



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-302758-18

Strategic Housing Development

142no. apartments (58 no. 1 bed, 68 no. 2 and 20 no. 3 bed units), a community room, a creche and associated site works with access from the R125 Inner Relief Road via a roadway and new entrance permitted under Reg. Ref. 16/803 ABP Ref. 15. 247927

Location

Inner Relief Road, Dundalk, Co. Louth.

Planning Authority

Louth County Council

Prospective Applicant

Crodaun Development Company Ltd.

Date of Consultation Meeting

21st November 2018

Date of Site Inspection

14th November 2018

Inspector

Stephen J. O'Sullivan

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 site has a stated area of 1.52ha. It is part of a field under pasture c2.5km south of the centre of Dundalk, Co Louth.. The field has frontage on its northern boundary with the Inner Relief Road R125. A short part of its western boundary adjoins the Dublin Road R132. The rest of its western boundary runs along the rear boundaries of a ribbon of detached houses along the Dublin Road. The Xerox Technology Park lies on the opposite side of the Dublin road, while the Crowne Plaza Hotel and the campus of the Dundalk Institute of Technology lie on the other side the Inner Relief Road. Other lands to the east of the site along that road are occupied by industrial type units or are undeveloped.

3.0 Proposed Strategic Housing Development

- 3.1. It is proposed to build 142 apartments with a creche and community room in 5 blocks between 5 and 2 storeys high. The gross floor area for the development is stated as 12,582m² all of which would be residential apart from the creche of 122m², the community room of 122m² and an internal bike store of 101m². The proposed development would rely on the development authorised under Reg. Ref. 16/803, PL15.247927 for access and services from the Inner Relief Road
- 3.2. 58 of the apartments would be one-bedroom units, 64 two-bedroom units and 20 would be three-bedroom units.

- 3.3. The apartments would be contained in 2 five-storey buildings that would front onto the centre spine road of the authorised development, and 3 three-storey buildings behind them which would be stepped down to two-storeys towards the western boundary of the site.
- 3.4. 146 surface car parking spaces would be provided, with 284 spaces for bicycles of which 100 would be internal storage. 3,120m² of public open space would be provided mainly on the western part of the site.

4.0 Planning History

- 4.1. Reg. Ref. 16/803, PL15.247927 – On the 18th July 2017 that board made a split decision of an application that referred to a site of 5.02ha that encompassed the current site. The decision authorised a new access from the Inner Relief Road and 8 office buildings with a combined floor area of c7,700m². It refused permission for 3 blocks of student accommodation with c300 bedspaces on the land that is that site for the current request. The reason for refusal stated that the proposed student accommodation would represent 55% of the proposed floorspace and would be contrary to the EB zoning of the site which was primarily for employment land use, and that the development of student accommodation there would conflict with the Core Strategy of the development plan adopted in 2011 which did not include these lands in its phasing of residential land, so the student accommodation would be premature pending a review of the development plan and the Mullagharlin Framework Plan 2008.

5.0 Policy

5.1. National Policy

The government published the National Planning Framework in February 2018. Objective 35 is to increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights

The applicable section 28 guidelines include -

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

5.2. Dundalk and Environs Development Plan 2009 (extended).

Section 2.2 notes that a number of framework/master plans have already been prepared and the provisions of these plans including the Mullagharlin Framework Plan, are incorporated as guidelines into the overall development strategy for the plan area. If any conflict arises between the provisions of any of the existing plans the development plan will, at all times, take precedence.

The site is within an area zoned Employment Business (EB) the objective being to provide for employment and supporting residential. Table 2.4 sets out the uses permitted, open for consideration and not permitted within each of the zones.

There is a differentiation made in residential in the matrix with 'Residential (6)' and 'Residential (Ancillary) 3' detailed as open for consideration. In terms of the former it is stated that any residential proposal within the Employment & Business use shall comply with the Mullagharlin Framework plan and shall be considered only as part of a mix with economic/employment use. In terms of the latter it is related to limited residential development ancillary to the permitted development.

A small portion of the site to the north-east (location of proposed access) is zoned for Employment and Mixed Use Development.

Policy EC4 – Implement the objectives and policies contained within the Mullagharlin Framework Plan 2008 in order to create a business park of international quality and global appeal that will enable Dundalk to compete in the global market for business investment.

5.3. Mullagharlin Framework Plan 2008

The plan was adopted as a variation to the 2003 Dundalk and Environs Development Plan. The purpose is to bring forward an international standard business and technology park that also allows for a mixture of other uses that enhance the vibrancy of this core land on the outskirts of the town. The ultimate aim is to create a place with a unique identity that has the potential to attract high end investors from Ireland and abroad.

The said plan covers c. 450 hectares extending eastwards from the M1 towards the R172 encompassing the Xerox technology Park, Finnabair Business Park and Dundalk DIT. There are a number of character areas in the plan,

The site is within the Finnabair South Character Area (c.47 hectare in area) which is designated for mixed use development. Section 5.6 states that it provides for a mixed use area south of the DKIT comprising of employment, commercial development, health care, student and residential accommodation.

Objective S20 – the area shall accommodate a mixture of higher order business uses supported by cafes/restaurants, community facilities, offices, health care, residential, business units etc.

Residential use should be in the order of 40% of the overall site.

S21 – the area shall accommodate residential development at a medium to high density as part of a mix with commercial/employment uses

6.0 Forming of the Opinion

6.1. Documentation Submitted

The prospective applicant submitted extensive documentation including drawings of the proposed development and –

- A Statement of Consistency
- A Statement of Stakeholder Involvement
- Architect's Design Statement
- Engineering Assessment Report

- Traffic Impact Assessment
- Mobility Management Plan
- DMURS Statement
- Photomontages.
- Appropriate Assessment Screening Report
- Shadow Analysis
- Archaeological Report
- Building Energy Assessment
- Landscape Plan

6.2. **Statement of consistency**

The statement of consistency submitted by the prospective applicant states that residential development is open for consideration under the EB zoning of the site, and therefore the site is zoned for a mix of residential and other uses. 98% of the proposed floorspace would be for residential use and the number of apartments is above 100. So the proposal is a strategic housing development. The proposed high density development adjacent to an employment centre and third level institution is in keeping with the objectives of the NPF. It would meet the needs of employers in Dundalk providing accommodation for workers which is not currently available in the town. The housing mix responds to the needs of mobile workers. The growth of employment in the immediate area is described. The site is accessible by foot, bicycle and public transport, with a bus stop just beyond the northern side boundary along the R125. The inspector on the previous appeal PL15. 247927 concluded that the site was suitable for residential development. The current site is c30% of the site of that appeal after which commercial development was authorised on the other 70%, so the proposed development would not prejudice the achievement of the objectives of the Mullagharlin Framework Plan. The site is adjacent to a range of commercial and commercial and social services. Proposals are submitted for the transfer of 14 apartments under Part V of the planning act.

The proposed development would comply with the provisions of the county development plan, including the principles of the Core Strategy which encourages

compact urban forms and mixed use development at sustainable locations near employment and services. The phasing set out in policy CS2 of the development does not constrain mixed use development with residential use in conjunction with commercial buildings of the form now proposed. The Core Strategy does not represent best planning practice as its phasing creates a near monopoly within the Phase I residentially zoned lands, and strict compliance to it would be a barrier to the development of Dundalk as a gateway. There are no phase I lands close to the business parks where employment is growing. The departure from the car parking standards of the plan are necessary under section 4.21 of the apartment design guidelines.

The EB zoning of the site under the town development plan allows for ancillary residential development like the current proposal. The proposed residential floorspace of 12,000m² is only 12% of the overall commercial floorspace that would be provided in the quarter of Finnabair south under the Mullagharlin Framework Plan. The proposed development would not interfere with the protected structure at the Carrolls Factory, or with the Natura 2000 sites at Dundalk Bay. An archaeological assessment was carried out prior to the previous planning application. A full traffic assessment and statement of compliance with DMURS has been submitted.

The applicant's landholding comprises a cell within the Finnabair South of the Mullagharlin Framework Plan 2008 where a proportion of residential development is envisaged. The access is that previously permitted by the board. The 5-storey apartment buildings would provide frontage on to the southern link road, as required by the framework plan, with a line of trees. The road will open up access to other lands in the character area.

The development would comply with the guidelines on sustainable urban residential development as it would be within the urban area of Dundalk, and it would also meet the criteria set out in the accompanying design manual. It is an intermediate urban location as described in the 2018 guidelines on apartment design because it is close to an employment centre. The guidelines states such site are generally suitable for smaller scale but higher density developments wholly of apartments as is now proposed. The proposed apartments exceed the minimum sizes stipulated in the

guidelines and would comply with its other detailed requirements. The scheme has also been designed to comply with DMURS and the guidelines on childcare facilities.

6.3. Planning Authority Submission

The planning authority stated that it considered that the development would comply with the objectives of the NPF by providing residential accommodation at a higher density in a compact urban form near to employment and services. It would also be in keeping with the Mullagharlin Framework Plan by providing a spine road with a strong urban character. It would comply with the draft RSES for the Eastern and Midland Region which identifies Dundalk as a regional growth centre. The proposed development is consistent with the zoning objective for the site. It is within walking distance of a large employment centre and a college and would promote modal shift. It would provide a housing type missing from the local market. It would support economic development. It would meet the design guidelines on apartments. The site would be a suitable place for apartments under those guidelines.

The Core Strategy set out in the 2011 amendment to the county development plan is outdated. It has not delivered the required amount of housing on the lands that are zoned residential in phase 1 of the strategy due to impediments including infrastructure deficits, land ownership and financing. There are no phase 1 lands close to the growing employment centre on this side of Dundalk. The statement of consistency submitted by the applicant has demonstrated that the proposed development would respond to the deficit of housing for the workers in this area. The proposed housing equates to 30% of the development within this cell as outlined in the Mullagharlin Framework Plan, and the planning authority is satisfied that it would be in keeping with the parameters of that plan. The proposed density of 93 dph is in keeping with the urban design manual. The layout is in line with the masterplan and protects neighbouring properties. The housing mix would be compliant with the development plan. The development would not overshadow or overlook adjacent properties. The authorised access from the R125 is not within the site boundary. It would be necessary to change this to adjudicate the application. Details on infrastructure have been omitted. The SHD should include the access road. The proposed creche of 20 places may not be sufficient having regard to the commercial floorspace being delivered in the wider area. The screening reports for archaeology and appropriate assessment are robust. The applicant should be required to submit

compliance with the conditions of the permission granted under PL15. 247927, and further details of the proposed access to the R125.

6.4. Other submissions

Irish Water stated that it had issued a confirmation of feasibility in respect of 142 units on this state.

6.5. The Consultation Meeting

A section 5 consultation meeting took place at the offices of the Louth County Council at 1100 on Wednesday, 21st November 2018 between representatives of the board, the planning authority and the prospective applicants about the proposed development. A record of the meeting was made and is available. The main topics discussed at the meeting were –

- i. The status of the proposed development as ‘strategic housing development’ or otherwise having regard to the definition set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 and –
 - The provisions of the development plan, including its core strategy, the zoning of the site and the reference to the 2008 Mullagharlin Framework Plan, and
 - The decision of the board under PL15. 247927, Reg. Ref. 16/803 under which permission was refused for development on the site by reference to the provisions of the development plan.
- ii. The extent to which the proposed development depends upon the implementation of the development that was authorised under PL15. 247927, Reg. Ref. 16/803 with particular reference to pre-development compliance required under that permission and to the provision of access and services.
- iii. Urban Design, with reference to the contribution that the form and layout of the proposed development might make to the emerging character of the area, including its capacity to form part of a permeable area whose built form complied with the requirements of DMURS
- iv. Residential amenity for the occupants and neighbours of the proposed development, including compliance with the 2018 guidelines on the design of new apartments

v. Water and Drainage

vi. Any other business

- 6.6. With regard to item i) the planning authority stated that residential development was required in this area by the provisions of the framework plan which were adopted by the development plan. There is a need to provide housing in conjunction with the growth of employment in this area which would be stymied by an overly prescriptive implementation of the core strategy. The strategy's review has been delayed awaiting the publication of regional population forecasts and housing allocations under the RSES. It was noted that the draft RSES has been published and has designated Dundalk as a regional growth centre. The prospective applicant stated that the zoning of the site facilitates housing development. The board accepted the application for strategic housing development under ABP-300559-18 on land zoned by the Dublin City Development Plan for institutional use under objective Z15 under which residential development was 'open for consideration', which is the same status that residential development has under the zoning of the current site. Employment is growing strongly in Dundalk. There is a significant demand for the proposed type of housing for transient employees. National policies to increase urban and residential development have been set out in the NPF since 2016, and the circumstances that attended the previous refusal on the site have therefore changed. The core strategy for Drogheda removed the provision for residential development on lands zoned 'EB', but the strategy for Dundalk did not. So the site was addressed by the core strategy for Dundalk but no phasing restriction was placed upon it.
- 6.7. With regard to item ii), the prospective applicant stated it was in the process of raising finance for the authorised development. It was accepted that compliance submissions under the previous permission were outstanding. The access to the R125 could be included in the application for housing on the site.
- 6.8. With regard to item iii) the prospective applicant stated that the only issue regarding the authorised access and compliance with DMURS might arise with the left turning lane out of the site and the associated traffic island. The development of the overall cell including the site would provide connectivity to the surrounding area, including a link between DKIT and the next phase of the Finnabair lands. The proposed apartments would provide an edge and focus for the spine road through the cell.

The gardens of the houses to the rear would be bounded by open spaces and amenity areas. A significant amount of cycle storage would be provided, as would a creche. There is a local retail centre nearby the south on the Dublin Road. The planning authority stated that the framework plan envisages urban development at this location, with a transition to suburban development around it. It is unlikely that development on this site would be isolated for long, and noted that the IDA lands had been entirely developed and that 5,000 students were attending DKIT. The applicant stated that permission would not be sought from a build-to-rent scheme but that the apartments may be managed. The framework plan will ensure coherent long term development.

6.9. With regard to item iv) the prospective applicant stated that the proposed development would meet the standards set down in the apartment design guidelines

6.10. With regard to item v), the prospective applicant stated that Irish Water had issued a confirmation of feasibility in respect of the proposed development. .

6.11. With regard to item vi) the planning authority stated concern about the capacity of the junction to accommodate additional traffic, and requested that any application be accompanied by an updated traffic impact assessment. The prospective applicant stated that the junction from which access would be taken could accommodate more traffic if the signals were co-ordinated with those at the junction between the R132 and the R125. The planning authority stated that the design speed for internal roads should be 30km/h. The prospective applicant stated that a pedestrian link could be provided to the Dublin Road. The planning authority stated that discussion was ongoing in relation to the provision of housing under Part V of the planning act.

7.0 Conclusion and Recommendation

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. This conclusion has regard to the fact that the decision by the board to refuse permission for student accommodation on this site under PL15. 247927 did not state that it materially contravened the zoning of the site, and to the fact that the board has previously accepted applications where the zoning objective

referred to other uses but where residential development was open for consideration, which is the circumstance that applies in this case.

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 s.28 Ministerial Guidelines, and local policy, via the statutory plan for the area.

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 in respect of the elements that are set out in the Recommended Opinion below.

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.

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

The Board 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.

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.**

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. Further consideration of the documents as they relate to compliance with the zoning of the site. Adequate information needs to be submitted with any application that would allow the board to determine whether the proposed development would meet definition of “strategic housing development” set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
2. Further consideration of the documents as they relate to compliance with other provisions of the development plan and the 2008 Mullagharlin Framework Plan. In particular the submitted documentation should be sufficient to demonstrate compliance with the core strategy for the county and the provisions of the framework plan regarding the appropriate proportion of residential development in this area, having regard to the reason for refusal stated by the board in its decision on appeal PL15. 247927, Reg. Ref. 16/803, or if should be sufficient to justify any material contravention of the provisions of the development plan and/or the framework plan.
3. Further consideration of the documents as they relate to access to the development and connectivity to the rest of the town. This should include proposals to provide access from the public road as part of the proposed development in line with the currently applicable standards in DMURS and the National Cycle Manual. The documentation should also illustrate pedestrian

and cycle links to the wider town including to the locations of services, employment and public transport facilities, and provide full details of any proposed links to the Dublin Road and of any proposed works to the public road. The prospective applicant should consult with the planning authority and take due regard of its requirements in this regard.

4. Further consideration of the documents as they relate to the co-ordination of the proposed development with the adjoining authorised development. This should include details of the phasing of development across the two sites and the provision of supporting or shared infrastructure for them.

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. National Transport Authority
3. Transport Infrastructure Ireland
4. Department of Arts, Heritage and the Gaeltacht (Archaeology)
5. The Heritage Council
6. An Taisce

Pursuant to article 285(5)(b)(i) and (ii) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that the following specific information should be submitted with any application for permission:

1. A Transport and Traffic Impact Assessment report and drawings showing of any proposed works to public roads.
2. A mobility management strategy which shall be sufficient to justify the amount of parking proposed for cars and bicycles.
3. A housing quality assessment which provides specific information regarding the proposed apartments and which demonstrates compliance with the various requirements of the 2018 Guidelines on Design Standards for New Apartments, including its specific planning policy requirements.

4. A building lifecycle report in accordance with section 6.13 of the 2018 guidelines.
5. An analysis of the demand for childcare facilities in the area and the extent to which the proposed development would meet it
6. A draft construction management plan and
7. A draft waste management plan.

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.



Stephen J. O'Sullivan

Planning Inspector

7th December 2018