



An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion
ABP-307421-20**

Strategic Housing Development

317 no. residential units (154 no. houses, 163 no. apartments), creche and associated site works.

Location

Woodtown, Ballycullen, Dublin 16.

Planning Authority

South Dublin County Council

Prospective Applicant

Ballycullen Limited Partnership

Date of Consultation Meeting

22nd September 2020

Date of Site Inspection

3rd September 2020

Inspector

Rachel Gleave O'Connor

1.0 Introduction

- 1.1. 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 in the Woodtown area of Ballycullen, approximately 1.5km south west of the M50, junction 12 exit. The development lands have a stated site area of 10.39 hectares and are located south of the existing housing estate 'Stocking Wood'.
- 2.2. Access to the site is proposed via an existing partially completed link road from Stocking Avenue which serves the 'Abbot Grove' housing development located to the north of the site.
- 2.3. The development site is in an elevated position, rising steeply to the south, where they form the backdrop to the Dublin Mountains. The general area is residential in character. There is an existing development site north of the subject site which benefits from planning permission for housing and neighbourhood centre uses (a foodstore). There is a Lidl foodstore approximately 500m west of the subject site.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development involves 317 no. residential units as follows:

Unit Type	Number
1 bed apartments	56
2 bed apartments	107

2 bed duplexes	6
3 bed duplexes	6
2 bed houses	2
3 bed houses	85
4 bed houses	53
5 bed houses	2
Total Apartments	163
Total Duplexes	12
Total Houses	142

The development has a stated net residential density of c. 38 units/ha based on a development area of c. 10.39 ha. The development scheme comprises the following:

- 317 dwelling units (comprised of 163 apartments, 12 duplexes and 142 houses);
- 4 no. apartment blocks ranging in height between 4-5 storey, 1 no. duplex block 3 storeys in height and a mix of terrace, semi-detached and detached houses 2 storey in height;
- A creche 295.5sqm;
- Car and bicycle parking;
- Landscaping and public open spaces; and
- All associated site development works and services provision.

The applicant has confirmed the intention to submit an Environmental Impact Assessment Report with the application, as the subject site exceeds 10 hectares in size.

4.0 Planning History

- 4.1. ABP Ref. 300906-18 – Pre-application consultation for the development of the site for 181 houses, creche, and associated site works submitted in 2018. It was concluded that the proposals required further consideration and amendment.
- 4.2. ABP Ref. PL06S.229509 – Permission was granted for 386 units in 2009 (note the recommendation to refuse by Inspector was overturned by the Board). The application to extend permission was refused and development never commenced on the site. That permission has subsequently expired.
- 4.3. ABP Ref. PL06S.219949 – Permission refused for 396 units. Excessive and obtrusive in sensitive position.

5.0 National and Local Planning Policy

5.1. Section 28 Ministerial Guidelines

- 5.1.1. Having considered the nature of the proposal, the receiving environment and 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) 2009
- Design Standards for New Apartments Guidelines for Planning Authorities 2018
- Design Manual for Urban Roads and Streets (DMURS) 2019
- The Planning System and Flood Risk Management (including the associated Technical Appendices) 2009
- Childcare Facilities Guidelines for Planning Authorities 2001
- Urban Development and Building Heights Guidelines for Planning Authorities 2018

5.2. National Planning Framework

- 5.3. The NPF seeks to achieve compact urban growth by targeting a greater proportion (40%) of future housing development to be within and close to the existing 'footprint'

of built-up areas and plans for growth of 490,000 to 500,000 people in the Eastern and Midlands Region.

- 5.4. The National Planning Framework includes a specific Chapter, No. 6, entitled 'People Homes and Communities'. It includes 12 objectives among which Objective 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages.
- 5.5. 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.
- 5.6. Objective 35 seeks to increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.
- 5.7. **South Dublin County Development Plan 2016-2022**
 - 5.7.1. Zoning: The site is zoned 'Objective RES-N – To provide for new residential communities in accordance with approved area plans' within the South Dublin County Development Plan 2016-2022.
- 5.8. General: 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.

The following policies are of particular relevance.

- Policy H6 Sustainable Communities – support development of sustainable communities and ensure new housing development is carried out in accordance with Government Policy in relation to housing and residential communities;
- Policy H7 Urban Design in Residential Developments – ensure new residential development within the County is of high quality design and complies with Government guidance on design of sustainable residential development;
- Policy H10 Mix of Dwelling types – ensure wide variety of housing types, sizes and tenures;
- Policy H8 – residential densities – promote higher densities at appropriate locations;
- Housing Policy 9 – residential building height – seeks to support varied building heights across residential and mixed use area.
 - H9 – Obj. 1 seeks to encourage varied building heights in new residential developments;
 - H9 Obj. 2 - To ensure that higher buildings in established areas respect the surrounding context.
 - H9 Obj. 3 - To ensure that new residential developments immediately adjoining existing one and two storey housing incorporate a gradual change in building heights with no significant marked increase in building height in close proximity to existing housing.
- Policy TM7 – Transport and Mobility – policy of Council to take a balanced approach to provision of car parking with aim of meeting the needs of businesses and communities whilst promoting a transition towards more sustainable forms of transportation. Number of supporting objectives (TM7 Obj.1) which seek to carefully consider the number of parking spaces provided to service needs of new development.

Ballycullen – Oldcourt Local Area Plan, 2014 (as amended 2017)

- 5.8.1. All of the proposal site is located within the boundary of the Ballycullen – Oldcourt Local Area Plan, 2014 (as amended 2017). In 2019 this LAP was extended and will now expire on 2nd June 2024.

- 5.8.2. The settlement strategy for the Ballycullen area is set out in Section 1 of the LAP and provides for the construction of approximately 1,600 additional dwellings (about 4,600 persons) at a range of densities appropriate to the area.
- 5.8.3. Section 6 of the Local Area Plan sets a Phasing Strategy. The Phasing Strategy only allows for the permissible quantum of development under each phase to commence construction after key outcomes have generally been achieved.
- 5.8.4. The LAP also sets out objectives in relation to *inter alia* design, densities, mix, residential standards including open space provision and the provision of community infrastructure. Objective BF8 relates to building height.
- 5.8.5. Site specific Objectives in the plan, as relates to this current site, include the 'Double Hedgerow Ditches'.

6.0 Forming of the Opinion

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

6.2. Documentation Submitted

- 6.2.1. The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. This information included, *inter alia*, the following:
- Application Form for a Section 5 Pre-Application Consultation Request in respect of a Strategic Housing Development;
 - Cover letter and relevant fee;
 - Part V Submission;
 - Planning Report;
 - Statement of Consistency;
 - Summary & Response to s247 Pre-Planning Consultation;

- EIAR Summary Report;
- Cover Letters to ABP & SDCC;
- Architectural Design Statement;
- Area Schedule & Housing Quality Audit;
- Architectural Drawings (Plans / Elevations);
- Landscape Design Rationale
- Landscape Drawings;
- Habitats Directive Screening Report;
- Ecological Impact Assessment;
- Bat Survey;
- Engineering Report;
- Engineering Drawings;
- Site Specific Flood Risk Assessment;
- Transportation & DMURS Statement;
- Transport Assessment Report;
- Arboricultural Report;
- Arboricultural Drawings;
- Photomontages & CGIs Document.

6.2.2. 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.

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

6.3. **Planning Authority Submission**

6.3.1. In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Dublin City Council, submitted a copy of their section 247 consultations with the prospective applicant and also their opinion in relation to the proposal. The planning authority's 'opinion' included the following matters:

- The proposal is not in accordance with the LAP or SDCDP in relation to density and height;
- Material contravention of the development plan in relation to building heights and unit mix;
- Phasing requirements of LAP should be addressed;
- Concerns with urban design / layout etc.;
- Public open space – 30% required;
- Clarification required on the use of retaining walls;
- Clarification required about childcare demand;
- Clarification required on the potential impact on existing residential properties including daylight/sunlight and overshadowing;
- Clarification on number of north facing units required;
- Roads – link street to east required as per LAP;
- Drainage and water supply – clarity on surface water attenuation required and additional SUDs;
- In conclusion, the proposed development would not accord with proper planning and sustainable development, and the proposed density, building height and visual impact should be reduced to a level closer to the Local Area Plan.
- While the Local Area Plan precedes national guidelines, it is considered to reflect the most appropriate use of peri-urban development lands with a constraining topography and a level of access to local amenities and public transport that does not justify medium density development.

Irish Water

6.3.2. The submission from Irish Water (dated 27th July 2020) states that a Confirmation of Feasibility has been issued for a development of 309 units on the site. In respect of wastewater, it is noted that in order to accommodate the proposed connection at the Premises, upgrade works are required to increase the capacity of the Irish Water network. Irish Water currently has a project underway the Ballycullen/Oldcourt LNRP which will provide the necessary upgrade and capacity. Irish Water state that this upgrade project is scheduled to be completed in Q4 2021 (this may be subject to change) and the proposed connection could be completed as soon as possibly practicable after this date.

6.4. Consultation Meeting

6.4.1. A section 5 Consultation meeting took place via a video conference on the 22nd September 2020. 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.

6.4.2. 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. Timing and phasing of the development;
2. LAP site specific objectives;
3. Urban design response, layout (connectivity / permeability) and visual impact;
4. Density;
5. Public open space;
6. Unit mix;
7. Amenity (both for proposed residents and impact on existing);
8. Ecology;
9. Drainage;
10. Creche; and
11. Any Other Matters.

6.4.3. 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-307421-20' 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 development plan for the area.
- 7.3. Having regard to all of 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.
- 7.4. 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.

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, 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.
- 8.3. 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:
1. Confirmation from Irish Water regarding feasibility of connection to the network and design stage discussions, for a corresponding or higher number of units, than that applied for in the application submission.
 2. Additional details as relates to compliance, or otherwise, with site specific requirements and other relevant objectives as set out in the Ballycullen – Oldcourt Local Area Plan, 2014 (as amended 2017).
 3. Additional details and/or revised proposals concerning the current position of infrastructure delivery for the area in light of the phasing requirements under the Ballycullen – Oldcourt Local Area Plan 2014 (as extended), and any potential that the development has to contribute towards this.
 4. Submission of a Community Infrastructure Audit is required and should refer back to phasing requirements under the Local Area Plan.
 5. The prospective applicant is required to address the locational definitions under the Design Standards for New Apartments - Guidelines for Planning Authorities (March 2018) to determine the appropriate density range for the site. To support this, a comprehensive explanation (supported by diagrams) of the accessibility to the site to public transport, employment areas and institutions is required.
 6. The prospective applicant should satisfy themselves in relation to whether the proposed development represents a material contravention of the Development

Plan and/or Local Area Plan and satisfy the subsequent submission requirements in relation to this.

7. Additional details and/or revised proposals in relation to the quality of accommodation within the proposed duplex accommodation.
8. A Housing Quality Assessment with regard to relevant national and local planning policy on residential development. Those windows considered to have a dual aspect should be clearly indicated, only windows with a true dual aspect will be considered as contributing to meeting the minimum quantum required. In relation to single aspect north-facing units, reference should be had to paragraph 3.18 of the 2018 Apartment Guidelines. All documentation should be cross referenced to ensure reference to the correct number of units and breakdown of unit type.
9. Submission of a Daylight, Sunlight and Overshadowing Assessment provided analysis of both the proposed accommodation and any potential impact upon surrounding dwellings/amenity spaces.
10. Additional CGIs are required and photomontages to illustrate the visibility of the development in the surrounding area.
11. A Landscape and Visual Impact Assessment is required.
12. Topographical survey of the site and associated commentary on how this has impacted the design of the proposed development.
13. Proposals for tree removal should be accurately reflected in all proposed drawings / plans for the proposal.
14. A Bat Survey is required as part of the submission and should be carried out by a qualified practitioner and in light of seasonal considerations. Construction methods and phasing should be finalised in light of the results of this survey, in addition to the final development form and inclusion of lighting etc.
15. A plan showing separation distances between the development to existing adjacent properties should also be included, annotating key distances to boundaries, buildings and windows.
16. Additional details and/or revised proposals in relation to landscape and proposed connections, having regard to comments from the Planning Authority.

17. A plan of landscape proposals clearly delineating communal and private spaces should be provided, as well as a detailed breakdown of the total area of same. Consideration of how the design of the landscape and provision of furniture/equipment will facilitate use of these spaces for both adults and children is also required.
18. Additional details and/or revised proposals in relation to site services/SUDs, having regard to the report of the Drainage Planning Section of the Planning Authority.
19. Additional details and/or revised proposals in relation to the proposed material palette for the proposed development. Details shall be described in a building life cycle report in accordance with section 6.3 of the 'Sustainable Urban housing: Design Standards for New Apartments (2018)'. Details should include the proposed materials and finishes of buildings, landscaped areas and any screening/boundary treatment. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinct character for the development.

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. The Department of Culture, Heritage and the Gaeltacht
2. The Heritage Council
3. An Taisce
4. Irish Water
5. Transport Infrastructure Ireland
6. National Transport Authority
7. South Dublin Childcare Committee

8. Inland Fisheries Ireland

9. Waterways 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.

Rachel Gleave O'Connor

Planning Inspector

12th October 2020