



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-301658-18

Strategic Housing Development	419 no. residential units comprising 138 houses and 281 apartments, crèche, community centre and all associated site works.
Location	Cooldown Commons & Fortunestown, Citywest, Dublin 24
Planning Authority	South Dublin County Council
Prospective Applicant	Cairn Homes Properties Ltd.
Date of Consultation Meeting	21 st June 2018
Date of Site Inspection	17 th June 2018
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 has a stated site area in the application form of 7.49ha located within the townlands of Cooldown Commons and Fortunestown in Citywest, South Dublin. The lands are greenfield located just north of the Fortunestown Luas stop. There is an existing fence line to the southern boundary of the site with the Luas line. The northern boundary of the site bounds the Citywest Business Park. There are residential developments to the west and another greenfield site to the east of the development lands which has permission for residential development. There is an existing access to the lands from the north-east which serves the 'Circle K' service station. At time of inspection the gate was locked preventing access. Beyond this access road is a roundabout which is located on the development lands and it is proposed to re-configure as part of the layout.
- 2.2 The location of the site is a new emerging residential area with more established business uses to the north and residential and commercial uses to the south i.e. Citywest Shopping Centre. There is residential development under construction on the western side of the Citywest Avenue. The final section of the Citywest Avenue road is proposed as part of this application and will link the east and western sections which were completed as part of other developments.

3.0 Proposed Strategic Housing Development

The applicant is proposing a residential development comprising of 419 residential units, a childcare facility and community centre.

The unit mix is as follows:

Unit Type	No. of Units
Apartments	281
1 bed	81
2 bed	192
3 bed	8
Residential Units	138
3 bed	96
4 bed	42
Total	419

4.0 Planning History

File ref. No. SD14/0033 Application for 230 no. residential dwelling units declared withdrawn following a further information request.

File ref. No. S99A/0154 Permission granted for Citywest Avenue distributor road which was partially constructed as currently set out on site.

File Ref. No. SD06A/0880 Circa 230m of Distributor Road and associated services to form part of the proposed link road from the existing roundabout at the junction of Citywest Road and Citywest Avenue to the existing roundabout at Fortunestown Lane. The section of road applied for is between that incorporated into Planning

Register Reference SD04A/0099 and that incorporated into Planning Register Reference SD05A/0262. This road is on an alignment originally approved under Planning Register Reference S99A/0154.

Permissions on adjoining lands

Cúil Duin Housing Development (lands under construction to the west of the development lands)

File Ref. 14A/0121 Parent permission for 224 residential units including 397 car parking spaces, stand-alone crèche and neighbourhood park with children's playground.

File Ref. No. SD15A/0095 Permission granted for revisions/modifications to the permitted 224-unit residential development. This permission provided for alterations to permitted house types and a minor re-alignment of internal access roads and revised private gardens.

File Ref. PL.06S.247507 / SD16A/0297 Permission granted on appeal for modifications to development permitted by File Ref. No. SD15A/0095 from 12 dwellings to 24 no. apartments. The appeal pertained to the northern most extremity of the overall lands where a residential development was permitted.

Primary School lands located west of the Cúil Duin development

File Ref. No. SD16A/0255 Permission granted for two 2 storey primary school buildings. School 1 comprises 16 classrooms, 2 classroom Special Needs Unit, support teaching spaces and ancillary accommodation with a total floor area of 3180sq.m. School 2 comprises 16 classrooms, 2 classroom Special Needs Unit, support teaching spaces and ancillary accommodation with a total floor area of 3130sq.m. The site works to the school grounds will consist of 2 no. 15sq.m external storage buildings, bin stores, playing pitch, ball courts, project gardens, cycle storage, landscaping and boundary treatment and all other associated site development works for each school. The works to the remainder of the school consist of the provision of 63 car parking spaces, drop-off and pick-up facilities.

5.0 National and Local Planning Policy

5.1. National

Having considered the nature of the proposal, the receiving environment, the documentation on file, including submission 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')
- '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'
- 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities'

5.2. Local Policy

5.2.1 The South Dublin County Development Plan is the statutory plan for the area. The northern part of the site forms part of the lands identified in the Saggart-Cooldown Commons Neighbourhood in the Fortunestown Local Area Plan 2012-2018. The southern portion of the development lands are identified as being within the Fortunestown Centre Neighbourhood Framework. The lands have a land use zoning objective "to provide for residential communities in accordance with approved area plans".

5.2.2 Section 2.2.2 of the South Dublin Development Plan sets out that densities should take account of the location of a site, the proposed mix of dwelling types and the availability of public transport services. As a general principle, higher densities should be located within walking distance of town and district centres and high capacity public transport facilities. Policies H8 Objectives 1 and 2 promote higher densities at appropriate locations.

5.2.3 The LAP sets out that Fortunestown Centre Neighbourhood Centre will form a central urban hub from which four distinct neighbourhoods will emanate and through which these neighbourhoods will be linked. The level of permeability between the Fortunestown Centre and the remainder of the plan lands will be enhanced by upgrading Citywest Road and Fortunestown Lane/Way as the main movement corridors for pedestrians and cyclists. Section 6.1 of the LAP contains policies and objectives in respect of this neighbourhood.

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 submission and the discussions which took place during the tripartite consultation meeting. I will provide a 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; Architectural Design Statement; Design Statement; Schedule of Accommodation; DMURS design statement; Planning statement including Statement of Consistency, Response to Question 6, S24 minutes, Part V; Arboricultural Assessment Report; Irish Water confirmation of feasibility; Environmental report; Flood Risk Assessment; Infrastructure Design Report including Irish Water letter; Traffic and Transport Assessment; Drawings.

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, South Dublin County Council, submitted a note of their section 247 consultations with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on 12th June 2018.

6.2.2 The planning authority's opinion included the following matters:

- Site is zoned for residential development
- Lands east and west of the site are recorded as SFRA Flood Zones A and B.
- Planning history is outlined in respect of development lands and adjoining lands.
- The development as proposed is not consistent with or compliant with the Fortunestown LAP in relation to various policies and objectives, including: density, unit mix and building heights.
- The number of bike parking spaces is not compliant with the provisions set out within the National Apartment Guidelines.
- The lack of permeability across the southern site boundary is an issue.
- Planning Authority stress the importance of the delivery of the Citywest Avenue Distributor Road as it forms an integral part of the phasing for the LAP. It should be provided upfront and should be operational prior to the occupation of any units.

Consultation Meeting

6.3.1 A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on 21st June 2018, commencing at 11.00 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.

6.3.2 The main topics raised for discussion at the tripartite meeting were as follows:

1. Development Strategy to include density, phasing, height, units type having regard to inter alia, Fortunestown Local Area Plan.
2. Urban Design to include residential amenity and connectivity along the southern boundary.
3. Traffic and Transportation including bicycle and car parking provision.
4. Surface water management and flood risk to include cumulative impact.
5. Connections to waste water network.
6. Any other matters

6.3.3 In relation to the development strategy for the site, ABP representatives sought further discussion/elaboration on the provisions of the LAP and more specifically on how the development strategy is consistent with the provisions within the LAP having regard to the lands falling within two neighbourhood framework areas.

6.3.4 In relation to Urban Design and residential amenity including connections to the south, ABP representatives sought further elaboration/discussion on the urban design response having regard to the need to ensure qualitative residential amenity, in terms of daylight and sunlight analysis and the interface of the lands with the LUAS line to the south and the need to ensure permeability and connectivity through the site at this location.

6.3.5 In relation to Traffic and Transportation including bicycle and car parking provision, ABP representatives sought further clarification/elaboration on street hierarchy and compliance with DMURS, provision of bicycle and car parking spaces.

6.3.6 In relation to the Surface Water Management and Flood Risk to include cumulative impact, ABP representatives sought further elaboration/discussion on this matter having regard to the proximity of the site to lands which are at risk of flooding and the need to consider cumulative impact.

- 6.3.7 In relation to Connections to Waste Water Network, ABP representatives sought further discussion/elaboration on whether the developer has consent to connect to the third-party foul sewer.
- 6.3.7 In relation to AOB, ABP representatives sought further elaboration/discussion on Part V agreement, areas to be taken in charge, and need for consistency between all documents/information submitted with any application.
- 6.3.8 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-301658-18' 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 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.

1. Development Strategy

Further consideration/clarification of documents as they relate to the development strategy for the site having regard to inter alia, the provisions of the Fortunestown Local Area Plan and in particular the provisions for each of the two neighbourhood areas that the development lands are located within. The development strategy should provide a clear vision for the site having regard to, inter alia, how the proposed development will connect/interface with adjoining developed and undeveloped lands and how the proposals are consistent with the objectives of the Local Area Plan including density, height, unit mix and the provision of linkages from the other neighbourhoods to the Fortunestown Central Urban Hub. An appropriate statement in relation to section 8(1)(iv) of the Planning and Development (Housing) and Residential Tenancies Act 2016, that outlines consistency with the relevant development plan and that specifically address any matter that maybe considered to materially contravene the said plan should be provided. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted.

2. Urban Design including residential amenity

Further consideration of documents as they relate to the urban design and future residential amenity of the proposed residential units having regard to the provisions of the 'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities' and the 'Design Standards for New Apartment, Guidelines for Planning Authorities 2018', in particular the need for new residential developments to create high quality places which, *inter alia*, are attractive with active streetscapes and offer good quality residential amenity for future residents. Consideration should be given to the quality of daylight/sunlight availability to the units within the proposed apartment blocks. Further consideration should also be given to the interface of the proposed development with the Luas line to the southern boundary and how optimal permeability and connectivity to the Fortunestown central urban hub can be achieved particularly from the northern portion of the development site to the Luas stop. The further

consideration of this issue may require an amendment to the documents and/or design proposals submitted.

3. Green Infrastructure

Further consideration/clarification of documents as they relate to the provision of public open space areas and the linking of green spaces within the plan lands with each other as provided for within the Local Area plan. Consideration should also be given to the continuity in these linkages having regard to adjoining developed and undeveloped lands and the passive surveillance and level changes across the public open space areas. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted.

4. Waste water infrastructure

Further consideration/clarification of the documents as they pertain to connections to the foul sewer which is in third party ownership. The prospective applicant is advised to liaise with relevant land owner and ensure necessary consents are in place to connect to this infrastructure. The documentation at application stage should provide evidence of this consent.

5. Surface Water Management and Risk of Flooding

Further consideration of documents as they relate to the potential for increased risk of flooding in the wider area having particular regard to the potential for displaced waters as a result of the proposed development. Any surface water management proposals should be considered in tandem with any Flood Risk Assessment, which should in turn accord with the requirements of 'The Planning System and Flood Risk Management Guidelines' (including the associated 'Technical Appendices'). Consideration should be given to cumulative impacts arising from other extant permissions in the immediate area. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted. The prospective applicant is advised to liaise with the

planning authority regarding surface/storm water proposals prior to making an application.

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. A report identifying the demand for school places likely to be generated by the proposal and the capacity of existing schools in the vicinity to cater for such demand.
2. Details of existing and proposed changes in contours/levels across the site. Photomontage images and cross-sections at appropriate intervals to illustrate the topography of the site, showing proposed dwellings/apartment blocks, access roads including the proposed 'Citywest Avenue' and public open space areas.
3. Details of undergrounding or re-routing of any overhead ESB power lines or existing underground services located within the site.
4. A site layout plan indicating pedestrian and cycle connections through the development lands to existing and proposed transport modes in the vicinity.
5. A Transport Impact Assessment which has regard in particular to the vehicular, pedestrian and cyclist movements identified in the Fortunestown Local Area Plan. This assessment should provide unambiguous details regarding the number of car parking and cycle parking spaces.
6. A phasing plan for the proposed development should be provided which provides for inter alia, the delivery of the 'Citywest Avenue' and linkages to the

Luas stop within Phase 1. The phasing arrangement should provide for attenuation proposals which are independent of each subsequent phase.

7. Landscaping proposals including an overall landscaping masterplan for the development site including the public open space. Details pertaining to the quantity, type and location of all proposed hard and soft landscaping including boundary treatments should be submitted.
8. A site layout plan which clearly indicates what areas, including any pedestrian and cycle routes/connections, are to be taken in charge by the Local Authority.

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. Irish Aviation Authority
3. Inland Fisheries
4. Córas Iompair Éireann
5. Transport Infrastructure Ireland
6. National Transport Authority
7. Transdev
8. Commission for Railway Regulation

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

25th June 2018