



An  
Bord  
Pleanála

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

### **Inspector's Report on Recommended Opinion ABP-310930-21**

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#### **Strategic Housing Development**

Amendments to permitted SHD development ref.305857-19 for a mixed-use development of 313 residential units, creche and amenity space, in 4 blocks ranging in height from 2-9 storeys.

#### **Location**

St Edmunds, St Lorman's Road, Palmerstown, Dublin 20.

#### **Planning Authority**

South Dublin County Council

#### **Prospective Applicant**

Moykerr Limited.

#### **Date of Consultation Meeting**

6<sup>th</sup> October 2021

#### **Date of Site Inspection**

15<sup>th</sup> September 2021

## **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 subject site is located approximately 10km west of Dublin City Centre and to the west of the Liffey Valley interchange of the M50 orbital motorway and the N4 national primary road. The Liffey Valley shopping centre is approximately 750m to the east.
- 2.2. The site, which extends to 2.06 hectares (with additional area of 4400sqm embankment area along eastern boundary in SDCC ownership), is situated to the south of the N4, just north of the roundabout connecting Saint Lowman's Road, with Fonthill Road. This is a main roundabout accessing the Liffey Valley Shopping Centre from the west.
- 2.3. To the east is the Fonthill Road, to the south is St. Loman's Road, to the west is an existing access road serving phase 1 of St. Edmunds apartment (5 Storey with setback 6<sup>th</sup> floor) and housing scheme. To the south on the opposite side of Saint Lowman's Road is a HSE Clondalkin / Lucan Centre. Bally Dowd Special Care Unit is located to the north and to the north east are lands allocated for traveller accommodation. Further to the north east on the opposite side of the M4 slip road is the Clayton Hotel.

- 2.4. There is a bus stop and bus lane along the N4 north of the site which is serviced by a number of high frequency routes. To the south of the site along Fonthill Road North there is also a bus stop.
- 2.5. Vehicular access to the site is from an existing shared unnamed road with St. Edmund's Park to the west of the subject site. This is a well landscaped tree lined route. There will be a controlled pedestrian entrance to the south of the site along St. Loman's Road. A new pedestrian entrance will open the site to the Fonthill Road (R113). The existing pedestrian and vehicular entrance will remain to the west of the site.
- 2.6. The site is free from structures other than, 4 temporary traveller accommodation dwellings located to the north east of the site, which are in the process of being removed. The site is not located within a Conservation Area or an Architectural Conservation Area. A pedestrian footpath and cycle lane separate the site from St. Loman's Road and Fonthill Road (R113). The topography of the site rises from the west of the site to the east (max c. 2.6m) and rises from the north of the site to the south (max c. 1.8m).

### 3.0 Proposed Strategic Housing Development

- 3.1. The proposed development involves construction of 313 no. residential units as follows:

Unit Type	Number
1 bed	137
2 bed	173
3 bed	3
Total Units	313

The development has a stated net residential density of c. 173.7 units/ha based on a development area of c. 2.6 ha. The development scheme is described by the applicant as follows:

*“4 no apartment blocks ranging height from 2-9 storeys comprising 313 no. residential units (137 no. one beds, 173 no. two beds, and 3 no. three beds), a creche (c. 471sq.m) and amenity space (c. 482sqm). All the residential units will have associated private open space/ balconies/ terraces facing north/ south/ east/ west.*

*The development will have 220 no. car parking spaces (145 no. spaces at undercroft level, 75 no. spaces at surface level), 5 motorcycle parking spaces and 376 no. secure bike parking spaces. The site is accessed through the existing vehicular access to the west, off the unnamed road to the west. There will be a number of pedestrian entrances along St. Loman’s Road, the Fonthill Road (R113) and the unnamed road to the west.*

*In addition to all of the new facilities all other site services and works to enable the development of the site will also be provided including site, bin stores, ESB substations, associated roadworks and services connections, a large quantity of public and communal open space, boundary treatment works and landscaping.*

*The proposed development is a modification of and will supersede the development currently being undertaken on site, previously granted SHD proposal ABP 305857.*

*The proposal will provide an additional apartment block in place of the 5 no. permitted houses and an additional storey on blocks 1, 2 and 3. This will provide a total of 61 no. additional apartment units.”*

## **4.0 Planning History**

4.1. None of relevance to the current proposal.

## **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 2020
- 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 'RES' – To protect and/or improve residential amenity' within the South Dublin County Development Plan 2016-2022. Residential use is permitted in principle and childcare facilities are open for consideration.

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 (with reference to Section 11.2.7 Building Height of the Plan).

- 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.

## 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;
- Part V Pack;
- Planning Report;
- Statement of Consistency;
- Material Contravention Statement;
- S247 Meeting Minutes and Response;
- EIA Screening Report;
- Cover Letters to ABP and SDCC;
- Irish Water Pre-Connection Enquiry Letter;
- South Dublin County Council Letter of Consent;

- Go Car Letter;
- Photomontages;
- Daylight, Sunlight and Overshadowing Study;
- Technical Report Traffic Noise Impact Assessment;
- Traffic Impact Assessment;
- Ecological Impact Assessment;
- Statement of Screening for Appropriate Assessment;
- Arboricultural Impact Assessment and Tree Root Protection Plan;
- Arboricultural Tree Survey Report;
- Tree Management Plan and Drawings;
- Architects Design Statement;
- Building Life Cycle Report;
- Schedule of Accommodation;
- Architectural Plans and Drawings;
- Landscape Rationale Report and Drawings;
- Drainage Design Strategy Report and Drawings.

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, South Dublin County 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 key points:

- The Planning Authority is broadly supportive of the principle of development on these lands, which are zoned for residential development. The increase in apartments in the absence of increased amenity would represent an overdevelopment of the site. The loss of a retail unit, which could serve not only the existing local community as well as the community which will grow up as a result of this development. The development would benefit from a small retail outlet for basic day-to-day needs.
- It would be beneficial to increase the percentage of three-bedroom units in order to cater for larger families who wish to reside within this established residential area. The absence of three bedroom apartments raises concerns with regard to lifetime adaptability of the scheme and to provide for a greater mix of housing type, and expand the level of choice available to residents. The application is silent on the tenure of the apartments/duplexes.
- The proposed change in building heights would be contrary to and materially contravene the policies and objectives of the County Development Plan. Furthermore, the proposed density as a result would be too high at this location.
- Concern regarding daylight/sunlight/overshadowing impact upon the school site to the north. The Planning Authority consider that Block 4 should be redesigned/realigned to mitigate the potential impact on the school.
- The southern, eastern, western boundaries should remain free of boundary treatments such as 2m high walls and railings. The community should be as open and highly accessible and fully address the interchange providing increased passive surveillance.
- Additional undercroft parking should be considered.
- Detailed proposals for boundary treatment of the balconies and planting of the defensible space of Block 1 should be submitted by condition.
- Additional detail is required in relation to the overall landscape plan for the site in relation to walls, trees, swales, children's play areas, treatment for the pathway and that increased green infrastructure items be incorporated throughout the

entire scheme. Additional biodiversity initiatives also encouraged. The density should be reduced or open space increased / or both.

- Details sort in relation to swept path analysis, electric vehicle spaces, mobility management plan, public lighting, taken in charge areas, construction traffic management and DMURS compliance.
- Revised surface water drainage design report requested, along with cross sections details of SUDS. Request the proposed swale running through the centre of the SDCC lands be removed due to the complexity of maintenance.
- The Planning Authority's major points of concern are building height in contravention of the County Development Plan, deficiencies in public open space, deficiencies in SUDS and natural drainage solutions, overshadowing (and overburdening) impact on the adjacent school (block 4), substandard apartment designs and issues with general urban design including the redesign of street elements to increase walking and cycling.

#### **6.4. Irish Water**

- 6.4.1. The submission from Irish Water (dated 26<sup>th</sup> August 2021) states that a Confirmation of Feasibility has been issued for a development of 313 units on the site.

#### **6.5. Consultation Meeting**

- 6.5.1. A section 5 Consultation meeting took place via a video conference on the 6<sup>th</sup> October 2021. 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.
- 6.5.2. 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. Height and design strategy, particularly in relation to the reconfiguration and change in mass to blocks 3 and 4;
  2. Landscape treatment, including usability of open space and inclusion of surface car parking;
  3. SUDS and surface water run-off; and
  4. AOB.

6.5.3. 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-310930-21' 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. Consideration is required of any matters that have potential to be material contraventions of the Development Plan, with submission of a statement regarding the same if required.
  2. The technical reports submitted should allow a comparison of impacts between the proposed scheme, and the undeveloped site, and permitted scheme on the site.
  3. Landscape drawings clarifying the quantum of public open space proposed and the quality, functionality / usability of the public open space. Any deviation from policy requirements should be highlighted and consideration as to whether a material contravention arises.

4. A plan of landscape proposals clearly delineating communal and private spaces should also 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. The appearance of surface car parking in the landscape should be considered with increased greening of these areas. Detail of boundary treatment should be provided.
5. Provision of pedestrian links through open space areas should be detailed with consideration of links to public transport. Provision of a pedestrian link through the area of landscape in SDCC ownership, from the street to the area to the north of the site.
6. A plan annotating separation distances between all windows and balconies / terrace areas, to surrounding areas, and between development blocks in the proposal.
7. A Daylight, Sunlight and Overshadowing Assessment is required to demonstrate how the proposed development responds to recommendations in the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (the BRE guidelines). The methodology of the BRE guidelines should be followed and clearly stated within the submitted assessment. Analysis of all proposed units on each floor should be provided until it can be demonstrated that all units on a floor meet recommended targets, at which point it can be logically assumed units above will also pass (where a stacked arrangement to room use is proposed). APSH analysis of both the proposed accommodation and existing properties should be provided. Overshadowing analysis of all exterior amenity areas both within the development and in surrounding areas should also be provided. Consideration should include potential impact on the school site. A comparison of impacts to both the undeveloped and permitted conditions on the site should be included, following the BRE methodology in this regard.
8. A report that specifically addresses 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.

9. Additional details and/or revised proposals in relation to comments from Roads Department at the Planning Authority.
  10. Additional details and/or revised proposals in relation to comments from the Environmental Services Department at the Planning Authority.
  11. Additional details and/or revised proposals in relation to comments from the Public Realm Department at the Planning Authority.
  12. A Housing Quality Assessment with regard to relevant national and local planning policy on residential development.
  13. 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.
- 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. Irish Water
  3. Transport Infrastructure Ireland
  4. National Transport Authority
  5. South Dublin 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.

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Rachel Gleave O'Connor

Planning Inspector

28<sup>th</sup> October 2021