



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-304386-19

Strategic Housing Development

Demolition of existing house and ancillary building. Residential development of 196 no. apartments, crèche and gym.

Location

Balroy House, Carpenterstown Road
Dublin 15.

Planning Authority

Fingal County Council

Prospective Applicant

Glenveagh Homes Limited

Date of Consultation Meeting

13th June 2019

Date of Site Inspection

3rd June 2019

Inspector

Sarah Moran

1.0 Introduction

- 1.1. Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

2.0 Site Location and Description

- 2.1. The site is located on Carpenterstown Road in Castleknock, c. 200m north west of the M50. The area is predominantly suburban housing estates. This stretch of Carpenterstown Road still retains some of the character of a country road with hedgerows and mature trees, however there are several recent developments across the road including Cottonwood immediately opposite the site and Fottrell Hall to the east, both characterised by large, detached houses. The Diswellstown development lies to the south of the site with a more compact mix of houses and apartment blocks. The site is within an area designated as a High Sensitivity Landscape in the Landscape Character Assessment of the Fingal County Development Plan. St. Patrick's NS is c. 900m walk to the south west of the site. Castleknock Community College is a 1.5 km walk to the north and neighbourhood retail provision approximately 650m to the west. The subject site is a c. 1.2 km walking distance from Coolmine train station and c. 500 m from a No. 37 bus stop.
- 2.2. The site has a stated area of 1.77 ha and is occupied by an existing house and associated outbuilding / stables. There are 2 no. vehicular access / egress points to Carpenterstown Road, one at the centre of the site frontage and the other at the western end of the road frontage. There is a substantial amount of mature trees on the site, particularly around the site boundaries. The hedgerow at the road frontage of the site forms the boundary between the townlands of Carpenterstown and Diswellstown. The eastern site boundary contains a drainage ditch with a hydrological connection to the River Liffey.

3.0 Proposed Strategic Housing Development

3.1. The development comprises the demolition of the existing buildings on the site and the construction of 196 no. apartments in 5 no. 5 storey buildings as follows:

Apt Type	No. of Units	%
1 bed	67	34%
2 bed	107	55%
3 bed	22	11%
Total	196	

The development has a stated net residential density of 110 units/ ha.

3.2. The development also involves:

- Ancillary facilities at ground floor level of Block A comprising a crèche (180 sq.m., 34 no. childcare places), gym (140 sq.m.), amenity facility (48 sq.m.) and security office (24 sq.m.).
- Retention of 2 existing access points into the site from Carpenterstown Road
- Provision of 252 car parking spaces (99 surface, 153 basement) and 352 cycle parking spaces (128 surface, 224 basement)
- Ground and landscaping works. The development will involve the removal of c. 80 trees out of c. 163 trees at the site.
- Part V proposals comprising transfer of 20 no. apartments on site, all located in Block D.

4.0 Planning History

4.1. FW/12A/0054

4.1.1. Permission granted for a 151 bedroom 2 and 3 storey nursing home including modifications to, partial demolition of, and change of use of the existing 2 storey house to accommodate reception, social, consultation and treatment rooms; 2 story glazed links to 2 blocks; Block A (3 storey and part basement) accommodating chapel, mortuary, 77 bedrooms; Block B (3 storey) accommodating total 64

bedrooms, kitchen and ancillary facilities; 2 storey service annexe; demolition of existing caretakers dwelling and stables (single storey); modifications to existing entrances; 61 no. parking spaces. Subject to 13 conditions.

4.1.2. Extension of duration until 22nd December 2022 FW12A/0054/E1

5.0 National and Local Planning Policy

5.1. Section 28 Ministerial Guidelines

5.1.1. Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant section 28 Ministerial Guidelines and other national policy documents are:

- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual') (2009)
- 'Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities' (2018)
- 'Design Manual for Urban Roads and Streets' (2013)
- 'Urban Development and Building Heights – Guidelines for Planning Authorities' (2018)

5.2. Fingal County Development Plan 2017-2023

5.2.1. The subject site is zoned 'RS' - '*Provide for residential development and protect and improve residential amenity*'. The stated vision for RS zoning is to ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity.

5.2.2. The site is located within the River Valley and Canal Landscape Character Type which is considered to have a high landscape value and high landscape sensitivity. The following landscape character objectives apply:

Objective NH34: Ensure development reflects and, where possible, reinforces the distinctiveness and sense of place of the landscape character types, including the retention of important features or characteristics, taking into account the various elements which contribute to their distinctiveness such as geology and landform,

habitats, scenic quality, settlement pattern, historic heritage, local vernacular heritage, land-use and tranquillity.

Objective NH36: Ensure that new development does not impinge in any significant way on the character, integrity and distinctiveness of highly sensitive areas and does not detract from the scenic value of the area. New development in highly sensitive areas shall not be permitted if it:

- *Causes unacceptable visual harm;*
- *Introduces incongruous landscape elements;*
- *Causes the disturbance or loss of landscape elements that contribute to local distinctiveness,*

historic elements that contribute significantly to landscape character and quality such as field or road patterns, vegetation which is a characteristic of that landscape type and

(iv) the visual condition of landscape elements.

Objective CH34 Seek the retention of surviving historic plot sizes and street patterns in the villages and towns of Fingal and incorporate ancient boundaries or layouts, such as burgage plots and townland boundaries, into re-developments.

5.2.3. Also the following development management standards apply:

Objective DMS80: Ensure trees, hedgerows and other features which demarcate townland boundaries are preserved and incorporated where appropriate into the design of developments.

DMS84 Ensure trees removed from residential areas are replaced, where appropriate, as soon as resources allow.

6.0 Forming of the Opinion

6.1. Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the planning authority submissions and the discussions which took place during the tripartite consultation meeting. I shall provide a brief detail on each of these elements hereunder.

6.2. Documentation Submitted

- 6.2.1. The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. This information included, inter alia, the following:

Completed application form; Irish Water letter Confirmation of Feasibility dated 3rd December 2018; Part V proposals; Site Location Map, Site Layout Maps, Architectural Drawings; Building Life Cycle report; Design Statement; Statement of Consistency with Planning Policy; Environmental Report/EIAR Screening; Landscape Masterplan and Landscape Design Statement; Tree Report; LVIA; Photomontages; Engineering Drawings and Engineering Services Report (including Flood Risk Assessment and DMURS compliance); Traffic Impact Assessment; Outline Construction Management Plan; Construction Waste Management Plan; Operational Phase Waste Management Plan; Energy Report; Daylight Analysis; Archaeology Report; Draft AA Screening Report; EclA.

Section 5(5)(b) of the Act of 2016 requires the submission of a statement that, in the prospective applicant's opinion, the proposal is consistent with both the relevant objectives of the development plan or local area plan concerned, and the relevant guidelines issued by the Minister under section 28 of the Act of 2000. These statements have been submitted, as required.

- 6.2.2. I have reviewed and considered all of the above mentioned documents and drawings.

6.3. Planning Authority Submission

- 6.3.1. In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Fingal County Council, submitted a copy of their section 247 consultation with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on 31st May 2019. The planning authority's 'opinion' included the following matters.

6.3.2. PA Comment on Principle of Development

- The site is zoned 'RS' - 'Provide for residential development and protect and improve residential amenity' and is within the Blanchardstown Metropolitan Consolidation Area. The development is therefore acceptable in principle in accordance with the development plan core strategy.
- The planning authority considers that the site is within a public transport corridor for the purposes of the Urban Development and Building Height Guidelines (2018) and it is considered to be in an Intermediate Urban Location for the purposes of the Design Standards for New Apartments (2018). Therefore, higher density and increased height are acceptable in principle subject to meeting other relevant criteria.
- Having regard to the Resident Support Facilities and Resident Services and Amenities proposed, the potential for the development to be considered under the Specific Planning Policy Requirement 7 (Build To Rent) of the Apartment Guidelines and implications thereof for the proper planning and sustainable development requires consideration.
- No specific constraints have been identified in the carrying capacity of the social infrastructure in the vicinity of the proposal. Further justification and minor amendments to the proposal are required to satisfy the Planning Authority, in particular in relation to school capacity and playground provision. A school impact assessment should be submitted in support of this application. The development includes a childcare facility at the rate prescribed.

6.3.3. PA Comment on Design and Layout of Development

- The proposed density is considered to be on the higher end of what was likely to be suitable for the subject site, therefore quality of design is very important.
- The lack of diversity in housing type within the proposal is considered to be offset by the predominance of traditional own door 3 and 4 bed units with private gardens in the wider area.
- The site is one of 4 uniquely large residential plots. When considered in combination with the further c. 4 ha of underutilised zoned land to the east and

west, the site represents an opportunity for a substantial infill development of a gap site in an established residential area. On its own, the 5 storey building height does not rest easily within the established built character in the immediate vicinity of the site. The planning authority would welcome a more integrated approach to the development of the 4 sites with a comprehensive urban design scheme, which could contribute positively to the character, diversity of available residential provision and general consolidation of the area and help create a character area of its own. In order to facilitate an assessment of the impact on adjacent amenity and on the character of the area, more extensive analysis from a broader range of viewpoints is required.

- The northern site boundary (road frontage) is the feature of highest ecological, historical, and character value on the site and in the wider area. This boundary and its continuation define the character of the Carpenterstown Road. Concern about the achievement of footpath and cycleway objectives to the front boundary of the site whilst adhering to the policies and objectives requiring the retention of the front boundary of the site. The tree survey drawing assigns a C2 category to significant trees in this hedgerow whereas taking account of the cultural significance of this boundary they could be assigned a higher value. The final design for the front boundary, incorporating cycle and pedestrian provision, may have implications for the building line further back that may, in turn, affect separation distances and ultimately the overall density of development. Carpenterstown area have not been resolved. The tree survey drawing assigns a C2 category to significant trees in this hedgerow whereas taking account of the cultural significance of this boundary they could be assigned a higher value.
- The south, east and west boundary hedgerows contain a significant amount of trees. The eastern boundary contains a drainage ditch with a hydrological connection to the Liffey that presents a potential environmental risk.
- Detailed consideration of the front (northern) and rear (southern) boundary is required, taking full account of the cultural, biodiversity, extent (in combination

with the continuation of this boundary beyond the subject site), and increasing rarity of the character afforded to the road, and wider area, by this boundary.

- Parks and Green Infrastructure Division identifies deficiencies with regard to children's play facilities, the removal of trees and treatment of boundaries of historical and cultural importance. Further landscaping details required.
- No public open space is proposed, a financial contribution shall be levied in lieu.
- The quality of the development is limited by adherence to minimum standards throughout. Since S247 discussions, minor amendments have been made to the proposal to address the most acute impacts on the amenity of the adjacent 2 storey housing development in Diswellstown, immediately to the south, and the future amenity of residents of the proposal, however these are not considered to fully address the potential impacts.
- The planning authority considers that the development will not respect the established built character of the receiving environment. Concerns about impacts on the future development of adjacent sites to the east and west of the proposal.
- Separation distances between blocks C and D, and, D and E, are 22m, at heights of over 2 storeys. The separation between the 3rd storey apartments including balconies in block D and the rear boundary of houses to the south are 11/12m. Insufficient justification has been provided for this reduced separation. Further justification of the proposed separation distances from the property boundaries that have the potential to limit the development of the adjacent site to the east and west is required. Separation distances from the rear gardens in Diswellstown to the south require further consideration. Potential for, and impacts of, overshadowing of properties to the north and east of the site require further consideration, with particular reference to the northern extent of the projected shadow. Daylight standards in the proposed apartments and compliance with prescribed standards require further consideration. There appears to be a conflict between the findings of the analysis carried out in the specialist report submitted and the statement of compliance report, with regard to the consideration of the minimum standards. Amendment or further justification for separation distances

within and to the boundary of the development are required. Further clarity is required in relation to shadow analysis and compliance with daylight standards across the development.

- Concern about impacts on residential amenity within the block from noise and vibration from the gym. Details are required to demonstrate how these issues are to be addressed in the proposal.
- Bike storage proposed should, where possible, be integrated within the apartment buildings.

6.3.4. PA Comment on Building Height

- The Planning Authority considers that the development does not comply with SPPR 3 of the Building Heights Guidelines, in particular the development management criteria set out in section 3.2 for the following reasons.
- The Visual Impact Assessment concludes that the impact will be slight in its overall significance. The planning authority considers that the impact will be significantly greater. The application has not adequately demonstrated that the proposal will either integrate into or enhance the character of the area.
- The treatment of the front boundary will have a significant impact on the character of both the immediate vicinity and the wider area. In the absence of a clear proposal for the front boundary of the site the impacts cannot be fully assessed.
- There is insufficient justification to demonstrate how the development responds to the scale of and potential for overshadowing of the adjoining developments in particular to the north and south of the site.
- There is insufficient justification for the apparent failure of the design to meet the minimum standards as set out in the daylight study.
- No consideration of Microclimate effects has been presented with the proposal.

6.3.5. PA Comment on Roads and Transport

- Transportation Planning Section. Minor alterations suggested to the road design along with further justification for the baseline data and car parking provision.

Concern about the achievement of footpath and cycleway objectives to the front boundary of the site.

- The potential to provide all, or some part, of a pedestrian and cycle route to the inside of the townland boundary has not been explored in the application. Where feasible, taking account of root protection zones, this could form part of the solution and secure compliance with a broad suite of transportation, green infrastructure, cultural heritage, and placemaking policies and objectives.
- Minor alterations are required to the junction radii of the proposed access points and internal layout.
- Transportation Planning Section does not accept data from TRICS in respect to flats as the rates tend to be low.
- The applicant proposes to provide car parking Design Standards for New Apartments Guidelines, i.e. 58 spaces less than the number required under Development Plan Standards.
- Bicycle parking should be provided as an area integral to the apartment and not in a separate structure or adjacent to the bin stores.

6.3.6. PA Comment on Site Services

- Water Services Section. Further engagement with Irish water is required to secure a statement of design acceptance. Further clarification required regarding authority to connect to foul sewer on Carpenterstown Road and regarding suitability of surface water sewer on Carpenterstown Road. Further information in relation to the existing soil infiltration rate and greenfield runoff rate required. Redesign of surface water drainage proposal required, with particular reference to SUDS measures. The proposal presents no concerns with regard to flood risk.
- Further design and justifications are required in consideration of water services issues associated within the proposal.

6.3.7. PA Comment on EIA, AA and Ecology

- The EIA screening report and AA screening report identify no potential impacts of concern.

- The designation of the front and rear boundary of the site on map 15 of the Fingal Development Plan 2017-2023 as an Annex 1 habitat has been identified as a labelling error by the biodiversity officer of Fingal County Council.

6.3.8. PA Conclusion

- The proposed density is at the high end of what the site, the area and the development could accommodate. The adherence of the proposed design to minimum standards and the limitations arising from this, have resulted in a development that does not meet the aspirations of the Planning Authority.
- Taking account of:
 - potential impacts on the amenity of existing and future adjoining development,
 - impacts on the amenity of future residents of the proposal,
 - impacts on the character of Carpenterstown Road and the wider Carpenterstown area, and
 - the potential to provide for primary cycle route whilst retaining the front boundary,

it is likely that a level of redesign, including a reduction in density, could mitigate a number of potential negative impacts and facilitate the achievement of a broader range of objectives, as set out in local and national policy.

6.4. **Submission of Irish Water**

- 6.4.1. Irish Water states that a pumping station may need to be installed on the site. A Statement of Design Acceptance will be necessary prior to lodging a SHD application.

6.5. **Consultation Meeting**

- 6.5.1. A section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 13th June 2019. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.
- 6.5.2. The main topics raised for discussion at the tripartite meeting were based on the Agenda that issued in advanced and contained the following issues:

1. Design and layout of development including retention of existing trees and hedgerows, in particular the hedgerow / townland boundary at the road frontage
2. Impacts on adjacent residential and visual amenities
3. Access and mobility
4. Site services
5. Any other matters

6.5.3. In relation to the design and layout of development including retention of existing trees and hedgerows, ABP representatives sought further elaboration / discussion on:

- Retention of trees at the site and proposed landscaping works in the context of the development plan objective to retain hedgerows. Need for a comprehensive tree survey and details of tree protection measures. Landscaping scheme to be considered with regard to interaction with basement construction and SUDS measures.
- Design of public open spaces and provision of play facilities
- Relationship with adjoining residential sites.
- Relationship between proposed blocks with regard to overlooking / overshadowing between blocks and residential amenities of apartment units. Also daylight / sunlight analysis of public open spaces.
- Planning authority would prefer to see a comprehensive plan for the comprehensive redevelopment of several sites, the current proposal could be seen as piecemeal development.

6.5.4. In relation to impacts on adjacent residential and visual amenities, ABP representatives sought further elaboration / discussion on:

- Potential overshadowing / overlooking of Diswellstown Way to south of site.
- Design of blocks at the southern end of the site is 'stepped down'. Need for detailed cross sections.
- Views of the site from Carpenterstown Road

- 6.5.5. In relation to access and mobility, ABP representatives sought further elaboration / discussion on:
- Car parking quantum and management
 - Development plan objective to provide a cycle / pedestrian route on Carpenterstown Road. Planning authority stated that an optimum footpath provision would be 1.8m footpath, however less than this could be contemplated.
 - Access to Carpenterstown Road
 - TIA site / junction selection, example of Bracken Park trip generation rates.

- 6.5.6. In relation to Any Other Matters, ABP representatives sought further elaboration / discussion on:
- Site services. Further discussion with Irish Water regarding foul manhole connection.

6.6. Both the prospective applicant and the planning authority were given an opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting ABP-304386-18' which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

7.0 Conclusion and Recommendation

- 7.1. Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 7.2. I have examined all of the information and submissions before me including the documentation submitted by the prospective applicant, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the section 28 Ministerial Guidelines, and local policy, via the statutory development plan for the area.

- 7.3. Having regard to all of the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act constitutes a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 7.4. I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

8.0 Recommended Opinion

- 8.1. An Bord Pleanála refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.
- 8.2. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, and submissions received from statutory consultees referred to under Section 6(10) of the Act, An Bord Pleanála is of the opinion that the documentation submitted **would constitute a reasonable basis for an application for strategic housing development** to An Bord Pleanála.
- 8.3. Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following

specific information should be submitted with any application for permission arising from this notification:

1. Photomontages, cross sections, visual impact analysis, shadow analysis and landscaping details to indicate potential impacts on the visual and residential amenities of adjoining residential sites, on Diswellstown Way and on the wider area, to include 3D visualisation of the scheme.
2. Tree Survey, Arboricultural Assessment and landscaping proposals to address (i) impacts on existing trees at the site and in its vicinity; (ii) the quantity, type and location of all proposed hard and soft landscaping; (iii) boundary treatments and (iv) the provision of a high quality public realm for residents of the scheme and as a contribution to the amenities of the area. The proposed landscaping scheme shall be integrated with parking, roads and access proposals and detailed SUDS measures.
3. Daylight/Sunlight analysis, showing an acceptable level of residential amenity for future occupiers of the proposed development, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development.
4. Traffic and Transport Impact Assessment to consider the issues raised in the report of Fingal County Council Transportation Planning Section, as contained in Appendix B of the Chief Executive Report dated 29th May 2019.
5. Rationale for the proposed car and cycle parking provision with regard to the standards set out in Chapter 12 of the Fingal County Development Plan 2017-2023 and the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, to include (i) evidence based data from comparable developments in similar geographical locations to justify the proposed car and cycle parking provision; (ii) details of car and cycle parking management measures and the provision of visitor parking and (iii) a Mobility Management Plan.

6. Additional drainage details having regard to the report of Fingal County Council Water Services, as contained in Appendix B of the Chief Executive Report dated 29th May 2019.
 7. Rationale for proposed childcare provision with regard to, inter alia, the 'Childcare Facilities Guidelines for Planning Authorities', circular letter PL 3/2016, and the 'Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities' (2018), to provide details of existing childcare facilities in the area and demand for childcare provision within the proposed scheme. The applicant is advised to consult with the relevant Childcare Committee in relation to this matter prior to the submission of any application.
 8. Assessment of the capacity of schools in the area.
- 8.4. Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:
1. Irish Water
 2. Transport Infrastructure Ireland
 3. National Transport Authority
 4. Relevant Childcare Committee

PLEASE NOTE:

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

Sarah Moran

Senior Planning Inspector

26th June 2019