



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion

307086

Strategic Housing Development	224 no. apartments and associated site works.
Location	Garters Lane, Saggart, Co. Dublin.
Planning Authority	South Dublin County Council.
Prospective Applicant	Cape Wrath ULC.
Date of Consultation Meeting	26 June 2020.
Date of Site Inspection	5 June 2020.
Inspector	Stephen Rhys Thomas.

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

- 2.1.1. The proposed development is located on an overall site of 1.184 hectares adjacent to two larger sites that are currently under construction for houses or have been granted permission for apartments. The application site is located along Fortunestown Lane and Garter Lane. Saggart Village is located approximately 600m south-west of the site. The lands in question are bound by Fortunestown Lane to the south and Garter Lane to the west. To the east of the site is a construction compound for development that is currently under construction to the north. Saggart Luas stop /Luas Red Line is located to the south and east of the site. Access to the N7 southbound is available travelling north on Garter Lane. Access to the N7 northbound from the interchange at Brownsbarn. The subject site is level and has in the past acted as a site compound for Luas works. There is very little vegetation within the interior but there are mature hedgerows to site boundaries.

3.0 Proposed Strategic Housing Development

The proposed development which is subject of this pre-application consultation request comprises 224 units provided in four apartment blocks between 5 and 8 storeys on 1.184 Hectares, the detail is as follows:

- 72 x 1 Bedroom Units (32%) *App form states 79*
- 129 x 2 Bedroom Units (57%) *App form states 130*
- 23 x 3 Bedroom Units (11%) *App form states 15*

- Communal open space is provided in the form of a landscaped courtyards and play spaces. Balconies and private gardens are provided to apartments.
- 210 car parking spaces

The site area is 1.184 Hectares and the gross floor space proposed is 19,467 sq.m. Residential density - 189 units per hectare.

4.0 National and Local Policy

4.1 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 directly relevant S.28 Ministerial Guidelines are:

- 'Urban Development and Building Height, Guidelines for Planning Authorities'. 2018
- 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' 2018
- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- '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'

Other relevant national guidelines include:

- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.

4.2 Local Policy

4.1.1. South Dublin County Development Plan 2016-2022

The South Dublin County Development Plan is the statutory plan for the area. The site also forms part of the lands identified in the Fortunestown Local Area Plan 2012-2018 (extended). The lands are zoned Object RES-N the objective of which is “to provide for residential communities in accordance with approved area plans”. The site also falls within the zone of archaeological potential of Saggart Village.

In the settlement hierarchy, Saggart/Citywest is designated as an Emerging Moderate Sustainable Growth Town where it is Council policy to support and facilitate development on zoned lands on a phased basis subject to approved LAP’s.

Chapter 2 of the Plan outlines policies and objectives in relation to new housing and includes objectives relating to urban design, densities, building heights, mix of dwelling types and open space. In particular, section 2.2.2 of the South Dublin Development Plan sets out that densities should take account of the location of a site, the proposed mix of dwelling types and the availability of public transport services. As a general principle, higher densities should be located within walking distance of town and district centres and high capacity public transport facilities. Policies H8 Objectives 1 and 2 promote higher densities at appropriate locations. Development Management Standards are included in Chapter 11.

4.1.2. Fortunestown Local Area Plan 2012

The Fortunestown Local Area Plan came into operation on the 14th May 2012. On 12th June 2017, by resolution, the Local Area Plan was extended until 13th May 2022. The LAP addresses a specific area of land in the vicinity of Fortunestown, City West and Boherboy and the boundary of the LAP is outlined in Figure 1.1 of the Plan. The Plan outlines urban design principles for the overall plan area with the overall framework outlined in Figure 6.1.

The Plan then identifies specific areas within the Plan area. The subject site is within Framework 5: Saggart-Cooldown Commons Neighbourhood which is addressed at Section 6.5 of the Plan and which outlines objectives for the development of the lands (SSNN1-7). It provides that residential development across the Saggart-Cooldown Commons Neighbourhood will be laid out in a grid like format that incorporates perimeter blocks and a hierarchy of streets. It states that in order to facilitate the provision of own door housing, net residential densities of 30-50 dwellings per hectare shall apply to the plan lands. The Plan outlines an accessibility

and movement strategy for the lands in Figure 6.22, green infrastructure in Figure 6.23, a built form framework in Figure 6.24 and a land-use and density framework in Figure 6.25. A neighbourhood framework plan is then combined in Figure 6.26.

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

5.0 Planning History

5.1.1. Subject Site

File Ref. SD03A/0322 and ABP ref **PL06S.206433** – Permission refused for 76 golf apartments.

File Ref. SD04A/0977 and ABP ref **PL06S.211460** – Permission refused for 60 golf apartments.

5.1.2. Adjacent site

File Ref. ABP-305563-19– permission for 488 apartments, creche and associated site works.

File Ref. ABP-300555-18 – permission for 526 dwelling units (459 terraced units and 67 duplex/apartments), parks, vehicular access, pedestrian links and all associated site works.

5.1.3. In the vicinity

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

File Ref. SD15A/0095 Permission granted for revisions/modifications to the permitted 224-unit residential development. This permission provided for alterations

to permitted house types and a minor re-alignment of internal access roads and revised private gardens.

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

File Ref. SD16A/0255 Permission granted for two 2-storey primary school buildings. School 1 comprises 16 classrooms, 2 classroom Special Needs Unit, support teaching spaces and ancillary accommodation with a total floor area of 3180sq.m. School 2 comprises 16 classrooms, 2 classroom Special Needs Unit, support teaching spaces and ancillary accommodation with a total floor area of 3130sq.m. The site works to the school grounds will consist of 2 no. 15sq.m external storage buildings, bin stores, playing pitch, ball courts, project gardens, cycle storage, landscaping and boundary treatment and all other associated site development works for each school. The works to the remainder of the school consist of the provision of 63 car parking spaces, drop-off and pick-up facilities.

5.1.4. **Section 247 Consultation(s) with Planning Authority**

It is stated by the prospective applicants in the submitted documentation that a Section 247 pre-application consultation took place with the planning authority on 23 January 2020.

6.0 **Forming of an Opinion**

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

Documentation Submitted

6.1.2. 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.

6.1.3. The information submitted included the following:

- Cover Letter
- SHD Application Form
- Statement of Consistency
- Material Contravention Statement
- Part V Pack and Validation Letter
- Architectural Design Statement
- Housing Quality Assessment
- Architectural Drawing Pack
- Engineering Services Report including Appendices
- Flood Risk Assessment
- Outline Construction Management Plan
- Building Lifecycle Report
- Sustainability Report
- Utility Briefing Note
- Exterior Lighting Details
- Transportation Assessment Report
- Archaeological Assessment
- Architectural Heritage Assessment
- AA Screening Report
- Landscape Architect's Report
- Landscaping Drawing Pack
- Operational Waste Management Plan (OWMP)

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

Planning Authority Submission

6.1.5. In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, South Dublin County Council, submitted a 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 28 May 2020.

6.1.6. The planning authority's 'opinion' included the following matters: a description of the site and surroundings, a brief overview of the proposed development, planning history, the zoning provisions of the Development Plan and any specific objectives for the area and a list of relevant national policy documents. The planning authority's comments included the following:

- **Zoning and Strategic Policy** - the type of development proposed is generally acceptable given the neighbourhood area objectives contained in the Local Area Plan.
- **Phasing** - the applicant should consult with the SDCC Planning Delivery team and provide a comprehensive Social Infrastructure Audit prior to the submission of a final application on these lands. The audit should consider the cumulative impact of this and other developments and the expected development of remaining zoned sites within the Fortunestown LAP lands. Further liaison with SDCC is advised.
- **Part V** – no objection to the proposal.
- **Density** - the Board should apply the density limits contained in the Local Area Plan. Notwithstanding the LAP requirements, it is considered that the proposal exceeds the permitted pattern of development in the area.
- **Building Height and Gateway** - the proposed building heights do not provide for a moderate transition to the north of the site where the development adjoins permitted low-rise development. The proposed gateway feature could be altered in design to provide a feature which better serves its purpose. Presentation of any future design in the context of the permitted

developments in the area, including CGI images and/or photomontages should accompany an application.

- **Layout and Design** – though the layout achieves many of the objectives of the LAP, the legibility of perimeter blocks could be improved.
- **Residential Amenity** - there are a number of improvements that could be made to the development to improve residential amenity, such as removing north-facing single aspect units and providing more own-door access at ground level. The Planning Authority has a concern in relation to the visual impact of the development and the transition between the proposed and permitted developments in the vicinity.
- **Public Realm** – more in depth information and amended plans are required in relation to public realm proposals and should be agreed with the Planning Authority's Public Realm Department prior to the lodgement of the final planning application.
- **Transport Infrastructure** – no objection to development on the basis of transport capacity.
- **Roads, Access and Parking** – the comments of the Roads Department are noted and the proposed development should be amended to reflect same, or alternative arrangements agreed with the Planning Authority prior to the lodgement of a final planning application. The proposed ratio of 0.94 spaces per unit is not appropriate for this location, the Planning Authority seeks a ratio of 0.6. The access onto Garter's Lane is unnecessary and there is no requirement for a vehicular connection in the Local Area Plan layout. The location of access ramps to underground parking is noted as problematic.
- **Water Services and Drainage** – the technical requirements of the Water Services Section should be addressed in terms of discharge rates and additional SuDS features.
- AA and EIA, An Bord Pleanála is the competent authority in this regard.

Submission from Irish Water (IW)

- 6.1.7. A submission was received from Irish Water and is available on file. In summary, the submission states that the proposed development, as assessed for the Confirmation of Feasibility, is a standard connection, requiring no network or treatment plant upgrades for water or wastewater by either the customer or Irish Water.

7.0 Consultation Meeting

- 7.1.1. A section 5 Consultation meeting took place via Microsoft Teams on the 26 June 2020, commencing at 10.05 am. 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.
- 7.1.2. 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. Public realm improvements – Garters Lane and Luas Line
 2. Design strategy – ground floor interface eastern elevation and placemaking
 3. Car parking and Transportation
 4. Residential amenity – meeting guideline standards and dual aspect ratios
 5. Surface Water Management - Flood Risk
 6. Any other matters.
- 7.1.3. In relation to Public realm improvements – Garters Lane and Luas Line, ABP representatives sought further elaboration/discussion on the detail necessary to allow consideration of how the proposed development will fit into its emerging surroundings. In particular, the way in which block A will integrate with the Luas Line was explored and the new urban edge to Garter Lane. The prospective applicant acknowledged that more material would be needed to illustrate these points, photomontage and CGIs would be required.
- 7.1.4. In relation to Design strategy – ground floor interface eastern elevation and placemaking, ABP representatives sought further elaboration/discussion on how exactly the proposed vehicular ramps help with the creation of distinctive places. The planning authority also highlighted this aspect of the design and how the proposed blocks will relate to recently permitted development. The prospective applicant provided a description of how the vehicle ramps would be treated at street level and be perceived from proposed apartment balconies/garden areas. Documentation at application stage would provide examples of successful vehicle ramp designs.

- 7.1.5. In relation to Car parking and Transportation, ABP representatives sought further elaboration/discussion on the quantum of car parking provided given the location of the site very close to a Luas Stop and the amount of car parking provided for in recently permitted schemes. In addition, ABP raised queries about the carrying capacity of the Luas, as this had proved an issue in other applications for high density schemes in the past. The planning authority also queried the level of car parking and hoped that the car parking ratio could be reduced. The prospective applicant accepted that some reduction in car parking levels could match nearby development and that Luas capacity issues had not proven to be an obstacle to development so far.
- 7.1.6. In relation to Residential amenity – meeting guideline standards and dual aspect ratios, ABP representatives sought further elaboration/discussion on the what the prospective applicant considered to be dual aspect in relation to the guidelines and that perhaps the dual aspect ratio could be improved upon. The prospective applicant agreed that drawings could be improved to better explain dual aspect ratio and a small number of units may need to be revisited.
- 7.1.7. In relation to Surface Water Management - Flood Risk, ABP representatives sought further elaboration/discussion on the technical aspects of surface water design given the comments made by the planning authority. In addition, it was noted that FRA had been an important component of other applications in the area. The planning authority highlighted issues of a technical nature to do with surface water design and SuDS and agreed that further consultation would be useful before an application is made.
- 7.1.8. In relation to any other matters, ABP representatives reminded the applicant to engage further, as necessary, with regard to the any technical requirements that can be agreed before an application is made.
- 7.1.9. 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 307086’ 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

- 8.1.1. 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.
- 8.1.2. 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, submissions received from statutory consultees referred to under Section 6(10) of the Act 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.
- 8.1.3. Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act: constitutes a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 8.1.4. I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

9.0 Recommended Opinion

- 9.1.1. 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.

9.1.2. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, and submissions received from statutory consultees referred to under Section 6(10) of the Act, An Bord Pleanála is of the opinion that the documentation submitted would constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.

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

1. A comprehensive suite of reports, drawings, computer generated images and photomontage imagery that satisfactorily shows and illustrates the manner in which the proposed development will integrate with existing and permitted development in the vicinity. In particular the documentation should include:
 - (a) Cross section drawings at various interface points along Garter Lane, the Luas line and the eastern boundary of the site that incorporates vehicle access ramps and permitted development.
 - (b) A detailed landscaping plan for the site which clearly sets out proposals for play areas, hard and soft landscaping including street furniture where proposed and indicates which areas are to be accessible to the public. The landscaping plan should critically assess the best and most appropriate way to incorporate underground car parking access ramps and other public realm interventions at the site boundaries and along the Luas line.
2. A Daylight/Sunlight analysis, showing an acceptable level of residential amenity for future occupiers and neighbours of the proposed development, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development and in

adjacent properties. Specific regard should be had to ground floor apartments at sensitive locations and existing and permitted adjacent properties. Drawings that detail dual aspect ratios should be clearly laid out and accompanied by a detailed design rationale report.

3. Given the location and availability of public transport, a rationale for the proposed car parking provision should be prepared, to include details of car parking management, car share schemes and a mobility management plan.
4. The following reports that address all aspects of building appearance and durability:
 - (a) A report that specifically addresses the proposed materials and finishes and the requirement to provide high quality and sustainable finishes and details Particular attention is required in the context of the visibility of the site and to the long-term management and maintenance of the proposed development.
 - (b) A life cycle report shall be submitted in accordance with section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2018).
5. A housing quality assessment which provides the details regarding the proposed apartments set out in the schedule of accommodation, as well as the calculations and tables required to demonstrate the compliance of those details with the various requirements of the 2018 Guidelines on Design Standards for New Apartments including its specific planning policy requirements.
6. Additional drainage details for the site having regard to the requirements of the Water Services Planning Report as indicated in their report dated 20 May 2020 and contained in Appendix C of the Planning Authority's Opinion. Any surface water management proposals and other technical aspects of the proposal 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' (including associated 'Technical Appendices'), as necessary.
7. A site layout plan showing which, if any, areas are to be taken in charge by the planning authority, and a detailed public realm strategy that outlines the provision of durable and acceptable materials and finishes that comply with the technical

requirements of the planning authority. The applicant shall clarify how the works in the public realm will be carried out and by whom.

8. A detailed Construction Traffic Management Plan should be prepared with specific reference to the proximity of the site close to the Luas Line.
9. Construction and Demolition Waste Management Plan.

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

1. Irish Water
2. Irish Aviation Authority
3. Airport Operator (Property Management Branch of the Department of Defence)
4. Transport Infrastructure Ireland
5. National Transport Authority
6. Córas Iompair Éireann
7. Transdev
8. South Dublin Childcare Committee
9. Minister for Culture, Heritage and the Gaeltacht
10. The Heritage Council
11. An Taisce — the National Trust for Ireland

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 Rhys Thomas
Senior Planning Inspector

14 July 2020