



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-304865-19

Strategic Housing Development	153 homes and a neighbourhood centre
Location	Station Road, Portmarnock, Dublin 13
Planning Authority	Fingal County Council
Prospective Applicant	St. Marnocks II DAC
Date of Consultation Meeting	13 th August 2019
Date of Site Inspection	1 st August 2019
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 is part of an emerging suburban area in north Co. Dublin. It is 12km north east on the city centre beside the railway station at Portmarnock, c900m west of the village centre and c500m west of the head of the estuary at Baldoyle,. It has a stated area of 4.59ha and consists of 2 pieces of flat vacant land. One piece is on the southern side of Station Road. Its western boundary is along a car park serving the station. Its southern boundary is with recently built housing. Its eastern boundary is along an access road to that housing. Works are ongoing on the land on the eastern side of that access road. The larger part of the site is c150m to the south along that access road on the far side of the existing housing.

3.0 Proposed Strategic Housing Development

3.1. It is proposed to build 153 residential units. The housing mix is as follows –

	2 bed	3 bed	4 bed	Total
Houses	-	78	35	113
Apartments	26	14	-	40
Total	26	92	35	153

3.2. It is also proposed to build 2 shops with a floor area of 298m², a café of 157m² and a medical centre of 92m². The stated floor area of the overall development is stated to be 17,885m². The proposed apartments and non-residential floorspace would be provided on the northern piece of the site on Station Road. The southern part of the site would be occupied by the houses.

4.0 Planning History

ABP-00514-18 –On 23rd March 2018 the board granted permission for 150 homes (98 houses and 52 flats) on adjoining land to the east of the present site. The proposed development was subject to AA. The need for an EIA was screened out.

Reg. Ref. F13A/0248 – the council granted permission for 101 houses on an adjoining site in March 2014. This permission has been implemented.

5.0 Policy

5.1. National Policy

The government published the National Planning Framework in February 2018. Objective 3a is that 40% of new homes would be within the footprint of existing settlements. Objective 27 is to ensure the integration of safe and convenient alternatives to the car into the design of communities. Objective 33 is the prioritise the provision of new homes where they can support sustainable development at an appropriate scale.

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'
- Guidelines for Planning Authorities on Urban Development and Building Heights, 2018
- 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. Local Policy

5.2.1. The Fingal County Development Plan 2017-2023 applies. The site is zoned under objective RA which is for new residential development. It is also in the outer airport safety zone. Objective DA14 is to review the public safety zones associated with the airport and implement government policy on them.

5.2.2. The Local Area Plan for Portmarnock South 2012 has had its period extended to 2023. Section 2.2.6 states that the density of development within the airport outer safety zone is limited to 60 persons per half hectare plot. Objective WW1 is that the pumping station and other required drainage infrastructure are commissioned after the occupation of the first 100 dwellings prior to the commencement of further development. The phasing scheme at section 11.6 states that phase 2 would include be units nos. 301-600 of 1,200 and that the Skylark Park would be completed in this phase.

6.0 Forming of the Opinion

6.1. Documentation Submitted

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

- A Planning Report and Statement of Consistency
- A Housing Quality Assessment

- An Architectural Design Statement
- An Environmental Report
- A Traffic and Transport Assessment
- A Water Services Report
- A Site Specific Flood Risk Assessment
- An Archaeological Report
- A Preliminary NIS
- An Inward Noise Assessment Report
- An Aviation Compliance Report

6.2. **Statement of consistency**

The density of the development would be 37 dph based on a developable area of 4ha which excludes the plaza on Station Road and the linear open space. The plot ratio would be 0.39 and the site coverage would be 23%. The proposed development is not likely to have significant effects on the environment, as it is residential development on agricultural land that would drain to existing networks. Irish Water have indicated that a connection to its foul sewer is feasible and that there was capacity to accommodate the effluent from the proposed development at the Mayne Road pumping station. The surface water would drain to a regional wetland that has already been constructed.

The core strategy of the county development plan allocates a population target of 1,200 to Portmarnock South. The proposed development is in keeping with this strategy. The site is in the outer safety zone for the airport. Childcare facilities are not allowed in this zone, according to the LAP, so none is proposed. The proposed density complies with the requirement in the LAP that no half hectare plot would accommodate more than 60 people and the target densities of 35 to 42 dph. The size of the development is consistent with section 11.3 of the LAP which states that applications should not seek permission for more than 150 homes. The site is beside the existing and permitted housing so its development is sequential. There are two access points to the car park for the railway station on the site boundary as agreed under ABP-300514-18.

Objective WW1 of the LAP states that only 100 homes may be built until a new pumping station is commissioned to serve the area. The proposed development would contravene this objective WW1 as 101 homes have already been built under F13A/0248. The board granted permission for another 150 under ABP-300514-18 on the basis that it would use a temporary storage tank for effluent until the pumping station was commissioned. A planning application for a permanent pumping station to serve the LAP lands is due to be made by Irish Water, who have reported that there is sufficient capacity in the existing network to accommodate the foul effluent that would be generated by the proposed development.

The proposed development of housing on a public transport corridor on zoned and serviced land is in keeping with the NPF and various national and regional planning policies. The densities are the best that can be achieved within the constraints set by the outer safety zone for the airport. The layout of the development allows pedestrian connectivity. The apartments would have adequate floor areas and other facilities to meet the requirements of the 2018 apartment design guidelines. The site is in an intermediate urban location as defined in those guidelines. 89 car and 55 bike parking spaces will be provided to serve the commercial services and apartments in the local centre. 2 car parking spaces will be provided on the curtilage of each house. The range of 2 to 4 storeys would be in keeping with the 2018 guidelines on building height for this area. The flood risk assessment demonstrates that the site is not susceptible to flooding. The layout follows the principles of DMURS with permeable multi-use streets.

The characteristics and location of the development and its potential impact are such that an EIA would not be required. There would be no cumulative impact with the other development envisaged under the LAP as long as mitigation measures are implemented.

A preliminary NIS was submitted which concluded that the proposed development would not adversely affect the integrity of any Natura 2000 site either individually or in combination with any other plan or project.

6.3. Planning Authority Submission

The proposal is broadly in line with the objectives of the development plan and demonstrates a high level of architectural input. The gross density of 34dph is

acceptable to the council, having regard to the location of the site in the outer safety zone for the airport. The proportion of dual aspect apartments needs to be at least 33%. Better quality railings should be provided for the stairs and balconies serving the apartments. High quality finishes should be used suitable for the coastal location. The maximum height of 4 storeys is acceptable. The rooms sizes, storage and private amenity spaces meet the 2018 apartment design standards. Car parking is in line with the requirements of the council's Transportation Section. Further details are required of bike parking. The roads layout and specifications are acceptable. A contribution may be needed to works to improve the junction of the Station Road and Coast Road. The proposals for surface water drainage are generally acceptable. The provision of open space falls short of the requirement for 10% of site area for Class 2 open space. The retained hedgerow does not quality as Class 2 open space because it does not offer recreational amenity. The adjoining area on the other side of the hedge which is designated for the provision of a park in the LAP is shown as outside the prospective applicant's ownership. The proposals for street trees are inadequate.

6.4. Other submissions

Irish Water stated that it had issued a confirmation of feasibility for 154 homes. A new water main was needed, but this would not require any statutory or 3rd party consents.

6.5. The Consultation Meeting

A section 5 consultation meeting took place at the offices of the board at 1445 on Wednesday, 11th December 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. Development strategy, including density, height, housing mix, layout and design with reference to the provisions of the LAP and its overall target for housing provision
- ii. The provision of open space at various scales

- iii. Facilities for pedestrians and cyclists, including accessibility to the railway station and compliance with the provisions of DMURS including the controls on block sizes at section 3.3.2.
- iv. AA and EIA issues
- v. Drainage and water supply
- vi. Any other issues

Under item i) the council referred to its position as set out in its written submission. The prospective applicant stated that the proposal was the next logical phase for the development of the area after the completed and current schemes. It would be in accordance with the detailed and prescriptive provisions of the LAP whose period was recently extended by the council. Irish Water have indicated that capacity is available at the existing pumping station for the foul effluent that would be generated by the development. The developable area of the site is 4.1ha, omitting the local park and open space at the neighbourhood centre. Only 6 of the proposed 40 apartments would be single aspect. The proposed metal railings on balconies would be similar to those on the recently constructed apartments along Station Road to the east. The council indicated its preference for glazed barriers on the balconies. The representative of the board acknowledged the restrictions on the density of housing on the site due to its location on the approach to the airport, but stated that any proposal would need to show compliance with the county's core strategy and its target for housing in Portmarnock South and that set out in the LAP.

Under item ii) the prospective applicant said that a very significant amount of land, c40ha, had been given the council to provide open space under the phase 1A permission that would facilitate *inter alia* the coastal greenway. The proposed development would therefore be in keeping with the phasing provisions of LAP having regard to the amount of open space, even if there is some divergence in its categorisation as Class 1 or 2 space. Full details of the location and size of this land can be submitted with any application. The council stated its objective to have the Skylark Park beside the application site provided as Class 2 open space to fulfil the requirement for 10% of a housing site to be provided as open space. The prospective applicant stated that the phasing requirement of the LAP required

Skylark Park to be completed after 600 housing units, while the proposed development would only bring the total authorised number of houses to 500. The representatives of the board referred to the need to provide adequate overlooking of the proposed pocket park.

Under item iii) the representative of the board sought clarification on the provision of pedestrian and cycle routes through the scheme to the train station and neighbourhood centre that would be compatible with the routes set out in the LAP and previously submitted masterplan, as well as details of the interface of the neighbourhood centre with the required facilities along Station Road. The prospective applicant stated that it would maintain the gate to the station car park from the south and the one along the current site boundaries. The council stated that these elements of the development were the subject of consultations with the prospective applicant and that it was satisfied with the permeability of the scheme and wider links through it. Mitigation measures may be required for the impact of traffic on the surrounding road network, particularly the junction of Station Road and the R124. The representative of the board referred to the requirements for the imposition of special contribution under section 48c) of the planning act which would have to be applied strictly under an SHD permission due to the limited scope for further information or appeals. The council stated that the car parking at the neighbourhood centre could be better managed by a private company, possibly in conjunction with the car park at the station, rather than by the council. The board's representatives sought clarification of the proposed block dimensions, some of which were above the maximum set down in DMURS for reasons of urban design and road safety. The council suggested that offsets could be provided on longer stretches of street without junctions, while the prospective applicant stated that the block sizes would not inhibit pedestrian movement. The board's representative indicated that any departure from the applicable standards would need to be justified in the documents submitted with any application.

Under item iv) the board's representatives referred to the relevance of cumulative impact when screening for EIA and AA, while acknowledging that assessment of development that is already authorised or not yet proposed cannot be carried out under a particular application for permission. The prospective applicant stated its intention to submit an NIS with an application, and pointed out that less than the

applicable EIA threshold of 500 dwellings would be authorised in this part of Portmarnock if that application were granted. The council indicated that the proposed approach was rational.

Under item iv) the prospective applicant referred to consultations with Irish Water who had indicated that adequate capacity was available in its networks, including the existing pumping station at Mayne Bridge, to facilitate the proposed development. An application for permission to upgrade the pumping station has been made to the council, but it is not necessary for these works to be carried out before the occupation of the proposed development.

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.

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 documentation as it relates to compliance with the core strategy of the county development plan and the housing target for

the area covered by the Portmarnock South Local Area Plan. The documentation should demonstrate that the proposed development would provide enough housing on the site to contribute to the achievement of the core strategy and local housing target to an extent proportionate to the size and location of the site.

2. Further consideration of the documentation as it relates to the provision of open space which should demonstrate that sufficient open space would be provided to serve the proposed housing and to generally comply with the provisions of the county development and local area plans with due regard to existing, permitted and planned development in this area.

3. Further consideration of the documentation as it relates to pedestrian and cycle movement through the proposed development to the railway station and neighbourhood centre. The documentation should show routes for these modes that are be in reasonable alignment with existing facilities as well as those shown on the LAP and the masterplans submitted with previous applications. In particular the documentation should show that the proposed development would provide a street network that complied with the requirements of DMURS in relation to block dimensions, footpath and carriageway widths and junction radii and that would facilitate cycle movement from the permitted development to the east and south and along Station Road on facilities that provide a suitable continuity of service and priority over vehicular movements at junctions without creating conflict with pedestrians, in line with the principles and the specific requirements of the National Cycle Manual issued by the NTA.

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. Irish Aviation Authority
4. Dublin Airport Authority
5. The Minister for Culture, Heritage and the Gaeltacht
6. The Heritage Council
7. An Taisce — the National Trust for Ireland

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. The information for the purposes of screening for EIA set out in schedule 7A of the Planning and Development Regulations 2001, as amended, which shall refer to the potential for cumulative effects in conjunction with other permitted and planned housing in the area.
2. A taking-in-charge plan and a plan for the management of the proposed neighbourhood centre including its car parking.
3. An archaeological impact report.
4. A housing quality assessment which provides the specific information regarding the proposed apartments required by the 2018 Guidelines on Design Standards for New Apartments. The assessment should also demonstrate how the proposed apartments comply with the various requirements of those guidelines, including its specific planning policy requirements. A building lifecycle report for the proposed apartments in accordance with section 6.13 of the 2018 guidelines should also be submitted.
5. A Site Specific Flood Risk Assessment Report. The prospective applicant is advised to consult with the relevant technical section of the planning authority prior to the completion of this report which should describe this consultation and

clarify if there are any outstanding matters on which agreement has not been reached with regard to surface water drainage.

6. Details of proposed boundary and surface treatments throughout the development, and of landscaping and planting.
7. A draft construction management plan
8. 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,
23rd August 2019