



An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion
ABP-305856-19**

Strategic Housing Development	Demolition of existing public house, construction of 172 no. apartments, crèche and associated site works.
Location	The Lord Mayor's Public House, Main Street, Swords, Co. Dublin
Planning Authority	Fingal County Council
Prospective Applicant	Jacko Investments Limited
Date of Consultation Meeting	16 th December 2019
Date of Site Inspection	11 th December 2019
Inspector	Joanna Kelly

1.0 Introduction

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

2.0 Site Location and Description

- 2.1 The development site is located along Main Street, Swords and incorporates the existing Lord Mayor's structure, a public house with a modern thatch roof. The lands fall steeply from Main Street to the rear towards the Ward River Valley, a tributary of the Broadmeadow River which discharges to the Swords Estuary.
- 2.2 There is an existing vehicular entrance from Church Street to the lands where there is a car-park to serve the existing public house. The levels from the public road on Church Street falls steeply to Glebe stream which runs parallel to Church Road. There is currently no footpath along the site frontage with Church Road.
- 2.3 The Main Street is considered traditional characterised by two and three storey structures at this location. The Swords Pavillion Shopping Centre is located further north-east of the site and has access via Penny's building to the main centre. There are bus stops to and from the City Centre located along the Main Street. Swords Castle is also located to the northern end of Main Street in close proximity to the offices of Fingal County Council. St. Columba's Church is located along Brackenstown Road located at a higher level than the site and is visible from Main Street at certain locations.

3.0 Proposed Strategic Housing Development

- 3.1 It is proposed to demolish the existing public house on the site and to construct 172 residential units on the site of c.1.4ha. The proposal also provides for the construction of 2 no. commercial units with a total floor area of 699sq.m. and a crèche.
- 3.2 The following table provides the breakdown of unit types based on the description of the development proposed.

Table 1: Residential Unit Types

Residential Mix	Housing Units	% Mix bed type
1 bed	67	39%
2 bed	101	59%
3 bed	4	2%
Total	172	100%

4.0 Planning History

File Ref. No. F11A/0111 Permission granted for a development which consisted of alterations to the existing public house including the change of use of a storage area to public house area.

File Ref. No. F00A/0778 Permission granted for a two-storey extension to existing retail unit (off-licence) to accommodate additional retail and storage areas.

File Ref. No. 98A/0344 Permission refused for signage

5.0 National and Local Planning Policy

5.1 National

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 are:

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

Other relevant national documents include:

- National Planning Framework: Ireland 2040 Our Plan
- Rebuilding Ireland: Action Plan for Housing and Homelessness, 2016
- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.

5.2 Local

5.2.1 Fingal Development Plan 2017-2023

The subject lands have two land use zoning objectives. The majority of the site is zoned 'MC – Major Town Centre with the objective “to protect, provide for and/or improve major town centre facilities.” There is a portion of lands to the north which are zoned 'HA – High Amenity, the objective of which is “to protect and enhance high amenity areas”.

The strategic policy set out in Section 1.6 of Chapter 1 includes policy no. 4 “promote and facilitate the long-term consolidation and growth of the County town of Swords as provided for in the Swords Strategic Vision 2035”.

Objective SS01 seeks to “consolidate the vast majority of the County’s future growth into the strong and dynamic urban centres of the Metropolitan Area while directing development in the hinterland to towns and villages, as advocated by national and regional planning guidance”.

Section 4.2 sets out that Swords, is identified as a Metropolitan Consolidation Town in the RPGs. Of note Objective SWORDS 4 provides “promote the development of lands within Swords town centre in accordance with the principles and guidance laid down in the Swords Master Plan (January 2009).” It is also an objective “to develop an appropriate entrance to the Ward River Valley from the town of Swords so that access to the amenities of the valley is freely and conveniently available to the people of Sword”.

5.2.2 Swords Masterplan 2009

Section 2.2.1 of the plan refers to the Masterplan as a Guidance Document. It sets out that “all such urban design and architectural guidance is indicative only, and each development proposal presented to the planning authority will be considered on its merits through the development management process.” Applications which propose deviations from the Masterplan Guidance must be set within a detailed urban design rationale and in the context of the urban design appraisal and guidelines set out within the Masterplan before they can be considered favourably.

Section 2.6 of the Masterplan set out Strategic Objectives which includes “to ensure the integration of the Town Centre expansion areas of the Pavilions and Barryparks with the Main Street area and activity nodes, through the creation of a permeable and legible street network, active 24 hour streets, and provision of a mix of attractive Town Centre uses, within a quality urban environment.”

The site forms part of the lands identified as part of the “cultural quarter”. Section 5.0 of the Masterplan refers.

6.0 Forming of the Opinion

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

6.1 Documentation Submitted

6.1.1 The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 and article 285 of the Planning and of the Planning and Development (Strategic Housing Development) Regulations 2017.

6.1.2 The information submitted included *inter alia*: a completed Application form and cover letter; details pertaining to section 247 process; Engineering report; Archaeological report; Traffic Assessment and Mobility report; Architectural report; Flood Risk Assessment; and other plans and particulars.

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

6.2 Planning Authority Submission

6.2.1 In compliance with section 6(4)(b) of the Act of 2016 the planning authority for the area in which the proposed development is located, Fingal County Council, submitted a note of their section 247 consultations with the prospective applicant and also

submitted their opinions in relation to the proposal. These were received by An Bord Pleanála on 4th December 2019.

6.2.2 Fingal County Council's opinion included the following matters:

- A series of issues remain to be resolved. The core issue is based on the variance between their design concept for the redevelopment of the subject site and the intent of the Swords Strategic Vision 2035 and Swords Masterplan to create a significant new part of town with appropriately sized public realm and to ensure that new development does not adversely impact upon views to St. Columba's Church and the Ward River Valley park.
- The site lies partially within the constraint area for the historic town of Swords (DU011-035) and within 15m of holy well DU011-034013 traditionally associated with St. Columba.
- The site is zoned 'major town centre' and 'high amenity'.
- There is a specific map-based objective to preserve views along the southern edge of the Ward River Valley park and of the Church and Round Tower from within Swords.
- Density is in line with Ministerial Guidelines.
- No objection to principle however the mix of uses on the site is considered to be limited taking into account the 'MC' zoning objective for the town centre.
- The hard transition along the boundary with the 'HA' zoned lands does not sufficiently protect this highly sensitive and scenic location.
- The proposed massing of Block 4 at this junction is at odds with the surrounding buildings, streetscape and building lines.
- Blocks A and B bordering the park do not respond to the site's context on the bank of the Ward River and its associated views and ground levels. The interface with the Ward River Park and this development needs to be further considered.
- The proposed massing is monolithic and excessive notwithstanding the architectural stepping down of the roof line and perforated brick wall details.

- The proposed built form does not invite pedestrian activity into the park nor form improved views to the Ward River Valley Park as per Swords Masterplan.
- The key primary pedestrian route across the scheme connecting the park to the town, deserves stronger definition as public realm.
- It is recommended that a better mix of apartment sizes and design types be included so as to provide differing options and opportunity for the needs of a variety of users.
- It is unclear as to the level of permeability from the exterior public space through the internal courtyard areas, especially with regard to those with impaired accessibility and how semi-private and private open space will be delineated.
- Proposals do not sufficiently demonstrate an understanding of the distinct and special character and potential for the subject lands. The application of the same architectural style across all 4 no. blocks does not provide a discernible focal point to the scheme or help reinforce the role of the Main Street.
- Parking is below development plan standards. Deficit of 133 spaces or 49 spaces which the Transportation Planning section would consider the absolute minimum practical requirement.
- Total bicycle parking is below the national planning guidelines requirement of 1 space per bedroom.
- The current development plan indicates the provision of a future road link between Main Street and the Brackenstown Road that runs along the northern end of the proposed development. This line is indicative of the desire route however the complexities of the topography as well as the existing buildings and the proximity of the Ward River the final route and design need to be considered to ensure the proposed development does not compromise the delivery of this essential link.
- The area of greatest concern for the Transportation planning section is the issue of the integration of the proposed development with the recommendations made in relation to Church Road and link between Main Street and Brackenstown Road as provided for in the development plan.

- In this location the planning authority has determined that the appropriate typology of buildings ranging from 2-4 storeys in height and linear in form so that no buildings in this location restrict the views to St. Columba's Church and connections to the Ward River Valley Park.
- The choice of white brickwork for upper stories of all blocks in the proposal may result in a visually stark scheme. A softer material palette choice would integrate the proposal into the site context.
- From review of the typical apartment layouts there appears to be shortfalls in both storage provision and aggregate floor area of living/dining/kitchen for e.g. in the two bed units.
- Given the geography of the site, there are concerns with regard to flood risk, that have not been adequately addressed within the submission.
- Conservation Officer has no objection in principle to the demolition of the existing pub but has concerns about Block D.
- Recommends further examination as to whether EIA is required.

Internal Reports:

Architect's Department Concerns re massing of Block 4. Blocks A and B do not respond to the site's context on the bank of the Ward River. Proposed built form does not invite pedestrian activity into the park nor form improved views to Ward River Valley. Little differentiation in the proposed building design response to the park context to the west and the urban town context to the east.

Community, Culture and Sports No objection

Conservation Officer Current building is a heavily modified 19th century structure. No objection in principle to demolition but any new building needs to successfully address both elevations of the corner site onto Main street and Forest Road. Building D does not achieve this with its deep plan and four-storey scale. The scale and layout of the proposed development interrupts the views and connections between Main street and the Ward River Valley Park and the St. Columba's site. The preference is that this part of the site remains more open to act as a gateway from the current commercial core to the early historic core of Swords.

Environmental Health, Air and Noise Unit Concerns re noise from gym and movies/games room. Hours of operation, deliveries and effect of the cumulative noise on the residents/local businesses should be considered.

Environment and Water Services Department Conditions recommended

Housing Development Management Support Unit Part V agreement to be agreed.

Parks and Green Infrastructure Division Much emphasis was given at the pre-planning meeting for the need to create a significant entrance / nodal point from Main street into this development. The purpose was to create a civic plaza and from the view on the Ward River Valley Park and create a significant entrance/gateway into the Ward River Valley Park. The proposal does not adequately address this. The interface between the Ward River Park and this development needs to be further considered. There is no public open space and a financial contribution in lieu should be provided for.

Transportation Planning Section Parking is below development plan standards. Parking has been provided at a rate of 0.74 spaces per unit. Consequently there is a deficit of 133 parking spaces with regard to the Development Plan Standards or 49 below what the Transportation section would consider the absolute minimum. Traffic and Transport Assessment does not reference the recent Fingal South Transportation Study. One measure to address the traffic growth in Swords may impact on the development i.e. South Fingal Transportation Study recommendation 4 which refers to the provision of a future road link between Main Street and the Brackenstown Road.

Water Services Planning Section Concerns re provision of underground attenuation tanks and taking in charge. Concerns re site specific flood risk assessment.

Archaeological Report An Archaeological Impact Assessment has been submitted. The author has recommended 'preservation by record'. The impact of the proposed development on archaeological remains is such that archaeological excavation is required.

6.3 Consultation Meeting

6.3.1 A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on 16th December 2019, commencing at 2.00 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 as follows:

- Development strategy for the site to include inter alia local planning policy provisions and urban design response
- Surface water management and flood risk to include AA considerations
- Traffic and Transportation to include consideration of comments in the planning authority's opinion.
- Any other matters

6.3.2 In relation to development strategy for the site to include inter alia local planning policy provisions and urban design response ABP representatives sought further elaboration/discussion on the how the proposal meets the objectives set out in the development plan and more specifically the Swords Masterplan with particular regard to mix of uses, creation of an activity node linking the site with the cultural quarter and Ward River Valley, protection of views and urban design response.

6.3.3 In relation to Surface water management and Flood Risk to include AA considerations, ABP representatives sought further elaboration/discussion on this issue including consideration of surface water with regard to AA.

6.3.4 In relation to Traffic and Transportation ABP representatives sought further elaboration/discussion on this issue having regard to strategic transport objectives in the area, connectivity to and from the site as provided for in the Swords Masterplan and parking management on site.

6.3.5 In relation to AOB, ABP noted inter alia that details re boundary treatment to be submitted, consider residential amenity of new and existing properties etc.

6.3.6 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-305856-19' 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.

7.0 Conclusion and Recommendation

- 7.1 Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 7.2 I have examined all of the information and submissions before me including the documentation submitted by the prospective applicant, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy via the section 28 Ministerial Guidelines, and local policy via the statutory plan for the area.
- 7.3 Having regard to all of the above, I recommend that further consideration and/or possible amendment of the documents submitted are required at application stage as set out in the recommended Opinion below.
- 7.4 Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **requires further consideration and amendment** in order to constitute a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 7.5 I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision-making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

8.0 Recommended Opinion

- 8.1 An Bord Pleanála refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.
- 8.2 Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála is of the opinion that the documentation submitted **requires further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**
- 8.3 In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development:

1. Surface Water Management and Flood Risk

Further consideration of documents as they relate to the design rationale/justification for the proposed development strategy of the lands as they relate to surface and storm water management for the development lands and the risk for displaced or increased discharge of waters downstream in the Broadmeadow River and the identification of a portion of the site on Flood Zone A and B lands.

Any surface water management proposals should be considered in tandem with any Flood Risk Assessment, which should in turn accord with the requirements of 'The Planning System and Flood Risk Management Guidelines' (including the associated 'Technical Appendices') and include hydraulic modelling where considered appropriate. All proposed SUDs features should be clearly identified on a site layout plan with proposals as to how the features will enhance/contribute to a sense of place. Computer Generated Images and cross-sections should be submitted to show

changes in levels and inter alia, the interface of boundary treatments and SUDs to public open spaces/streetscape.

Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

2. Movement and Transportation

Further consideration and/or justification of the documents as they relate to the specific objectives for Swords in the Fingal Development Plan in respect of connectivity and movement for pedestrians, cyclists and motorists within and through the site in particularly connecting the cultural quarter to the River Ward Valley.

Consideration should be given to the future road link identified in the Fingal Development Plan between Main Street and the Brackenstown Road along the northern end of the development site and whether the proposal may compromise the delivery of this future road link including a bridge if required.

Consideration should also be given to the recommendations of the Fingal South Transportation Study 2019 including, inter alia, the movement of pedestrian and cyclists along Church Road having particular regard to the current lack of footpaths at this location, site context and the difference in levels between the public road and site.

Further consideration of these issues may require an amendment to the documents and/or design proposals.

3. Layout and Urban Design Response

Further justification or if considered necessary further consideration of the documents as they relate to the proposed layout and urban design response vis-à-vis integration with the general area and achievement of the vision and objectives provided for within the Swords Masterplan.

The Swords Masterplan 2009 provides that “applications which propose deviations from the Masterplan Guidance must be set within a detailed urban design rationale

and in the context of the urban design appraisal and guidelines set out within the Masterplan before they can be considered favourably". Should the existing design strategy be maintained then a written response should be submitted that addresses/responds to the concerns raised by the planning authority in their opinion and which demonstrates that the proposed urban design strategy supports the achievement of the vision and objectives of the Swords Masterplan.

Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

8.4 Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission:

1. A statement justifying the quantum of proposed residential use versus the proposed retail floor space having regard to the land-use zoning objective 'Major Centre' for the site and consideration as to whether the dominance of residential use at this location is appropriate and/or would impact on the vitality and viability of Swords town centre. You should consider the use of a vitality and viability health check assessment to inform the statement of justification. Annex 2 of the 'Guidelines for Planning Authorities, Retail Planning 2012' may be of assistance in this regard.
2. A contextual layout plan which indicates the layout of adjoining developments, photomontages and cross section at appropriate intervals for the proposed development including details of how the proposed development interfaces with contiguous lands and adjoining roads in particular Forest and Church Road.
3. Details demonstrating that the qualitative and quantitative standards of the proposed residential units having specific regard to the provisions of Specific Planning Policy Requirements contained in inter alia the Sustainable Urban

Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2018.

4. All existing utilities that may traverse the site including any proposal to culvert/re-route/underground existing drains/utilities should be clearly identified on a site layout plan.
5. A site layout plan indicating pedestrian and cycle connections through the development lands including the river front.
6. A construction and demolition waste management plan should be provided.
7. A Building Life Cycle Report as per Section 6.13 of the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities 2018.
8. A site layout plan indicating all areas to be taken in charge.
9. A management plan for the proposed development including clarity regarding access to and through the development to public amenity areas.
10. Information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018
11. An Appropriate Assessment screening report and/or Natura Impact Statement if considered necessary, which should consider inter alia the issue of surface water management and flood risk (as outlined in Item 1 of the Opinion) and in-combination effects of relevant Natura 2000 sites.

8.4 Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

1. Irish Water
2. The Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs
3. The Heritage Council
4. An Taisce – the National Trust for Ireland
5. Transport Infrastructure Ireland
6. National Transport Authority
7. Local 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.

Joanna Kelly

Senior Planning Inspector

3rd January 2020