



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion TC0013

Strategic Housing Development

526 no. residential units comprising of 274 no. 3 bed two storey terraced units, 185 no. 4 bed two and three storey terraced and end of terrace units and 67 no. 2 bed apartments and duplex units. The proposed apartment and duplex units comprise 37 no. two storey two bed terraced duplexes, 18 no. 1 storey two bed apartments and 12 no. one storey two bed end of terrace apartments.

Location

Fortunestown Lane and Garter Lane,
Saggart. Co. Dublin

Planning Authority

South Dublin County Council

Prospective Applicant

Greenacre Residential DAC

Date of Consultation Meeting

2nd October 2017

Date of Site Inspection

22nd September 2017

Inspector

Joanna Kelly

1.0 Introduction

Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

2.0 Site Location and Description

- 2.1 The proposed development is located on an overall site of approx. 24 hectares which will be developed in two phases. The site, an irregular rectangular shape, is located within the jurisdiction of South Dublin County Council. The N7 is located approx. 130 metres north of the appeal site at its nearest point. Saggart Village is located approx. 600m south-west of the appeal site. The lands in question are bounded by Garter Lane to the west, Bianconi Avenue, a private road, to the north, Saggart Luas stop /Luas line to the south and City West Business Campus lands to the east.
- 2.2 Bianconi Avenue, in private ownership, serves industrial/commercial lands within the Citywest campus to the north. The 'Miele' commercial building which has frontage onto the N7 is located immediately north of the prospective applicant's lands. Garter road is a windy road characterised by a narrow footpath on the side opposite the prospective applicant's lands. There is a bus stop along this stretch of road.
- 2.3 The site is relatively low-lying with an increase in levels from north to south. There is an existing roundabout in place to the south-east corner of the site from which it is proposed to access the lands and which will provide direct access to the school site where there is an extant permission for two primary schools. In addition to this access, the documents submitted indicate that it is proposed to have three other

vehicular access points, one off Bianconi Avenue, and two from Garter Lane (western boundary).

2.4 The lands south of the appeal site (facing the Luas Stop) consists mainly four storey apartment blocks. There are large commercial/business units located to the north and east of the site. The 'TLC' nursing home bounds a portion of the school lands to the southeast. There is a housing development, Clúin Duin, mainly two-storey dwellings under construction and nearing completion to the south-east of the appeal site which are also within the applicant's landholding.

3.0 **Proposed Strategic Housing Development**

3.1 It is proposed that the overall site of c. 24 hectares will be developed in two phases. The current proposal subject to this pre-application consultation comprises of Phase 1 and consists of the majority of the site (c. 19 Hectares). Phase 2 will comprise a separate future application and will relate to the southern part of the site consisting of the lands directly to the north of Fortunestown Lane, the existing Luas line and Saggart Luas stop. The Phase 2 site is identified on the enclosed plans as a site for "future development".

3.2 The proposed development consists of 526 no. residential units comprising 274 no. three bed two storey terraced units, 185 no. 4 bed two and three storey terraced and end of terrace units and 67 no. 2 bed apartments and duplex units. The proposed apartment and duplex units comprise 37 no. two storey two bed terraced duplexes, 18 no. 1 storey two bed apartments and 12 no. one storey two bed end of terrace apartments.

Figure 1: Unit Types

Residential Units		
Houses	No. of Units	% Mix of bed type only (not unit type)
3 beds	274	52%
4 beds	185	35%
Apartments		
1 bed	0	0%
2 bed	67	13%
3 bed	0	0%
Total	526	100%
Parking	813 spaces	

3.3 Permission is also sought for 813 no. car parking spaces, bin storage areas, ESB substations and all associated site development and infrastructural works. The development also provides for a district park (4.58 hectares) and a neighbourhood

park (0.71ha) in accordance with the LAP. A total of three no. pocket parks are integrated into the layout of the proposed development.

4.0 Planning History

Permissions on adjoining lands

Cúil Duin Housing Development (south-east of the existing roundabout)

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

File Ref. No. SD15A/0095 Permission granted for revisions/modifications to the permitted 224-unit residential development. This permission provided for alterations to permitted house types and a minor re-alignment of internal access roads and revised private gardens.

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

Primary School lands immediately abutting the prospective applicant's lands to the east

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

5.0 National and Local Planning Policy

5.1 National

5.1.1 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 – Guidelines for Planning Authorities’
- ‘Design Manual for Urban Roads and Streets’ (DMURS)
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’)
- ‘Childcare Facilities – Guidelines for Planning Authorities’

5.2 Local

5.2.1 The South Dublin County Development Plan is the statutory plan for the area. The site also forms part of the lands identified in the Fortunestown Local Area Plan 2012-2018. The lands have a land use zoning objective “to provide for residential communities in accordance with approved area plans”.

5.2.2 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.

5.2.3 The local area plan identifies the site as being within Framework 5: Saggart-Cooldown Commons Neighbourhood. It provides that residential development across the Saggart-Cooldown Commons Neighbourhood will be laid out in a grid like format that incorporates perimeter blocks and a hierarchy of streets. The plan provides that in order to facilitate the provision of own door housing, net residential densities of 30-

50 dwellings per hectare shall apply to the plan lands. Key objectives of the local area plan focus on

- Accessibility and movement
- Green infrastructure
- Land-use and density
- Built form

6.0 **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 submission and the discussions which took place during the tripartite consultation meeting. I will provide a brief detail on each of these elements hereunder.

6.1 **Documentation Submitted**

6.1.1 The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 and article 285 of the Planning and of the Planning and Development (Strategic Housing Development) Regulations 2017.

6.1.2 The information submitted included the following: a completed application form; site location and site layout plans; planning statement; architectural and landscape design statement volumes 1-4; Irish Water pre-connection enquiry; Draft Part V offer; Statements of Consistency; Traffic and Transport Assessment.

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

6.2 **Planning Authority Submission**

6.2.1 In compliance with section 6(4)(b) of the Act of 2016 the planning authority for the area in which the proposed development is located, South Dublin County Council, submitted a note of their section 247 consultations with the prospective applicant and

also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on 21 September 2017.

6.2.2 The planning authority's opinion included the following matters: planning history; reference to local planning policies; and reference to the following particular issues:

- district park and school site interface,
- location and layout of pocket parks
- open space/district park located on the north-western section
- private open space.

6.3 Consultation Meeting

6.3.1 A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on 2 October 2017, commencing at 10.15am. 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.

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

1. Development Strategy for the site including, Phasing, Design, Density, Mix, Layout and Open Space.
2. DMURS, Transportation, Access and Traffic
3. Connectivity and Permeability (with particular regard to the School site)
4. Flood Risk
5. Waste Water connections (including third party connections)
6. Part V
7. Any other matters

6.3.3 In relation to the Development Strategy for the site, ABP representatives sought further elaboration/discussion on the proposed phasing arrangements of the lands, having regard to the proximity of lands identified in Phase 2 to the Luas stop. The proposed density, unit mix, design, layout and overlooking of open space was also

addressed in the context of the overall development strategy for the lands in question.

- 6.3.4 In relation to DMURS, Transportation, Access and Traffic, ABP representatives sought further elaboration/discussion on the proposed street hierarchy and in particular the need to address vehicle speed on the main avenue through the site.
- 6.3.5 In relation to connectivity and permeability, ABP representatives sought elaboration/discussion on ensuring maximum connectivity and permeability through the site and in particular to the school and district park lands.
- 6.3.6 In relation to Flood Risk, ABP representatives sought elaboration/discussion on whether a site specific flood risk assessment has been prepared, how it informed the development strategy and the potential impact of the flood risk area on the units proposed and the potential for increased risk of flooding to lands downstream having regard to the national policy guidance document. The issue of public safety pertaining to flooding of the district parklands was also discussed.
- 6.3.7 In relation to waste water connections, ABP representatives sought elaboration/discussion on waste water connections that may not be in the control of Irish Water.
- 6.3.8 In relation to Part V, ABP representatives sought further elaboration of the Part V proposals.
- 6.3.9 In relation to Other matters, ABP representatives sought clarification on the status of the lands indicated as Park and Ride Lands within the LAP and also sought elaboration on existing childcare facilities available in the area.
- 6.3.10 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 TC0013' 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 plan for the area.
- 7.3 Having regard to all of the above, I recommend that further consideration and/or possible amendment of the documents submitted are required at application stage in respect of the following elements: Development Strategy for the site, Flood Risk, Open Space lands and DMURS and details of which are set out in the recommended Opinion below.
- 7.4 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 **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.
- 7.5 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, 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.
- 8.3 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 consulting a reasonable basis for an application for strategic housing development:

1. Further consideration of documents as they relate to the development strategy of the prospective lands specifically in relation to the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (May 2009) as they refer to minimum net densities of 50 dwellings per hectare along public transport corridors subject to appropriate design and amenity standards (section 5.8 of the Guidelines) and considerations that arise when planning for sustainable neighbourhoods (Chapter 4 of the Guidelines). Particular regard should be had to the provision of said Guidelines to develop at a sufficiently high density to provide for an efficiency in serviceable land usage given the proximity of the site along a public transport corridor. The further consideration of this issue may require an amendment to the documents and/or design proposals. Proposals for phase 2 in the context of Phase 1 having particular regard to overall density, urban design, building heights

and unit mix and type should be included. This further consideration may provide for the inclusion of the phase 2 lands within the first phase.

2. Further consideration of the documents as they relate to the design rationale/justification for the proposed development strategy of the lands having regard to the identification of the lands within Flood Zones A and B and the need for a Justification Test as provided for in section 3.6 and 3.7 of 'The Planning System and Flood Risk Management, Guidelines for Planning Authorities, 2009' and the application of this test as set out in section 5.15 of these Guidelines. A site layout plan identifying the location of the different flood risk zones in the context of the location of the proposed residential units should be submitted. Consideration should also be given to the flood risk on open space areas particularly in the context of functionality and usability of the lands identified as a district park and/or neighbourhood parklands and public safety concerns regarding accessibility of open space lands that flood. The further consideration of this issue may require an amendment to the documents and/or design proposal submitted.

3. Further consideration of documents as they relate to the location of the proposed district park and neighbourhood park and the interface of these open space lands with the proposed residential development and school lands. Consideration should also be given to the location of the district parklands in the context of ease of accessibility to these lands relative to the population of the Saggart-Cooldown Commons Neighbourhood. Further consideration of passive surveillance of the district and neighbourhood park noting indicative building heights and the overall topography of the district park may require an amendment to the documents and/or design proposals submitted. In this regard, appropriately scaled landscape drawings and cross-sections that clearly detail the finished contours of the public open space areas relative to the finished floor areas of the residential units and road infrastructure should be considered.

4. Further consideration of documents as they relate to the proposed street hierarchy of the overall lands and design speed of the main boulevard. In particular regard should be given to section 4.1.2 of Design Manual for Urban Roads and Streets, which refers to Self- Regulating Streets and that design response is closely aligned with the design speed.

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. Irish Water
2. Irish Aviation Authority (in relation to protection zone around Baldonnell Airport)
3. Transport Infrastructure Ireland (in relation to potential for impact on the Luas rail line)
4. National Transport Authority
5. Transdev (in relation to potential for interference with the safe operation of Luas rail line)
6. Local Childcare Committee

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. A phasing arrangement for the proposed development should be provided.
2. Details of all relevant consents where it is proposed to connect to any third party infrastructure.

3. Details of existing childcare facilities within the vicinity of the application lands and existing and likely demand for such facilities arising from the proposed development.

4. A site layout plan, which clearly indicates what areas are to be taken in charge by the Local Authority.

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.

Joanna Kelly

Senior Planning Inspector

10 October 2017