



An
Bord
Pleanála

S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report ABP-305946-19

Strategic Housing Development	514 no. apartments, creche and all associated site works.
Location	Site comprising of the former Good Counsel Lands, Edmonstown Road, Ballyboden, Dublin 16.
Planning Authority	South Dublin County Council
Prospective Applicant	Shannon Homes Construction ULC.
Date of Consultation Meeting	15 th January 2020.
Date of Site Inspection	3 rd January 2020.
Inspector	Karen Kenny

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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 site is located at Taylor's Lane, Ballyboden, Dublin 16. It is located in a suburban area that is c. 7.5 km south west of Dublin's city centre.
- 2.2. The site contains a former institutional building (3-storey building dating from the 1950's) on its western side and a former pitch and putt course on its eastern side. There are mature trees within the site and along the boundaries. Other features include a water main in the northern section of the site and a drainage ditch along the southern boundary. The site rises from north to south with an average level difference of c. 3.5 m from north to south.
- 2.3. Taylor's Lane bounds the site to the north, while Edmonstown Road bounds the site to the west. Lands to the east and south are in private ownership. The boundary onto Taylors Lane is defined by a low wall and railings. There is a high wall and outbuildings along the boundary to Edmonstown Road. There is vehicular access into the site from the Edmonstown Road and a separate pedestrian gate in the north western corner of the site adjacent to a roundabout junction. Taylors Lane (R113), Ballyboden Road (R113) and Edmonstown Road intersect at the roundabout. The signalised junction of Edmonstown Road and Scholarstown Road is immediately west of the site.
- 2.4. The wider area is characterised by 1-2 storey housing, Boden Park to the west, Moyville to the south and Moyville Lawns and Ballyboden Crescent to the north. There is also retail and community uses in the area.

3.0 Proposed Strategic Housing Development

3.1. Permission is sought for 514 residential units (508 no. apartments and 6 no. houses) and a creche on a site of 3.5 hectares. The units are proposed in 3 no. blocks of 5-7 storeys over basement level. The Blocks can be summarised as follows:

- Block A (GFA 15,470sq.m) contains 157 no. apartments and is 6-7 storeys in height.
- Block B (GFA 14,222sq.m) contains 155 no. apartments / houses and is 6-7 storeys in height.
- Block C (GFA 20,727sq.m) contains 202 no. apartments, resident facilities and a creche and is 5-6 storeys in height.

3.2. The unit mix is as follows:

Unit Type	No.	%
1-Bed	48	9%
Two-Bed	420	82%
Three-Bed	46	9%
Total	514	100

3.18. Vehicular access is proposed from Edmonstown Road. This will involve the upgrade of an existing signalised junction with Scholarstown Road. Pedestrian access is proposed via Edmonstown Road and Taylor's Lane to the north.

3.19. A total of 518 no. car parking spaces; 692 no. bicycle parking spaces; and 20 no. motorcycle spaces are proposed at surface and basement levels.

3.20. The development includes a proposed public park of 5,400 sq.m along the northern boundary.

4.0 Planning History

4.1. The following planning history relates to the site:

PA Ref. 16/0121: Permission refused for demolition of existing buildings on the site. The reasons for refusal states that having regard to the need to widen the junction of the Edmonstown Road / Scholarstown Road this would require that structures that it is proposed to keep be removed; and the proposed pathway along Edmonstown Road would not provide a vital cycle or pedestrian link to the Primary Care Centre approved under PA Ref. SD13A/0222 / APB Ref. PL06S.243622.

4.2. The following planning history relates to sites in vicinity:

PA Ref. SD13A/0222 / APB Ref. PL06S.243622: Permission granted for Primary Care Centre (3,841 sq.m) on lands to the immediate south of the site. Extension of duration granted for a further 5 no. years on 10th June 2019.

5.0 National and Local Planning Policy

5.1. National Planning Framework

5.2. The NPF includes Chapter 6 entitled 'People, Homes and Communities'. It sets out that place is intrinsic to achieving good quality of life. A number of key policy objectives are noted as follows:

- National Policy Objective 33 seeks to “prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location”.
- National Policy Objective 35 seeks “to increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights”.
- National Planning Objective 13 provides that “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”.

5.3. Section 28 Ministerial Guidelines

The following is a list of section 28 Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- ‘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’ as updated March 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 Height, Guidelines for Planning Authorities, 2018.
- Architectural Heritage Protection – Guidelines for Planning Authorities, 2011.

5.4. Development Plan

The South Dublin County Development Plan 2016-2022 applies. The site is zoned residential.

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

6.1. Documentation Submitted

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, a Completed Application Form, Part V Submission and Drawings, Planning Report, Statement of Consistency, Material Contravention Statement, Minutes of Section 247 Meeting, Architectural Drawings, Schedule of Accommodation, Building Life Cycle Report, Landscape Design Report and Drawings, Daylight and Sunlight Assessment, Mobility Management Plan, Parking Strategy, Infrastructure Design Report, Site Specific Flood Risk Assessment, Traffic and Transport Assessment, Technical Note, Engineering Drawings, EIAR Summary, Report for AA Screening, Ecological Impact Assessment, Archaeology Assessment, Tree Survey Report, Tree Survey / Constraints Plan, Tree Protection Plan and Irish Water Pre-Connection Enquiry Response.

6.2. Statement of Consistency

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. The applicant's case is summarised as follows:

- NPF and RSES: The site is in the metropolitan area of Dublin which is identified for significant growth. The proposed development will provide high density redevelopment of a vacant site and contribute to NPF aims for compact growth within the existing built up area of Dublin.
- The Urban Development and Building Height Guidelines encourage increased density and building heights.
- The standards of the Apartment Guidelines are met.
- The development is consistent with the Sustainable Residential Development in Urban Areas, Guidelines. It represents a sequential approach to development and is close to public transport. It proposed development will

create a highly sustainable residential neighbourhood in line with the Urban Design Criteria in the Urban Design Manual.

- The design approach achieves a balance between the functional requirements of different network users, whilst enhancing sense of place. The implementation of low parking and basement parking promotes a modal shift to alternative forms of transport while also supporting high quality public open space. The development prioritises pedestrian and cyclists through the development.
- Childcare is provided in accordance with the Childcare Guidelines.
- The proposal is consistent with Smarter Travel – A New Transport Policy for Ireland (2009 – 2020). It is close to neighbourhood centres, is served by public transport (15B is a high frequency bus route) and pedestrian permeability is prioritised.
- A Site-Specific Flood Risk Assessment has been submitted with the application.
- The proposed development will support proposed public transport improvements under the GDA Transport Strategy by increasing residential density in the area.
- The Development is consistent with the Core Strategy and Settlement Strategy of the South Dublin County Development Plan. The site is identified in Map 1.34 as a housing capacity site. The proposed development is in accordance with the policies and standards of the Development Plan. A material contravention statement is submitted in respect of H9 Objective 4 which seeks to direct tall buildings of over 5-storeys in height into Town Centres, Mixed Use Zones and SDZ's and subject to an approved LAP.

6.3. Planning Authority Submission

A submission was received by An Bord Pleanála on the 17th December 2019 from South Dublin County Council. The 'opinion' of the planning authority included, inter alia, the following:

- Uses are acceptable in principle / open for consideration.

- The unit mix is generally acceptable. 2-bed units should be 2-bed, 4-person units.
- The density is too high at this suburban location. The applicant would need to show that public transport network has capacity to serve the development, in combination with other large developments in the area, and that the development is not unsustainable in transport terms.
- The CDP seeks to direct development above 5 storeys into appropriate urban centres as provided for in SDZ's and LAP's. The height does not accord with the CDP (which was adopted prior to the Urban Development and Building Heights – Guidelines).
- The Layout and Urban Form is generally acceptable. Scope for improved legibility for the proposed walkway on the southern boundary. There should be more visual penetration of the spaces in Block B. A public park is a suitable response to the wayleave.
- The proposal to remove over 90% of trees on the site will have significant impacts for biodiversity, in particular bats. Significant restorative measures would be required.
- The applicant should provide an Educational Needs Assessment and Community & Social Audit.
- Built Heritage: Artefacts and materials from the existing buildings should be salvaged for re-use; details of which should be agreed with the Council's Architectural Conservation Officer.
- A second vehicular access should be provided from Taylor's Lane, which would draw eastward traffic from the site and away from the existing roundabout to the north west of the site. A second basement access is also recommended. The applicant should consult with the Roads and Public Realm Department as this would impact on public open space. The need to bring cars as far into the site (to the proposed basement access) could also be revisited.
- Additional details sought in relation to public realm.
- Additional details sought in relation to drainage / SuDS.

6.4. Response from Prescribed Bodies

- 6.4.1. A submission from Irish Water states that Irish Water has issued a confirmation of feasibility for the development of 500 no. units on the site. The submission refers to a required upgrade to a watermain (over c. 65 metres). No third party or statutory consents are required.
- 6.4.2. The pre-application submission has been referred to the Department of Culture, Heritage and the Gaeltacht (DAHG) National Monuments Service. No response received to date.

6.5. Consultation Meeting

A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 15th January 2019, commencing at 11.30. 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.

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 – inc. density, building height, layout, frontage, vehicular access and car parking.
2. Natural Heritage.
3. Traffic and Transportation.
4. Drainage.
5. Any other matters.

1. In relation to Development Strategy An Bord Pleanála representatives sought further elaboration / discussion / consideration in relation to the following: the scale and quantum of development proposed having regard to the location of the site and its accessibility; the extent of car parking; and the frontage to Taylor's Lane.

2. In relation to natural heritage, An Bord Pleanála representatives sought further elaboration/ discussion / consideration in relation to the removal of trees and vegetation and the potential impact on natural heritage.
3. In relation to transport and transportation, An Bord Pleanála representatives sought further elaboration / discussion / consideration in relation to the impact on the local road network, vehicular access and internal circulation arrangements.
4. In relation to drainage, An Bord Pleanála representatives sought further elaboration/ discussion / consideration in relation to the following: constraints arising from the strategic watermain within the site and matters raised in the PA's submission in relation to surface water drainage.
5. In relation to Any Other Matters, An Bord Pleanála sought further elaboration/ discussion/ consideration in relation to architectural heritage and archaeology.

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 305946' 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

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 is required at application stage in respect of the following elements: the scale and quantum of development proposed and the level of car parking, as sets 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

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.

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:

Development Strategy

Further consideration and / or justification of the documents as they relate to the following: the density and quantum of development proposed having regard to the outer-suburban location of the site and its accessibility relative to public transport and ancillary services/amenities; and its car based nature as reflected in the level of car parking proposed. The further consideration / justification should have regard to, inter alia, the guidance contained in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities; the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) and the accompanying Urban Design Manual; the Design Manual for Urban Roads and Streets; and the South Dublin County Development Plan 2016-2022.

The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage.

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 updated Transport Impact Assessment (TIA). Further consideration and / or justification should be provided in relation to potential traffic impacts, having regard to, inter alia, the location of the site, the capacity of public transport services, proximity to employment generators and services and the level of car parking proposed. The impact on the local road network (inc. the potential for cumulative impacts with other developments) should be modelled, in so far as is practicable. The prospective applicant may give further consideration to the provision of a second vehicular access into the site, or provide detailed rationale/design solutions in support of a single entrance.

2. 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 and/or the statement of consistency should set out how the proposed apartments comply with the various requirements of those guidelines and 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.
3. An updated Archaeology Assessment that satisfactorily addresses any points raised in the submission of the Department of Culture, Heritage and the Gaeltacht (DAHG) National Monuments Service, when received.
4. Additional details in relation to surface water management and SUDS features, having regard to the requirements of the PA, as set out in the PA's submission dated 17th December 2019.
5. Details of all materials proposed for buildings, open spaces, paved areas, boundary and retaining walls.
6. A phasing plan for the proposed development.
7. A Draft Construction and Environmental Management Plan and a Draft 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. National Transport Authority
2. Irish Water
3. Minister for Culture, Heritage and the Gaeltacht
4. Heritage Council
5. Inland Fisheries Ireland
6. An Chomhairle Ealaíon

7. Failte Ireland
8. An Taisce — the National Trust for Ireland (archaeology, nature conservation and built heritage)
9. South Dublin County 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.

Karen Kenny

Senior Planning Inspector

30th January 2019