



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-304601-19

Strategic Housing Development	245 no. apartments, 5 houses, a retail unit, childcare facility, gym and community room, and associated site works.
Location	St. Edmunds, St. Lomans Road, Palmerstown, Dublin 20.
Planning Authority	South Dublin County Council
Prospective Applicant	St Edmunds Phase 3 Ltd
Date of Consultation Meeting	15 th July 2019
Date of Site Inspection	8 th July 2019

Inspector

Una O'Neill

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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 subject site is located approximately 10km west of Dublin City Centre and to the west of the Liffey Valley interchange of the M50 orbital motorway and the N4 national primary road. The Liffey Valley shopping centre is approximately 750m to the east.
- 2.2. The site, which extends to 2.06 hectares (with additional area of 4400sqm embankment area along eastern boundary in SDCC ownership), is situated to the south of the N4. To the east is the Fonthill Road, to the south is St. Loman's Road, to the west is an existing access road serving phase 1 of St. Edmunds apartment and housing scheme. To the north is Ballydowd Special School and to the north east are lands allocated for traveller accommodation.
- 2.3. There is a bus stop and bus lane along the N4 north of the site which is serviced by a number of high frequency routes. To the south of the site along Fonthill Road North there is also a bus stop.
- 2.4. Vehicular access to the site is from an existing shared unnamed road with St. Edmund's Park to the west of the subject site. This is a well landscaped tree lined route. There will be a controlled pedestrian entrance to the south of the site along St. Loman's Road. A new pedestrian entrance will open the site to the Fonthill Road (R113). The existing pedestrian and vehicular entrance will remain to the west of the site.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development comprises the construction of 258 apartments, 5 houses and a non-residential use building comprising a retail unit, childcare facility, gym and community room.
- 3.2. The following details are noted:

Parameter	Site Proposal
Application Site	2.06 ha gross (2.5 ha incl SDCC lands).
No. of Units	250 residential units (258 apartment and 17 duplex apartments in two blocks; and 5 terraced houses).
Density	121 units/ha.
Height	2/3 storey dwellings; 2-8 storey apartment blocks.
Other Uses	1 block of non-residential use comprising ground floor retail unit (243sqm), childcare facility (398sqm), gym (152sqm) and community room (231sqm).
Parking	145 undercroft car parking spaces and 100 surface (0.9 spaces per apartment and 2 for houses).
Vehicular Access	From existing street serving existing St. Edmund's development, with access to this off St. Lomans Road, west of the roundabout with Fonthill Road (exit to N4) and Liffey Valley Shopping Centre. Provision made for future vehicular and pedestrian connections to surrounding lands to west with direct eastern pedestrian connection to Fonthill Road.

- 3.3. The breakdown of unit types is as follows:

Unit Type	1 bed	2 bed	3 bed	4 bed	Total
Apartments	115	130	5		
Houses			5		
Total					250
% Total	46%	52%	2%	0%	100%

4.0 National and Local Planning Policy

4.1. National Policy

4.1.1. Project Ireland 2040 - National Planning Framework

- National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- National Planning Objective 13: In urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
- National Policy Objective 27: Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages.
- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

4.1.2. Section 28 Ministerial Guidelines

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 following policy documents and Section 28 Ministerial Guidelines are relevant:

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) and the accompanying Urban Design Manual: A Best Practice Guide (2009)
- Sustainable Urban Housing: Design Standards for New Apartments (2018)
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018)
- Design Manual for Urban Roads and Streets (2013)
- The Planning System and Flood Risk Management (including the associated 'Technical Appendices') (2009)
- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme.

4.2. Local Planning Policy

4.2.1. South Dublin Development Plan 2016-2022

- Zoning Objective RES: To protect and/or improve residential amenity
- Map based objective TA: To provide for traveller accommodation. Sites to be selected.
- Map based objective relating to St. Loman's Road, Fonthill Road and N4: Long Term High Capacity Public Transport (RPA preferred route).

5.0 Planning History

Overall St. Edmunds Development:

PL06S.213918 – Permission granted by ABP on 8.6 ha site for 577 residential units, medical centre, leisure centre, retail unit and crèche.

SE05A/0090/EP – Extension of Duration for 5 years of PL06S.213918.

SD06A/0519 – Permission granted for modifications to previously permitted housing.

SD06A/0958 – Permission granted for modifications to previously permitted housing.

SD07A/0485 – Permission granted for construction of 2 ESB substations.

SD09A/0002 – Permission granted for change of permitted PL06A.213918, from 97 units (housing, duplex and apartments) to 82 semi-detached and terraced houses.

SD15A/0012 – Permission granted for modifications to residential layout and unit mix, replacing 59 house and 75 apartments, with 104 semi-detached and terraced houses.

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 submission and the discussions which took place during the tripartite consultation meeting. I shall provide a brief detail on each of these elements hereunder. Prospective Applicant's Case

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.

6.2.2. This information included, inter alia, a Completed SHD Application Form, Schedule of Accommodation, Statement of Consistency with Planning Policy, Architects Design Statement, Photomontages, Planning Report, Building Lifecycle Report, Drainage Design Report, Traffic Impact Assessment, Report on Pedestrian Accessibility Roadplan Consulting, Utilities and Energy Sustainability Report, Construction and Demolition Waste Management Plan, Arboricultural Report, Landscape Masterplan, Landscape Boundary and Lighting Report, Proposed Part V Units and Schedule Costing, Energy and Utility Report, Noise Impact Assessment, Ecological Impact Assessment, EIA Screening Report and AA Screening Report.

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

6.3. Planning Authority Submission

6.3.1. 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 1st July 2019.

6.3.2. South Dublin County Council's opinion included a description of the site and proposed development, planning policy context, planning history, and an assessment of the proposed development. The content of the report is summarised as follows:

- Proposed Land Uses: Proposed land uses are acceptable. Concerns in relation to location of parking in relation to the main open space and potential impact on safety, quality, and usability of this open space. Information in relation to childcare demand is required. It is noted that this is the only crèche for entire St. Edmunds development. Consultation with the South Dublin Childcare Committee is advised.
- Principle of Development: Principle is acceptable in context of the land use zoning objective. The following concerns are noted:
 - Proposed layout has had minimal regard to existing development to the west. Improved pedestrian linkages to St. Edmund's Phase 1 required and improved street level activity on the western side of Core 1 and Core 6 of Block 1.
 - Design of Block 1 limits street level interaction.
 - Block 1 communal block is split by linear block. A single larger communal space could be achieved with removal of section of the block.
 - Scale and location of open space will be assessed against development plan standards. Car parking impacts negatively on the open space. Concern re location and boundary to open space with scale of fencing at Ballydowd.
 - The two storey dwellings are poorly located and level of parking at that location could result in hazardous movement for pedestrians. There may

be opportunities to omit houses and extend block 2 in place of block 3 and consider addition of three bed units to the development.

- Dwelling Mix: There are a lack of three bed apartment units. This raises lifetime adaptability issues.
- Density: Overall density is in line with policies and objectives of SDC County Development Plan 2016-2022.
- Height, Form and Massing:
 - The proposed heights are acceptable at this location.
 - There are concerns with regard to the massing and form of the proposed development. Given the design of block 1 with 6 core buildings and duplex units there is little permeability and no opportunity for connectivity through the site. The elevation along the southern boundary is 100m in length and 80m within the development. The building introduces a stepped back and staggered elevation, however the massing is considered to be excessive.
 - Regard should be had to BRE guide 'Site layout planning for daylight and sunlight' in the study submitted 'Daylight, Sunlight and Overshadowing Study'.
- Layout:
 - Layout needs to improve linkages to the west with the existing development. Boundary through the trees should be open.
 - Block 1 should be altered to create enhanced interaction at street level and a stronger sense of connectivity through the site.
 - Activity at street level is severely curtailed due to the design, notwithstanding presence of own door units.
- Residential Amenity and Design:
 - Internal standards and amenity requirements should comply with apartment guidelines.
 - Single aspect north facing units should be limited.

- Parking to the front of the proposed two storey dwellings would result in conflict with pedestrians and potentially hazardous environment. Height of boundary with adjoining site would contribute to poor quality and inhospitable environment for the dwellings.
- A report on pedestrian accessibility has been provided. Applicant should engage with TII with potential for relocation of bus stops within proximity to the site and with SDCC with regard to creation of new signalised junctions within proximity of the site.
- PA welcomes improved pedestrian access and landscaping through the integration of SDCC lands. The improved permeability and accessibility this would provide is an integral part of the proposed development.
- All units should comply with private and semi-private amenity standards.
- Serious concerns are raised in relation to podium open space and potential for impacts on privacy and noise.
- The applicant has submitted a Noise Impact Assessment given proximity of site to regional and national roads.
- Road Access and Parking:
 - Internal layout should comply with DMURS and emergency access to be considered. It is not compliant at present.
 - Roundabout within layout should be omitted and designed to allow HGV movement. A swept path analysis is required.
 - TIA is required.
 - Quantum of undercroft parking should be reconsidered.
- Landscaping and Open Space:
 - Quantum of open space will be assessed against development plan standards.
 - Parks issues in relation to SUDS.
 - Open space levels to be given and consideration for impact on function of the open space.

- Street trees size and tree pits to be consider for attenuation of storm water.
- Trees should be proposed between every 5 car parking spaces and objective TM7 Objective 3 of the development plan.
- The bat survey was undertaken out of season.
- Ecological survey was not undertaken at the optimum time of year and should be redone.
- Swales and impact on root protection areas of trees. Arborist consultation required to ensure proposal does not impact on life span of the trees.
- Dual sided blocks should have active frontage to open space.
- Communal spaces are overdesigned with pathways.
- Boundary treatment.
- Drainage and Water Supply: SDCC lands to the east should form part of the drainage catchment of the site.
- Tenure: Information should be provided in relation to tenure.
- Social and Affordable Housing: Agreement to be reached.
- Traveller Accommodation: There are currently 4 traveller bungalows on the site. Part VIII to north of site, which is within the ownership of the applicant, provides for traveller accommodation.
- Waste – Construction and Demolition: A detailed plan is required.
- Environmental Impact Assessment: Report submitted which concluded development is subthreshold and a EIAR is not required.
- Appropriate Assessment: No significant effects concluded.

7.0 The Consultation Meeting

7.1. A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 15th July 2019, commencing at 2.30 PM. 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.

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

1. Development strategy including density, layout, design, interface with and quality of public realm/streetscape with particular regard to Block 1, permeability, location and quality of open space, landscape plan (SUDs), parking, crèche (scale).
2. Compliance with 2018 guidelines on the design of new apartments.
3. Traffic and transportation - capacity of surrounding road network; bus network; pedestrian movement; compliance with DMURS.
4. Site services, SUDS, and flood risk.
5. Any other matters.

Development Strategy

7.3. In relation to the Development strategy for the site, ABP representatives sought further elaboration on:

- The urban design and layout proposed, with specific regard to active frontage to units at street level to the north of Block 1 vs positioning of living spaces at first floor level, fronting onto podium level.
- Residential amenity and sunlight-daylight analysis to specific units within core 2.
- Pedestrian movements around the eastern side of Block 1.
- Connectivity with existing development to the west.
- Landscaping proposals including management of tree line to the west.
- Possibility of incorporating surface level SUDS measures into the scheme to improve biodiversity and utilisation of eastern entrance area for SUDS.
- Parking provision and its interface with the proposed open space area.
- Scale of crèche to address the entire St. Edmund's development.

Sustainable Urban Housing: Design Standards for New Apartments (2018)

- 7.4. ABP representatives sought further discussion on the quantitative and qualitative standards of the Sustainable Urban Housing – Design Standards for New Apartments (2018).

Traffic and Transportation

- 7.5. ABP representatives sought further elaboration on:
- traffic and requirement for TIA
 - pedestrian connectivity to bus stops in the area.

Site Services, SUDS, and Flood Risk

- 7.6. ABP representative sought further elaboration on:
- water services infrastructure for the site and
 - SUDS measures being proposed and impact on open space.

Any Other Matters

- 7.7. In relation to Any Other Matters, the Planning Authority emphasised applicant should consider further material and finishes to proposed development to ensure a high quality development.

Submission from Irish Water

- 7.8. Irish Water has issued a Confirmation of Feasibility which confirms that subject to a compliant water and wastewater layout and a valid connection agreement being put in place between Irish Water and the developer, the proposed connection(s) to the Irish Water network(s) can be facilitated.
- 7.9. 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-304601-19' 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.

8.0 Conclusion and Recommendation

- 8.1. 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.
- 8.2. 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 s.28 Ministerial Guidelines, and local policy, via the statutory plan for the area.
- 8.3. 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.
- 8.4. 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.
- 8.5. 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.

9.0 Recommended Opinion

- 9.1. 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.

9.2. 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.**

9.3. 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. Design and Layout - Further consideration/justification of the documents as they relate to the street level interface of units at ground level of Block 1 and materials and finishes to the proposed buildings. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

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 arising from this notification:

1. Site layout plan to be reviewed in context of DMURS and consideration of vehicular access to basement level to provide for HGV movement; consideration of pedestrian movement through the basement; parking provision for non-residential building and interface with the public open space to be reviewed; pedestrian movement west to the existing St. Edmund's development to be indicated on the site plan and provision made for safe pedestrian crossing facilities.

2. TIA to be submitted including inter alia information in relation to surrounding road network, access to public transport and pedestrian routes.
3. Response to issues raised in Parks and Landscape Services/Public Realm report dated 25.06.19, accompanying the PA Opinion dated 28.06.19.
4. A life cycle report shall be submitted in accordance with section 6.3 of the Sustainable Urban housing: Design Standards for New Apartments (2018). The report should have regard to the long term management and maintenance of the proposed development. The applicant should consider the proposed materials and finishes to the scheme including specific detailing of finishes, the treatment of balconies in the apartment buildings, landscaped areas, podium design, pathways, and all boundary treatments. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the development.
5. A detailed analysis of car parking and bicycle parking provision, including for the non-residential building. Mobility management plan to be submitted and consideration to be given to electric charging points.
6. Detailed drawings, sections, elevations, including a CGI of the site from the N4 exit onto the Fonthill Road, and to demonstrate that the development provides an appropriate interface and treatment of the public realm.
7. Childcare demand analysis and the likely demand for childcare places resulting from the proposed development, including a crèche of suitable scale to meet the needs of existing St. Edmunds phase 1 as well as proposed development. The analysis should include inter alia existing unit numbers and types in the wider St. Edmund's scheme.
8. A detailed schedule of accommodation which shall indicate compliance with relevant standards in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' 2018.
9. A detailed Landscaping Plan is required, to include details of size, species and location of all trees, shrubs, and wildflowers to be planted within the scheme; detailed design and layout of public open space having regard to existing open space facilities in the wider St. Edmund's development; design

of entrance from the east/Fonthill Road, and details of SUDS features within the scheme and how these will support biodiversity within the site; overlay of SUDS proposals and consultation with arborist to ensure no impact on trees; plan should include a management plan in relation to the existing tree line to the west providing for their phased replacement/supplementation given 10 year life span of existing trees; tree protection measures for construction phase of development,

10. Respond to issues raised in the Water Services Planning Report dates 21.06.19, contained within the PA Opinion dated 28.06.19, including inter alia a detailed SUDS strategy to include details for the proposed scheme, including location authority lands to the east.
11. Internal daylight/sunlight analysis to ensure adequate amenity of future residents and including areas of open space in the assessment.
12. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority.
13. Site Specific Construction and Demolition Waste Management Plan.

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. National Transport Authority
4. Coras Iompair Eireann
5. South Dublin County Childcare Committee

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.

Una O'Neill
Senior Planning Inspector

29th July 2019