



An  
Bord  
Pleanála

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

**Inspector's Report on  
Recommended Opinion  
309926-21**

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<b>Strategic Housing Development</b>	428 no. residential units (401no. houses, 27 no. apartments) and associated site works.
<b>Location</b>	Kilmartin Sites 2 and 3, Hollywoodrath, Dublin 15.
<b>Planning Authority</b>	Fingal County Council
<b>Prospective Applicant</b>	Glenveagh Homes Limited
<b>Date of Consultation Meeting</b>	1 <sup>st</sup> September 2021
<b>Date of Site Inspection</b>	23 <sup>rd</sup> June 2021
<b>Inspector</b>	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. This site is located at Kilmartin, Hollystown Dublin 15. The subject lands comprising approximately c. 22.3 hectares with a developable area of c 12 hectares are primarily undeveloped and greenfield lands. The subject lands are largely undeveloped with the western-most part of the lands being greenfield in nature and the eastern-most part of the lands currently in use as a construction compound, with part of the site forming part of the former Hollystown Golf Course lands. The site is bound by the R121 and Glenveagh Homes lands upon which planning permission has been granted for 69 no. homes in July 2021 under FW21A/0042 to the east (known as Kilmartin Site 1), emerging residential areas of Hollywoodrath beyond the R121; the residential area 'Bellingsmore' currently under construction to the south and south-east (developed by Glenveagh Homes); Fingal County Council lands to the south and beyond this by the educational facilities of Tyrrelstown; to the west by undeveloped lands within the ownership of Glenveagh Homes; and to the north the former Hollystown Golf Course lands. The lands fall partly within the Kilmartin Local Area Plan 2013 (as extended) and wholly within the Fingal County Development Plan 2017-2023 area, and are zoned RA 'new residential' and GB 'Greenbelt'.

### 3.0 Proposed Strategic Housing Development

3.1.1. The proposed development consists of the development of:

- 428 no. houses and apartments comprising:
  - 37 no. 4-bed houses (8.5%)
  - 267 no. 3-bed houses (62.5%)
  - 97 no. 2-bed houses (22.5%)
  - 27 no. 1-bed apartments (6.5%)

All set out in 401 no. 2-storey (373 no.) and 3-storey (28 no.) houses and 9 no. 3-storey apartment buildings.

A total of 790 no. car parking spaces will be provided for the 428 no unit residential units. Of these, 761 no. spaces will be provided for residents while the remaining 29 no. spaces are provided as visitor car parking spaces

Landscaped public open space comprising:

- c.3.9 ha of Class 1 Public Open Space
- c.1.3 ha of Class 2 Public Open Space
- the above inclusive of c.0.5 ha of playground facilities
- linear park areas in riparian zones c. 1.9 ha
- c.2.6 ha of open space beneath existing overhead powerlines.

- Network of pedestrian and cycle paths with access points along the south, east and north boundaries of the subject site;
- The removal of 2 no. existing structures – shed of c.508 sq.m, and Silo c.63 sq.m
- The construction of a new foul outfall sewer (c.0.7 ha), approx. 3km in length to connect to the existing 600mm diameter foul sewer to the south of Powerstown Road

which will include decommissioning of the existing Pump House south of Hollystown Park.

- The construction of a new vehicular entrance off Hollywoodrath Road (R121), a new footpath and cycle path along the northern and western side of the R121 along the site frontage extending south to the existing Toucan crossing facility over the R121, and provision of 2 no. new Toucan crossings on the R121 (c.0.3 ha).
- Extension of Hollywood Road westwards beyond the access to Le Cheile National School
- Associated landscaping, surface water drainage arrangements; public lighting, ESB substations, refuse storage sheds associated with the apartments; ducting in parking areas to facilitate electrical car charging; boundary treatments and site development works

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

<b>Parameter</b>	<b>Site Proposal</b>
Application Site	22.3 ha – Stated development area of 12ha
No. of Units	428 units (93.5% Houses and 6.5% Apartments)
1 Bedroom	27 (6.5%)
2 Bedroom	97 (22.5%)
3 Bedroom	267 (62.5%)
4 Bedroom	37 (8.5%)
Residential Density	35.6 units / ha
Building Height	2 / 3Storey
Open Space	- c.3.9 ha of Class 1 Public Open Space - c.1.3 ha of Class 2 Public Open Space

	- the above inclusive of c.0.5 ha of playground facilities
	- linear park areas in riparian zones c. 1.9 ha
	- c.2.6 ha of open space beneath existing overhead powerlines.
Car Parking	790 (761 for residents and 29 visitor car parking spaces)
Bicycle Parking	41 no to serve apartments  9 further bicycle store providing an add 45 -90 spaces.
Vehicular Access	Off Hollystown Road – A New Kilmartin Link road runs through the site
Part V	43 units (10%)

## 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. **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,

#### 4.1.6. **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.

Objective DMS24 Require that new residential units comply with or exceed the minimum standards as set out in Tables 12.1, 12.2 and 12.3.

Objective DMS25 Require that the majority of all apartments in a proposed scheme of 100 or more apartments must exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types, by a minimum of 10%.

Objective DMS26 For apartment schemes between 10 and 99 units, require that the majority of all apartments in a proposed scheme must exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types, by a minimum of 10%. This may be redistributed throughout the scheme, i.e. to all proposed units.

Objective DMS27 Require that all planning applications for residential development include floor plans for each room indicating typical furniture layouts and door swings

#### **4.1.7. 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.

## 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.

**ABP Reg. Ref. 309783 – 21 (SHD)** simultaneous Pre - application for 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.

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

Located at Kilmartin Local Centre, 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 01 Feb 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:**

- A new 200mm ID connection pipe, with installed bulk meter and associated telemetry system, should be connected to the existing 300mm uPVC main.

## 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
- Master Plan Framework document
- Community & Social Infrastructure Overview prepared by Brady Shipman Martin
- Part V proposals
- Site Specific Flood Risk Assessment prepared by DBFL

- Landscape Drawings and Design Report
- Transportation Assessment Report prepared by DBFL
- Mobility Management Plan prepared by DBFL
- Traffic Layout Drawings prepared by DBFL
- Inward Noise Impact Assessment prepared by AWN
- Energy Report prepared by IN2
- Outdoor Lighting Report (1 + 2) prepared by IN2
- Tree Survey Report, and Tree Protection Plan & Survey Drawings prepared by Independent Tree Surveys
- Environmental Impact Assessment Summary Report prepared by BSM
- Preliminary AA Screening Report prepared by BSM
- 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 21<sup>st</sup> May 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:

- Principle, Density, Mix acceptable, Character areas, individual house design and architectural expression generally acceptable.
- The non deliverability of the 2.5 ha of lands for GAA pitches / LO 72 deems proposal a Material Contravention
- Potential connections should be incorporated, in particular to Bellingsmore.
- Use of render of concern
- Class 1 and Class 2 Open Space unacceptable
- Landscaping plan needs to have regard to boundary treatments, tree species, location of sub station and specification for play areas, paths and lighting.
- Archaeological assessment required.
- Clarification of the hydraulic capacity of the proposed sewer, clarification on correspondence with IW
- A phasing plan for overall Kilmartin lands within applicant's ownership.
- Integrated development of the subject lands incl. OS, deliverability of childcare, SuDS features and surface water plan, POS and noise levels

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 Pleanala on the 1<sup>st</sup> September 2021, commencing at 10.00 am. 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. Response to previous Reasons for refusal on foot of 303956 (June 2019).
2. Compliance with Development Plan / LAP & Objective LO 72
3. Phasing, connectivity and overall integration with wider area.
4. Visual Impact Analysis
5. Landscaping and Open Space strategy
6. Address Issues raised in the:
  - Transportation Department Report,
  - Water Services Report,
  - Landscape Report
  - Parks and Green Infrastructure issues.
  - Environmental, Health, Air and Noise
6. AOB

11.1.1. In respect of Response to previous Reasons for refusal on foot of 303956 An Bord Pleanála representatives sought further elaboration / discussion / consideration on the following:

- The previous refusal included a portion of the proposed subject lands, the two reasons for refusal need to be addressed fully in any future application:
  - Transport, permeability, access & car parking
  - Layout, place making and character areas
- Clarity required in relation to the double road arrangement along the southern boundary with Bellingsmore.
- Cross sections should be submitted as part of any application to the Board demonstrating the relationship of Bellingsmore, the permitted development under FW21A/0042 and the proposed development.

- A strong justification should be submitted for the proposed dual aspect housing typology with examples given.
- Justification is required for the new 3 /4 bed housing typology with in-curtilage car parking integrated into the plot, courtyards and integrated terraces.
- Clarity that all housing typology proposed comply with Development Plan Standards for residential development.

11.1.2. In relation to, compliance with Development Plan / LAP & Objective LO 72 An Bord Pleanála representatives sought further elaboration / discussion / consideration on the following:

- Clarity in respect of compliance with Local Objective 72, the requirement for delivery of 2.5 ha of lands for GAA pitches. Justification that non delivery of the GAA pitches within the subject lands is or is not a Material Contravention.
- Advised that documentation be provided from GAA as part of the application if possible regarding any agreements in relation to pitch delivery.
- Details of a phasing plan and construction management plan will need to be provided as part of any application.
- Justification and proposals for phased delivery of childcare facilities to serve this development in tandem with delivery of houses, cognisance being had to the simultaneous SHD pre - application 309783- 21 for a mixed-use development incorporating the childcare provision for the overall area.

11.1.3. In relation to Phasing, connectivity and overall integration with wider area An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Clarity required as to what dictates the red line boundary.
- Further clarity in respect of a phasing plan for overall Kilmartin lands within applicant's ownership.
- Clarity in how the subject proposal connects with the development granted on foot of FW21A/0042.

- Justification that the proposal is not adhoc development of the site. Number of pedestrian and cyclepath connections to adjoining lands should be prioritised and clearly detailed, in particular to Bellingsmore.

11.1.4. In relation to Visual Impact Analysis, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Further consideration of a visual impact assessment. Long range views / photomontages of the proposed development from the surrounding area, in particular from the R121.

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

- Further clarification that all items raised by the PA in their report submitted to the Board are addressed, further meetings should be sought to resolve outstanding issues.
- Justification that landscaping plan details boundary treatments, tree species, location of sub station and specification for play areas, paths and lighting.
- 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.

11.1.6. In relation to issues raised in the PA addendum reports from Transportation, Water Services, Landscape report, Park and Green Infrastructure and Environmental, Health, Air and Noise, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Clarification that all items raised by the PA in their report submitted to the Board are addressed, further meetings should be sought to resolve outstanding issues, in particular water services.
- Justification of the proposed development in light of the 'Nature Development Area' designation, consideration of the requirement for Ecological Impact Assessment.
- Elaboration of the risk of possible noise nuisance in light of noise zone B designation and heavy reliance on closed windows.

11.1.7. 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 requires **further consideration and amendment** in order to constitute a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 12.1.4. I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

## 13.0 Recommended Opinion

- 13.1.1. An Bord Pleanála refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents

submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

13.1.2. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, **An Bord Pleanála is of the opinion that the documentation submitted requires further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**

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

1. Further justification/consideration and/or design modifications of the proposed courtyard house typology which, it is stated, seek to create dual frontage houses to the public realm either side of the subject house. The applicant should seek to satisfy the Board that such housing can operate as dual frontages over the lifetime of those dwellings. Consideration should be given to, inter alia, implications of certain 'exempted development' allowed for under the Planning and Development Act and associated Regulations behind the front building line and to the rear of houses and the implications that such exemptions (if applied) could have to the design strategy/intent of these dual frontage houses. The prospective applicant may wish to submit at application stage examples of such typologies that have been successfully implemented. The prospective applicant should also seek to demonstrate that this typology complies with statutory plan requirements (see specific information request item 3 below).

2. Development and Phasing Strategy - The documentation at application stage requires further justification with regards to:

- (i) how the subject application forms part of a wider development strategy for the landholding
- (ii) how the childcare requirement to serve this development will be provided in tandem with housing. Given the Public Safety Zone (PSZ) and Noise Safety Zone (NSZ) designations associated with the airport and restrictions on provision of Childcare facilities with Noise Zone B and Dublin Airport Outer Public Safety.

13.1.4. 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. A detailed statement demonstrating how the proposed development ties in with wider development strategy for the landholding and the overall Tyrrellstown Area, with regard to delivery of public open space, connectivity, way finding, pedestrian / cycle / vehicular accesses through the site, in particular, into the existing Bellingsmore development to the south, to the recently granted planning permission under FW21A/0042 to the east, to the designated GAA playing pitches to the north and to the adjoining educational lands to the south.
2. Detailed cross sections demonstrating the relationship with Bellingsmore to the south, the permitted development under FW21A/0042 and any future proposed development.
3. Clarity that all housing typology proposed comply with Development Plan Standards in relation to accommodation size, garden size, car parking and



separation distances and where not that it is clearly set out and justified. Regard should be had to, inter alia, Objective DMS 24, Objective PM37 Objective PM38 Objective PM41.

4. Clarity of compliance with Local Objective 72, the requirement for delivery of 2.5 ha of lands for GAA pitches.
5. A detailed statement, which should provide adequate identification of all such elements and justification as applicable, where / if the proposed development materially contravenes the statutory Plan 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.
6. 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. 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.
7. 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.
8. A Daylight and Shadow Impact Assessment of the proposed development, specifically with regard to:
  - Impact upon adequate daylight and sunlight for individual units, public open space, courtyards, communal areas, private amenity spaces and balconies.

- Impact to any neighbouring properties devoid of proposed and existing landscaping and trees.
9. A Noise Impact Assessment of the proposed development, specifically with regard to location of the site within Noise Zone B associated with the airport and compliance with Objective DMS31 of the Fingal County Development Plan 2017.
  10. A visual impact assessment. Long range views / photomontages of the proposed development from the surrounding area.
  11. A response to matters raised within the PA Opinion and Appended County Council Department comments submitted to ABP on the 21<sup>st</sup> May 2021.
  12. Response to issues raised in the Water Services report dated 12<sup>th</sup> May 2021, the Transportation Department report dated 13<sup>th</sup> May 2021, the Environmental Health and Noise Report dated 30<sup>th</sup> April 2021 and the Parks and Green Infrastructure dated 14<sup>th</sup> May 2021 accompanying the PA Opinion submitted 21<sup>st</sup> May 2021.
  13. Clarification at application stage regarding connection to water and drainage infrastructure having regard to the Irish Water submission dated 13<sup>th</sup> May 2021
  14. A life cycle report shall be submitted in accordance with section 6.13 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. 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.

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

16. Site Specific Construction and Demolition Waste Management Plan.

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

1. Irish Water
2. National Transport Authority (NTA)
3. Transport Infrastructure Ireland (TII)
4. Department of Culture Heritage and the Gaeltacht
5. Irish Aviation Authority
6. Dublin Aviation Authority (DAA)
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.

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Fiona Fair  
Planning Inspector  
03.09.2021