



An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion
ABP-307498-20**

Strategic Housing Development

Location	Lands to the north of Rathbeale Rd & to the west of Millers Ave & Glen Ellan Rd, Oldtown, Swords, Co. Dublin
Planning Authority	Fingal County Council
Prospective Applicant	Gannon Properties
Date of Consultation Meeting	November 30 th 2020
Date of Site Inspection	November 23 rd , 2020
Inspector	L. Dockery

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 and the documentation received from the prospective applicant, 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 subject site, which is has a stated area of 8.13 hectares (nett)/9.43ha (gross), is located on lands to the north-west of Swords within the Oldtown townland, and within lands designated as part of the Oldtown-Mooretown LAP (now expired). The site was previously in agricultural use and some site clearance works are noted with a number of compounds and site office area located along its southern section.

2.2 Construction of the Western Distributor Link Road (WDLR) (Millers Avenue) and residential development are on-going respectively to the south and east/north-east of the site. Lands to the south-east and north have also undergone clearance works.

2.3 There is quite a significant fall from south to north.

3.0 Proposed Strategic Housing Development

3.1 The proposed development comprises the provision of 339 residential units, one childcare facility and all associated site works.

3.2 The following details are noted:

Parameter	Site Proposal
Application Site	8.13 ha (9.43 ha including Class 1 green belt land)
No. of Units	339 residential units (160 apartments; 179 houses)
Density	42 units/ha
Height	2-6 storeys
Other Uses	Crèche- 497m ² (to accommodate c.104 children)
Parking	563 car parking spaces for residential 2 car parking spaces for crèche staff (equates to 1.2 spaces/unit for apartments and 2 spaces per house) 342 cycle parking spaces
Part V	35 units (15 apts all in Block F; 20 houses)

The breakdown of the 339 residential units are as follows:

	Studio	1 bed	2 bed	3 bed	4 bed	Total
Apartments	-	50	98	-	-	148
Duplex	-	-	12	-	-	12
Houses	-	-	6	152	21	179
Total	-	50	116	152	21	339

It is stated in the documentation that a full EIAR will be submitted with the application.

4.0 **National and Local Planning Policy**

4.1 National

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 Standards for New Apartments (2018)
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018)
- Design Manual for Urban Roads and Streets (2013)
- The Planning System and Flood Risk Management (including the associated 'Technical Appendices') (2009)
- Childcare Facilities – Guidelines for Planning Authorities
- Appropriate Assessment of Plans and Projects in Ireland- Guidance for Planning Authorities
- Climate Action Plan

Other documents of note are:

- National Planning Framework, 2018
- Regional Spatial and Economic Strategy for the Eastern and Midland Region, 2019

4.2 Local

The Fingal County Development Plan 2017-2023 is the operative County Development Plan.

The subject site is zoned RA 'new residential', which seeks to '*provide for new residential communities subject to the provision of the necessary social and physical infrastructure.*'

Swords is identified as one of three 'Key Towns' in the MASP area, alongside Bray and Maynooth.

The Development Plan Maps also indicate the following:

- An indicative feeder cycle/pedestrian route along the east of the site (Millers Avenue) (Sheet 8)
- Objective SWORDS 27- Prepare and/or implement that following Local Area Plans and Masterplans during the lifetime of this Plan: Oldtown/Mooretown Local Area Plan (Sheet 8, LAP section 8C)

Chapter 12 Development Standards

The Oldtown-Mooretown Local Area Plan 2010-2016 (as extended) applied to the subject lands. The life of this Plan was extended up to July 12th 2020, and as such this Plan has expired.

The site is located within the Oldtown area of the LAP

It is the vision of the LAP "to develop Oldtown-Mooretown lands in a coordinated, sustainable way, as a unique urban extension connected to the existing town of Swords - a place with its own character and identity, where people can live, work, recreate and access various local services within an accessible area and be part of a sustainable community". It further states that, "the LAP lands will require provision of a mix of active and passive amenity space to be utilised by existing and future residents. Active public open space in the form of playing pitches will be located and developed within Swords Regional Park, which will be well connected to the LAP lands and the surrounding area."

It is stated consistently within the LAP that 'No one application for residential development shall be greater than 250 units'.

Within the LAP the site is designated as 'Medium Density Lands' (35-50 dwellings/hectare range).

Oldtown Medium Density Character Area adjacent to the western boundary with the Swords Regional Park shall have a height of 2-3 storey fronting onto the park with appropriate level of landscaping to soften the urban edge. Punctuation buildings will be allowed only where it can be demonstrated that they are necessary as a visual landmark in the area and will only be encouraged at significant junctions/corner sites/gateways/nodal points to the development.

A buffer zone incorporating strategic tree planting shall be provided along the western boundary with the plan lands. This planting will serve to appropriately and clearly define the western edge of the built-up area of Swords town and provide an appropriate transition boundary with the adjoining Regional Park.

5.0 **Planning History**

There is planning history on the subject site, at its southern end relating to the provision of two schools (F08A/0146; F07A/1683 and F05A/1778).

The site forms part of the Oldtown and Mooretown lands in west Swords, subject of the Oldtown-Mooretown Local Area Plan adopted by Fingal County Council in October 2010. The LAP limited single applications to no more than 250 units and thus four large 'Parent Permissions' were permitted as follows:

Phase 1 (F11A/0436):

Parent Permission for 245 dwellings, amended by subsequent permissions and subsequently changed to 243 dwellings. This phase is largely complete and occupied.

Phase 2 (F1A/0473):

Parent Permission for 224 dwellings and the commercial centre. Amending permissions have been granted to alter the internal site layout and change the house type, and the overall total is currently 249 units. The anchor commercial block (mini-market, shops, café and 14 apartments) due for completion June/July 2020.

Phase 3 (F15A/0390):

Parent Permission for 172 dwellings and a crèche. 147 residential units complete and occupied.

Phase 4A (F17A/0666):

Parent Permission for 41 houses and 54 apartments. Houses complete and occupied, apartments to commence in 2020/early 2021.

Phase 4B (F17A/0735):

Parent Permission for 53 houses and 45 apartments. Houses largely complete and occupied, apartments to commence in 2020/early 2021.

Phase 4C (F17A/0687):

Parent Permission for 92 houses. Under construction.

A number of amending permissions were applied for and these have been set out in the application form.

6.0 Section 247 Consultation(s) with Planning Authority

6.1 The planning authority states that a section 247 pre-application consultation took place on the 12th December 2019.

7.0 Submissions Received

Irish Water

The applicant was issued with a Confirmation of Feasibility in October 2018. At that time, and based on the details provided by the applicant, IW confirmed a new water connection to the existing network was feasible without upgrade however, to provide a wastewater connection to service the development, upgrades were required to increase the capacity of the Irish Water network. The Swords & Malahide Drainage Area Plan (DAP) with hydraulic modelling for the area is nearing completion and will determine network system deficiencies and outline needed upgrades in existing Irish Water infrastructure. Early hydraulic modelling for the existing network and current load within the Oldtown area indicate additional storage is required in regard to wastewater facilities. Any detailed final solution will need to be delivered via a Major Connection Agreement with IW. The applicant is required to engage with Irish Water to agree a design solution with IW ahead of any SHD Application to ABP.

8.0 Forming of Opinion

7.0.1 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 brief detail on each of these elements hereunder.

7.1 Documentation Submitted

8.1.1. 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, completed application form, scaled drawings (plans, sections and elevations), a completed pre-connection enquiry feedback form from Irish Water, Oldtown Masterplan; Part V details, Statement of Consistency, Architects Report; housing quality assessments; Environmental Statement, Landscape Design Report and associated drawings,

engineering drawings; Engineering Assessment Report, Traffic and Transport Assessment, AA Screening Report, Flood Risk Assessment.

8.1.2. I have considered all of the documentation submitted by the prospective applicant, relating to this case.

7.2 **Planning Authority Submission**

7.2.1 In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Fingal 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 06th August 2020.

7.2.2 The planning authority's 'opinion' included, inter alia, the following matters: site location and description, planning history, record of pre-application meeting, internal reports, policy and strategic context, detailed issues, comments on details of proposed development including context, connections, inclusivity, variety, efficiency, distinctiveness, layout, public realm (open space), adaptability, privacy and amenity, parking and traffic issues, water services and flood risk, archaeology, Part V air and noise, waste management, community, culture and sports; EIA and AA.

7.2.3 Report concludes that it is the opinion of the Planning Authority that the proposal would provide for a residential development and crèche on suitably zoned lands. The principle of the development, with improvements to a linked network of public open space and streets would be considered generally acceptable to the planning authority. Upon review of the submitted documentation, it is the opinion of the PA that the following revisions are recommended:

- Design amendments around higher density pockets of apartment/duplex blocks; location of highest density pockets of proposal at edge of site should be reconsidered
- Replacement of stand-alone apartment and duplex blocks with more enclosed definable suburban blocks similar to development under consideration with ABP (Phase 2C PL06F.307003) so as to define important routes and enclose public spaces; proposal does not provide a sufficiently strong enclosing edge to the streetscape; tighter spatial enclosures will foster a sense of urbanism

necessary to reinforce and define the important route along Millers Avenue and enclose public/communal open space; 5 storey structures onto Rathbeale Road facing single storey detached houses do not respond effectively to site context; opportunities to create distinctiveness other than reliance on tall landmark buildings should be investigated

- Concerns regarding layout- over proliferation of unscreened car parking; lack of quality amenity spaces; insecure bicycle parking; concentration of bin/bike storage in one area; siting of Bock F; provision of small play spaces
- Modification to surface car parking areas to improve quality of proposed residential development; poorly proposed parking layout
- Walking and cycling connections to destinations unclear
- Provision of legibility elements to support place-making and visual amenity
- Further details in respect to improved public realm including clearly defined hierarchy of open space provision
- Location of crèche and limited extent of car parking/set down
- Additional tree planting and buffer zones
- Concern that Part V provision is concentrated in a limited area along the W side of Miller's Avenue
- Parks and Green Infrastructure Division recommend that the proposal is not acceptable as it does not meet Development Plan standards in terms of public open space and play provision; retention of townland boundary hedgerow
- Transportation Planning Division have expressed concerns in some aspects of the development including surface car parking layouts, parking shortfalls, taking in charge
- Coordination between various design team members in terms of documentation to be submitted

7.2.4 I have reviewed and considered all of the documentation submitted by the planning authority relating to this case.

7.3 Consultation Meeting

7.3.1 A Section 5 Consultation meeting took place via Microsoft teams due to Covid-19 restrictions on the 30th day of November 2020, commencing at 9.30am.

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.

7.3.2 The main topics raised for discussion at the tripartite meeting were as follows:

1. Development strategy for the site to include: layout; height/density; permeability/accessibility; open space/landscaping; childcare facility; Part V
2. Transportation matters
3. Drainage matters
4. Any other matters

7.3.3 In relation to development strategy for the site, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- Layout in the context of DMURS and Sustainable Residential Development in Urban Areas with associated Design Manual, 12 criteria as set out in Urban Design Manual; creation of character areas and the need to avoid mono-use housing areas
- Density proposed in the context of site location, close to Key Town of Swords
- Design and finishes; need for high quality throughout, in particular with regards to landmark structures; gateway to Oldtown development at southern end
- Permeability/connectivity both within the site and through to surrounding areas; accessibility given level differences
- Open space provision and the desire to ensure that it is functional and usable; hierarchy of open spaces; open space calculations; greater detail required in relation to landscaping; townland boundary hedgerow

- Address PA concerns in relation to set down spaces/parking associated with proposed childcare facility
- Part V provision and its concentration within area fronting onto Miller's Avenue; desire for pepper-potting

7.3.4 In relation to transportation matters, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Report of Transportation Division of planning authority, as contained within Appendix 2 Transportation Planning Section of PA Opinion

7.3.5 In relation to drainage matters, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Report of Water Services Department of planning authority, as contained within Appendix 2 of PA Opinion
- Report of Irish Water

7.3.6 In regards to other matters, An Bord Pleanála sought further elaboration/discussion/consideration on:

- Residential amenity: Potential impacts on nearby residential properties development in terms of overlooking, overshadowing, overbearing and noise; compliance with Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018); daylight/sunlight; aspect of proposed units; internal daylight/sunlight analysis to ensure adequate amenity of future residents including sunlight analysis to include areas of open space
- Archaeology
- Submission of cross-sections showing level differences; Building Lifecycle Report to include common areas;; proximity to Dublin airport; submission of CGIS/visualisations/cross sections and school demand and concentration report

7.4 Conclusion and Recommendation

- 7.4.1 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.
- 7.4.2 I have examined all of the information and submissions before me including the documentation submitted by the prospective applicants, 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 plans for the area.
- 7.4.3 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 **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.
- 7.4.4 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 Recommended Opinion

The Board refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, **An Bord Pleanála is of the opinion that the documentation submitted requires further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**

In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development:

1. Design and Layout

- (a) Further consideration/justification of the documents as they relate to the layout of the proposed development particularly in relation to the 12 criteria set out in the Urban Design Manual which accompanies the above mentioned Guidelines and the Design Manual for Urban Roads and Streets. The matters of arrangement and hierarchy of streets; the configuration of the layout; connectivity with adjoining lands; provision of hierarchy of open space and the creation of character areas within a high quality scheme should be given further consideration.
- (b) Further consideration/justification of the documents as they relate to the extent of surface parking proposed and arrangement of same and the impact this may have on the vitality of the streetscape and quality of the proposed development.
- (c) Further consideration and/or justification of the documents as they relate to the elevational treatment/expression and materials/finishes of the proposed development, having regard to the context of the site and the desire to ensure that the proposed development makes a positive contribution to the character of the area over the long term. An architectural report and urban design statement should be submitted with the application. A Building Lifecycle report should also be submitted in this regard, which includes an assessment of the long term running and maintenance costs associated with the development in accordance with Section 6.13 of the 2018 Guidelines on Design Standards for New Apartments.

2. Height and Density

Further consideration/justification of the documents as they relate to the height and density of the proposed development. This consideration and justification should have regard to, inter alia, the minimum densities provided for in the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (May 2009) in relation to such sites, together with guidance in relation to height contained in the Urban Development and Building Heights, Guidelines for Planning Authorities (2018). Particular regard should be had to need to develop at a sufficiently high density to provide for an acceptable efficiency in serviceable land usage given the location of the site and its proximity to the Key Town of Swords and with its established social and community services. The further consideration of this issue may require an amendment to the documents and/or design proposal submitted.

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 report identifying demand for school places likely to be generated by the proposal and the capacity of existing schools in the vicinity to cater for such demand.
2. Social Infrastructure Audit
3. A detailed landscaping plan for the site which clearly sets out proposals for hard and soft landscaping including street furniture and play areas where proposed, and which includes detailed proposals for the area of zoned public open space, included within the red line boundary.
4. Additional CGIs, visualisations and cross sections, as necessary, which clearly show the relationship between the proposed development and existing development in the immediate and wider area.
5. Ecological Surveys
6. Archaeological Assessment
7. Waste management details

8. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority. Streets should be shown up to the boundary to facilitate future access
9. A housing quality assessment which provides specific information regarding the proposed apartments and which demonstrates compliance with the various requirements of the 2018 Guidelines on Design Standards for New Apartments, including its specific planning policy requirements. This should also include a schedule of floor areas for all proposed units, clearly setting out the aspect (single, dual, triple) of each unit
10. Additional transportation details having regard to the requirements of the Transportation Planning Division as contained within Appendix 2 of PA Opinion
11. Additional drainage details having regard to the requirements of the Drainage Division as indicated in their report contained Appendix 2 of PA Opinion. 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' (including associated 'Technical Appendices').

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. Department of Culture, Heritage and the Gaeltacht
3. National Transport Authority
4. Transport Infrastructure Ireland
5. Irish Aviation Authority
6. Dublin Airport Authority
7. Department of Education and Skills

Lorraine Dockery
Senior Planning Inspector

16th December 2020