



An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion
ABP-306014-19**

Strategic Housing Development	141 no. residential units
Location	Foxburrow, Beladd, Portlaoise, County Laois
Planning Authority	Laois County Council
Prospective Applicant	Boderg Developments Ltd.
Date of Consultation Meeting	15 th January 2020
Date of Site Inspection	18 th December 2019
Inspector	Joanna Kelly

1.0 Introduction

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

2.0 Site Location and Description

- 2.1 The development site approx. 1.5km south-east of Portlaoise town centre. The lands approx. 4.506ha forms part of a permitted and partially completed residential development at Foxburrow accessed via Chantiere Gate from the Block Road which links the R-445 (Old Dublin Road approx. 400m north of site) and the N80 to the south (approx. 500m south of the site). This is the only vehicular access serving the development lands.
- 2.2 There are two apartment blocks and 24 houses that have been completed as part of the original permission. There is a central area of open space that has been provided to serve existing residents. The development lands are currently fenced off from the existing residents. A portion of lands lie behind existing houses to the south-west adjoining an apartment block. The remainder of the lands are located to the north of the existing residential dwellings. There are foundations in place for a number of dwellings which were to be constructed. It is proposed to remove these as part of this permission.
- 2.3 The immediate area is characterised by low residential development. St. Peter's and Paul's cemetery is located approx. 450m south of the development lands. The Portlaoise General Hospital is located approximately 900m north-west of the development lands. The development site is within walking distance of employment centres and local facilities/amenities.

3.0 Proposed Strategic Housing Development

3.1 It is proposed to construct 141 residential units on the site of c.4.506 ha gross.

3.2 The following table provides the breakdown of unit types based on the description of the development proposed.

Table 1: Residential Unit Types

Residential Mix	Housing Units	% Mix bed type
1 bed	6	4.5%
2 bed	19	13.5%
3 bed	61	43%
4 bed	55	39%
Total	141	100%

4.0 Planning History

File Ref. No. 05/893 Permission granted for 145 residential units on overall landholding of c. 6 ha. This permission was partially completed i.e. 34 units constructed comprising of 24 houses and 12 no. apartments.

File Ref. No. 06/1928 Permission granted to omit 10 no. houses in north-western section of site permitted under File Ref. No. 05/893 and to develop 24 no. residential units.

File Ref. No. 11/79 Permission granted to extend the duration of planning permission 05/893.

File Ref. No. 12/196 Permission granted to extend time on planning permission 06/1928.

5.0 **National and Local Planning Policy**

5.1 **National**

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 are:

- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’)
- ‘Sustainable Urban Housing: Design Standard for New Apartments, Guidelines for Planning Authorities, 2018’.
- ‘Design Manual for Urban Roads and Streets’ (DMURS)
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’)
- ‘Childcare Facilities – Guidelines for Planning Authorities’
- ‘Urban Development and Building Heights, Guidelines for Planning Authorities, 2018’

Other relevant national documents include:

- National Planning Framework: Ireland 2040 Our Plan
- Rebuilding Ireland: Action Plan for Housing and Homelessness, 2016

- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.

5.2 Local

5.2.1 Laois County Development Plan 2017-2023

Section 2.1 of the plan refers to the Core Strategy for the County. Portlaoise is designated as a principal town, part of the broader polycentric settlement model, centred on the linked gateway of Athlone-Tullamore-Mullingar.

5.2.2 Portlaoise Local Area Plan 2018-2024

The subject site is zoned “residential 1 – existing residential” in the LAP. Key plan objectives include:

Key Plan Objective No. 1 ‘To support and facilitate sustainable intensification and consolidation of the town centre and in established residential areas.’

Key Plan Objective No. 5 ‘To focus new residential development into brownfield sites.’

Other relevant objectives include:

TM 07: ‘Encourage, promote and facilitate a modal shift towards more sustainable forms of transport in all new developments.’

TM08: ‘Promote sustainable and compact forms of development which reduce reliance of private car-based transport’.

TM09: ‘Concentrate people intensive development in areas easily accessible to public transport’.

TMP1: ‘Improve and provide pedestrian linkages, cycle networks and permeability including blue-ways and greenways throughout the town’.

H 012 'To ensure an appropriate and sustainable mix of dwelling types, sizes and tenures to cater for all members of society, including homeless persons, the elderly, disabled and travellers.'

Policy P5 'To require the creation of sustainable communities and high-quality residential areas at appropriate locations with a mix tenure and adequate amenities and facilities and to meet the standards and guidance of:

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2018;
- The Design Manual for Urban Roads and Streets, 2013
- The development management standards of the Laois County Development Plan 2017-2023 and
- Technical Guidance Document L – Conservation of Fuel and Energy – Dwellings.

6.0 Forming of the Opinion

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

6.1 Documentation Submitted

6.1.1 The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 and article 285 of the Planning and of the Planning and Development (Strategic Housing Development) Regulations 2017.

6.1.2 The information submitted included *inter alia*: a completed Application form and cover letter; details pertaining to section 247 process; Planning Report; Statement of Consistency; Childcare Demand Assessment; Environmental Report, Traffic Impact Assessment, and other plans and particulars.

6.1.3 I have reviewed and considered all of the documents and drawings submitted.

6.2 Planning Authority Submission

6.2.1 In compliance with section 6(4)(b) of the Act of 2016 the planning authority for the area in which the proposed development is located, Laois County Council, submitted a note of their section 247 consultations with the prospective applicant and also submitted their opinions in relation to the proposal. These were received by An Bord Pleanála on 23rd December 2019.

6.2.2 Laois County Council's opinion included the following matters:

- Proposed development will consist of the completion of the Foxburrow estate.
- Public amenity space accounts for 10.2% of the site area
- Proposal provides for a permeable connection to the Grenville estate to the north.
- Laois Co. Co. has provided a letter of consent to facilitate this pedestrian connection.
- Proposal consists of 4 no. phases.
- Provision of a childcare facility was removed during the design process due to the available capacity identified in the childcare demand assessment.
- Lands are zoned residential 1 – to provide for new residential development, residential services and community facilities. (Of note the report text refers to Residential 2 – new proposed residential however the land-use zoning map included refers to residential 1 lands).
- No objections to the principle of the development.
- The proposed density of 31.9 units per hectare is acceptable to the Planning Authority.
- Many of the house types and individual dwellings feature substantially larger private open space than the national average and the Portlaoise LAP.
- The proposed development provides for a permeable connection to the Grenville estate to the north which links to the Dublin Road.

- 14 no. units are to be provided to comply with Part V requirements.
- Site is appropriate for a subtle rise in densities in line with current national policies.
- The overall layout of the now proposed scheme provides for adequate public open space, private amenity and a higher net density through a careful and considered mix of units, building form and through changes to the layout of secondary and tertiary roads.
- Where the street named Aspen Way bisects the open space there will now be a shared surface in order to reduce traffic speeds and create greater pedestrian and cycling priority between the two spaces.
- The LAP requires 2 no. car parking spaces per house in a suburban setting which the development seeks to provide in almost all instances.
- A summary of commentary from internal sections of the Council is provided as follows:
 - Water Services and Drainage – No objection
 - Transportation – Roads Design met developer at preplanning stage.
 - Waste Enforcement – Recommends a Construction Waste Management Plan is prepared.
- Development will help Portlaoise to reach its population target under the NPF in a sustainable manner on zoned and serviced lands.
- Proposed development is generally acceptable subject to appropriate planning considerations and conditions.

6.3 Consultation Meeting

6.3.1 A Section 5 Consultation meeting took place at the offices of Laois County Council on 15th January 2020, commencing at 11.30 am. Representatives of the prospective applicant, the Planning Authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting as follows:

1. Development strategy for the site to include inter alia DMURS, layout, green infrastructure, urban design response.
2. Any other matters

- 6.3.2 In relation to development strategy for the site to include inter alia DMURS, layout, green infrastructure, urban design response, ABP representatives sought further elaboration/discussion on inter alia, density, how proposed strategy is consistent with the principle of DMURS, functionality and distribution of open spaces, unit mix and type and urban design response.
- 6.3.3 In relation to Other Matters, ABP set out that prospective applicant should consider PA opinion in respect of Part V.
- 6.3.4 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-306014-19' 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 plan for the area.
- 7.3 Having regard to all of the above, I recommend that further consideration and/or possible amendment of the documents submitted are required at application stage as set out in the recommended Opinion below.

- 7.4 Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **requires further consideration and amendment** in order to constitute a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 7.5 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, An Bord Pleanála is of the opinion that the documentation submitted **requires further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**
- 8.3 In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development:

Layout, Density and Open Space

Further consideration and/or justification of the documents as they relate to the rationale for the proposed residential layout and creation of future connections and permeability from the site to the lands to the north in particular having regard to the principles of DMURS and the need to provide optimal connectivity and permeability for all road users. In this regard, a vehicular access to the north should be considered.

Further consideration and/or justification for the proposed density having particular regard to density ranges provided in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns and Villages) given the strategic location of the site to existing residential amenities and employment centres. In this regard, further consideration should also be given to the proposed layout, house type and mix, distribution and functionality of public open space areas vis-à-vis the density proposed.

Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

8.4 Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission:

1. All existing utilities that may traverse the site including any proposal to culvert/re-route/underground existing drains/utilities should be clearly identified on a site layout plan.
2. A construction waste management plan should be provided.
3. A Building Life Cycle Report as per Section 6.13 of the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities 2018.

4. A site layout plan indicating all areas to be taken in charge.

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. Local 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.

Joanna Kelly

Senior Planning Inspector

23rd January 2020