

**STRATEGIC HOUSING DEVELOPMENT  
PLANNING APPLICATION  
PLANNING REPORT**  
FOR LANDS AT **BALSCADDEN & FORMER BAILY COURT  
HOTEL, HOWTH, CO. DUBLIN**

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**Brady Shipman  
Martin**

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CLIENT  
**Balscadden GP3 Limited**

DATE  
**March 2022**

## LANDS AT BALSCADDEN

### Planning Report

#### DOCUMENT CONTROL SHEET

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## APPENDIX 1- NPWS CORRESPONDANCE

## 1 INTRODUCTION

This Planning Report has been prepared in support of a SHD Planning Application to An Bord Pleanála, on behalf of Balscadden GP3 Limited for a proposed development on lands in Howth, Co. Dublin.

The subject application site of c.1.43 ha (hereafter called ‘the site’) comprises lands at Balscadden Road, south of the Martello Tower, and at the Former Baily Court Hotel, Main Street, Howth, Co. Dublin.

Three sites have been consolidated into one entity which has provided for the opportunity to develop a scheme that is fully integrated with Howth Village. The consolidation of the sites has enabled the development to be designed around a new street, which will link Howth Village Core with Balscadden Road. It has enabled the creation of a new civic plaza and a pedestrian friendly street which will promote a very high standard of residential accommodation and will contribute to the public realm of Howth Village. This document details how the proposed development accords with the proper planning and sustainable development of the area.

Planning permission has been previously approved on the site by An Bord Pleanála under Planning Reference PL06F.301722 and TA06F.305828 however both have been quashed under Judicial Review.

This SHD application falls under the definition of Strategic Housing Development as set out under Section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 as it is a proposed development ‘of 100 or more houses on land zoned for residential use or for a mixture of residential and other uses’.

This Planning Report, in addition to a Statement of Consistency with Planning Policy, accompanies this Strategic Housing Development Application.

The development for which planning permission is being sought is set out as follows:

*The development will consist of the demolition of existing structures on site including the disused sports building (c. 604 sq m) on the Balscadden Rd portion of the site and the Former Baily Court Hotel Buildings on Main St (c. 2051 sq m) and the construction of a residential development set out in 4 no. residential blocks, ranging in height from 2 to 5 storeys to accommodate 180 no. apartments and duplexes with associated residential tenant amenity, 1 no. retail unit and 2 no. café/retail units. The site will accommodate a total of 139 no. car parking spaces and 410 no. bicycle parking spaces. Landscaping will include a new linear plaza which will create a new pedestrian link between Main St and Balscadden Rd to include the creation of an additional 2 no. new public plazas and also maintains and upgrades the pedestrian link from Abbey Street to Balscadden Road below the Martello Tower. This is set out as follows:*

1. *The 4 no. residential buildings range in height from 2 storeys to 5 storeys, accommodating 180 no. apartments comprising 4 no. studios, 62 no. 1 bed units, 89 no. 2 bed units and 25 no. 3 bed units. The breakdown of residential accommodation is as follows:*
  - *Block A is a 3 storey building, including balconies, accommodating 2 no. units;*
  - *Block B is a 2 to 5 storey building, including setbacks, balconies, and external roof terraces at 3<sup>rd</sup> and 4<sup>th</sup> floors accommodating 126 no. units;*
  - *Block C is a 3 to 5 storey building, including setbacks and balconies, accommodating 43 no. units;*
  - *Block D is a 3 storey building, including balconies, accommodating 9 no. units;*
  - *Residential Tenant Amenity Space is provided in Blocks B and C, totalling c.427.1 sq.m and Communal External Amenity Space is provided at throughout the scheme including at roof level on Block B, totalling c.4,108 sq.m.*
2. *Non-residential uses comprise of retail unit of c. 106.4 sq.m in Block A at ground level, café/retail unit of c.142.7 sq.m in Block C at ground and first floor, café/retail unit of c. 187.7 sq.m in Block D at ground level resulting in a total of c. 436.8 sq.m of non-residential other uses.*
3. *The development will include a single level basement under Block B, accessed from Main St only, containing 139 car spaces including 7 accessible spaces, plant, storage areas, waste storage areas and other associated facilities. A total of 410 cycle parking spaces are provided for at both basement and ground level, comprising 319 resident spaces and 91 visitor spaces.*
4. *The scheme provides for a new linear plaza which will create a new pedestrian and cycle link between Main St and Balscadden Rd to include the creation of an additional 2 no. new public plazas and also maintains and upgrades the existing pedestrian link from Abbey Street to Balscadden Road below the Martello Tower.*
5. *All other ancillary site development works to facilitate construction and the provision of the basement car park, site services, piped infrastructure, a sub-station, public lighting, plant, signage, bin stores, bike stores, boundary treatments and hard and soft landscaping.*
6. *It is proposed to reduce the ground levels on the site from c. 34.5m OD to c. 19.975m OD locally under Block C. A single storey basement is proposed under Block B with the existing ground level reduced from c.20m OD to c.17.1m OD. occurring at formation level.*

This report examines the site location, context, planning history and sets out clearly the proposed extent and nature of the proposed development. It also has

regard to issues of compliance with the Fingal County Development Plan 2017-2023, and Section 28 Guidelines, which are the relevant statutory documents against which the development will be considered.

This Planning Application is accompanied by a comprehensive set of documentation which specifically seeks to address the requirements of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended, the Planning and Development (Strategic Housing Development) Regulations 2017 and the requirements of the Fingal Development Plan 2017-2023.

### Enclosed Documents

This Planning Report for the SHD Planning Application should be read in conjunction with the other documents (reports and drawings) accompanying the planning application, including (but not limited to) the following:

- Statement of Consistency prepared by Brady Shipman Martin
- Response to ABP Opinion prepared by Brady Shipman Martin
- School Demand and Childcare Facilities Assessment prepared by Brady Shipman Martin
- Architectural Drawing Pack prepared by Plus Architects
- Verified Views prepared by Digital Dimensions (included in EIAR Appendix 3)
- Architectural Design Statement prepared by Plus Architects
- Schedule of Accommodation & Housing Quality Assessment prepared by Plus Architects
- Engineering Assessment Report prepared by Waterman Moylan
- Engineering Services Drawings prepared by Waterman Moylan
- Flood Risk Assessment prepared by Waterman Moylan
- Traffic & Transport Assessment prepared by Waterman Moylan
- Travel Plan prepared by Waterman Moylan
- Preliminary Construction Traffic Management Plan prepared by Waterman Moylan
- Outline Construction & Demolition Management Plan prepared by Waterman Moylan
- Sustainably & Energy Report prepared by JVTierney
- BRE Daylight & Sunlight Assessment prepared by JVTierney
- External Site Lighting Strategy prepared by JVTierney
- Geotechnical Report prepared by ByrneLooby
- Landscape Design Report prepared by Plus Architects
- Landscape Design Drawings prepared by Plus Architects
- Planting Schedule prepared by Plus Architects
- Tree Survey and Arborist Report prepared by the Tree File
- Building Life Cycle Report prepared by Aramark
- Estate Management Report prepared by Aramark

- Operational Waste Management Plan prepared by AWN
- Environmental Impact Assessment Report prepared by Enviroguide
- AA Screening Report prepared by Enviroguide
- Natura Impact Statement prepared by Enviroguide
- Environmental Impact Assessment prepared by Enviroguide
- Preliminary Fire Safety and Access & Use Strategy prepared by MJP

We confirm that prior to making this planning application the drawings enclosed herewith have been checked and are in compliance with the requirements of the Planning and Development Regulations, 2001-2021.

## 2 MATERIAL CONTRAVENTION

This Strategic Housing Development Application includes a Material Contravention Statement which seeks to address the issue of material contraventions of the Fingal County Development Plan 2017-2023 (Development Plan), as required under Section 8 of the Planning and Development (Housing) and Residential Tenancies Act 2016. This Statement provides a rationale for An Bord Pleanála, as the consenting authority, to conclude that there is justification for material contravention in relation to Chapter 2 of the Development Plan and a potential material contravention of Section 12.10 of the Development Plan.

Section 9 (6) of the Planning and Development (Housing) and Residential Tenancies Act, 2016 confirms that An Bord Pleanála may grant permission for a development which materially contravenes a Development Plan, other than in relation to the zoning of land having regard to the considerations specified in section 37(2)(b) of the Act of 2000.

The Material Contravention Statement provides a justification for the proposed material contraventions of the above referenced statutory planning document, in relation to: (i) core strategy and, (ii) parking provision.

### (i) Core Strategy

- Chapter 2 of the Fingal Development Plan 2017- 2023, as varied by Variation No.2 sets out the Core Strategy and Settlement Strategy for County Fingal. Table 2.2 sets out the Remaining Capacity Residential Units for Howth which has already been exceeded.

### (ii) Parking Provision

- Section 12.10 of the Development Plan identifies parking standards for residential development. The *Sustainable Urban Housing, Design Standards for New Apartments* (2020) establish the principle for the re-examination of car parking provision and should be considered over the Development Plan parking standards on a site specific contextual basis.

It is considered, as is set out in the accompanying Material Contravention Statement and the supporting planning application documentation, that sufficient justification exists for An Bord Pleanála to grant permission for the proposed development notwithstanding the proposed material contraventions having regard to the considerations specified in section 37(2)(b) of the Act of 2000.

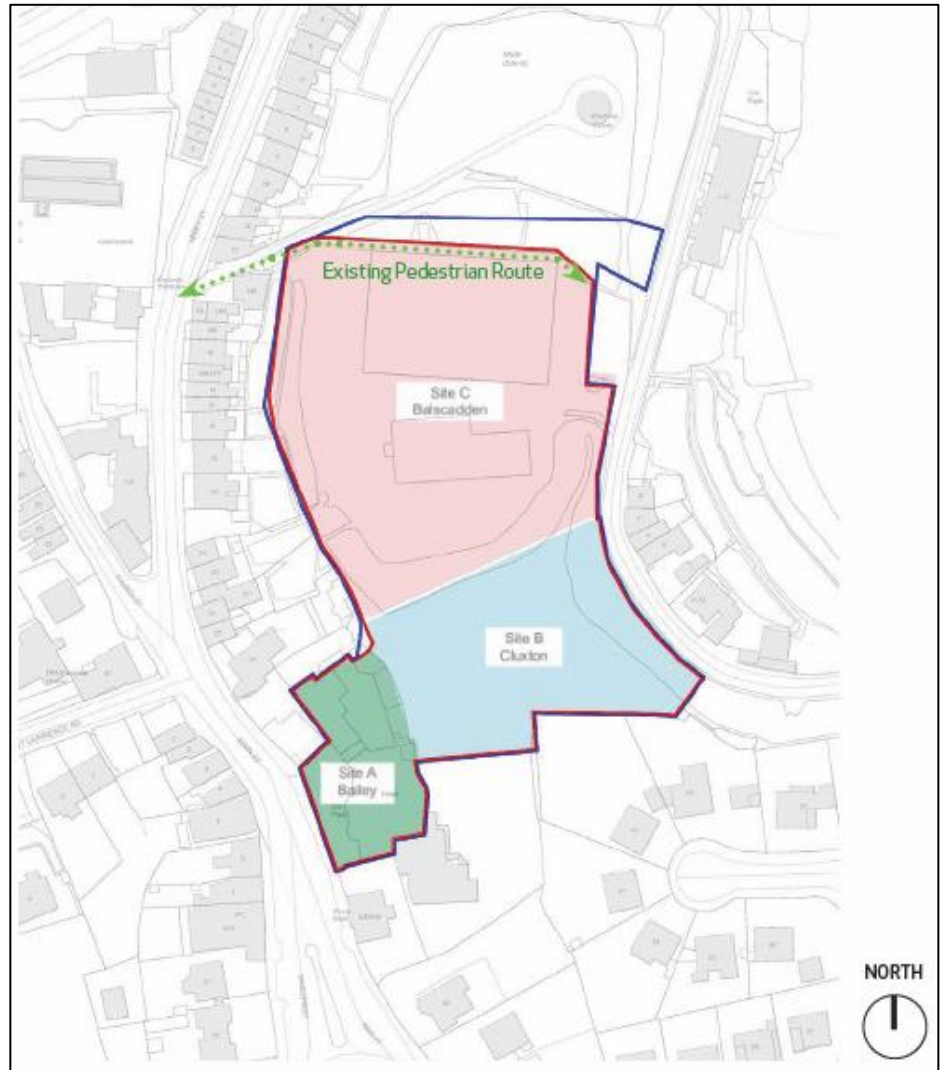
### 3 SITE LOCATION AND CONTEXT

The subject site, which measures c.1.43 ha is located between the western side of Balscadden Road and east of Main St /Abbey St, and lies to the south of the Martello Tower, which is a protected structure, in the centre of Howth Village.

The site is bounded by Balscadden Road to the east and Balscadden Bay. The site is bounded to the south by Asgard Park, and to the west by the rear of properties along Main Street and Abbey Street. The site includes the Former Baily Court Hotel which fronts onto Main St. (See Fig. 1 below). There is a current permission for 8 no. apartments and 4 no. shops on the site which was granted under Reg Ref F15A/0072). Until recently the site known as the 'Cluxton Lands' which lies directly to the north of Asgard Park had permission for 6 no. units.

There is a steep embankment within the site, which falls towards the Balscadden Road. The site includes both brownfield (Edros Site and Baily Court Hotel Site) and undeveloped lands (Cluxton lands). There are extensive seascape vistas from the site overlooking Balscadden Bay to the east and Howth Harbour and Irelands Eye to the north.





**Figure 1: Site Location & Amalgamation of Lands**

The overall site has 2 no. road frontages, i.e. from Balscadden Road and Main St. Balscadden Road rises steeply from Harbour Road to the north and follows a route around the base of the mount to the Martello Tower to pass Asgard apartments which lie on the eastern side of the road before reaching the site. Balscadden Road is a one-way road that runs from the east pier of Howth Harbour and forms a T-junction with Kilrock Road.

## 4 PLANNING HISTORY

There has been a significant level of planning activity on the subject lands in recent years.

### 4.1 Consolidated Sites

#### **Strategic Housing Development Application: ABP Ref: TA06F.305828**

Permission was granted by An Bord Pleanála for Demolition of existing structures, construction of 177 no. residential units, commercial/retail space, community room and associated site works. The application was subsequently quashed under Judicial Review.

#### **Strategic Housing Development Application: ABP Ref: PL06F.301722**

Permission was granted by An Bord Pleanála for Demolition of existing structures, construction of 164 no. residential units, commercial/retail space, community room and associated site works. The application was subsequently quashed under Judicial Review.

### 4.2 EDROS Site

#### **Fingal County Council Planning Ref.: F14A/0108**

Permission was granted by FCC for Demolition of the disused sports building (c.640sq.m.) and the provision of 23 no. residential units comprising 13 no. 4 bed 2.5 storey houses; 4 no. 3 bed 2.5 storey houses; 3 no. 3 bed apartment units; and 3 no. 2 bed apartment units with associated car parking spaces. Permission is also sought for 1 no. commercial kiosk unit; hard and soft landscaping works; upgrade works to the existing vehicular access to Balscadden Road; and all other associated site development works. The scheme also provides for a pedestrian link from Abbey Street to Balscadden Road.

#### **Fingal County Council Planning Ref.: F07A/1349 & ABP Ref.: PL 06F.227972**

Permission was granted by FCC for Demolition of a disused sports building and the development of 64 dwellings and 1 cafe of 303m<sup>2</sup> on lands south of the Martello Tower. The development comprises 52 two-bedroom units and 12 three bedroom units, of which 15 are own-door units, in one block of 2 storeys, three bedroom units, of which 15 are own- door units, in one block of 2 storeys, three blocks of three storeys and one block of 4 storeys, with private patios, terraces and balconies on all elevations, all over private basement car parking. The scheme provides for a pedestrian street from Abbey Street to Balscadden Road and improved access to the Martello Tower, a central sunken garden, landscaping to the boundaries and 15 visitor carpark spaces at ground level. Vehicle access is from Balscadden Road; road improvement works include conversion to a two-way system, installation of traffic lights, the widening of footpaths, and resurfacing of the roadway. The development was subsequently refused by An Bord Pleanála on appeal.

### 4.3 Cluxton Lands

**Fingal County Council Planning Ref.: F06A/1897 [F06A/1897/E1] & ABP Ref.: PL06F.224372**

Permission was granted by both FCC and An Bord Pleanala for the development of 6 no. detached houses, a new vehicular entrance from Balscadden Road and associated site works.

**Fingal County Council Planning Ref.: F15A/0545 & ABP Ref.: PL06F.246183**

Permission was refused by both FCC and An Bord Pleanala for a residential development comprising a total of 9 no. 3 storey dwellings, consisting of 1 no. detached 3 bed dwelling, 4 no. detached 4 bed dwellings and 4 no. terraced 4 bed dwellings, all with associated car parking spaces. The proposed development will also consist of the provision of a new vehicular and pedestrian entrance to Balscadden Road, landscaping, boundary treatment, refuse drop-off area and all associated site and engineering works necessary to facilitate the development including the provision of a new surface water main for a distance of approximately 50 metres along Balscadden Road to connect to the existing public main.

### 4.4 Former Baily Court Hotel Site

**Fingal County Council Planning Ref.: F13A/0110 & ABP Ref.: PL06F.242595**

Permission was granted by FCC and An Bord Pleanala for demolition of the existing three storey hotel and all associated buildings on site and to construct a four storey mixed use development (including set back penthouse level) consisting of 4 no. ground floor retail/services units, 7 no. apartments (6 no. two bed and 1 no. 3 bed) with balconies/private terraces; semi- private communal kitchen garden deck including 7 no. greenhouses over car parking area, 22 no. car parking spaces, vehicular entrance from Main Street, SUDS drainage, all signage, landscaping, gates, boundary treatments and ancillary site development works necessary to facilitate the development.

**Fingal County Council Planning Ref.: F15A/0072 (expired)**

Permission granted by FCC for amendments to a previously permitted development (Reg. Ref. F13A/0110, ABP Ref. PL 06F.245295), comprising the subdivision of the permitted 1 no. 3 bedroom apartment at third floor level to provide for 2 no. 3 bedroom apartments. This will increase the total number of residential units on the site from 7 no. units to 8 no. units. The proposed development will also provide for all associated elevational changes and site development works necessary to facilitate the development.

5 PRE-PLANNING CONSULTATION

5.1 Tripartite Meeting

A tri-partite meeting took place with An Bord Pleanala and Dublin City Council on 4<sup>th</sup> November 2021 as part of the Pre-Application Consultation Request submitted on the project (ABP Reg. Ref. 311179-21).

The attendees were as follows:

<b>An Bord Pleanala</b>	Tom Rabbette, Assistant Director of Planning Karen Hamilton, Senior Planning Inspector Helen Keane, Executive Officer
<b>On behalf of the Applicant</b>	Shaun Thorpe, Marlet (Applicant) Pauline Byrne, Brady Shipman Martin Planning Joe Gibbons, Waterman Moylan Engineers Des Twomey, Plus Architects Rachel Byrne, Plus Architects Rob Goodbody, Historic Building Consultants Jim Dowdall, Enviroguide Consulting Sorcha Turnbull, Brady Shipman Martin Planning
<b>Fingal County Council</b>	Sean Walsh, Senior Executive Planner Kathy Tuck, Assistant Planner Helena Bergin, Senior Exec Arch Conservation Officer Hans Visser, Biodiversity Office Phillip Grobler, Senior Executive Engineer Mark Finnegan, Executive Parks Superintendent Niall Thornton, Executive Engineer Patrick Callan, Transport Planning

5.2 Section 247 Consultation

Both the context and approach to the application site and the emerging design rationale for the proposed development, have been subject to consultation with the Fingal County Council Planning Department under Section 247.

Meetings have been held with the Council’s Planning Department as formal pre-application discussions on the substance of the proposed development. The attendees and dates of these meetings were:

- 17 May 2021- FCC Kathy Tuck (Planning) Sean Walsh (Planning), Niall Thornton (Transport), Mark Finnegan (Parks), Helena Bergin (Conservation), Niall McKiernan (Drainage), Philip Grobler (Water), Hans Visser (Biodiversity).
- 22 June 2021 – FCC Kathy Tuck (Planning) Sean Walsh (Planning), Mark Finnegan (Parks), Helena Bergin (Conservation), Philip Grobber (Water), Fionnuala May (Architecture).

## 6 PLANNING FRAMEWORK

### 6.1 Fingal Development Plan 2017-2023

The proposed development is located in the administrative area of Fingal County Council and subject to the Fingal Development Plan 2017-2023. This section discusses the specific provisions of the Development Plan in relation to development management standards. Please see Statement of Consistency enclosed with this PAC Request for wider discussion of the Core Strategy and other general policy considerations.

#### Core Strategy

Chapter 2 of the Development Plan sets out the Core Strategy and Settlement Strategy for Fingal. It identifies the quantum, location and phasing of development for the Plan period that is consistent with the regionally defined population targets and settlement hierarchy. It reflects the availability of existing services, planned investment, sequential development and environmental requirements (i.e. an evidence based approach in determining the suitability of lands for zoning purposes).

The Core Strategy aligns the Development Plan with the National Planning Framework (NPF) and the Regional Spatial and Economic Strategy (RSES) as amended by Variation No 2<sup>1</sup> to the Fingal Development Plan. This Variation was approved by FCC Councillors in June 2020.

Howth is located in the Metropolitan Area of the Greater Dublin Area (GDA). The Development Plan (as varied) sets out the residential capacity of the wider area in Table 2.8, with the details extracted below relevant to the subject lands:

Town/Village	Remaining Capacity (hectares)	Remaining Residential Units	Metropolitan Core % Land	Metropolitan-Core % Units
<b>Metropolitan Area</b>				
<b>Key Town</b>				
Swords	481	14,799		
<b>Dublin City and Suburbs</b>				
Blanchardstown	260	9,306		
Howth	14	436		
Baldoyle/Sutton	29	1498		
Other	66.5	2,320		
<b>Settlements*</b>				
<i>Other Metropolitan Areas</i>				
Portmarnock	43	1,116		

The emphasis of the Development Plan is to continue to consolidate the existing zoned lands and to maximise the efficient use of existing and proposed infrastructure. In this way the Council can ensure an integrated land use and transport strategy in line with national and regional policy.

<sup>1</sup> <https://www.fingal.ie/sites/default/files/2020-07/adopted-variation-2.pdf>

We note, Objective SS01 aims to: *Consolidate the vast majority of the County's future growth into the strong and dynamic urban centres of the Metropolitan Area while directing development in the core to towns and villages, as advocated by national and regional planning guidance.*

As set out in the Development Plan the Remaining Capacity Residential Units for Howth for the period 2017-2023 is 436 units. Considering the permitted TA06F.306102 for 512 no. residential units at the Techrete Site, and the current proposal for 162 no. residential units at Deer Park (ABP-310413-21) it is considered that the Core Strategy has been exceeded. This is further set out in the Material Contravention Statement accompanying this SHD Application.

It is noted that Table 2.8 of Variation No. 2 of Development Plan identifies that there is 14 hectares of land available in Howth for residential development with an associated housing yield of 436. This is a density of just over 31 units per hectare. Variation No. 2 is thus inconsistent with objectives for efficient land-use and compact growth objectives in the Dublin Metropolitan Area.

### **Zoning**

The subject site is zoned:

'Objective RS - Residential' – Provide for residential development and protect and improve residential amenity; and

'Objective TC – Town and District Centre' – Protect and enhance the special physical and social character of town and district centres and provide and/or improve urban facilities.

Further detail provided by the Development Plan states: *Ensure the provision of high quality new residential environments with good layout and design, with adequate public transport and cycle links and within walking distance of community facilities. Provide an appropriate mix of house sizes, types and tenures in order to meet household needs and to promote balanced communities.*

While previous applications for these lands included the adjacent HA- High Amenity lands for the purposes of providing landscaping works, these lands have been excluded from the application boundary for the purposes of this Strategic Housing Development application.

The site is subject to *Specific Objective 115 – 'Ensure the layout, scale, height and design respects the high amenity status of the surrounding area, the Martello Tower and the village character'.*

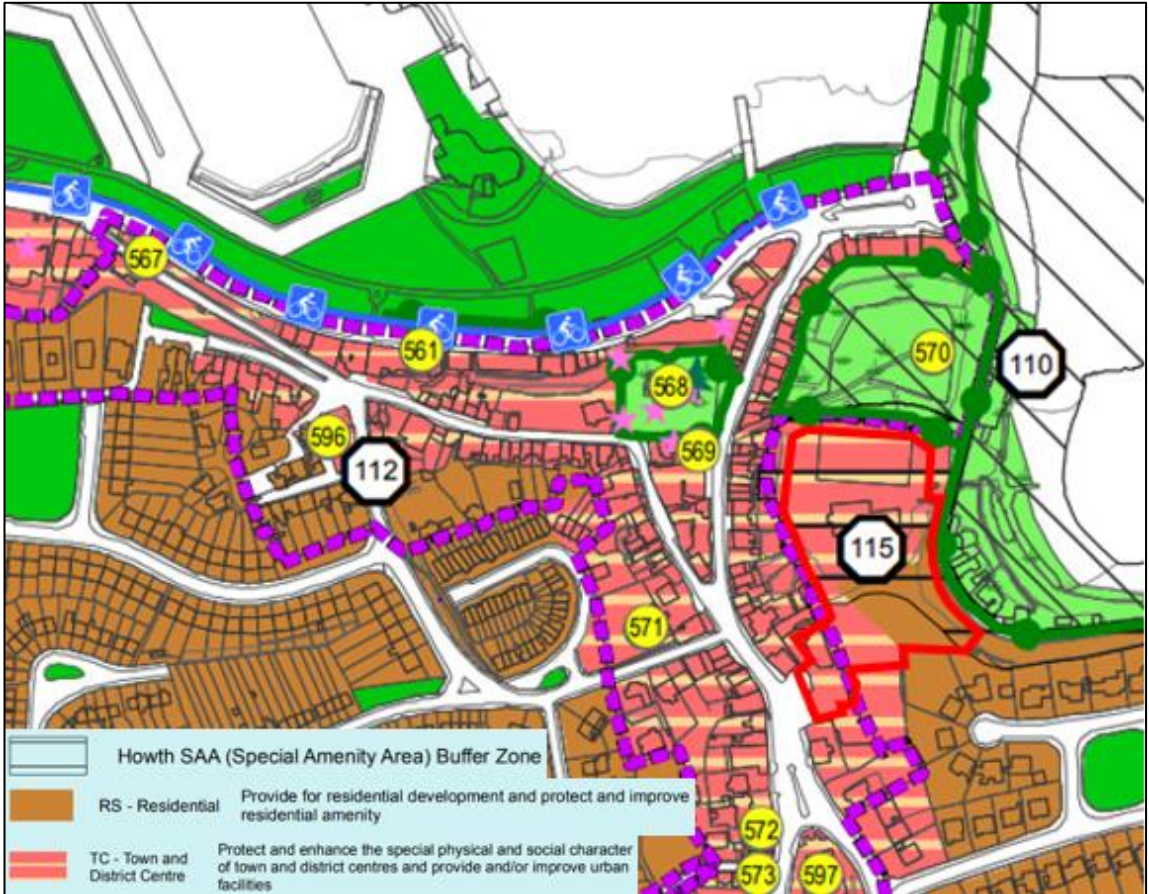


Figure 2: extract from the Fingal Development Plan Zoning Map 10 – indicative site outline in red (Source: FCC).

The map extract above shows a broken purple line surrounding the town centre. This indicates the Howth Historic Core Architectural Conservation Area (ACA). The Baily Court Hotel is within the boundary of this ACA, while the ACA boundary runs along western and northern boundaries of the application site.

The northern part of the site (and a part of the eastern site area) is also located within the Howth SAA (Special Amenity Area) Buffer Zone.

**Special Area of Conservation (SAC)**

The proposed development is located outside the *Howth Head SAC (000202)* boundary, with the planning application red line falling to the west of Balscadden Road, hugging the development lands.

For the avoidance of doubt, any lands that are mapped by NPWS on Balscadden Road including the ‘car park’ along its western boundary, are excluded from this proposed development. Furthermore, NPWS has clarified that this mapping is erroneous in incorporating Balscadden Road and adjacent car park within the Howth Head SAC. Please see NPWS correspondence in Appendix 1.



### *Howth Specific Objectives*

The following Howth specific Development Plan objectives are relevant to the proposed development:

- Objective Howth 1 - *Ensure that development respects the special historic and architectural character of the area.*

The development has been designed to fit in with the Architectural Conservation Area on Abbey Street and the setting of the Martello Tower, which is a protected structure.

- Objective Howth 3 - *Encourage the retention and development of ground floor commercial/retail uses within the core of the village. Such uses should be of a convenience and comparison retail mix with emphasis on the latter. Office provision should also be encouraged to ensure a vibrant village core.*

The provision of small scale retail / café units at ground floor on Main Street and on the principal pedestrian route through the proposed development contributes to the consolidation of Howth village as a service centre.

### Objective Howth 4

*Protect and manage the Special Amenity Area, having regard to the associated management plan and objectives for the buffer zone.*

High Quality hard and soft landscaping is proposed throughout the scheme. The planting scheme is proposing native plants to the Howth SAAO and plants which survive in a coastal location. The Howth SAAO Design Guidelines have been referred to in the design of this proposed development.

The following uses are considered permitted in principle in 'RS' Residential zoned lands:

*Bed and Breakfast, Childcare Facilities, Community Facility, Education, Guest House, Office Ancillary to Permitted Use, Open Space, Residential, Residential Care Home/ Retirement Home, Retirement Village, Sheltered Accommodation, Traveller Community Accommodation Utility Installations*

The following uses are considered permitted in principle in 'TC' Town and District Centre zoned lands:

*Bed and Breakfast Betting Office\* Car park – Non-Ancillary, Childcare Facilities, Community Facility, Cultural Facility, Dancehall/Nightclub, Education, Exhibition Centre, Fast Food Outlet/Takeaway, Funeral Home/Mortuary, Garden Centre, Guest House, Health Centre, Health Practitioner, Holiday Home / Apartments, Home-based Economic Activity, Hospital, Hotel, Office Ancillary to Permitted Use Office ≤ 100sqm, Office > 100sqm and < 1,000sqm, Open Space, Petrol Station, Place of Worship Public House, Public Transport Station*

*Recreational Facility/Sports Club Residential, Residential Care Home/ Retirement Home, Residential Institution, Restaurant/Café, Retail - Local < 150 sqm nfa Retail - Convenience ≤ 500 sqm nfa Retail - Comparison ≤ 500 sqm nfa, Retail - Comparison >500 sqm nfa\*\* Retail - Supermarket ≤ 2,500 sqm nfa, Retirement Village Sheltered Accommodation Taxi Office, Telecommunications Infrastructure, Training Centre, Traveller Community Accommodation Utility Installations, Vehicles Sales Outlet – Small Vehicles, Vehicle Servicing/Maintenance Garage, Veterinary Clinic*

\*\*Proposals for this use class are only permitted in principle for TC zonings listed in Level 3 of the Fingal Retail Hierarchy

#### **Howth Urban Centre Strategy (2008)**

The Howth Urban Centre Strategy has also influenced the approach to the design of the proposed development, including pedestrian permeability and mobility, and provision of public open space in the heart of the scheme, to contribute to the distinctive character area of the Village Core, while respecting key focal buildings.

#### **Development Management Standards**

Chapter 12 of the Fingal Development Plan sets out development management standards for development proposals.

#### **Design Criteria for Urban Development**

The Development Plan sets out the following requirements for large scale residential developments:

#### **High Quality Urban Design**

Objective DMS03 states: *Submit a detailed design statement for developments in excess of 5 residential units or 300 sq m of retail / commercial / office development in urban areas. The design statement is required to:*

- *Explain the design principles and design concept.*
- *Demonstrate how the twelve urban design criteria (as per the 'Urban Design Manual - A Best Practice Guide') have been taken into account when designing schemes in urban areas.*
- *Each of the twelve criteria is of equal importance and has to be considered in an integrated manner.*
- *Outline how the development meets the Development Plan Objectives, and the objectives of any Local Area Plan, Masterplan, Urban Centre Strategy, Framework Plan or other similar Plan affecting the site.*
- *Include photographs of the site and its surroundings.*
- *Include other illustrations such as photomontages, perspectives, sketches.*
- *Outline detailed proposals for open space and ensure the provision of open space is designed in from the beginning when designing a new scheme.*

- *Outline a detailed high quality open space and landscape design plan including specifications, prepared by suitably qualified professionals.*
- *Outline how Green Infrastructure integrates into the scheme.*

#### Green Roofs and Walls

- **Objective DMS16:** *Promote and encourage the use of green walls and roofs for new developments that demonstrate benefits in terms of SuDS as part of an integrated approach to green infrastructure provision.*
- **Objective DMS17:** *Promote and encourage the use of green walls and roofs as part of an integrated approach to green infrastructure provision.*

#### Design Criteria for Residential Development

Section 12.4 sets out design criteria for Residential Development. The Development Plan draws attention to the following areas, which have been carefully considered by the design team, in particular:

- **Residential Zoning:** the subject lands are appropriately zoned for the proposed development and will in turn create a new high quality residential environment.
- **Mix of Dwelling Types:** the development will provide a sustainable mix of unit types and sizes enabling a choice of housing for a broad section of the population.
- **Residential Density:** the proposed density has been carefully considered in the context of the emerging urban area, the presence of key public transport facilities and in reference to guidelines including: *Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2009)*, *the Sustainable Urban Housing Design Standards for New Apartments (2020)* and *the Urban Development and Building Heights Guidelines for Planning Authorities (2018)*.

#### Apartment Development

Apartment design standards set out in individual Development Plans, and in this case Fingal County Development Plan, are now post dated by the *Sustainable Urban Housing Design Standards for New Apartments (2020)*. In many cases these requirements overlap:

- **Objective DMS20** *Require the provision of a minimum of 50% of apartments in any apartment scheme are dual aspect.*
- **Objective DMS21** *Allow a reduced percentage of dual aspect apartments only in circumstances where it is necessary to ensure good street frontage and subject to high quality design. In no instance will the provision be less than 33% of the number of apartments in the scheme.*
- **Objective DMS22** *Require a minimum floor to ceiling height of 2.7 metres in apartment units, at ground floor level.*
- **Objective DMS23** *Permit up to 8 apartments per floor per individual stair/lift core within apartment schemes.*

**Quantitative Standards**

The Development Plan sets out a range of quantitative standards for residential units in order to achieve a high standard of accommodation for future residents. The following general standards apply:

- **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.*

The proposed development meets or exceeds the above standards. Please see PLUS Architects drawings and Housing Quality Audit for detail in relation to compliance with the above.

**Other Residential Development Standards**

The Development Plan sets out a range of standards in relation to residential developments including: separation distance, daylight and sunlight, acoustic design, communal facilities and refuse facilities.

**Separation Distances**

The proposed development meets these relevant standards as set out below. Please see documentation prepared by PLUS including Architectural Design Statement and Schedule of Accommodation for further details of these standards.

<p><b>Objective DMS28</b></p>	<p><i>A separation distance of a minimum of 22 metres between directly opposing rear first floor windows shall generally be observed unless alternative provision has been designed to ensure privacy. In residential developments over 3 storeys, minimum separation distances shall be increased in instances where overlooking or overshadowing occurs.</i></p>
<p><b>Objective DMS29</b></p>	<p><i>Ensure a separation distance of at least 2.3 metres is provided between the side walls of detached, semi-detached and end of terrace units.</i></p>
<p><b>Objective DMS31</b></p>	<p><i>Require that sound transmission levels in semi-detached, terraced, apartments and duplex units comply as a</i></p>

	<i>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.</i>
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The Development Plan text notes that:

*All proposals for residential development, particularly apartment developments, over three storeys high, shall provide for acceptable separation distances between blocks to avoid negative effects such as excessive overlooking, overbearing and overshadowing effects and provide sustainable residential amenity conditions and open spaces. The minimum standard distance of 22 metres between opposing windows will apply in the case of apartments up to three storeys in height. In taller blocks, a greater separation distance may be prescribed having regard to the layout, size and design. In certain instances, depending on orientation and location in built-up areas, reduced separation distances may be acceptable. Any relaxing of standards will be assessed on a case-by-case basis and should not be seen as setting a precedent for future development.*

#### **Daylight, Sunlight and Overshadowing**

The proposed development is considered in relation to Daylight and Sunlight. Please see Site Planning for BRE Daylight & Sunlight Report prepared by JVTierney for further details of same.

<b>Objective DMS30</b>	<i>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.</i>
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#### **Management Companies and Facilities for Apartment Developments**

The proposed development meets the relevant standards in relation to management facilities. Please see Estate Management Plan prepared by Aramark for further details of same.

<b>Objective DMS33</b>	<i>Require properly constituted management companies in apartment type schemes are set up and necessary management structures are put in place for the benefit of the residents.</i>
<b>Objective DMS34</b>	<i>Provide in high density apartment type schemes in excess of 100 units facilities for the communal use of residents as deemed appropriate by the Council.</i>

**Refuse Storage and Bins**

The proposed development meets the relevant standards in relation to Refuse Storage and Bins. Please see Operational Waste Management Plan prepared by AWN; and PLUS Design Rationale and Schedule of Accommodation for further details of refuse facilities.

<b>Objective DMS35</b>	<i>Require the provision of communal laundry rooms and storage facilities in high density apartment type developments where deemed appropriate.</i>
<b>Objective DMS36</b>	<i>Ensure all new residential schemes include appropriate design measures for refuse storage areas, details of which should be clearly shown at pre-planning and planning application stage. Ensure refuse storage areas are not situated immediately adjacent to the front door or ground floor window, unless adequate screened alcoves or other such mitigation measures are provided.</i>
<b>Objective DMS37</b>	<i>Ensure the maximum distance between the front door to a communal bin area does not exceed 50 metres.</i>

**Public Open Space**

The provision of open space in the proposed development has been carefully considered. Section 12.7 of the Development Plan sets out Fingal’s approach to open space in developments.

FCC has five basic principles of open space provision: *Hierarchy, Accessibility, Quantity, Quality and Private Open Space*. Please see Landscape Strategy set out by Plus Architects in regard to landscape proposals for private and public open space.

FCC state that public open space provisions should exceed 10% of a development site area (Objective DMS57A). The proposed development meets FCC open space requirements, as set out below:

<b>Objective DMS56</b>	<i>Integrate and provide links through adjoining open spaces to create permeable and accessible areas, subject to Screening for Appropriate Assessment and consultation, including the public, as necessary.</i>
<b>Objective DMS57</b>	<i>Require a minimum public open space provision of 2.5 hectares per 1000 population. For the purposes of this calculation, public open space requirements are to be based on residential units with an agreed occupancy rate of 3.5 persons in the case of dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms.</i>

<b>Objective DMS57A</b>	<i>Require a minimum 10% of a proposed development site area be designated for use as public open space.</i>
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### **Private Open Space for Apartments**

FCC require all residential units to be provided with private open space. Open space standards set out qualitative and quantitative standards so as to ensure that the maximum benefit is derived from the open space. The quantitative standards set out in the Development Plan for apartments are post-dated by the previously referenced *Sustainable Urban Housing, Design Standards for New Apartments (2020)*.

The proposed development entails both private and semi-private open space.

The Plus Architects Housing Quality Assessment provides details in relation to the provision of this semi-private and private open space.

### **Childcare Facilities**

The proposed development notes the provisions in the Development Plan in regard to Childcare Facilities. Please see BSM Schools Demand and Childcare Facilities Assessment Report which details the rationale for the provision of no childcare facilities.

The purpose of this Report is to assess the provision and need of childcare facilities in the area and to provide justification for the non-provision of childcare facilities in the scheme.

## **6.2 Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020)**

The Sustainable Urban Housing Design Standards for New Apartments (Apartment Guidelines) were approved by the Minister for Housing, Planning and Local Government and published in March 2018, and updated in December 2020 in relation to Shared Accommodation only. The guidelines update previous guidance from 2015 and note that this is done so *in the context of greater evidence and knowledge of current and likely future housing demand in Ireland taking account of the Housing Agency National Statement on Housing Demand and Supply, the Government’s action programme on housing and homelessness Rebuilding Ireland and Project Ireland 2040 and the National Planning Framework, published since the 2015 guidelines.*

The Guidelines note that the NPF projects a need for a minimum of 550,000 new homes, at least half of which are targeted for provision in Ireland’s five cities and of particular relevance to this site it notes a shift in Government policy towards securing more compact and sustainable urban development, to enable people to live nearer to where jobs and services are located, which requires at least half of

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new homes within Ireland's cities to be provided within the current built-up area of each, i.e. on sites within the existing urban 'envelope'.

The Guidelines have been updated, from the previous 2015 Guidelines, to amend and address new areas including:

- Enable a mix of apartment types that better reflects contemporary household formation and housing demand patterns and trends, particularly in urban areas;
- Make better provision for building refurbishment and small-scale urban infill schemes;
- Address the emerging 'build to rent' and 'shared accommodation' sectors; and
- Remove requirements for car-parking in certain circumstances where there are better mobility solutions and to reduce costs.

The subject site represents a centrally located landbank in the centre of Howth Village, in the suburbs of Dublin City, served by high quality transport links, and as such represents a project that is fully supported by these Guidelines.

The Guidelines identify Central/Accessible Urban Locations which are suited to higher density development. The subject site falls within this category as it is a '*Site within reasonable walking distance to/from high capacity urban public transport stops*', and located in the centre of Howth Village.

This Application is accompanied by a Housing Quality Assessment, prepared by Plus Architects which demonstrates the compliance of the proposed development with the relevant quantitative standards required under the Apartment Guidelines.

The HQA illustrates in tabular format how each apartment within the proposed scheme meets or exceeds the relevant standards as set out in the Guidelines including SPPR3: Minimum Apartment Floor Areas and SPPR 4: Dual Aspect Apartments.

Another key update in the 2018 Guidelines is the ability to reduce car parking standards. The Guidelines identify that '*in larger scale and higher density developments, comprising wholly of apartments in more central locations that are well served by public transport, the default policy is for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances*'.

The scheme as proposed includes for car parking at a rate of 0.77 per apartment unit which is justified given the site's accessibility within Howth Village and to public transport.



With regards to cycle parking, the proposed scheme exceeds the standards as set out in the Fingal County Development Plan and the requirements of Section 4.15 of the Guidelines.

The Traffic and Transport Assessment prepared by Waterman Moylan provides details of cycle parking provided.

### **6.3 Urban Development and Building Heights, Guidelines for Planning Authorities (December 2018)**

The Urban Development & Building Height Guidelines identify that as reflected in *'the National Planning Framework .... that there is significant scope to accommodate anticipated population growth and development needs, whether for housing, employment or other purposes, by building up and consolidating the development of our existing urban areas'* and that *'securing compact and sustainable urban growth means focusing on reusing previously developed 'brownfield' land, building up infill sites (which may not have been built on before) and either reusing or redeveloping existing sites and buildings, in well serviced urban locations, particularly those served by good public transport and supporting services, including employment opportunities'*.

The Guidelines reference NPO 13 (from the NPF) which states that *'in urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected'*.

It recognises that in meeting the challenge set out above new approaches to urban planning and development are required and that securing an effective mix of uses within urban centres is critical. To bring about this increased density and increased residential development in urban centres the Guidelines state that *'significant increases in the building heights and overall density of development is not only facilitated but actively sought out and brought forward by our planning processes and particularly so at local authority and An Bord Pleanála levels'*.

The proposed development is proposing a high density of c.126 units per ha at this location taking into account the village centre location and proximity to public transport. The proposed development is providing a sustainable use, opening up this previously underused site thereby enhancing the urban centre of Howth Village and contributing positively to residential provision in this urban context.

The development is designed to be architecturally sensitive to the site location and responds to the existing urban form, proposing heights of 2-5 storeys.

#### **6.4 Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)**

The aim of these guidelines is to set out the key planning principles which should guide the delivery of residential development in urban areas. The Guidelines provide guidance on the core principles of urban design when creating places of high quality and distinct identity. The Guidelines recommend that planning authorities should promote high quality design in their policy documents and in their development management process. In this regard, the Guidelines are accompanied by a Design Manual discussed in the section below which demonstrates how design principles can be applied in the design and layout of new residential developments, at a variety of scales of development and in various settings.

The Guidelines reinforce that planning authorities *'should promote increased residential densities in appropriate locations, including city and larger town centres'* and that *'firm emphasis must be placed by planning authorities on the importance of qualitative standards in relation to design and layout in order to ensure that the highest quality of residential environment is achieved'*.

These qualitative standards have been brought through in the Design Manual as referenced above, the County Development Plan and in the Sustainable Urban Housing: Design Standards for New Apartments which have guided the design approach of the scheme. This is set out in detail in the accompanying Design Statement prepared by PLUS Architects.

In identifying appropriate locations for increased density the Guidelines note that City and town centres offer *'the greatest potential for the creation of sustainable patterns of development'* and of which in particular brownfield sites should be promoted.

Having regard to the above the Core Strategy of the Development Plan promotes the continued consolidation of the existing zoned lands and to maximise the efficient use of existing and proposed infrastructure. In this way the Council can ensure an integrated land use and transport strategy in line with national and regional policy.

To maximise the return on public transport investment the Guidelines identify that it is important that land use planning underpins the efficiency of public transport services by sustainable settlement patterns – including higher densities – on lands within existing or planned transport corridors- this includes 500 metres walking distance of a bus stop, or within 1km of a light rail stop or a rail station.

This vacant site is located within 700m walking distance to Howth Dart Station and has a Bus Connect H Spine stop directly adjacent.

## 6.5 Urban Design Manual – A Best Practice Guide (2009)

The Design Manual sets out a series of 12 criteria which it recommends should be used in the assessment of planning applications. These are listed below, with a response to each provided, and should be read in conjunction with the Architect's Design Statement.

### *Context: How does the development respond to its surroundings?*

The proposed development has been designed to respond positively to the existing established, and permitted residential communities in the area, and the proximity to Howth Village. The streetscape and buildings have been arranged to enhance the sense of connection to the village centre.

The proposal aims to provide a scheme design that creates a sustainable, liveable community within a quality landscaped environment that will also be an attractive addition to Howth Village. The development respects its setting close to the Martello Tower, a protected structure, to its north. The streetscape has been carefully designed to flow naturally from the village creating new pedestrian links from Main Street through to Balscadden Road. The architecture has been carefully considered so as to provide a modern yet sympathetic and appropriate insertion to Howth Village.

The site density is appropriately high at c.126 units per ha in this village centre location close to public transport links. Extensive roof and courtyard landscaping in addition to private balconies and terraces are provided for residents use. Public routes will be finished in high quality materials and softened with trees and herbaceous borders as appropriate.

The urban design of the scheme looks to take clues from the immediate context and the site layout is structured around forming a new street and making new connections between Howth Village and Balscadden Bay. The development encourages pedestrian and cyclist movements through enhanced permeability and will result in a high quality new residential neighbourhood in the heart of Howth.

The subject site is located in Howth Village which makes it accessible to a wide range of shops, services and bus/DART routes to the city centre. It is well connected in terms of public transport links. The proposed development has been designed to respond positively to the existing residential developments surrounding the site.

#### ***Connections: How well is the new neighbourhood / site connected?***

The subject lands are located in the centre of Howth Village, between Main Street and Balscadden Road, with access proposed from both sides, through a new high quality pedestrian and cycle route through the new development. Additionally, an existing access route is also proposed to be enhanced between Abbey St. along the bottom of the mound of the Martello Tower through to Balscadden Road, formalising this route and fully integrating it into the new development. Vehicular access to basement parking in the site will be facilitated from Main Street.

The proposed development is easily accessible to Howth Dart Station, to existing bus routes, and to Howth Village centre, and enhances connectivity within Howth Village itself by opening up this inaccessible site and connecting two principle routes in the village (Balscadden Road and Main Street).

#### ***Inclusivity: How easily can people use and access the development?***

The proposed development will be accessed by a range of means including rail, bus, car, pedestrian and bicycle. Vehicular access is present only to access basement parking, with measures taken to prioritise the pedestrian and the cyclist within the public realm.

The site is located within the heart of Howth Village, within short walking distance of retail, education, health, amenity and leisure facilities. The site is proximate to Howth Dart station connecting the site with the wider Dublin Area. Howth is also served by Dublin Bus routes, and under the Bus Connects project by Spine Route H3 with bus stops proximate to the site.

The main access point into the site is via the new vehicular, pedestrian access off Main St., with a new pedestrian – cycle route proposed through the development, and an enhancement of an existing pedestrian route to the north of the scheme, both connecting Main Street /Abbey Street to Balscadden Road. New public realm is proposed through the creation of a new public plaza in the east of the site overlooking Balscadden Bay, and an enhanced public realm on Main Street continuing through a new pedestrian route through the development.

The layout of the proposed development has been designed to enable easy access by all. Proposed apartments suit a range of people and households and are designed to be adaptable for future needs. The routes are level and footpaths sufficiently wide to accommodate all users. The site contributes new public open space to this part of Howth Village, and are clearly defined, accessible and open to all.

***Variety: How does the development promote a good mix of activities?***

In terms of residential mix, the proposed scheme provides for a good mix of unit types by providing, studio, 1-bed, 2 bed and 3- bed apartments.

The subject site will complement existing provision of mixed services in Howth Village through the delivery of a café/retail unit onto Main Street in Block D, a small scale retail unit in Block A giving onto the new pedestrian link through the development, tenant amenity at Blocks B and C, and a retail/ café unit adjacent to the new public space at Balscadden Road.

Use	Size (c. sqm)
Café / Retail	436.8
Residents Amenity / Foyer	427.1

***Efficiency: How does the development make appropriate use of resources, including land?***

It is considered that the site, given location and context, represents a significantly underutilised landbank in the centre of Howth Village. The site is located proximate to Howth DART station enabling convenient access to Dublin City Centre and other high quality public transport links.

The development aims to maximise the potential of the site by increasing the density in Howth Village, an area which is fully serviced with roads, piped infrastructure, public transport networks, schools, shops, services, restaurants etc. and by enhancing the wider environment, creating permeability through the site and enhanced connections, and conserving the views from the important areas of the landscape (Martello Tower and Balscadden Road). The proposed density is c.126 units per hectare.

The layout is designed to maximise natural sunlight, views and air into the open space. The proposed density makes efficient use of these valuable residential/town centre zoned lands and includes an appropriate quantum of public open space which will link to the wider green network of Howth. The layout and orientation of the scheme has been designed by Plus Architects to have regard to aspect and views and ensure both dwellings and areas of open space achieve light throughout the day.

Landscaped areas are designed to provide amenity and biodiversity, protecting buildings and spaces from the elements. The scheme brings a large plot of brownfield land close to the village centre back into productive use as a sustainable, new community.

The proposed development makes optimum use of pre-existing infrastructural investment including high quality public transport, roads and open space without compromising residential amenities of future or existing residents.

***Distinctiveness: How do the proposals create a sense of place?***

The proposed development will provide for a new residential quarter to Howth Village, integrated into it and contributing positively to the creation of a quality built environment in the Village. It will connect the Village from Main Street with Balscadden Bay. It will be open and accessible to the public with proposed new civic plazas which will create a sense of place for Howth Village and for residents of the new scheme.

Views into and out of the site have been carefully considered in the design process and opportunities for sea views and legibility have been fully exploited. The new public plaza proposed to the east of the development provides stunning views for the public over Balscadden Bay.

***Layout: How does the proposal create people-friendly streets and spaces?***

The layout allows for new and enhanced pedestrian connections onto proposed new public plaza areas, and to Balscadden Bay, and the Martello Tower, promoting connectivity and accessibility through safe, overlooked pedestrian routes. The layout is an extension of the existing village and sits comfortably into the existing urban grain. The proposals create a permeable, urban residential neighbourhood with public spaces and building form used to aid legibility.

Small scale retail / café facilities are proposed with the aim of drawing the public through the development and providing alternative quieter sitting and viewing spaces within Howth Village. Active frontages are employed across primary public frontages with doors directly serving the street. The streets are designed as places. Private and public spaces are clearly defined by the layout of the blocks.

***Adaptability: How will the buildings cope with change?***

Each of the proposed dwellings meets or exceeds the minimum standards for residential unit size. The development provides a mix of studios 1, 2, and 3, bedroom units that can allow for occupancy as life cycles and personal needs of each resident change. A variety of internal layouts are provided to allow for adaptability of use.

***Public Realm: How safe, secure and enjoyable are the public areas?***

The layout and design of the proposed development has been heavily influenced by the level of security and overlooking provided by the future residents. All public open space is overlooked by surrounding apartments and is designed as a usable and legible space. There is a clear definition between public and private spaces.

Traffic levels will be low, slow moving, and for access to the underground carpark or emergency use only. The design of the development has been carefully considered so as to provide a high level of passive surveillance on areas of open space and publicly accessible areas. The design of the dwellings provides for direct frontage onto all public areas ensuring the provision of a safe, secure and enjoyable residential development.

The public areas are designed to enhance views of the sea and the Martello Tower. There will be improved access to the tower with an upgraded pedestrian link at the base of the mound. The new civic plaza at the junction with Main St., and another at Balscadden Road will be valuable additions to Howth Village.

***Privacy / Amenity: How do the buildings provide a high-quality amenity?***

Each dwelling is provided with an area of useable private open space which meets or exceeds the Development Plan standards. All of the dwellings meet or exceed the Section 28 Ministerial Guidelines unit size requirements. The design of dwellings has also had due regard to the siting and orientation of the development in order to maximise the views of the sea, views onto open space, solar gain and natural light aspect of each dwelling. The design of balconies maintains a high level of privacy and amenity obtained by residents, and reduces the level of overlooking and overshadowing. The design maximises the number of homes enjoying dual aspect. Ground floor units are set back from the street and protected by both private terraces and public planting. All homes meet, and generally exceed, the Development Plan and Section 28 minimum standards.

Class 2 open space is provided through a number of well-designed public open space and wide landscaped paths/plazas throughout the scheme (See Plus Architects drawings for detailed design of the open spaces). These spaces include the Main Street Plaza and Balscadden Plaza, Linear Plaza, Martello Path. The layout is designed to maximise natural sunlight, views and air into the open space. c.1,470 sqm of landscaped high amenity public open space is provided on site, along with c.4,108 sq.m. of communal amenity space for use solely by residents. Communal open spaces are provided in large communal Courtyards in the centre of both Block C and Block B, in addition to landscaped roof terraces.

***Parking: How will the parking be secure and attractive?***

Resident car parking is provided in the basement carpark of Block B, and will have secure and managed access to residents, in accordance with the management of the proposed development.

In addition, a significant quantum of cycle spaces are provided. Secure cycle parking for residents is provided in every block, with Blocks B, C, D providing interior spaces at basement and ground floor levels. Block A bicycles can be accessed and stored in the secure exterior courtyard provided.

Flexible cycle parking for visitors and users of the proposed development is provided in the public realm for short term stays.

#### ***Detailed Design: How well thought through is the building and landscape design?***

The proposed design of the development has been subject to pre-application consultation between the design team and the Planning Authority. The design rationale from an urban design and architectural perspective is fully set out in the Design Statement prepared by Plus Architects.

The general approach to the architecture of the scheme is to consider the buildings within the context of Howth Village. The buildings scale and materiality are all considered, creating a distinctive language for the various areas of the scheme as it interfaces with Howth Village, through an individual and varied palette of materials, cognisant of the context of the adjacent Architectural Conservation Area (ACA) at Main Street / Abbey Street, and the buffer zone of the Howth SAA (Special Amenity Area), which encompasses a portion of the site to the north and east. In this regard, the Howth SAAO Design Guidelines have informed the approach to the design of the proposed development.

The building form to Main St/ Abbey St has been developed to present a simple and recognizable building to the village. The building form proposes simple windows, of vertical proportion, similar to existing traditional windows observed in the village. No balconies are proposed to this elevation, so not to introduce a façade element unfamiliar to the village vernacular.

Whilst the existing Baily Court Hotel building is past its useful life and in a poor state of repair (and proposed for demolition), the hotel was an important landmark in the village. The design approach to a replacement building is to repeat what was successful about the existing building and try to remedy what was less positive. Accordingly a building of similar scale and form is proposed:

- Pitched roofs are proposed, in natural slate, to integrate the roofscapes in to the surrounding townscape. The local vernacular of pitched roof forms is preferred over flat roofs.
- A composed and symmetrical upper level façade is presented to the main street frontage.
- A ground level café use, continuing the intense fenestration of the Baily Courts former façade is proposed.
- Window proportion and distribution respects that of its neighbours.

The elevation to Balcadden Bay frames the backdrop of a new open public space overlooking the bay. To Balcadden Bay, material usage has been determined by an analysis of materials used in Howth and Dublin's coastal architecture.

New public realm is proposed through the creation of a new public plaza in the east of the site overlooking Balcadden Bay, and an enhanced public realm on Main Street continuing through a new pedestrian route through the development.



Public open spaces comprise of landscaped plazas (east and west of the proposed development), in addition to 4 play areas, dedicated for young persons and older children. These areas include a croquet lawn, suitable for play-for-all-ages. A boules court is also proposed to the north west of the site, with chess & checkers seating points, which is again a play-for-all-age provision. The landscape design strategy is set out by Plus Architects.

Resident's courtyards and roof gardens, balconies and winter gardens, all provide quality private and semi-private amenity space for the new development.

All planting proposed is suited to the maritime environment and trees will aid as wind breaks. Surface materials flow through the development from Main Street to Balscadden Road.

Full details on the rationale for the architecture and landscape design strategy can be found in the accompanying Plus Architects Design Statement.

## 7 PROPOSED DEVELOPMENT

### 7.1 Overall Design Rationale

The vision for the subject lands is to create a richly landscaped urban setting with an efficient use of land, promoting sustainable densities, with the aim of creating a high quality residential development centred around a highly articulated public realm with complementary uses, in a manner that integrates the development into the existing community and street setting.

The lands offer a number of urban design benefits that improve connection and permeability that are proposed to be integrated into the development:

- The enabling of a new east-west connection from the Main Street/Howth Parish Church to Balscadden Bay
- The enabling of a new east-west connection from the Main Street, to the south of the Martello Tower, to Balscadden Bay
- A new public space facing over Balscadden Bay
- The delivery of new housing to the Village, with associated active frontage retail use at the Main Street

### 7.2 Height

The proposed development is designed and laid out to ensure minimal impact on adjacent residential buildings, the Architectural Conservation Area and keep below the height established by the Martello Tower.

The Development Plan contains no height restriction other than guidance in terms of heights as follows:

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

*Objective PM44 - Encourage and promote the development of underutilised infill, corner and backland sites in existing residential areas subject to the character of the area and environment being protected.*

The subject site, is currently occupied by 2 no. disused buildings, namely the Former EDROS leisure centre on Balscadden Road and The former Baily Court Hotel which is located along Main Street. The proposed development has complied with the Design Standards for Apartments. It also complies with DMS157 and Objective PM44 by promoting the re-development of Howth Village with a contemporary design which fits with the existing character of the village, and the Howth Historic Core Architectural Conservation Area (ACA).

The scheme creates a new street through an under-utilised backland site and opens up the village directly to Balscadden Bay through new plazas and a pedestrian friendly street.

The site is subject to a Specific Objective in the Fingal Development Plan - *Specific Objective 115 – ‘Ensure the layout, scale, height and design respects the high amenity status of the surrounding area, the Martello Tower and the village character’.*

Full assessment of the proposed scheme has been carried out in relation to respecting the surrounding area, village character of Howth, and the Martello Tower (a Protected Structure) to the north of the site. The proposed residential development has been designed such that it does not have an adverse effect on the character and setting of the Martello Tower. The accompanying *Architectural Heritage Impact Assessment* prepared by Historic Building Consultants assesses the proposed development in relation to sensitive receptors in the surrounding area, and in relation to the Village Core ACA.

The proposed demolition of the Baily Court Hotel has been fully considered in this proposed development and is assessed in the Architectural Heritage Impact Assessment, as previously referenced. The design of the buildings to be erected on the site of the former hotel and its outbuildings has been carefully considered in order to blend the new buildings in with the character of the street and the character of the former hotel.

Please see relevant reports enclosed, including PLUS Architecture Design Statement, Architectural Heritage Impact Assessment prepared by Historic Building Consultants, Landscape & Visual Impact Assessment (Chapter 10 of

EIAR), and Site Planning for Daylight and Sunlight – BRE Daylight & Sunlight Assessment, prepared by JVTierney.

### 7.3 Density

The Development Plan includes for the following objective:

*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.*

The scheme proposes higher densities due to its location in Howth Village Core and its good transport links including the DART and Bus Connect H Spine bus stops. The net density proposed is c.126 units per ha. A fine grain, active frontages and the incorporation of commercial and community facilities all help secure the development as an extension of the existing village core. Objective PM41 encourages higher densities in appropriate locations. It is considered this location in Howth Village complies with this objective and provides for the appropriate use of valuable Town Centre zoned and serviced lands.

### 7.4 Residential Accommodation

The proposed scheme comprises 180 units, with a mix of generously sized studio, 1, 2 and 3 bed residential units. The proposed scheme provides the following unit mix:

- Studios- 4 total- 2.2%
- 1 beds – 62 total- 34.4%
- 2 beds – 89 total- 49.4%
- 3 beds – 25 total-13.9 %

The buildings have been positioned to ensure minimal overshadowing, which will provide ground floor apartments and open spaces with good levels of daylight.

The variety of apartment blocks types, lengths and heights will create a sense of place, visual interest and variety.

The buildings will have their own identity and the inclusion of shared tenant amenity facilities will foster a sense of community.

### 7.5 Other Uses and Ground Floor Units/Active Uses

The scheme also provides for non-residential uses including tenant amenity and other uses which will provide primarily for the needs of future residents but also some local services for existing residents, and will complement the offering provided in Howth.

The proposed development entails the following non-residential uses:

Use	Size (sqm)
Café/Retail Unit	187.7
Café/ Retail Unit	142.7
Retail Unit	106.4

Amenity Space is distributed in Block B & C. Ground floor amenity spaces have associated external break out terraces and central courtyards. Informal seating areas will be provided throughout the proposed development.

## 7.6 Open Space & Public Realm

### *Open Space Provision*

The proposed development proposes c.1,470sqm ha of public open space, meeting FCC requirements on public open space provision under Objective DMS57A (10% of site area of 1.43 ha).

Section 12.7 of the Development Plan states *“For all developments with a residential component, the overall standard for public open space provision is a minimum 2.5 hectares per 1000 population. In order to provide existing and future communities with adequate recreational and leisure opportunities, the Council will employ a flexible approach to the delivery of public open space and more intensive recreational/ amenity facilities. It is the intention of the Council, however, to ensure, except under exceptional circumstances, public open space provision exceeds 10% of a development site area.”* This requirement is met as part of this proposed development. The Development Plan further states that the Council has discretion to accept a financial contribution in lieu of remaining open space requirement, required under Table 12.5 of the Plan.

The proposal provides Class 2 Public Open Space on site in the form of landscaped plazas onto both Main Street and Balscadden Road, and a new public pedestrian zone linking Main St. / Abbey St. and Balscadden Road which will be landscaped and lined with water features and sculptures (see Plus Landscape Design Statement for further details).

Class 1 Open Space is not provided for on this site due to its village centre location, and instead, it is proposed to make a payment in lieu of Class 1 open space as per Objective PM53 of the Development Plan, as per below:

### **Objective PM53**

*Require an equivalent financial contribution in lieu of open space provision in smaller developments where the open space generated by the development would be so small as not to be viable.*

The public open space provision proposed in this development will be managed by a management company and is not intended to be taken in charge by Fingal County Council.

The proposed development also entails a large quantity of semi-private open space. See section 7.8.1 below for further details of communal open space.

Please see PLUS Design Statement, Section 5, for further detail in relation to the provision of open space in the proposed development, and the Landscape Design Statement for further details.

## 7.7 Access, Car & Cycle Parking

The *Sustainable Urban Housing, Design Standards for New Apartments* seek to minimise car-parking in accessible locations and to maximise a modal shift to public transport due to proximity to public transport routes, in particular the DART and Dublin Bus at this location.

The proposed development provides for 139 no. residents' car parking spaces at a ratio of 0.77 spaces per apartment. The 0.77 spaces per unit is below the Development Plan requirement of 1 per unit however given the density of the proposed residential development, the urban setting of the development, and given the close proximity of the Howth Railway Station, the adjacent bus stops this proposed quantum of car parking is considered appropriate and is in accordance with the new national guidelines for reduced parking set out in *Sustainable Urban Housing: Design Standards for New Apartments*.

This is considered further in the accompanying Traffic and Transport Assessment and Residential Travel Plan Report prepared by Waterman Moylan.

In addition high-quality cycle parking and associated facilities are provided in the proposed development with a total of 410 no. cycle spaces provided for residents (319 spaces) and visitors (91 spaces). Residents parking is provided in secure locations, at both basement at ground level, in addition to visitor spaces located throughout the landscaped open space in the scheme providing easy access for visitors. Bicycle parking provision is also in line with Government Guidelines as set out above, exceeding Fingal Development Plan requirements.

The proposed residential development will promote sustainable travel patterns due to its location, layout, design and proximity to the public transport and cycle networks. These are complemented with a Residential Travel Plan and the appointment of a Mobility Manager to promote sustainable travel patterns by residents.

The proposed residential development is located such that it will not have any traffic impact on the existing residential development in the area. The access and

internal layout is designed in accordance with DMURS and includes for good permeability and will promote and facilitate sustainable travel patterns as part of the overall development.

See the accompanying Waterman Moylan Travel Plan and Traffic and Transport Assessment.

## 7.8 Residential Development Standards

The proposed development is fully in compliance with the Fingal County Council Development Plan Standards, as set out in Chapter 12, and where superseded by the *Sustainable Urban Housing: Design Standards for New Apartments-Guidelines for Planning Authorities* of December 2020.

This section of the Planning Report sets out compliance with these standards in tandem with the detail set out in the Housing Quality Assessment Table (HQA) prepared by PLUS Architects which is included with this SHD Application.

### 7.8.1 Residential Quality Standards

#### Unit Mix

The proposed mix is in compliance with the unit mix requirements of SPPR 1 of the Apartment Design Guidelines which states:

#### SPPR 1

Apartment developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms.

The proposal includes the following mix:

- Studios- 4 total- 2.2%
- 1 beds – 62 total- 34.4%
- 2 beds – 89 total- 49.4%
- 3 beds – 25 total-13.9 %

#### Floor Areas

The proposed floor areas are in compliance with the amended mix requirements of SPPR 3 of the Guidelines which states:

#### SPPR 3

Minimum Apartment Floor Areas:

- |                                   |         |
|-----------------------------------|---------|
| • Studio apartment (1 person)     | 37 sq.m |
| • 1-bedroom apartment (2 persons) | 45 sq.m |
| • 2-bedroom apartment (4 persons) | 73 sq.m |
| • 3-bedroom apartment (5 persons) | 90 sq.m |

The proposed residential units meet or exceed the minimum standards for apartment sizes. All units are above minimum floor standards.

Further it is a requirement that the majority of all apartments in any proposed scheme of 10 or more apartments shall exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types, by a minimum of 10% (any studio apartments must be included in the total, but are not calculable as units that exceed the minimum by at least 10%).

Compliance with minimum aggregate floor areas and widths for living/dining/kitchen rooms and bedrooms is outlined in the HQA as prepared by PLUS Architects, and submitted with this documentation.

### **Private and Communal Amenity Space**

The Guidelines state that private amenity space shall be provided in the form of gardens or patios / terraces for ground floor apartments and balconies at upper levels. Where provided at ground floor level, private amenity space shall incorporate boundary treatments appropriate to ensure privacy and security.

Where balconies or terraces are provided, they should be functional, screened with opaque material, have a sunny aspect, and be of a minimum depth of 1.5m.

The Guidelines require the following minimum balcony sizes:

- Studio 4 sq.m
- 1-bed 5 sq.m.
- 2-bed 7 sq.m.
- 3-bed 9 sq.m.

The proposed balconies meet or exceed the minimum standards for private open space.

The Guidelines also require that communal amenity space must be provided within a scheme which can be in the form of courtyards, roof gardens etc. In addition, in larger schemes communal internal spaces are to be provided for residents use only i.e. multi-purpose rooms, cinema rooms, gym etc. The PLUS Design Statement sets this out further.

The Guidelines require the following minimum communal open space areas:

- Studio 4 sq.m
- 1-bed 5 sq.m.
- 2-bed 7 sq.m.
- 3-bed 9 sq.m.

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Apartment type	No. apartments	msq		Area requirement
Studio	4	4		16
1 bed	62	5		310
2 bed	89	7		623
3 bed	25	9		225
Total				1174

Communal Open Space	msq
Block B Third Flr Roof Terrace	816
Block B Fourth Flr Roof Terrace	856
Block B Games Lawn	390
Block B Childrens play area	315
Block B Open Space	1281
Block C Courtyard	450
Total	4108

The total communal open space provision for the development is therefore c.4,108sq.m, which exceeds requirements.

The proposed development also proposes internal tenant amenity which totals c. 427sqm in size within the building envelopes of Block B and C.

### Play Provision

Play provision is based on the requirements of the Sustainable Urban Housing: Design Standards for New Apartments (2020) which state at Section 4.13 of these guidelines: *“Children’s play needs around the apartment building should be catered for.....:*

- *within small play spaces (about 85-100sq. metres) for the specific needs of toddlers and children up to the age of six, with suitable play equipment, seating for parents/guardians, and within sight of the apartment building, in a scheme that includes 25 or more units with two or more bedrooms; and*
- *within play areas (200-400 sq. metres) for older children and young teenagers, in a scheme that includes 100 or more apartments with two or more bedrooms”.*

The proposed play provision in this development comprises over 700sqm of play area for younger and older children, and for all ages, in appropriate locations offering a variety of play types, therefore meeting the requirements set out. Please see Plus Architectural Design Statement and Landscape Design Statement for further details.



## Separation Distances

Chapter 12 of the Development Plan, in respect of Separation Distances, states that:

Objective DMS28 of the Development Plan states that:

*All proposals for residential development, particularly apartment developments, over three storeys high, shall provide for acceptable separation distances between blocks to avoid negative effects such as excessive overlooking, overbearing and overshadowing effects and provide sustainable residential amenity conditions and open spaces. The minimum standard distance of 22 metres between opposing windows will apply in the case of apartments up to three storeys in height. **In taller blocks, a greater separation distance may be prescribed having regard to the layout, size and design. In certain instances, depending on orientation and location in built-up areas, reduced separation distances may be acceptable. Any relaxing of standards will be assessed on a case-by-case basis and should not be seen as setting a precedent for future development [our emphasis].***

*A separation distance of a minimum of 22 metres between directly opposing rear first floor windows shall generally be observed unless alternative provision has been designed to ensure privacy. In residential developments over 3 storeys, minimum separation distances shall be increased in instances where overlooking or overshadowing occurs.*

- New East-West Street

The new east-west internal street provides for a pedestrian / cycle route linking Main St with Balscadden Road. It is designed as an urban street that is subject to passive surveillance from surrounding residential units ensuring a safe environment throughout the day. The urban street form is designed to fit with the core of Howth village, providing a street width that varies from c.16.5m to c.18m in width, complementing the streetscape of the urban core of the village. In line with the Howth Urban Centre Strategy (FCC 2008), it seeks to enhance “*the vitality and viability of the village whilst having regard to the special historic and architectural character of the area and its special amenity and tourism value*”. Its east-west axis allows strong sunlight to penetrate into the street, while providing a quality pedestrian environment. It is considered that the new internal street provides a quality urban and living environment while not meeting the separation distances of 22 metres between residential buildings, however it is considered that this is appropriate given the urban nature of this route in the core of the village.

- The western boundary of the site is characterised by extreme topographical change and heavy planting. The indicated separation distance from Block B to the rear of the buildings on Abbey St. / Main St. varies from c.21.35m to over c.26.88m. Given the boundary interface here, it is considered that the separation distances set out are appropriate and do not impact on the existing built fabric.

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- The northern boundary of Block B is set back from the existing public link from Abbey Street to Balscadden Road, yet provides for passive surveillance and an improved interface with this link, in terms of built and landscape interventions.

### **Storage**

The Guidelines states that minimum storage requirements must be met as follows:

- Studio            3 sq.m
- 1-bed            3 sq.m.
- 2-bed            6 sq.m.
- 3-bed            9 sq.m.

The proposed residential units meet or exceed the minimum standards for storage areas.

### **Aspect**

With regards to dual aspect units the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020) in Section 3.17 require that a minimum of 33% of the overall number of units in a scheme should be dual aspect *'in more central and **accessible and some intermediate locations**, i.e. on sites near to city or town centres, **close to high quality public transport** or in SDZ areas, or where it is necessary to ensure good street frontage and subject to high quality design' (our emphasis).*

While SPRR4 states *'In relation to the minimum number of dual aspect apartments that may be provided in any single apartment scheme, the following shall apply: (i) A minimum of 33% of dual aspect units will be required in more central and accessible urban locations, where it is necessary to achieve a quality design in response to the subject site characteristics and ensure good street frontage where appropriate'.*

The Development Plan standards state that apartment units shall be provided with a good level of daylight and sunlight which contribute to a high quality living space.

Additionally the 2020 Guidelines state at Section 3.18 that *"Where single aspect apartments are provided, the number of south facing units should be maximised, with west or east facing single aspect units also being acceptable. Living spaces in apartments should provide for direct sunlight for some part of the day. North facing single aspect apartments may be considered where overlooking a significant amenity such as a public park, garden or formal space or a water body or some other amenity feature."*

The proposed scheme is in compliance with, and exceeds, the requirements of Section 3.17 and SPPR 4 of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020) by providing for c.50.6% of dual aspect units on this highly accessible site which sits integrated with the existing Howth Village.

### **Floor to Ceiling Heights**

The proposed mix is in compliance with the amended mix requirements of SPPR 5 of the Guidelines which states:

#### **SPPR 5**

Ground level apartment floor to ceiling heights shall be a minimum of 2.7m and shall be increased in certain circumstances, particularly where necessary to facilitate a future change of use to a commercial use. For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, planning authorities may exercise discretion on a case-by-case basis, subject to overall design quality.

The Guidelines identify that 2.4m is standard good practice however 2.7m would be a minimum standard for ground floor apartments but a higher ground floor should be considered where apartments are not proposed at ground level.

The proposed scheme has ground floor, floor to ceiling heights of c.2.9m with all floors at c.2.6m.

Detailed daylight assessment has been carried out on the proposed development by JVTierney, and is outlined in greater detail in their Site Planning Daylight & Sunlight Report accompanying this SHD application to ABP.

### **Lift and Stair Cores**

The proposed mix is in compliance with the amended mix requirements of SPPR 6 of the Guidelines which states:

#### **SPPR 6**

*A maximum of 12 apartments per floor per core may be provided in apartment schemes. This maximum provision may be increased for building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, subject to overall design quality and compliance with building regulations.*

The proposed development has sought to minimise the number of cores and maximise the number of apartments off each and the number of units per core are in compliance with the standards.

### **Internal Space Configuration**

Minimum internal space requirement for living/dining/kitchen rooms and bedrooms are set out in the Development Plan. Compliance with the internal

room's sizes is demonstrated in the Housing Quality Assessment Table included in the PLUS Architects Design Statement. It is set out that all of the proposed units meet or exceed the Guidelines requirements.

### 7.9 Childcare Facilities

The Guidelines for Planning Authorities on Childcare Facilities (2001) indicate that Development Plans should facilitate the provision of childcare facilities in appropriate locations. These include larger new housing developments where planning authorities should require the provision of a minimum of one childcare facility with 20 places for each 75 dwellings.

However the *Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities* state that:

*'Notwithstanding the Planning Guidelines for Childcare Facilities (2001), in respect of which a review is to be progressed, and which recommend the provision of one child-care facility (equivalent to a minimum of 20 child places) for every 75 dwelling units, the threshold for provision of any such facilities in apartment schemes should be established having regard to the scale and unit mix of the proposed development and the existing geographical distribution of childcare facilities and the emerging demographic profile of the area. One-bedroom or studio type units should not generally be considered to contribute to a requirement for any childcare provision and subject to location, this may also apply in part or whole, to units with two or more bedrooms'.*

The proposed scheme contains c.36.6% studios & one bed units which, as per the above, should be discounted in the calculation of the requirement for childcare provision, resulting in 114 no. 2 and 3-beds as the basis for the calculation in the provision of childcare places.

Given the scale of development existing, under construction and permitted for the area, an assessment of the childcare provisions was carried out as part of this development assessment. The Childcare Facilities Assessment found that there are a number of crèches operating in the area and a number of new crèches permitted in the area.

As such it is considered that no crèche is required for this development. Please see the Schools Demand and Childcare Facilities Assessment submitted with this documentation.

### 7.10 Sunlight and Daylight

The overall configuration and design of the proposed development has been influenced by the need to achieve the best possible levels of sunlight and daylight penetration into the development. The proposed orientation of the blocks

represents the best response to the site context in terms of day light and sunlight availability as a result of the density and height proposed.

Preliminary Daylight and Sunlight assessment has been carried out on the proposed development by JVTierney, and is outlined in greater detail in their accompanying BRE Daylight & Sunlight Assessment Report.

The testing methodology for the Proposed Development and the surrounding properties consists of reviewing the potential impact against the following criteria:

- A. Light from the Sky (VSC)
- B. Amenity Area Sunlight Analysis
- C. Loss of Sunlight
- D. Average Daylight Factor (ADF)
- E. Garden Analysis
- F. Overshadowing Assessment

The analysis confirms that across the entire development excellent levels of internal daylight are achieved. A comprehensive assessment of the above testing is set out in the JVTierney Report including responses to specific items raised by An Bord Pleanala and Fingal County Council.

## **8 PART V REQUIREMENTS**

The proposed scheme has been designed in a manner to ensure an appropriate mix and location of Part V units in the proposed development. The Part V units are identified and proposed to be incorporated into the scheme. It is proposed to develop 180 no. units at the site and the applicant proposes 18 no. Part V units with a mix of unit types. See Plus Architects Design Statement and Part V Pack for further details.

The applicant has engaged with Fingal County Council and a letter from Fingal County Council is included as part of the Part V pack in this regard.

## **9 ENVIRONMENTAL CONSIDERATIONS**

### **9.1 APPROPRIATE ASSESSMENT**

An Appropriate Assessment (AA) Screening Report and Natura Impact Statement is submitted to An Bord Pleanala with this Strategic Housing Development Planning Application prepared by Enviroguide. This screening report concludes that as the likelihood of significant effects on European sites cannot be excluded and a Natura Impact Statement (NIS) has been prepared for the Proposed Development.

The NIS assesses the impact of the project (alone and in combination with other projects) on the integrity of the European sites, having regard to the conservation

objectives of the sites. The NIS concludes that a result of the complete, precise and definitive findings in of the NIS, it has been concluded, beyond reasonable scientific doubt, that the Proposed Development will have no adverse effects on the qualifying interests, special conservation interests and on the integrity and extent of Howth Head SAC and Howth Head Coast SPA. Accordingly, the Proposed Development will not adversely affect the integrity of any relevant European site.

## 9.2 ENVIRONMENTAL IMPACT ASSESSMENT REPORT

The revised 2014 EIA Directive (Directive 2014/52/EU amending Directive 2011/92/EU) uses the term environmental impact assessment report (EIAR) rather than the previous environmental impact statement (EIS). Where current national guidelines and regulations refer to an Environmental Impact Statement or EIS, this can be taken to mean an Environmental Impact Assessment Report (EIAR).

Projects requiring environmental impact assessment are listed in Parts 1 and 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended).

Schedule 5, Part 2 of the Planning Regulations defines projects that are assessed on the basis of set mandatory thresholds for each of the project classes including:

"Schedule 5, Part 2 - Infrastructure projects  
10(b)(i) Construction of more than 500 dwelling units.

As the number of dwelling units proposed is less than 500, the Proposed Development does not require a mandatory EIA. In the circumstances, although a mandatory EIA is not triggered for the Proposed Development, if it is likely to have a significant effect on the environment, having regard to the criteria set out in Schedule 7, an EIA will be required. The criteria set out in Schedule 7 require regard to be had to:

- The characteristics of the Proposed Development;
- The location of the Proposed Development; and
- The characteristics of potential impacts.

Having regard to those criteria and the matters more particularly set out in Schedule 7, and considering the features of this site, an EIAR has been prepared to accompany the Strategic Housing Development application to An Bord Pleanála.

## 10 CONCLUSION

It is respectfully submitted that the proposed development will provide an appropriate form of high quality residential development for this zoned vacant site. This Planning Report demonstrates that the proposed development is in

accordance with recent Government guidance in relation to the delivery of apartment developments, *Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities*, December 2020 (Dept Housing, Planning & Local Government), Fingal County Development Plan 2017-2023, and with the proper planning and sustainable development of the area.

In conclusion, it is respectfully submitted that the proposed development is consistent with the proper planning and sustainable development of the area, and with all relevant national, regional and local planning policies and guidelines and given that it will deliver housing and important public realm/accessibility routes to Howth that the development as presented constitutes an application which should be permitted by An Bord Pleanála.





## **APPENDIX 1- NPWS CORRESPONDANCE**



## Shaun Thorpe

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**From:** Shaun Thorpe  
**Sent:** Monday 1 November 2021 15:01  
**To:** natureconservation@housing.gov.ie  
**Subject:** RE: Howth Head SAC Anomaly

Good afternoon Michael,

Further to your response to my colleague below.

Many thanks for your assistance to date on this, and your response below, which has been very useful.

Would it be possible to get the response in the form of a letter? No change to any of the wording, just as presented below.

Please give me a call on the mobile number below if you have any queries on this.

---

**From:** natureconservation <[natureconservation@housing.gov.ie](mailto:natureconservation@housing.gov.ie)>  
**Sent:** Tuesday 23 March 2021 14:17  
**To:** Niall O'Byrne <[niall.obyrne@marlet.ie](mailto:niall.obyrne@marlet.ie)>  
**Cc:** Shaun Thorpe <[shaun.thorpe@marlet.ie](mailto:shaun.thorpe@marlet.ie)>  
**Subject:** RE: Howth Head SAC Anomaly

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognise the sender and know the content is safe.

Hi Niall,

I forwarded your email to our mapping unit and they have replied as follows:

*As outlined in my previous correspondence cSAC boundaries mapped on Irish Grid/reduced scale six-inch maps should not be overlain on satellite/ortho imagery as the cSAC boundaries may not align correctly with the intended features. The boundary for Howth Head cSAC 202 in the area highlighted in the query below is Balscadden Road – neither the road or the carpark shown in the images below were mapped for inclusion within Howth Head cSAC 202. NPWS are transferring the boundaries of all sites, including Howth Head cSAC 202, from Irish Grid to ITM/1:5000 maps prior to the production of Statutory Instruments.*

Hope this clear it up.

Regards,  
Michael.

Michael O'Donnell  
Designations Unit

Seirbhís Páirceanna Náisiúnta & Fiadhúlra  
National Parks & Wildlife Service

**An Roinn Tithíochta, Rialtas Áitiúil agus Oidhreacht**  
Department of Housing, Local Government and Heritage

90 Sráid an Rí Thuaidh, Baile Átha Cliath 7, D07 N7CV.  
90 King Street North, Dublin 7, D07 N7CV

—  
[www.gov.ie](http://www.gov.ie)

**From:** Niall O'Byrne [<mailto:niall.obyrne@marlet.ie>]  
**Sent:** Tuesday 23 March 2021 11:10  
**To:** natureconservation <[natureconservation@chg.gov.ie](mailto:natureconservation@chg.gov.ie)>  
**Cc:** Shaun Thorpe <[shaun.thorpe@marlet.ie](mailto:shaun.thorpe@marlet.ie)>  
**Subject:** RE: Howth Head SAC Anomaly

Hi Alison.

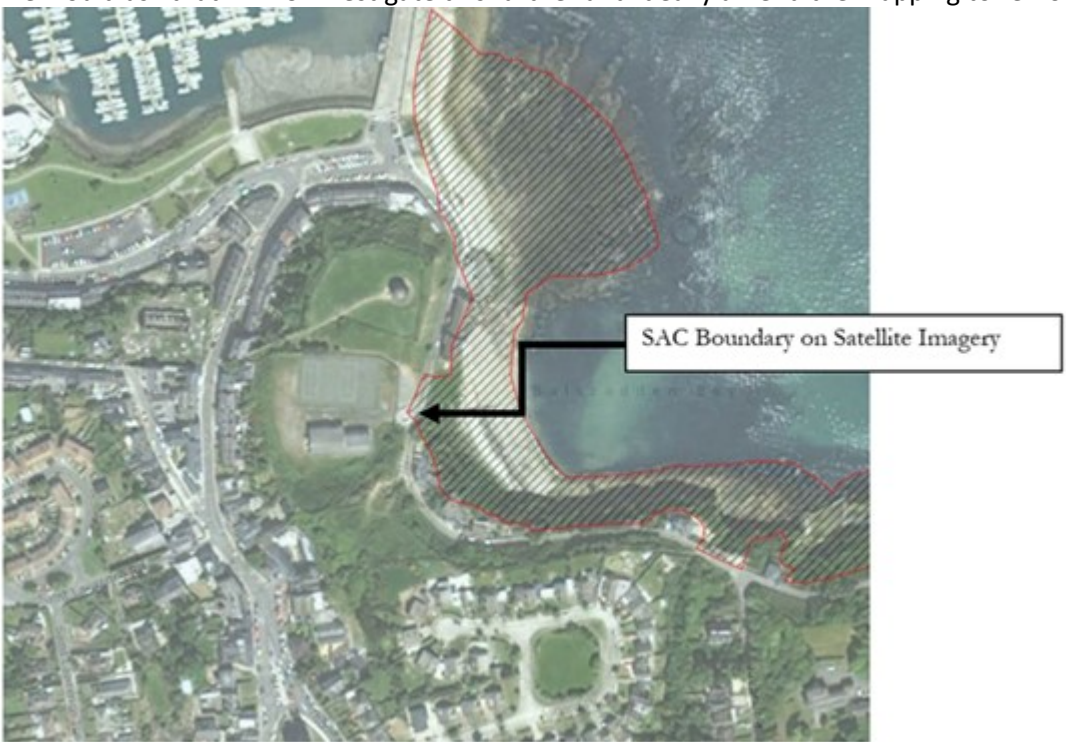
Thanks for your response regarding the below anomaly with the Howth Head SAC boundary. I note your email that the transfer of the Howth Head cSAC 202 boundary from Irish Grid to ITM/1:5000 map base is currently being processed.

However I'm not sure this will fix the anomaly we're reporting. The initial drawing error relates to a specific location.

This anomaly of the SAC boundary that includes a section of Balscadden Road and the houses in this area appears to directly relate back to a drawing error on a historic OSi Cassini 6 inch raster mapping where the coastline was drawn too far inland. It appears that the digitising of the SAC boundary followed the historic mapping error which was inland of the intended boundary location. I enclose a note explaining this further.

We believe the inclusion of the section of the Balscadden Road highlighted below is an administrative error and does not encompass any features of interest related to the SAC. The SAC boundary should therefore be amended. The protrusion of the SAC boundary shown below extends to a part of the Balscadden Road with no features of interest and comprising a car parking area.

We would ask that NPWS investigate this further and ideally amend the mapping to remove the anomaly.



**Figure B.** Existing SAC boundary on satellite imagery.



Kind Regards,  
Niall

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**From:** natureconservation <[natureconservation@chg.gov.ie](mailto:natureconservation@chg.gov.ie)>  
**Sent:** Monday 25 January 2021 12:24  
**To:** Niall O'Byrne <[niall.obyrne@marlet.ie](mailto:niall.obyrne@marlet.ie)>  
**Subject:** RE: Howth Head SAC Anomaly

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognise the sender and know the content is safe.

Dear Niall,

The boundaries for all cSAC sites, including Howth Head cSAC 202, were mapped using Irish Grid co-ordinates on reduced scale six-inch maps.  
NPWS are transferring the boundaries of all sites, including Howth Head cSAC 202, from Irish Grid to ITM/1:5000 maps prior to the production of Statutory Instruments.  
The transfer of the Howth Head cSAC 202 boundary from Irish Grid to ITM/1:5000 map base is currently being processed and it is envisaged that this will be completed in the coming weeks.  
Note – cSAC boundaries mapped on Irish Grid should not be overlain on other co-ordinate systems/ortho images as they will not align correctly.

Yours sincerely

**Alison Joyce**  
*Higher Executive Officer*  
**Aonad Ainmniúchán, Seirbhís Páirceanna Náisiúnta 7 Fiadhúlra**  
Designations Unit, National Parks & Wildlife Service  
**An Roinn Tithíochta, Rialtas Áitiúil agus Oidreacht**  
Department of Housing, Local Government and Heritage  
**90 Sráid an Rí Thuaidh, Margadh na Feirme, Baile Átha Cliath 7, D07 N7CV**  
90 King Street North, Smithfield, Dublin 7, D07 N7CV  
T +353 (0)1 888 3216  
[www.npws.ie](http://www.npws.ie)

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**From:** Niall O'Byrne [<mailto:niall.obyrne@marlet.ie>]  
**Sent:** Friday 22 January 2021 16:30

**To:** natureconservation <[natureconservation@chg.gov.ie](mailto:natureconservation@chg.gov.ie)>  
**Subject:** Howth Head SAC Anomaly

Dear Sirs,

Please see below details of what we understand to be an error with the Howth Head SAC mapping. Could you direct me to the relevant contact in the NPWS?

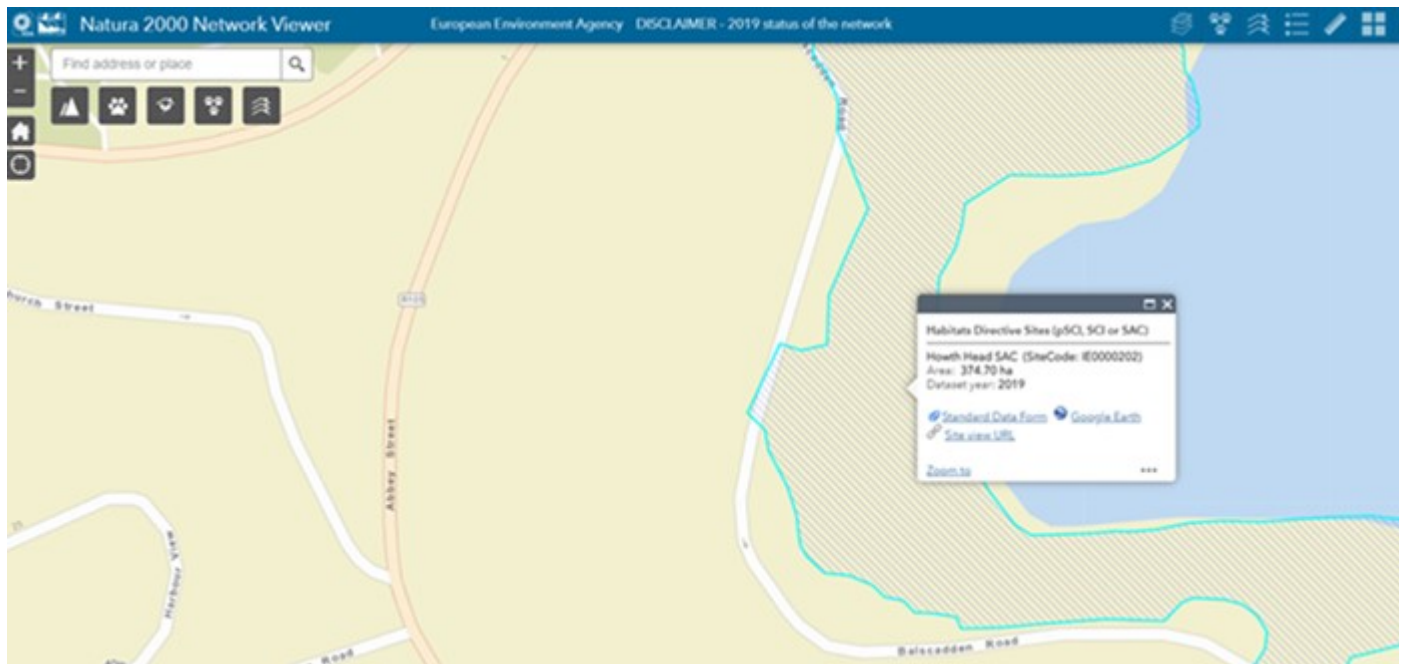
Balscadden GP3 Limited own a site in Howth between Main Street and Balscadden Road, Howth, Dublin 13. The Howth Head SAC is located nearby to the east of the site (see map below). The SAC was designated November 1996. The boundary of Howth Head SAC includes a section of Balscadden Road, several houses on Balscadden Road and a vegetated slope leading to Balscadden Bay. We understand the inclusion of this section of the Balscadden Road is an error.

This anomaly of the SAC boundary that includes a section of Balscadden Road and the houses in this area appears to directly relate back to a drawing error on a historic OSi Cassini 6 inch raster mapping where the coastline was drawn too far inland. It appears that the digitising of the SAC boundary followed the historic mapping error which was inland of the intended boundary location. I enclose a note explaining this further.

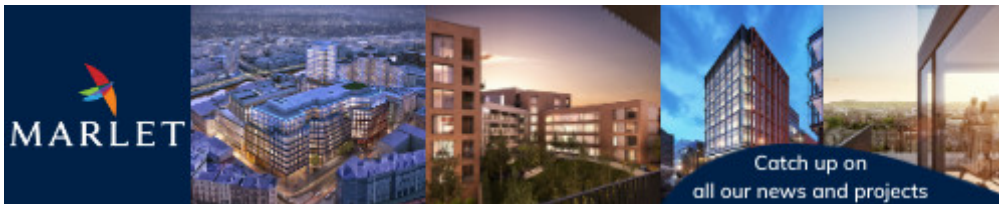
We refer to the FAQ section on the European Commission’s website related to Natura 2000 sites: [https://ec.europa.eu/environment/nature/natura2000/faq\\_en.htm#](https://ec.europa.eu/environment/nature/natura2000/faq_en.htm#) Question 9 states ‘Sites for which it appears that the initial designation or delimitation was based on erroneous scientific information can be modified or delisted. Any proposal for such modification by a Member State will only be authorised by the Commission if it is scientifically duly underpinned’.

We believe the inclusion of the section of the Balscadden Road highlighted below is an administrative error and does not encompass any features of interest related to the SAC. The SAC boundary should therefore be amended. As the body charged with managing these sites we request the NPWS to begin the process of amending the SAC boundary map.

Thank you in advance for examining this request. Feel free to contact me with any queries you may have.



**Niall O'Byrne**  
Senior Planner  
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