



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-303308-18

Strategic Housing Development

488 no. apartments, retail unit, creche and associated works.

Location

Fortunestown Lane, Saggart, Co. Dublin

Planning Authority

South Dublin County Council

Prospective Applicant

Greenacre Residential DAC

Date of Consultation Meeting

11th February 2019

Date of Site Inspection

23rd January 2019

Inspector

Sarah Moran

1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The site is located adjacent to the Luas red line terminus on Fortunestown Road. Saggart Village centre is nearby to the west. The N7 is nearby to the north. The site has a stated area of 4.2 ha and is within a larger development that is bound by Garter Lane to the west, Bianconi Avenue to the north, Saggart Luas stop / Luas line to the south and the City West Business Campus lands to the east. The site is the portion of lands along the frontage of the Luas line. It is undeveloped at present. There is an existing roundabout in place to the east of the site. The lands to the south of the site (facing the Luas Stop) consist of mainly 4 storey apartment blocks. There is a housing development, Clúin Duin, mainly two-storey dwellings under construction and nearing completion to the east of the site which is also within the applicant's landholding.
- 2.2. The site is within the boundary for the Area of Archaeological Potential associated with the Recorded Monument for Saggart Village (DU021-034).
- 2.3. There are 2 tributaries of the Camac River that flow to the east and west of the development site. The submitted SSFRA states that OPW flood maps indicate several historic flood events across the southern site boundary at Fortunestown Road. Flood Zones A and B are present at the site.

3.0 Proposed Strategic Housing Development

3.1. The proposed development comprises 5 apartment blocks, A to E, all 5 storeys high except for Block B which is a 9 storey high 'landmark' building located at the Luas stop. The layout includes landscaped areas between the blocks and a 'local square' facing the Luas stop with commercial / creche uses at ground floor levels of Blocks B and C, providing a pedestrian linkage between the Luas stop and the permitted development to the north. The current proposal may be compared to the previous development at the site as follows:

	ABP-300555-18	Proposed Development
Site Area	c. 24 ha (overall site)	4.2 ha
1 bed apt		118 (24%)
2 bed terrace and apt	30 (6%)	327 (67%)
2 bed terrace duplex	37 (97%)	43 (9%)
3 bed	262 (50%)	
4 bed	197 (37%)	
Total Res. Units	526 proposed, 2 omitted by condition	488
Res. Density	39 units / ha	160 units / ha c. 61 units / ha over entire site
Height	2 and 3 storeys	5 – 9 storeys
Open Space provision	5.1 ha	0.46 ha (11% of site area)
Crèche	None proposed, required by condition	422 sq.m.
Retail	None	7 retail units 1538 sq.m.
Car parking spaces	804 (1.53 / unit)	430 car parking spaces 417 basement spaces 13 surface spaces
Cycle parking	128 spaces	540 basement spaces 85 surface spaces
Part V	52 units	488 units (10%)

3.2. The development also involves:

- Surface water management and flood risk mitigation measures generally as permitted under ABP-300555-18, including a drainage channel along the Fortunestown Road site frontage.
- Foul drainage to connect to the drainage permitted under ABP-300555-18.
- Water supply via permitted watermain approved under ABP-300555-18.
- Vehicular access via a 'green link' along the north of the site to a signalised junction off Fortunestown Road, as permitted under ABP-300555-18.
- Part V proposals comprising transfer of 48 no. units on site.

4.0 Planning History

4.1. ABP-300555-18

- 4.1.1. Permission sought for 526 dwelling units comprising 262 3-bed 2-storey units, 197 4-bed 3-storey terraced and end of terrace units and 37 2-bed duplex units and 30 2-bed apartments in 2 & 3 storey residential blocks, district parks, neighbourhood and pocket parks. Vehicular access provided via a new signalised junction to the south-east of the site replacing an existing roundabout and new vehicular access points from Garter Lane with provision for future access from Bianconi Avenue. Pedestrian links and an area of 2.9 ha identified for future development. 804 car parking spaces. The lands that are the subject site were included within the site boundary of ABP-300555-18 but an indicative layout was provided only, subject to future development.
- 4.1.2. Condition no. 2 of the permission required the omission of duplex units A-01 and A-02 in Block A and the resultant space to be used for the construction of a 2-3 storey building containing a crèche with community floorspace above, to be the subject of a separate planning application and constructed as part of phase 2 of the development, for use prior to the commencement of construction of phase 3 of the development.
- 4.1.3. Condition no. 4 required the phasing of development to be amended so that the District Park, including surface water attenuation features, together with suitable pedestrian links provided for residents of the first phase of the development to the Park, and so that the temporary local square/plaza leading from the site to the LUAS Stop (within the subject development site) are both provided as part of the first phase of the

overall residential development and completed before any of the houses or duplex units in the first phase are made available by the developer for occupation.

4.2. **Adjacent Lands**

4.2.1. Cúil Duin Housing Development

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

Reg. Ref. 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.

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

4.2.2. School Site to the East

Reg. Ref. No. SD16A/0255 Permission granted for two 2-storey primary school buildings and associated site works including external storage buildings, bin stores, playing pitch, ball courts, project gardens, cycle storage, landscaping and boundary treatments, 63 car parking spaces, drop-off and pick-up facilities.

5.0 **National and Local Planning Policy**

5.1. **Section 28 Ministerial Guidelines**

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

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual)

- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities
- Design Manual for Urban Roads and Streets
- Urban Development and Building Heights Guidelines for Planning Authorities
- Childcare Facilities Guidelines for Planning Authorities
- The Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices)

5.2. **South Dublin County Development Plan 2016-2022**

- 5.2.1. The South Dublin County Development Plan is the statutory plan for the area. The site also forms part of the lands identified in the Fortunestown Local Area Plan 2012-2018. The lands are zoned Object RES-N the objective of which is “*to provide for residential communities in accordance with approved area plans*”.
- 5.2.2. In the settlement hierarchy, Saggart/Citywest is designated as an Emerging Moderate Sustainable Growth Town where it is Council policy to support and facilitate development on zoned lands on a phased basis subject to approved LAPs.
- 5.2.3. Chapter 2 of the Plan outlines policies and objectives in relation to new housing and includes objectives relating to urban design, densities, building heights, mix of dwelling types and open space. In particular, 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. Development Management Standards are included in Chapter 11.

5.3. **Fortunestown LAP 2012 (extended to 2022)**

- 5.3.1. The Fortunestown LAP came into operation on the 14th May 2012. On 12th June 2017, by resolution, the LAP was extended until 13th May 2022. The LAP addresses a specific area of land in the vicinity of Fortunestown, City West and Boherboy and the boundary of the LAP is outlined in Figure 1.1 of the Plan. The Plan outlines urban

design principles for the overall plan area with the overall framework outlined in Figure 6.1.

5.3.2. The Plan then identifies specific areas within the Plan area. The subject site is within Framework 5: Saggart-Cooldown Commons Neighbourhood which is addressed at Section 6.5 of the Plan and which outlines objectives for the development of the lands (SSNN1-7). It provides that residential development across the Saggart-Cooldown Commons Neighbourhood will be laid out in a grid like format that incorporates perimeter blocks and a hierarchy of streets. It states that in order to facilitate the provision of own door housing, net residential densities of 30-50 dwellings per hectare shall apply to the plan lands. The Plan outlines an accessibility and movement strategy for the lands in Figure 6.22, green infrastructure in Figure 6.23, a built form framework in Figure 6.24 and a land-use and density framework in Figure 6.25. A neighbourhood framework plan is then combined in Figure 6.26.

5.3.3. Section 7 of the Plan outlines the standards and design criteria to be applied which are based on the 12 criteria included in the Urban Design Manual. Section 8 deals with Phasing for each of the framework areas and seeks to ensure infrastructure and amenities are delivered in conjunction with residential and commercial development. Table 8.1 outlines 4 phases of development for each framework area. For the Saggart-Cooldown Commons area it is as follows: Phase 1 – 136, Phase 2 – 204, Phase 3 – 273 and Phase 4 – 573 giving a total of 1,186 units. Key outcomes for each phase are contained in Tables 8.2-8.5.

5.3.4. Section 5.5.4 of the LAP relates to building height and states:

“There shall be a maximum height limit of three storeys, with exceptions justifiable only in limited exceptional circumstances.”

Section 5.5.5. notes that there are opportunities for landmark buildings at various locations within the LAP area including places that define the location of transport interchanges, significant areas of open space and vistas. LAP Figure 5.9 indicates a ‘local landmark’ to the north of the public square within the development site. Section 5.5.5 states:

“These prominent sites/junctions need special design consideration and should promote a more legible urban environment. Gateway and Landmark buildings/structures do not necessarily mean high buildings, but buildings/treatments

that are unique in terms of architectural design, finish and visual impact. Such buildings/surfaces/treatments should be easily recognisable and should add to the sense of place and identity in a manner that punctuates their location.

Landmark and gateway buildings/treatments will therefore only be permissible where they perform a clear way-finding function and contribute to the legibility of the area.”

LAP section 6.5.5 states the following in relation to the Cooldown- Commons Neighbourhood:

“Building heights shall range between 2-3 storeys (subject to Development Plan height restrictions from Baldonnell Aerodrome). The higher buildings will be located close to the Fortunestown Centre and Saggart Luas stop. Two storey dwellings shall largely front Garter Lane with the exception of street corners where three storey buildings may be considered.”

6.0 Forming of the Opinion

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

6.2. Documentation Submitted

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

Completed application form; Planning Statement; Site Location Map; Site Layout Plans; Architectural & Landscape Design Statement; Traffic & Transport Assessment Scoping; Site Specific Flood Risk Assessment; Infrastructure Design Report; Engineering Drawings.

Section 5(5)(b) of the Act of 2016 requires the submission of a statement that, in the prospective applicant’s opinion, the proposal is consistent with both the relevant objectives of the development plan or local area plan concerned, and the relevant

guidelines issued by the Minister under section 28 of the Act of 2000. These statements have been submitted, as required.

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

6.3. **Planning Authority Opinion**

6.3.1. In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, South Dublin County Council, submitted a copy of their section 247 consultation with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on 24th January 2019. The planning authority's 'opinion' included the following matters.

- Development would contravene the Fortunestown LAP with respect to density, building height and unit mix.
- LAP Table 5.3 indicates a net residential density of c. 40 units / ha for the Saggart – Cooldown Commons neighbourhood. The LAP indicates that densities in the Fortunestown area should generally be in the range of 35-50 units / ha with densities at the upper end of this range in areas within 5 minutes walk of Luas stations.
- The LAP states that building height should not exceed 3 storeys with exceptions justifiable in only limited exceptional circumstances.
- The LAP requires a minimum of 85% of all dwellings should be own door houses on their own site and a maximum of 15% of all dwellings across LAP lands should be provided as apartments / duplexes.
- The PA notes the Urban Development and Building Height Guidelines for Planning Authorities, in particular SPPR 4 and paragraphs 3.4 to 3.8. The criteria of section 3.0 should be applied to the proposed development.
- The layout provides 11m between the most western building in the development and the zoned site to the immediate west. The development should not prejudice development on that site.

- The building heights should step down to provide a transition to the conventional housing permitted to the north. A greater degree of variation in building height and line could be considered along the southern elevation.
- It is unclear if attenuation tanks are proposed. Drainage layout should provide a SUDS system in compliance with development plan objectives and which does not include any underground attenuation. A comprehensive management and maintenance plan should be included to demonstrate how the system will function following implementation. Other drainage details are required.
- Part of the site is within an area of archaeological potential associated with the Recorded Monument of Saggart village DU021-034. The applicant should submit a report to address this, including test trenches.
- The landscape plan should be revised to encourage community integration. Additional details required, including play facilities, details of trees / hedgerows, tree survey, arboricultural impact assessment, landscape design proposals and rationale and ecological screening assessment.
- Community floorspace should be provided.
- Clarification of surface water drainage arrangements and flood risk.

6.4. Submission of Irish Water

- 6.4.1. Irish Water has issued a Confirmation of Feasibility for the development of '451 residential units'. The developer has a number of different options for connection to the IW network, including connection via private infrastructure. IW will require proof of permission to use those networks and proof that those networks have the capacity for the development. The other option is to install a network extension on the public road. No third party consents are required for these connections to take place. Based on the Confirmation of Feasibility, Irish Water confirms that subject to a compliance water and wastewater layout and a valid connection agreement being put in place between Irish Water and the developer, the proposed connections to the Irish Water networks can be facilitated.

6.5. Consultation Meeting

- 6.5.1. A section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 11th February 2019. Representatives of the prospective applicant, the planning

authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

6.5.2. The main topics raised for discussion at the tripartite meeting were based on the Agenda that issued in advanced and contained the following issues:

1. Residential density, housing mix, phasing
2. Design and layout, frontage to Luas line, interaction with permitted development to the north, pedestrian and cycle connections
3. Site services and flood risk.
4. Provision of community floorspace.
5. Any other matters

6.5.3. In relation to the residential density, housing mix and phasing, ABP representatives sought further elaboration / discussion on:

- The proposed residential density in the context of the LAP and National Guidelines
- Housing mix rationale in the context of LAP policy
- LAP phasing provisions and phasing requirements of the Phase 1 development permitted under ABP-300555-18.
- Building height in the context of local and national planning policy

6.5.4. In relation to the design and layout, frontage to Luas line, interaction with permitted development to the north, pedestrian and cycle connections, ABP representatives sought further elaboration / discussion on:

- Public open space provision
- Roads layout and integration with the Luas line
- Interaction with the Phase 1 development to the north
- Parking provision and basement access
- Cycle and pedestrian connections to the site

6.5.5. In relation to site services and flood risk, ABP representatives sought further elaboration / discussion on:

- Detailed surface water drainage proposals
- Flood Zones present at development site
- Flood risk assessment
- Potential downstream impacts of the development

6.5.6. In relation to the provision of community floorspace, ABP representatives sought further elaboration / discussion on:

- Provision of community facilities at the development site as required by the LAP zoning objective.
- Childcare provision

6.5.7. In relation to Any Other Matters, ABP representatives sought further elaboration / discussion on:

- Screening for EIAR
- Building finishes
- Submit a lifecycle report
- Clarify internal communal areas
- Address any archaeological concerns

6.6. Both the prospective applicant and the planning authority were given an opportunity comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting ABP-303308-18' which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

7.0 Conclusion and Recommendation

7.1. Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

- 7.2. I have examined all of the information and submissions before me including the documentation submitted by the prospective applicant, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the section 28 Ministerial Guidelines, and local policy, via the statutory development plan for the area.
- 7.3. Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act: **constitutes a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.**
- 7.4. I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

8.0 Recommended Opinion

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

addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission:

1. 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 Local Area Plan and that specifically addresses any matter that may be considered to materially contravene the said plan, if applicable. In that regard, the statement should address density, building height and unit mix.
2. Detailed phasing proposals, in the context of the development permitted on the overall site under ABP-300555-18.
3. Additional drainage details for the site having regard to the requirements of South Dublin County Council, as stated in their report dated 24th January 2019.
4. A detailed landscaping plan for the site which clearly sets out proposals for hard and soft landscaping including street furniture, where proposed, to address issues raised by South Dublin County Council in their report dated 24th January 2019.
5. A site layout plan, which clearly indicates what areas are to be taken in charge by the Local Authority.
6. A site plan allowing for connectivity with adjoining lands to the west of the development site, which includes for connections continuing up to the relevant boundaries.
7. Daylight/Sunlight analysis, showing an acceptable level of residential amenity for future occupiers of the proposed development, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development. Also analysis of wind microclimate at ground level.
8. Updated SSFRA to include (i) consideration of development permitted under ABP-300555-18; (ii) hydraulic modelling and (iii) Justification Test with regard to the presence of Flood Zone A at the site.

9. Landscape and Visual Impact Assessment with photomontages and CGIs of the proposed development.
10. Archaeological Impact Assessment
11. AA Screening report
12. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 should be submitted as a standalone document

8.4. Also, 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 (in relation to protection zone around Baldonnell Airport)
3. Transport Infrastructure Ireland (in relation to potential for impact on the Luas rail line)
4. National Transport Authority
5. Transdev (in relation to potential for interference with the safe operation of Luas rail line)
6. South Dublin Childcare Committee

PLEASE NOTE:

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

Sarah Moran
Senior Planning Inspector
21st February 2019