

An Bord Pleanála
64 Marlborough Street
Dublin 1
D01V902

Date: 2nd December 2019

Dear Sir / Madam,

RE: PROPOSED STRATEGIC HOUSING DEVELOPMENT APPLICATION FOR 211 NO. RESIDENTIAL UNITS, IN FOUR NO. BLOCKS, AND ALL ASSOCIATED DEVELOPMENT AT WINDMILL, PORTERSTOWN, CLONSILLA, DUBLIN 15

1.0 INTRODUCTION

- 1.1 On behalf of the applicant, Kimpton Vale Limited, Collegetort, Carpenterstown Road, Castleknock, Dublin 15, we hereby submit a Strategic Housing Development planning application to An Bord Pleanála for lands at Windmill, Porterstown, Clonsilla, Dublin 15. The application site is located to the immediate south and west of the Windmill Park, Terrace, Court and Square residential development, to the east of Diswellstown Road, west of Station Court and north of the Royal Canal.
- 1.2 This 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'*.

Land Use Zoning

- 1.3 The portion of the application site on which the residential development is proposed is zoned objective 'RS- Residential', which seeks to *'provide for residential development and protect and improve residential amenity'*. The southern and eastern portion of the lands are zoned objective 'OS- Open Space', which seeks *'to preserve and provide for open space and recreational amenities, and the open space provision is proposed on this part of the site'*. In addition, the western portion of the site is zoned 'OS' and forms part of the Light Rail Reservation Corridor. Open space is proposed on the OS portion of lands included within the application site boundary, with the light rail corridor proposed to be grassed and seeded for visual and amenity purposes until such time as the Light Rail project is progressed further.
- 1.4 The application contains a Statement of Consistency and Planning Report setting out how the proposal will be consistent with the objectives of the Fingal County Development Plan 2017-2023.

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Development Description

- 1.5 The proposed development is described as follows in the public notices accompanying the application:

“The proposed development relates to the provision of 211 no. apartments in four no. blocks (Block J, K, L and M), comprising of 10 no. studio units, 68 no. 1 bed units and 133 no. 2 bed units, above an existing basement.

Block J is a six storey block, including a penthouse level, containing 46 no. apartments. Block K is a six storey block, including a penthouse level, containing 46 no. apartments. Block L and M is an interlinked L-Shaped part six and part eight storey block, including a penthouse level, containing 119 no. apartments. A communal residents amenity space is proposed at ground floor level of Block L-M.

The development proposes the phased completion of the public open space area to the south and south east of the proposed apartments, which will serve both the proposed and existing residential units at Windmill. The development includes landscaped communal courtyards, ancillary car and cycle parking and lift access to the basement below. Vehicular access will be via the existing access roads serving the Windmill development, an emergency access is proposed to St. Mochta’s estate to the north and pedestrian / cycle connections are proposed to Diswellstown Road to the north west and Sheepmoor Lane to south east. The internal layout of the existing basement, which is located below the proposed and existing apartments at Windmill, is to be designed to accommodate the car, cycle parking and bin storage areas for the development.

The development includes all associated site and infrastructural works, including foul and surface water drainage, landscaping, boundary walls and fences, roads, cyclepaths and footpaths (including a section of the Royal Canal Greenway on the southern part of the site and tie-in with adjacent footpaths / roads) all on a site area of approximately 3.73 hectares.

The proposed development will supersede the development permitted under Reg. Ref.: FW15A/0145.”

- 1.6 Please refer to the Statement of Consistency and Planning Report, the Statement of Response to the Board’s Opinion, the Architect’s Design Statement and Architectural Drawings for further details of the proposed development.

Summary of Planning History and Context

- 1.7 The application site is located within the Windmill Park and Terrace section of the overall Windmill residential development in Porterstown, Dublin 15, permitted under Reg. Ref.: F02A/0358, as amended under Reg. Ref.: F05A/0583, and subsequent variation permissions. Please refer to the JSA Statement of Response and accompanying Legal Opinion of Eamon Galligan SC for further details on the planning history relating to the subject lands.
- 1.8 The completed 194 no. residential units on the overall Windmill landholding, delivered under the above two referenced permissions, are located in the three storey duplex blocks (76 no. units on the eastern part of the site) and 3/4/5 storey apartment blocks in five no. blocks, Block A (24 no. units), B (21 no. units), C (18 no. units), E (24 no. units) and G (31 no. units), on the western part of the site) to the north and east of the proposed development.

- 1.9 The underground car park within the Windmill development, permitted under the parent permission and subsequent amendments, has been constructed but is not utilised by the existing residential units.
- 1.10 The main public open space located in the southern part of the site has not been completed and was used as a builder's compound during the previous construction phases and is screened off by hoarding. The accompanying Legal Opinion, appended to JSA Statement of Response, provides a summary of the planning history of the lands, with a particular emphasis on open space provision.
- 1.11 The proposed four no. apartment blocks, located to the south and west of the existing apartment blocks in Windmill Park and Terrace, will provide an active edge to the open space zoned land to the south and east. In addition, a section of the proposed Royal Canal Greenway route is incorporated into the southern part of the public open space which will provide a connection via Sheepmoor Lane to Coolmine Rail Station c. 550 metres to the east.
- 1.12 A similar application site to the subject development has an extant permission for 143 no. residential units under Reg. Ref.: FW15A/0145. The block layout and heights were largely similar to the proposed development, as illustrated in the Architectural Design Statement, however an increase in unit numbers from 143 to 211 is achieved in the proposed development through alterations to the layout of the buildings and increase in building heights in appropriate locations, to reflect the requirements and standards in the Apartment Guidelines 2018 and the Building Height Guidelines 2018.
- 1.13 A more detailed planning history of the lands is provided in Section 3 of the Statement of Consistency / Planning Report and in the Statement of Response prepared by JSA, including accompanying Legal Opinion from Eamon Galligan, SC. The key changes proposed from the recently permitted development, which was not commenced, can be summarised as follows:
- An increase in unit numbers from 143 to 211.
 - An increase in building height of Block L and M to six storeys with a eight storey element on the western end, which provides a landmark corner element in proximity to Diswellstown Road and the rail line bridge.
 - Revised internal apartment sizes and layout to comply with the 2018 Apartment Guidelines.
 - Introduction of a resident's communal amenity facility within the ground floor of Block L-M.
 - Landscaping and open space design changes, including incorporation of the proposed Greenway on the southern part of the site, and reservation of excess open space zoned lands on the eastern portion of the applicant's overall landholding as a potential future development site.
 - Extension of the red line boundary to provide pedestrian / cycle connections to the north west and south east as requested in pre-application discussions and accompanying letter of consent from FCC.
 - Further details on the existing and proposed car, cycle, bin storage and open space provision for the overall existing and proposed Windmill development.
- 1.14 The current application seeks to complete the residential and landscaping / open space within the Windmill development in accordance with current Government Guidelines. The development will have the dual benefit of providing much needed additional housing stock whilst also completing the site and improving the visual and

recreational amenities of the area on a site located within 1km of a main-line rail commuter station and within a range of local social and community amenities.

ABP's Consultation Opinion & Section 5 SHD - Pre-Application Consultation Meeting with the Board (Tri-Partite Meeting)

- 1.15 A pre-application meeting was undertaken with An Bord Pleanála on the 31st of July 2019, under Section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. This meeting was attended by representatives from Fingal County Council and the items on the Board's agenda were discussed, which broadly corresponded to the items raised in Fingal County Council's Opinion on the proposed development as submitted as a pre-application request to ABP.
- 1.16 This planning application is accompanied by a Statement of Response to the Board's Opinion, which is dated the 9th of August 2019, and which includes two items requiring further consideration for the proposals to constitute a reasonable basis for an application and eight items of specific additional information to be addressed / provided. The Statement of Response, prepared by JSA in association with the design team, which should be read in conjunction with all application documentation, clearly sets out how the items raised in the Board's Opinion have been fully addressed in the documentation now submitted for approval.
- 1.17 John Spain Associates Statement of Response is intended to provide a useful overview of the responses to the items in the Board's Opinion, which reflect the Opinion of the Planning Authority and the points discussed at the tripartite pre-application meeting. This overall Statement of Response refers the reader to other documentation within the application pack which specifically address the specific information requested by the Board. In respect to the planning history of the lands, the applicant has obtained a Legal Opinion from Eamon Galligan, SC, to factually summarise the relevant details, which is appended to the Statement of Response.

Consultation with the Planning Authority under Section 247

- 1.18 The first stage of the SHD process is a consultation with the Planning Authority (under section 247 of the Planning & Development Act, 2000, as amended).
- 1.19 The proposals for the site have been subject to two formal Section 247 meetings with the Planning Authority on the 19th of February 2019 and the 30th of April 2019. In preparing this application, including all drawings and reports, regard has been had to the issues raised during the 2 no. formal Section 247 pre-application meetings with Fingal County Council and the Chief Executive's Opinion on the SHD pre-application consultation request to the Board.
- 1.20 A summary of the pre-application discussions undertaken by the Applicant with Fingal County Council under Section 247 is included in Section 4 of the Planning Report and Statement of Consistency which accompanies this planning application. In addition, we refer the Board to 2HQ's and RMDA's response to FCC's pre-application opinion included with their reports / accompanying this application.

Part V

- 1.21 The applicant has entered into discussions with the Housing Department of Fingal County Council in respect to the Part V requirements for the proposed residential development at Windmill, Porterstown, Clonsilla, Dublin 15. A letter confirming

negotiations have commenced has been received from the Housing Department and accompanies this application.

- 1.22 The application is also accompanied by a Part V Site Layout Plan, identifying the proposed units, an estimate of costs / schedule of accommodation for the proposed Part V units prepared by the applicant, and a cover letter prepared by JSA in respect to the Part V proposals for the subject lands to ensure compliance with the requirements of the Regulations. The Part V proposals have regard to the planning history / previous agreements in respect to the lands, as illustrated in the accompanying Part V package.
- 1.23 The applicant agrees to accept a condition on a grant of planning permission, if the Board is minded to approve the proposed development, which requires the applicant to enter into a Part V agreement with Fingal County Council as per their requirements prior to the commencement of development.

Drawings, Plans and Particulars

- 1.24 The planning application is accompanied by a full set of architectural drawings which have been prepared in accordance with the requirements of Articles 297 and 298 of the Planning and Development Regulations 2001-2018.
- 1.25 This planning application is accompanied by a Site Location Map, Site Layout Plan and all associated architectural drawings prepared by MCORM Architects. In addition, Landscape drawings, Engineering drawings and a public lighting drawing accompanies the application. The full list of enclosures is set out below. Each drawing pack is accompanied by a schedule of drawings as required under Q. 23 of the Application Form.

Statement of Consistency / Planning Report

- 1.26 A stand-alone Statement of Consistency / Planning Report, prepared by John Spain Associates, is enclosed with this application demonstrates that the proposal is consistent with the relevant guidelines issued under Section 28 of the Planning and Development Act 2000 (as amended) and with the County Development Plan.
- 1.27 The statement provides a detailed assessment of the relevant national, regional and local planning policy context pertaining to the development. The statement demonstrates that the proposal is consistent with the land use zoning objective and with the various policies, objectives and guidance of the CDP in respect to the subject lands.
- 1.28 The Statement of Consistency and Planning Report also includes details in respect to the Site Location and Context, Planning History, Pre-Application Consultation, and the Development Proposals.

EIA Screening and AA Screening

- 1.29 This application is accompanied by an EIA Screening Report prepared by JSA in conjunction with the project team which concludes that (a) the proposed development does not exceed any relevant statutory thresholds that would require it to be subject to mandatory environmental impact assessment, (b) the proposed development is unlikely to give rise to any significant environmental effects, and (c) it is consequently appropriate to screen out any potential requirement for

environmental impact assessment and the preparation of an environmental impact assessment report.

- 1.30 In addition, a separate Appropriate Assessment (AA) Screening Report and Ecological Impact Assessment has been prepared by Moore Group. The AA Screening report assesses the impact of the proposed development upon Natura 2000 sites, together with local features of ecological interest. The report concludes that the development does not have the potential to have significant effects on European sites.

Application Site Boundary

- 1.31 Please note that the application site boundary has been provided by MCORM Architects in .dwg format, included on the CD ROM's accompanying the application, with all geometry referenced to ITM as specified in Section 6 of the Application Form.

Irish Water Requirements

- 1.32 The requirements in respect of Irish Water (IW) set out in Section 20 of the SHD Application Form are addressed in the form, the IW correspondence received (COF and Statement of Design Acceptance which are enclosed with the application form) and the Engineering Assessment Report, including appendices, prepared by 2HQ Consulting Engineers. 2HQ Consulting Engineers received a Statement of Design Acceptance from Irish Water, which is enclosed with the application form, following further consultation prior to lodgement.
- 1.33 The applicant confirms that all water and foul drainage services will be designed and installed in accordance with Irish Water standards.
- 1.34 A copy of the final application has also been submitted to Irish Water.

Fee

- 1.35 Please find enclosed a cheque for the application fee of **€27,430** made payable to An Bord Pleanála for a Section 4 SHD application as prescribed in the Strategic Housing Development Fee Schedule issued on the 15th of March 2017.

Enclosures

- 1.36 The following documentation accompanies this planning application in accordance with Section 4 and 8 of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended, and Articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, as amended:
- 1 no. application fee cheque for €27,430;
 - 2 no. copies of the Application Form and attachments for a Section 4 SHD Planning Application (including Irish Water Correspondence and a Letter of Consent from FCC);
 - 1 no. original copy and 1 no. copy of the Newspaper Notice;
 - 2 no. copies of the Site Notice;
 - 2 no. copies of the letters issued with the application documentation to the 4 no. prescribed bodies and Fingal County Council;
 - 3 no. soft copies of the full SHD application documentation;
 - 2 no. copies of this Cover Letter prepared by John Spain Associates (JSA);

- 2 no. copies of a Statement of Response to the Board's Opinion, including an appended Legal Opinion, prepared by JSA and others;
- 2 no. copies of a Planning Report and Statement of Consistency prepared by JSA;
- 2 no. copies of an EIA Screening Report prepared by JSA and consultants;
- 2 no. copies of a Social Infrastructure Audit, including schools and childcare assessment, prepared by JSA;
- 2 no. copies of Architectural Drawings, Schedule of Drawings, Housing Quality Assessment, Design Statement and Building Lifecycle Report prepared by MCORM Architects;
- 2 no. copies of the Part V proposals including a Part V drawings prepared by MCORM, a Part V Cover Letter prepared by JSA, an Estimate of Costs prepared by the applicant and a Letter from the FCC Housing Department;
- 2 no. copies of Engineering Drawings & Schedule and Engineering Assessment Report prepared by 2HQ Consulting Engineers;
- 2 no. copies of a Transport Statement and a Mobility Management Plan prepared by 2HQ Consulting Engineers;
- 2 no. copies of a Flood Risk Assessment prepared by 2HQ Consulting Engineers;
- 2 no. copies of a Construction Management Plan, including Construction Waste, prepared by 2HQ Consulting Engineers;
- 2 no. copies of a Road Safety Quality Audit prepared by PMCE;
- 2 no. copies of Landscape Drawings, Schedule, Landscape Design Rationale Report and Written Response to Pre-Application Opinion prepared by RMDA Landscape Architects;
- 2 no. copies of an Arboricultural Impact Assessment Report prepared by Arbor-Care Ltd;
- 2 no. copies of the Ecological Impact Assessment, Cultural Heritage Impact Assessment and Appropriate Assessment Screening Report prepared by Moore Group;
- 2 no. copies of an Owner's Management Company Report prepared by Smith Property Management;
- 2 no. copies of a Sustainability / Energy Statement prepared by Bernard Smith Consulting Engineers;
- 2 no. copies of a Daylight and Sunlight Assessment prepared by Digital Dimensions;
- 2 no. copies of Architectural Visualisations brochure prepared by Digital Dimensions;
- 2 no. copies of a Public Lighting Report and Plan prepared by Sabre;
- 2 no. copies of a Ground Investigation Report prepared by GII;
- 2 no. copies of an Operational Waste Management Plan prepared by AD Sustainability; and
- 2 no. copies of a Noise Impact Assessment prepared by Byrne Environmental.

1.37 Six no. hard copies and three no. soft copies of this SHD has been sent to Fingal County Council as the appropriate planning authority in which the proposed Strategic Housing Development (SHD) is located. One no. hard copy and one no. soft copy has been issued to the four prescribed authorities listed in the Board's Opinion.

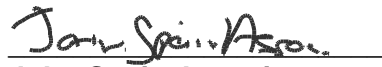
1.38 We trust that the documentation as submitted meets the requirements of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended, and specifically the Planning and Development (Strategic Housing

Development) Regulations 2017, as amended, and application guidance documents issued by An Bord Pleanála.

1.39 In preparing this planning application, including all drawings and reports, the applicant and design team have responded to the items raised in pre-application consultation meetings and the Board's Opinion.

1.40 If you require any additional information, please do not hesitate to contact us.

Yours faithfully,



John Spain Associates