



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-308982-20

Strategic Housing Development

275 units and crèche

Location

Mill Road, Saggart, Co. Dublin

Planning Authority

South Dublin County Council

Prospective Applicant

Cape Wrath Hotel ULC

Date of Consultation Meeting

22nd March 2021

Date of Site Inspection

16th March 2021

Inspector

Ronan 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

- 2.1.1. The site is located off the Mill Road in Saggart and is positioned to the north-west of Saggart Village and just south of Junction 4 of the N7. There is an existing residential dwelling and associated outbuildings on the north-west of the site with the remainder of the site being greenfield. There are a number of existing residential properties that front onto the Mill Road and there is also a residential property to the north-east of the site. An extant planning permission for housing exists on lands to the south-east of the proposed site. City West Hotel Golf Club is located east of the site. An ESB overhead cable traverses the site from east to west. The Camac watercourse is located to the north and west of the site and there is substantial hedgerows and planting around the site's edges.

3.0 Proposed Strategic Housing Development

- 3.1.1. It would appear it is proposed to demolish the exiting residential dwelling and outbuildings on the site but this is not referred to in the proposed development description (as per the application form).
- 3.1.2. The proposed Strategic Housing Development (SHD) will also comprise of the construction of 275 no. new homes on a 4.2 hectare site. The development includes a mix of terraced homes, duplexes, and two apartment blocks of 5 storeys and part 8 storeys and a crèche.

- 3.1.3. Duplexes are proposed along the north-western edge, and with terraced houses in the centre of the scheme and along the western edge. There are two apartment blocks to the south-eastern area of the site with a crèche at the ground level in the eastern block (Block A) and a large communal open space in the centre of the central block (Block B).
- 3.1.4. Vehicular access to the site will be from the Mill Road. A new road will be constructed running along the south-eastern boundary of the site. This new road will facilitate future access to adjacent lands to the east (not proposed as part of this pre-application). The residential development will have two access points off the proposed new road. A secondary access is proposed at the north west of the site connecting to Mill Road. This access is designed as emergency access only.

The following details are noted:

Parameter	Proposed Scheme
Site Area	4.64Ha (Gross)
No. of units	275 units – 58 Houses, 32 Duplexes, 185 apts
Mix	Houses 15 X 2 bed (5.5%), 32 x 3 bed (11.6%), 11 x 4 bed (4%) Duplexes/Apartments 64 X 1 bed (29%), 130 x 2 bed (61%) and 23 x 3 bed (10%)
Density	59.65 u/ha
Open Space Provision	Public Open Space – 0.824 Ha (17.87 % of site area)
Heights	2 to 8 storeys (Apartment – Block A 5-8 Storeys; Block B 3-5 Storeys)
Car Parking	293 spaces (0.719 per unit)
Access	2 x access points from Mill Road

Dual Aspect	50.8% (Apartments)
-------------	--------------------

4.0 National and Local Policy

4.1. National and Regional Policy

National Planning Framework 2018-2040

National Strategic Outcome 1, Compact Growth, recognises the need to deliver a greater proportion of residential development within existing built-up areas.

Activating these strategic areas and achieving effective density and consolidation, rather than sprawl of urban development, is a top priority.

Objective 2A identifies a target of half of future population growth occurring in the cities or their suburbs. Objective 3A directs delivery of at least 40% of all new housing to existing built-up areas on infill and/or brownfield sites.

Objective 13 is that, in urban areas, planning and related standards including in particular building 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.

Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 (RSES)

The primary statutory objective of the Strategy is to support implementation of Project Ireland 2040 - which links planning and investment through the National Planning Framework (NPF) and ten year National Development Plan (NDP) - and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the Region.

- RPO 3.2 - Promote compact urban growth - targets of at least 50% of all new homes to be built, to be within or contiguous to the existing built up area of Dublin city and suburbs and a target of at least 30% for other urban areas.
- RPO – 4.1 – Settlement Hierarchy – Local Authorities to determine the hierarchy of settlements in accordance with the hierarchy, guiding principles and typology of settlements in the RSES.

- RPO 4.2 – Infrastructure – Infrastructure investment and priorities shall be aligned with the spatial planning strategy of the RSES.

The site lies within the Dublin Metropolitan Area (DMA) – The aim of the Dublin Metropolitan Area Strategic Plan is to deliver strategic development areas identified in the Dublin Metropolitan Area Strategic Plan (MASP) to ensure a steady supply of serviced development lands to support Dublin’s sustainable growth.

Key Principles of the Metropolitan Area Strategic Plan include compact sustainable growth and accelerated housing delivery, integrated Transport and Land Use and alignment of Growth with enabling infrastructure.

Transport Strategy for the Greater Dublin Area 2016-2035

The Transport Strategy for the Greater Dublin Area 2016-2035 provides a framework for the planning and delivery of transport infrastructure and services in the Greater Dublin Area (GDA). It also provides a transport planning policy around which other agencies involved in land use planning, environmental protection, and delivery of other infrastructure such as housing, water and power, can align their investment priorities.

The Strategy sets out the necessary transport provision, for the period up to 2035, to achieve the above objective for the region, and to deliver the objectives of existing national transport policy, including in particular the mode share target of a maximum of 45% of car-based work commuting established under in “Smarter Travel – A Sustainable Transport Future”.

4.2. 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’).(2009)
- ‘Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities’ (Updated December 2020)

- Urban Development and Building Height, Guidelines for Planning Authorities, 2018.
- ‘Design Manual for Urban Roads and Streets’ (DMURS) (2019) / DMURS Interim Advice Note – Covid 19 (2020)
- ‘The Planning System and Flood Risk Management’ including the associated ‘Technical Appendices’.
- ‘Childcare Facilities – Guidelines for Planning Authorities’.
- Regulation of Commercial Institutional Investment in Housing – Guidelines for Planning Authorities – May 2021

4.3. Local Policy Context

South Dublin County Development Plan 2016-2022

The proposed site is subject to two zoning objectives, predominantly RES-N and partially RES. ‘RES-N’ zoning requires an approved area plan.

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. Policy H6 Sustainable Communities It is the policy of the Council to support the development of sustainable communities and to ensure that new housing development is carried out in accordance with Government policy in relation to the development of housing and residential communities.

Policy H7 Urban Design in Residential Developments It is the policy of the Council to ensure that all new residential development within the County is of high quality design and complies with Government guidance on the design of sustainable

residential development and residential streets including that prepared by the Minister under Section 28 of the Planning & Development Act 2000 (as amended).

Policies H8 Residential Densities It is the policy of the Council to promote higher residential densities at appropriate locations and to ensure that the density of new residential development is appropriate to its location and surrounding context.

H8 Objective 6: To apply the provisions contained in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009) relating to Outer Suburban locations, including a density range of 35-50 units per hectare, to greenfield sites that are zoned residential (RES or RES-N) and are not subject to a SDZ designation, a Local Area Plan and/or an approved plan, excluding lands within the M50 and lands on the edge or within the Small Towns/ Villages in the County

Policy H9 Residential Building Heights It is the policy of the Council to support varied building heights across residential and mixed use areas in South Dublin County.

- H9 Objective 1: To encourage varied building heights in new residential developments to support compact urban form, sense of place, urban legibility and visual diversity.
- H9 Objective 2: To ensure that higher buildings in established areas respect the surrounding context
- H9 Objective 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 (see also Section 11.2.7 Building Height).
- H9 Obj. 5. - To restrict general building heights on 'RES-N' zoned lands south of the N7 to no more than 12 metres where not covered by a current statutory Local Area Plan.

Chapter 11 relates to Development Management Standards.

Section 11.2.7: The appropriate maximum or minimum height of any building will be determined by:

- The prevailing building height in the surrounding area.

- The proximity of existing housing - new residential development that adjoins existing one and/or two storey housing (backs or sides onto or faces) shall be no more than two storeys in height, unless a separation distance of 35 metres or greater is achieved.
- The formation of a cohesive streetscape pattern – including height and scale of the proposed development in relation to width of the street, or area of open space.
- The proximity of any Protected Structures, Architectural Conservation Areas and/or other sensitive development.

Policy H11 Residential Design and Layout It is the policy of the Council to promote a high quality of design and layout in new residential development and to ensure a high-quality living environment for residents, in terms of the standard of individual dwelling units and the overall layout and appearance of the development.

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.

5.0 Planning History

Subject Site

None

Site to south:

SD15A/0086 - Permission refused for Modification to the development permitted under SD13A/0221 to consist of the demolition of "Somerton" (a habitable dwelling) to form a new vehicular access/egress point to serve the permitted development from Mill Road and the provision of a pedestrian only access point adjacent to No. 5 Mill Road in lieu of a vehicular access point permitted under SD13A/0221.

SD13A/0221/EP Grant extension of duration of permission for .Demolition of 'Somerton' (a habitable dwelling) and the construction of 22 three bedroom duplex units and 22 two bedroom apartment units in 5 three storey blocks with balconies at 3rd floor level in all blocks; vehicular access to the development will be via a new entrance/exit roadway onto Mill Road and 66 car parking spaces are provided at surface level within the development; a new pedestrian route into the scheme is proposed adjacent to No. 5 Mill Road. Permission is also sought for all associated site development, landscaping and boundary treatment works and the provision of 4 bin stores (c.48sq.m) at 'Somerton' and No's 3, 4 and 5 Mill Road and a site of c.1.68ha located to the rear of No's 1 - 5 Mill Road.. Permission ends in 2023.

6.0 Section 247 Consultation(s) with Planning Authority

- 6.1.1. A section 247 pre-application consultation took place with South Dublin County Council on 3rd September 2020 and details of same are set out in the Planning Authority's submission on this pre-application.

7.0 Irish Water Submission

- 7.1.1. Irish Water has assessed and has issued the applicant a Confirmation of Feasibility for connection(s) to the Irish Water network(s).

8.0 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 submissions and the discussions which took place during the tripartite consultation meeting. I shall provide brief detail on each of these elements below.

8.1. 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 and I have had regard to same.

8.2. Planning Authority Submission

8.2.1. In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, South Dublin County Council have submitted a copy of the record of their section 247 consultations with the prospective applicant and their opinion in relation to the proposal.

8.2.2. South Dublin County Council has also submitted a report on this pre-application submission which raises the following matters:

- Principle acceptable.
- There is a non-statutory Mill Road Area Plan 2008, however, it is considered that the plan is dated.
- Subject application is required to be presented as part of an applicant prepared area plan approach showing full integration with the adjoining RES-N lands.
- The RES – N lands without a LAP are subject to an objective limiting height to 12m as a maximum/ Development Plan outlines that proposals that exceed five storeys will only be considered at areas of strategic planning importance such as Town centres, Regeneration zones and SDZs and subject to approved LAPs or Planning Scheme.
- Density/Height a concern/requires further justification/show links from the development to public transport services/recommended that the applicant revise the proposal to provide a development at a lower density (c45-50ha per ha).
- Mix of Uses and Units – Issues include the proposed tenure/childcare demand/number of one-bed homes/number of north facing units
- Design and Layout – Layout generally supported/ DMURS/well defined and overlooked streets without blank end walls/however dominated by surface car parking/seek more usable open spaces/enable views of the Dublin Mountains and the church spire in Saggart Village.
- 50% dual aspect provided/applicant is encouraged to increase the number of dual aspect units/clarify number of north facing dual aspect units
- Amenity Spaces - improvement is required to the layout and provision of communal amenity spaces/Perimeter enclosures of communal spaces are preferred/preferred that public spaces are substantially overlooked/Car parking

spaces should not encroach upon open space/housing units should comply with Table 11.20 of the CDP

- Transport -existing permission SD13A/0221EP/proposed to provide a parallel vehicular access off the Mill Road ('Primary access road') very close to the permitted access street/significant on street parking/Need to comply with DMURS/Clarification required in relation to proposed access points to the east (through the golf club)/details of same will need to be provided /investigate potential for two-way cycling through the Citywest Campus towards the Saggart Luas Stop/location is a semi-peripheral urban location/TTA shows development will not have a significant impact on the surrounding road network/TII should be consulted regard the capacity of Junction 4 off the N7/Parking allocation considered a little high – 20 to 30 spaces could be removed from the Duplex and Apartment Allocations
- Residential Amenity – detailed information regarding impact on daylight, sunlight and overshadowing required/clarity on separation distances required/information submitted do not appear to take into account varying site levels on site and on adjacent sites.
- Noise - Noise from the N7
- Drainage/Flooding – Historic flooding downstream from the watercourse that runs through this site/SUDS is a requirement
- Landscaping – loss of trees is considered to high/at the very least there should be no net loss of trees/impact on green infrastructure and local biodiversity/ecological impacts included bat foraging routes/additional information required in relation to play areas/natural SUDS features should be incorporated into the proposed drainage system
- Archaeology - An Archaeological Impact Assessment should be submitted
- AA/EIA – proposed development site is an ecologically mature site in an established biodiversity rich setting/removal of trees/likely to include bat habitat/mitigation proposals required within an ecological report and landscaping plan

8.2.3. **Internal Departmental Reports**

Water Services

- Surface water – breakdown of all surface types required/details on amount of attenuation storage proposed/use of additional SuDS required.
- Flood Risk – No objection

Roads Department

- Masterplan required/connections to City West detailed/cycle pedestrian permeability detailed/ proposed to provide a parallel vehicular access off the Mill Road ('Primary access road') very close to the permitted access street/SDCC will not accept two access roads in such close proximity/Clear hierarchy of roads is required/MMP required

Parks and Landscape Services

- Loss of trees is considered to high/at the very least there should be no net loss of trees/impact on green infrastructure and local biodiversity/ecological impacts included bat foraging routes/additional information required in relation to play areas/natural SUDS features should be incorporated into the proposed drainage system/Landscaping Details/connections/open space hierarchy required/additional planting required around the perimeter of the site/Bat survey to be carried out/Details of play equipment required/recommend conditions

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

8.3. **The Consultation Meeting**

8.3.1. A Section 5 Consultation meeting took place via Microsoft Teams on the 22nd March 2021, commencing at 10:00. 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:

- Principle/Density/Area Plan Requirement/Material Contravention Considerations
- Design including height and layout/ visual impact
- Residential Standards including open space provision
- Neighbouring Amenity
- Transport
- Site Services
- Environmental Screening
- AOB

8.3.2. 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 308982-20' which is on file.

8.3.3. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

8.4. **Conclusion**

8.4.1. 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.

8.4.2. I have examined all of the 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, including section 28 Ministerial Guidelines and local policy via the statutory plans for the area.

8.4.3. 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.

- 8.4.4. I would also recommend that the prospective information 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

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 would constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**

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. Where the applicant considers that the proposed strategic housing development would materially contravene the relevant development plan or local area plan, other than in relation to the zoning of the land, a statement indicating the plan

objective(s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format.

2. Justification, and where appropriate amendment, to demonstrate that surface car parking quantity and location, road hierarchy and layouts, including design and materiality of the proposed shared surfaces, complies with DMURS. To this end, matters raised in the PA submission (dated 1st February 2021), including those comments contained in the internal report from the Transportation Planning Section of South Dublin County Council, should be addressed in any report/justification relating to the outlined transport issues. Issues to be addressed include but are not limited to the overall quantum of surface car parking, details of existing and proposed pedestrian and cycle links to Saggart, to the nearest Luas stop, and through lands to the east and south of the site, and the proposed provision of an access road in close proximity to that permitted on lands to the south of the site.
3. An Integrated Area Plan/Masterplan as required, that considers *inter alia* proposed and potential links to adjoining sites.
4. Relevant drawings/reports that address the issue of residential amenity (both existing residents of nearby development and future occupants), specifically with regards to an amended daylight/sunlight/overshadowing analysis, overlooking, visual impact (Townscape and Visual Impact Assessment) and noise (including that from the surrounding road network). The application shall include full and complete drawings including levels and cross-sections showing the relationship between the proposed development and nearby residential development. The daylight/sunlight/overshadowing analysis shall address the full extent of the requirements of 'Building Research Establishment (BRE) Report 209 "Site Layout Planning for Daylight and Sunlight – a guide to good practice, 2nd Edition, 2011' and BS8206 – Part 2: 2008 Code of Practice for Daylighting, where applicable.
5. A Housing Quality Assessment (HQA) which provides the specific information regarding the proposed apartment/duplex units as required by the Sustainable

Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (December, 2020). The assessment should also demonstrate how the proposed apartments/duplexes comply with the various requirements of those guidelines, including its specific planning policy requirements.

6. A report that specifically addresses the proposed materials and finishes to the scheme including specific detailing of external finishes, the treatment of balconies and boundary treatments.
7. Landscaping Proposals, including a report that provides appropriate rationale and details, and addresses the comments contained within the Planning Authority's submission on this pre-application, and as contained within the report of Parks & Landscape Services (dated 1st February). Issues to be addressed, include, but are not limited to, the quality, quantity and location of the proposed open spaces; impacts on trees, replacement planting, and provision of play areas and details of integration of SuDS.
8. A report, that includes relevant surveys, that fully addresses potential impacts on ecology and biodiversity including, where appropriate, potential impacts on bats.
9. A report that address potential impacts on Archaeology.
10. Drainage details such as would address and respond to comments within the internal report from the Water Services of South Dublin County Council, and having regard to the submission from Irish Water (dated 18th January 2021).
11. Additional CGIs/visualisations/3D modelling.
12. Existing and proposed surveys/drawings/sections etc that clearly show the volume of land to be cut and filled/that clearly indicate finished floor levels and ground levels. Finished floor levels should also be shown relative to existing residential units and relative to those permitted units (not yet constructed) to the south-east of this site.
13. Existing floor plans, elevations, sections detailing existing structures on site as well as demolition plans, where applicable. If applicable, the development description should refer to any demolitions proposed.
14. All supporting technical/environmental reports to be updated as required.

15. A plan of the proposed open spaces within the site clearly delineating public, communal and private spaces.
16. A report that addresses any aviation issues having regard to the location of the site relative to Casement/Baldonnell Aerodrome.
17. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority.
18. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018, unless it is proposed to submit an EIAR at application stage.

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. Inland Fisheries Ireland
3. National Transport Authority
4. Transport Infrastructure Ireland
5. Irish Aviation Authority
6. Operator of Baldonnell Aerodrome
7. 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.

Rónán O'Connor
Senior Planning Inspector

Date: 06th July 2021