate other uses and services, for example, professional services, healthcare services, office use. The public plaza will contribute positively to the public realm in the development and add to the range of community spaces available in the area.
- There is potential for the inclusion of more live/work units as part of the scheme
- It is important that the proposed scheme should be highly visual and functionally connected to the local centre development to the south. There needs to be strong permeability within the scheme and into adjoining lands.
- A traffic impact assessment (TIA) has been submitted with the pre planning documentation. The assessment appears to be robust. However there are some issues which require clarification.
- It is recommended that the applicant increase the capacity of other SuDs systems elsewhere to reduce further the requirement for underground attenuation. Consideration should be given to the retention of the existing open ditch on the eastern part of the site.
- The site is located in a suburban location where services are available nearby and one mode of public transport serving nearby the site.
- There is a need to demonstrate that there would be sufficient capacity in the proposed Montessori and creche to cater for the needs of the community across all the applicant's development lands adjoining the site. An estimation

of the number of places that would be provided in both units should be provided in the context of the total development potential on the lands. It is also recommended that the analysis examine further the type of childcare facilities' required. The details submitted indicate that the majority of existing childcare premises cater for children aged 2 years and over with a limited number of places accepting children and infants under that age. It may be useful to engage with the Fingal Childcare Committee for further information on childcare demands in this area.

- 50% of the units are dual aspect with some units in blocks C and H, which are north facing, only providing single aspect. It is recommended that these units are amended as it is not considered that they would accord with the requirements of the 'Sustainable Urban Housing: Design Standards for New Apartments' in respect of single aspect units.
- The street between Block B and C forms the commercial core of these lands. There are two residential units located at ground floor level at the northwest corner of Block C. Given that these units would be adjoined by commercial development to the east and west (across the street) and south, it is suggested that they are replaced by commercial units to prevent any conflict between potential commercial uses and residential amenities.
- The Public Open Space area provided on site amounts to 0.45ha therefore there is a shortfall of 0.76 ha of public open space generated through the development works. Fingal County Council will require the applicant to make up this shortfall by way of a financial contribution in accordance with section 48(2)(C) of the Planning & Development Act 2000 in lieu of the public open space provision. This contribution will be applied towards the continued upgrade of local Class 1 open space facilities in Tyrrelstown Park.
- Further clarity is required on the proposed play provision and its location
- A phasing plan which addresses the development of these lands in the context of the wider Kilmartin lands within the control of the applicant. This is considered important as the subject lands will deliver facilities, particularly

childcare facilities, which are required to serve future housing on other land parcels.

- Report concludes that the principle of the development of these lands for a Local Centre with a mixed-use development, incorporating increased building height at two locations is considered acceptable by the Planning Authority given the zoning objective of the site and role of local centres as set out in the Fingal County Development Plan.
- The surface water management plan, transportation issues, provision of public open space and delivery of local services particularly childcare facilities are the most significant concern for the Planning Authority in respect of the details submitted to An Bord Pleanála. It is recommended that further consideration should be given to these by the applicant involving discussions with the Planning Authority.

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

11.0 Consultation Meeting

A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 30th August 2021, commencing at 02:30 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. Design, Layout and Visual Impact
2. Phasing, connectivity and overall integration with wider area.
3. Social Infrastructure Delivery. Inc. Retail Provision– Justification of type and quantum of non-residential use.

4. Landscaping and Open Space strategy

5. Address Issues raised in the:

- Transportation Department Report,
- Water Services Report
- Parks and Green Infrastructure Report.
- Irish Water

6. AOB

11.1.1. In respect of Design, Layout and Visual Impact An Bord Pleanála representatives sought further elaboration / discussion / consideration on the following:

- Further clarity required in relation to lands hatched in the centre of the site in the ownership of FCC not included in the red line boundary but forming part of the pre application layout.
- Justification of set back from the R121 and the red line boundary.
- Clarity on whether FCC lands along the R121 are to be included within the red line boundary of the application site.
- How the development will link into other existing development, in particular Bellingsmore to the north, the school lands to the north west and the local centre lands to the south.
- Further justification of the design frontage addressing the R121 at the entrance. In particular Blocks F and G facing onto the road.
- Query the location of a retail unit in Block B which is detached from the core of the main Local Centre.
- Justification of the proposal to locate two residential units to the NW of Block C.
- Justification of single aspect north facing units in Blocks C and H.

- Justification for proximity of Blocks C and D and implications of 8m separation distance between windows.

11.1.2. In relation to, phasing, connectivity and overall integration with wider area.

Development Strategy for the site including urban design considerations. An Bord Pleanála representatives sought further elaboration / discussion / consideration on the following:

- Clarity in respect of phasing of the lands within the applicant's ownership, need for a comprehensive overall plan.
- Details of potential connections to adjoining lands should be incorporated, in particular, to Bellingsmore to the north and existing local centre in Tyrrellstown to the south.
- Clarification as to whether the roads to the south in Tyrrellstown Neighbourhood centre have been taken in charge.
- Clarity of noise zone pertaining to the site and wider area and implication with respect to childcare and Montessori facilities proposed.
- Justification of removal of playing pitches.

11.1.3. In relation to Social Infrastructure Delivery. Inc. Retail Provision An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Clarity in respect of assessment and justification of alternative uses proposed, in particular, floorspace for professional services, health care, office use and live / work units.
- Further consideration of quantum of non-residential uses and flexibility in design, in the event vacancy is an issue.
- Assessment of childcare needs / PSZ and proposals to accommodate childcare provision, to serve wider area, within this application.

11.1.4. In relation to Landscaping and Open Space strategy An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- The issue of a contribution towards a shortfall in public open space to be discussed and agreed where possible with the planning authority.
- The applicant to consider agreement with the p.a. for a contribution in lieu of the deficit of open space in advance of an application being submitted if there is not agreement then both sides should seek to justify their position at application stage.

11.1.5. In relation to the issues raised in the PA addendum report from Transportation, Water Services, Park and Green Infrastructure and Irish Water, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Further details are required of TIA, car parking & cycle parking.
- Further consideration of the need for a material contravention statement in respect of shortfall in car parking quantum proposed and standards set out in the FCC County Development Plan.
- Clarity in respect of how additional SuDS features could be integrated into the overall design and minimisation of the use of underground attenuation tanks.
- Clarification is required in relation to correspondence with Irish Water.
- Clarification in respect of submission of an EIAR.

11.1.6. In regard to other matters, An Bord Pleanála sought further elaboration / discussion / consideration of the following:

- There is a requirement to carry out a Daylight and Sunlight Assessment as part of any future application. The assessment should set out where the proposal complies with relevant BS or BRE standards and any noncompliance or shortfall should be clearly identified, justified and mitigation measures proposed.

- Cognisance should be had to Objectives of the FCC County Development Plan 2017 - 2023. In particular:
 - 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 DMS31 Require that sound transmission levels in semi-detached, terraced, apartments and duplex units comply as a minimum with the 2014 Building Regulations Technical Guidance Document Part E or any updated standards and evidence will need to be provided by a qualified sound engineer that these levels have been met.

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 **constitutes a reasonable basis for an application for strategic housing**

development 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 with the request to enter into consultations constitute a reasonable basis for an application for strategic housing development.**

13.1.3. Furthermore, 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. Seek to demonstrate how the proposed development ties in with the overall Tyrrellstown Area, with regard to delivery of pedestrian / cycle / vehicular accesses through the site, in particular, into the existing Tyrrellstown neighbourhood centre to the south, to the educational lands to the north west, to Bellingsmore to the north and to the Bus Stop to the east on the R121.
2. Further clarity on possibility of rerouting the Bus network and provision of a Bus Stop within any future proposal for the Local Centre. Details of discussion with National Transport Authority and other relevant bodies.
3. Justification of the car parking quantum proposed.
4. A detailed statement, which should provide adequate identification of all such elements and justification as applicable, where the proposed development materially contravenes the statutory Plan and LAP for the area 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.
5. Further clarification with respect to the area of culverted lands (hatched on the submitted site layout plan) within the ownership of FCC and lands to the east between the subject site and the R121 also within the ownership of FCC and how / if these lands are to be included or treated as part of any future application. Clear delineation of what lands are to be included within the red line boundary and appropriate consent for lands within FCC ownership included, if applicable, in any future application.

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 2020 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, single aspect north facing and which apartments exceeds the floor area by 10%.
7. Response to issues raised, in point 6.6.2 specifically, of the planning authority opinion, dated 26/04/2021 in particular, relation to the potential for unreasonable overlooking between habitable rooms in Blocks C and D. Also quantum of north facing single aspect apartments in Blocks C and H and justification for same.
8. 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.
9. 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.
10. A Daylight and Shadow Impact Assessment of the proposed development, specifically with regard to:

- (i) Impact upon adequate daylight and sunlight for individual units, public open space, courtyards, communal areas, private amenity spaces and balconies.
- (ii) Impact to any neighbouring properties devoid of proposed and existing landscaping and trees.

11. A Noise Impact Assessment of the proposed development, specifically with regard to location of the site within Noise Zone C associated with the airport and compliance with Objective DMS31 of the Fingal County Development Plan 2017.

12. A visual impact assessment. Long range views / photomontages of the proposed development from the surrounding area.

13. A response to matters raised within the PA Opinion and Appended County Council Department comments submitted to ABP on the 26th April 2021.

14. Response to issues raised in the Water Services report dated 20th April 2021, the Transportation Department report dated 21st April 21, and the Parks and Green Infrastructure dated 21st April 2021 accompanying the PA Opinion submitted 26th April 2021.

15. Clarification at application stage regarding connection to water and drainage infrastructure having regard to the Irish Water submission dated 22.04.2021

16. A life cycle report shall be submitted in accordance with section 6.13 of the Sustainable Urban housing: Design Standards for New Apartments (20120). The report should have regard to the long-term management and maintenance of the proposed development. The applicant should consider the proposed materials and finishes to the scheme including specific detailing of finishes, the treatment of balconies in the apartment buildings, landscaped areas, child friendly spaces,

pathways, and all boundary treatments. 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.

17. Childcare demand analysis by way of assessment and report on demographic profile of the wider area, regard being had to public safety zone designation and including analysis of childcare capacity / services in the immediate area and the likely demand for childcare places resulting from the proposed development and development of lands to the north within the PSZ within the applicant's ownership.

18. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority.

19. Site Specific Construction and Demolition Waste Management Plan.

13.1.4. 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. National Transport Authority (NTA)
3. Transport Infrastructure Ireland (TII)
4. Irish Aviation Authority (IAA)
5. Dublin Aviation Authority (DAA)

6. Department of Culture Heritage and the Gaeltacht
7. An Taisce
8. Heritage Council
9. An Chomhairle Ealaíonn
10. Fáilte Ireland
11. Fingal County 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.

Fiona Fair
Planning Inspector
02.09.2021