



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-311696-21

Strategic Housing Development	154 no. apartments and associated site works.
Location	Lands at Ballymastone (North-West of the intersection of New Road and the Donabate Distributor Road), Donabate, Co. Dublin.
Planning Authority	Fingal County Council
Prospective Applicant	Cairn Homes Properties Ltd.
Date of Consultation Meeting	03 rd of December 2021.
Date of Site Inspection	01 st of November 2021.

Inspector

Karen Hamilton

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1.0 Introduction

Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority, 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 (1.96ha) is a greenfield site, located to the east of Donabate, Ballymastone, Donabate, Co. Dublin. The site fronts onto both the New Road, to the south, and the Donabate Distributor Road (DDR) to the east. The New Road provides access into Donabate (c. 700m) and includes a footpath from the village to the site.
- 2.2. The topography of the site is mostly flat with a slight incline away from the New Road towards the north. There is mature tree and hedging along the site boundaries to the north and west. A small fence surrounds the site, and along the adjoining roads. This boundary fence is relatively new and appears to be linked to the recent works for the construction of the DDR.
- 2.3. There is a current permission on the site, Reg Ref F20A/0510, on appeal before An Bord Pleanála (ABP 311447-21). Permission has also been recently granted for (ABP PL60F.249206, Reg Ref no. F17A/0373) a residential development the adjoining site to the west for 199 no. residential units.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development would comprise of:
 - 154 no. apartment units arranged in 4 no. blocks ranging in height from 3 to 6 storeys.

3.2. Development Parameters

Parameters	Description
Site Area	1.96ha
Units	154 no. apartments
Density	78.56 uph
Creche	(104 no children) 515m ²
Open Space	2,750m ² (14%)
Bicycle spaces	301 no.
Car parking	156 no.

3.3. Unit Mix

Unit type	No.	Approx. Percentage
1 bed	53	35%
2 bed	88	57%
3 bed	13	8%
Total	154	100%

4.0 Planning History

4.1. F20A/0510 (currently under appeal ABP 311447-21)

Permission granted for 36 no houses and 28 no apartments and associated works (amended under FI request). Currently on appeal with the Board.

Lands immediately west

4.2. ABP PL60F.249206 (Reg Ref no. F17A/0373)

Permission granted for 199 no. residential units and 1 no creche/childcare facility and 1 new link road with pedestrian and vehicular entrance from existing New Road

connecting “The Links” (existing residential estate to the north) along with 2 no. additional vehicular and pedestrian entrances.

The original permitted scheme to ABP consisted of 151 no units and following further information the applicant increased the number of units on the site and provided a new layout.

Lands to south-west

4.3. **ABP Ref 311058-21 (SHD/006/20)**

Permission (current SHD application before the Board) for 1.365 no. dwellings, communal residential amenities/facilities, 3 no. childcare facilities, 7 no. retail/café units, reconfiguration of the existing car park serving Smyths Bridge House and other associated works including the connection to a permitted wastewater pumping station (Reg Ref F19A/0472).

5.0 **Relevant Planning Policy**

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

Donabate as a Moderate Sustainable Growth Town in the Metropolitan Area

The site is zoned as “RS - Residential” with an objective to ‘*provide for residential development and protect and improve residential amenity*’.

The site is indicated on Sheet No. 14 “Green Infrastructure” of the Fingal Development Plan 2017-2023 as being within a “*Highly Sensitive Landscape*”.

The subject site is located within the Donabate Development Boundary.

The site is proximate but is not within the Donabate LAP or the Ballymastone Design Framework.

The site is identified as having a “Coastal” Landscape Character.

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

6.1. The PA report notes a S.247 meeting undertaken remotely on the 26th of August 2021. The applicant has submitted a copy of the minutes for two pre planning meetings (26th of August 2021 & 08th of September 2021) as summarised below.

- Concern in relation to the bicycle provision and a greater standard required.
- Bicycle storage areas should be within the footprint of the apartment.
- There are concerns in relation to the positioning of the crèche and the perpendicular parking arrangement.
- The scope of the TI will need to be arranged with FCC.
- There are concerns in relation to the proposed density and 35-50 uph is recommended on outer edge sites.
- There are concerns in relation to the height and the 6-storey element.
- A greater set back from the DDR is required.
- Clarity required around boundary treatments.
- Apartments need to comply with the Apartment Guidelines as well as the FCC guidelines.
- Query how the open space at Block A will function as it is separated by a car park.
- A 40-45uph density was agreed for lands to the north beside the Ballystones Land.
- Parks and Green infrastructure advised a breakdown of the communal and public open space was required/ functionality of the space and treatment of swales.
- The height was reduced from the previous preplanning and the set back from the New Road and DDR increased.

7.0 **Prospective Applicant's Case**

7.1. Statement of Consistency

The applicant's Statement of Consistency notes the national, regional and local planning polices relevant to the development of the site.

7.2. Statement of Material Contravention

The applicant has submitted a statement of material contravention in relation to the density, apartment standards and public open space.

Density

- Variation No. 2 of the Fingal County Development Plan 2017-2023 identified a remaining 101 ha lands with a capacity of 3,532 units (based on density of 35 uph).
- The proposal provides 154 units based on a density of 78.56 uph.
- Whilst the proposal is not more than the maximum density, it could be considered in excess of the average density used to calculate the unit yield.

Apartment Standards

- Chapter 12 (Objective DMS23) of the Fingal County Development Plan 2017-2023 provides a maximum of up to apartments per floor/ per individual stair/lift core.
- Apartment Block C has 9 units per core across all levels.

Public Open Space

- Based on Objectives DMS57A and DMS57B a minimum open space requirement of 0.19ha is required (Class 2 public open space).
- Based on Objectives DMS57 0.64ha is required (0.48ha Class 1 & 0.16ha of Class 2).
- The proposal includes 0.275 ha of Class 1 in the north-west corner (14% of the overall site area).
- The proposal exceeds the requirements of Objectives DMS57A and DMS57B (10%) but less than Objectives DMS57 (c. 0.36 ha).

8.0 **Planning Authority Submission**

- 8.1. In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Fingal County Council, submitted their opinions in relation to the proposal on the 15th of November 2021.

8.2. The opinion noted the S. 247 meetings in relation to the proposed SHD development, the planning history on the site and surrounding area, and the policy background. This opinion has been summarised below:

8.2.1. Planning Assessment:

Design:

- Overall, the proposal represents excessive density, urban character and form, massing and height of the apartment blocks would seriously injure the visual amenities of the area.
- The applicant's design rationale refers to the location of the site at the interchange on the New Road and DDR. The location of the highest buildings on the eastern most side of the site does not follow the applicants design rationale.
- The landscape character definition of the area requires a sensitive design. Objective NH39 requires necessary assessment, including visual assessments to be prepared prior to approving any development in highly sensitive areas. The applicant has submitted an incomplete LVIA and no photomontages.
- The height of Blocks A, B & C are considered excessive.
- The external materials are all in brick and there is no variation in fenestration or provision in recess in elevations and the blocks are repetitive in nature.
- The area of car park for Block A is inappropriate along the DDR and opposing banks of parallel parking do not comply with DMURS.
- The overall design and layout are not appropriate to the site and more akin to a town centre.
- The site is an edge of centre location and should have densities of between 35-50 as per national guidance.
- There is a shortfall in open space and a contribution in lieu will be acceptable.
- Block D overlooks the play area for the creche.
- There should be integrated balconies.

Integration & Urban Design

- The site is located within a “Highly Sensitive Landscape”.
- The site is located within the coastal character type, defined as having exceptional landscape value.
- A landscape visual impact assessment is required.
- The height and design are not appropriate at this edge of centre location.
- The elevations should be broken up to alleviate the receptiveness.

8.2.2. Interdepartmental Reports:

Transport

- Car parking generally satisfactory although there is a shortfall of spaces (164 required)
- There is a shortfall of 44 parking spaces, as per the apartment guidelines.
- Control measures required for creche.
- No dimensions for podium car park.
- All residential species should include EV charging points.
- Upgrade in cycling along the New Road (outside the applicants red line in the ownership of PA)
- Further discussion on TTA required.
- Road Safety Audits required

Water Drainage Department:

- Surface Water: Additional information in relation to SuDS is required. The submitted documentation states that the site has a highwater table, this should be assessed.

Parks and Landscape:

- Clarity in relation to the provision of SuDS and open space (discounting of the area and minimum of 10% open space provided).

- A dry kickabout area should be provided
- Tree pits to function as SuDS
- Viability of tree planting
- Area north of Block A is not considered to be public open space and should be incorporated into the curtilage of the apartment block.

Archaeology: No objection subject to archaeological monitoring.

9.0 Irish Water

- 9.1. A submission from IW was received on the 29th of October 2021 to state that a Confirmation of Feasibility had been issued for 154 no. apartments and a new connection to the existing network is feasible subject to the delivery of Donabate Wastewater Network Extension Project. The upgrade works (including new strategic Donabate Pumping Station) are underway and scheduled to be complete by the end of Q3 2022 (this may be subject to change).

10.0 The Consultation Meeting

- 10.1. A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 03rd of December 2021, commencing at 10.00am, via Microsoft Teams. Representatives of the prospective applicant, Fingal County Council and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting as detailed below:

1. Development Strategy, *inter alia*, integration with adjoining permitted development, interaction with the New Road, design and layout, density, open space
2. Impact on Visual Amenity, *inter alia*, Draft LVIA, Photomontages
3. Drainage & Water
4. Traffic & Transport
5. AOB

10.2. In relation to the **Development Strategy**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The location of the site, the density permitted on the adjoining site (ABP PL60F.249206, Reg Ref no. F17A/0373) and the justification for a higher density (78uph) on the subject site.
- The Core Strategy targets, the integration of a higher density and the implications for the population allocation for Donabate.
- The design approach along the DDR, the location of the car park associated with Block A and the need for a strong urban edge.
- The building line along the New Road and the need to compliment the adjoining permitted development.
- The design approach along the New Road and the design and layout of the podium parking gable wall which connects Block A and Block B.
- The ownership of the lands along the west of the site, between the adjacent permitted development and the potential for Fingal County Council to allow the lands to be integrated into either site.
- The quantum and location of the communal open space and the need for a clear distinction and evidence of functionality.

10.3. In relation to the **Impact on Visual Amenity**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The height strategy, the location of the site within an area defined as “highly sensitive’ and the need for a Landscape Visual Impact Assessment to justify the proposed heights.
- The location of the site along both the New Road and the DDR and the need for an approach urban design response.

10.4. In relation to the **Drainage & Water**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The Irish Water submission and the upgrade works required.

- The level of the water table, the need for further investigation and the integration of any findings into the flood risk assessment.
- The level of cut and fill proposed on the site and the need to document the information.

10.5. In relation to the **Traffic & Transport**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The location and the design of the parking associated with the creche.
- The design and layout of the homezones.
- The need for up-to-date traffic assessments.
- The requirement for integrated cycling infrastructure.

10.6. In relation to **Any Other Business**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- Part V proposal.

11.0 **Assessment**

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.

I have examined all of the information and submissions before me including the documentation submitted by 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.

Conclusion

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.

12.0 Recommended Opinion

The Board refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

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

Design Strategy

Further consideration and/or justification to the design and layout of the proposed development in so far as it relates to the urban design response along both the New Road and the Donabate Distributor Road. In this regard, the further consideration should provide a clear design rationale for the proposed design, scale and character of the buildings along both roads to ensure attractive high-quality street frontages are achieved. Particular regard should be had 12 criteria set out in the Urban Design Manual which accompanies the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (May 2009) and the requirement for good design and the inclusion of a sense of place.

12.1. Pursuant to article 285(5)(b)(i) and (ii) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby

notified that the **following specific information** should be submitted with any application for permission:

1. Additional Computer-Generated Images (CGIs) and visualisation/cross section drawings showing the proposed development in the context of the site and the permitted development adjoining the site and the proposed development at key landmark views along the New Road and the Donabate Distributor Road.
2. An updated Landscape Visual Impact Assessment justifying the design and layout of the proposed development, having regard to the location of the site within an area defined as a “Highly Sensitive Landscape” in the Fingal Development Plan 2017-2023.
3. A detailed landscaping plan clearly illustrating the quantum and functionality of all areas designated for communal and public open space. The landscaping details shall include, *inter alia*, designated communal open space, the inclusion of useable space for play provision necessary to comply with Section 4.13 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities and the design, a detailed trees survey and proposed tree planting scheme and shall clearly indicate the quantum and designated areas of useable public open space.
4. A quantitative and qualitative assessment which provides a breakdown of the public and communal open space areas. This assessment should include a detailed landscape plan including the provision of communal amenity spaces and play facilities in line with the Sustainable Urban Housing: Design Standards for New Apartments (2020) and the requirements of Fingal County Council Parks Department.
5. An updated Sunlight/Daylight/Overshadowing analysis showing an acceptable level of residential amenity for future occupiers and existing residents, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development and in adjacent properties. This report should address the full extent of requirements of BRE209/BS2011, as applicable.

6. 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. The notice and statement should clearly indicate which Planning Authority statutory plan it is proposed to materially contravene.
7. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018, unless it is proposed to submit an EIAR at application stage.

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

1. Irish Water
2. Department of Culture, Heritage and the Gaeltacht
3. National Parks and Wildlife Service
4. Heritage Council
5. An Taisce
6. National Transport Authority
7. 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.

Karen Hamilton
Senior Planning Inspector

16th of December 2021