



An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion
TC0027**



Strategic Housing Development

| | |
|-------------------------------------|---|
| Location | Station Road, Portmarnock, Co. Dublin |
| Planning Authority | Fingal County Council |
| Prospective Applicant | St. Marnock's II Designated Activity Company |
| Date of Consultation Meeting | October 26 th 2017 |
| Date of Site Inspection | October 19 th , 2017 |
| 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 located on the northern section of the Portmarnock LAP is what is Phase 1 of Growth Area 1, as identified in the LAP. The site has a stated area of circa 8.2 hectares, is located south of Station Road, Portmarnock and to the east of the Dublin-Belfast railway corridor and Phase 1 A development of the Portmarnock South Local Area Plan lands. The eastern boundary is defined by a tree-lined hedgerow while to the south are undeveloped agricultural lands.

Residential development is located to the north and west of the subject site. The Portmarnock DART station and its associated car park are located to the west of the lands.

2.2 A number of archaeological sites are located on the overall LAP lands. At the present time, the known archaeological feature is a circular shape mound (RMP DU015:014). This mound is also listed on the Record of Protected Structures (RPS No. 0475).

3.0 Proposed Strategic Housing Development

3.1 The proposed development comprises 198 no. residential units (mix of apartments, duplex units and dwelling houses); provision of local centre of approximately 639 square metres comprising café/restaurant and three retail units on ground floor with two storeys of apartments over; linked network of open space; landscaping; new access off Station Road; cycleways; two SUDS attenuation ponds to include a new

regional wetland/attenuation area with outfall to Baldoyle Bay (a European Site); provision of temporary pumping station and all ancillary site works.

3.2 Of the 198 residential units, there are 58 apartments, 38 duplex apartments and 102 houses. The breakdown of units are as follows:

| Type | No. |
|-------|-----|
| 1 bed | 2 |
| 2 bed | 50 |
| 3 bed | 94 |
| 4 bed | 52 |
| Total | 198 |

The stated density is 34.8 units/hectare (based on a site development area of 5.694 hectares).

A total 90 car parking spaces are proposed for the local centre element of the proposal (60 res/30 retail) while 2 spaces are proposed for each of the dwelling units.

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' (2015)
- 'Design Manual for Urban Roads and Streets' (2013)
- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices') (2009)
- 'Architectural Heritage Protection- Guidelines for Planning Authorities'
- 'Childcare Facilities- Guidelines for Planning Authorities'

4.2 Local

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

The subject lands are located within the Outer Public Safety Zone of Runway 10/28 of Dublin Airport. Subject lands are also located in the vicinity of a number of a number of navigational aids relating to Runway 10/28- around these navigational aids there exists three-dimensional cone shaped Building Restricted Areas (BRA).

The Portmarnock South Local Area Plan 2013 applies

Three site contains three zoning objectives:-

The majority of the subject site (western end containing residential and commercial element) is zoned 'Objective RA' (Residential Area) which seeks to 'provide for new

residential communities in accordance with approved local area plans and subject to the provision of the necessary social and physical infrastructure’.

The proposed uses are ‘permitted in principle’ in this zone.

The Regional SUDS wetland is to be developed on the eastern portion of the site on lands zoned ‘OS’ (Open Space), which seeks to ‘preserve and provide for open space and recreational amenities’.

The proposed outfall for the Regional SUDS wetland is to be developed on land zoned ‘HA’ (High Amenity), which seeks to ‘protect and enhance high amenity areas’.

The entire site is located within the Outer Public Safety Zone and Outer Airport Noise Zone for Dublin Airport.

Portmarnock South LAP references ERM report, carried out on behalf of the Department for Transport and Department for Environment, Heritage and Local Government in 2003 identifying the inner and outer Public Safety Zones (PSZs) for Dublin Airport. The Outer PSZ has a density restriction of a maximum of 60 persons per half hectare.

5.0 **Planning History**

Overall Site:

F13A/0248 –Permission GRANTED for 101 no. dwellings including 56 no. 3 bedroom, 2 storey houses, 25 no. 4 bedroom, 2 storey houses, and 21 no. 4 bedroom, 3 storey houses, vehicular access onto Station Road, extension to the existing footpath and cycle along Station Road, 51 car parking spaces to be associated with the future Portmarnock South local centre, all associated site development works, landscaping, boundary treatments, open spaces and surface water treatment areas. Under construction – approximate completion date Q1 2018.

F07A/0947 –Permission GRANTED for 684 residential units, made up of 413 houses and 271 apartments and a 3-storey neighbourhood centre with a ground floor retail element with apartments over. Not constructed.

6.0 Lands to the north (across Station Road)

F15A/0258 – Permission GRANTED at lands located to the east of The Kilns and to the west of The Links for the demolition of the existing two storey dwelling on site and the provision of a residential development consisting of 121 no. dwelling units consisting of 65 no. houses and 56 no apartments

7.0 **Section 247 Consultation(s) with Planning Authority**

6.1 Notes for six pre-application consultations which took place with the planning authority have been submitted by the prospective applicants.

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), photomontages, a completed pre-connection enquiry feedback form from Irish Water, Part V details, Aviation Planning Compliance, Statements of Consistency, Landscape Design, Environmental Assessment, Water Services Statement, Traffic and Transport Statement, Flood Risk Statement, Archaeological Report, Floor Areas and Architectural Rationale.
- 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 19th October 2017.
- 7.2.2 The planning authority's 'opinion' included, inter alia, the following matters: planning history, opinions from other departments, policy context, uses and density, compliance with LAP phasing, comments on details of proposed development including residential amenity, taking in charge, Part V, drainage, screening for AA and EIAR, open space provision, sustainable development framework, infrastructure and services, community and social infrastructure. Report concludes that documentation it is the opinion of the Planning Authority that the proposal is substantially in compliance with the relevant objectives within the Fingal Development Plan 2017 – 2023, the Portmarnock South Local Area Plan 2013, relevant guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended) and subject to the recommended amendments indicated in this opinion document would be in accordance with the proper planning and sustainable development of the area.

7.2.3 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 at the offices of An Bord Pleanála on the 26th day of October 2017, commencing at 2.30 pm. 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:

- Development strategy for the site in the context of the Portmarnock South LAP to include layout, density, proposed uses within local centre, connectivity, Part V proposals, open space and wetland area
- Archaeological heritage
- 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:

- Interface of proposed local centre with Station Road and the creation of an active street onto Station Road; provision of a gateway building into the overall development; together with elevational treatment, materials and finishes of the proposed local centre
- Proposed uses within the local centre, including provision of community type use in accordance with the requirements of the LAP,
- Usability/appropriateness of both the proposed plaza to the east and the proposed open space on the western side of the proposed local centre, having regard to their location. The area of open space surrounding the proposed duplex units to the south of the proposed local centre was also discussed, in terms of its interface with existing open space, its usability and boundaries

- Meaningful connectivity both through the site to the train station to the west and within the overall site through to Portmarnock village and estuary to the east
- Density proposed in the context of the Sustainable Residential Development Guidelines and the requirements of the Outer Public Safety Zone for Dublin Airport
- Layout of the proposed development in the context of the Design Manual for Urban Roads and Streets and the adopted LAP in terms of setbacks and frontage of residential units onto Station Road, road and parking layouts, together with details regarding proposed second vehicular entrance
- Location of Part V proposals in the context of proposed phasing, archaeological constraints and the provision of the Portmarnock pumping station
- Open space and wetland area with regards to private open space to duplex units; measures to maintain natural setting of wetland area while addressing health and safety concerns; management of stream along linear park and connections between areas of open space

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

- Comments of Department of Culture, Heritage and the Gaeltacht in relation to the submission of information in particular an assessment of the impacts and likely impacts from the construction of the proposed regional wetland area and the associated development including the outfall into Baldoyle Bay.

7.3.5 In regards to other matters, An Bord Pleanála sought further elaboration/discussion/consideration of material contravention of LAP in relation to number of units proposed, submission of NIS, flood risk assessment and screening for EIA.

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 further consideration and/or possible amendment of the documents submitted are required at application stage in respect of the following elements: layout, proposed density, design and layout of proposed local centre, archaeological matters, connectivity, Part V, open space and wetlands, details of which are set out in the Recommended Opinion below.
- 7.4.4 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.
- 7.4.5 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.

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 **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. Further consideration of the documents as they relate to the design of the local centre adjacent to Station Road including its location, footprint, usability, elevational treatment and materials/finishes, together with the interface between the proposed local centre and Station Road. The treatment and usability of the public realm surrounding the proposed local centre and its interface with the adjoining area of parking may also require consideration and/or justification in the documentation submitted at application stage. The mix of uses proposed including the lack of a community facility should also be addressed in the documentation at application stage. Further consideration of the documents as they relate to the development of a gateway building at this location having regard to the prominent location of this element of the proposal adjacent to Station Road. In this regard the submission of additional photomontages showing the proposed local centre from the public realm, in particular when viewed from the surrounding roadways in the vicinity would be appropriate.

2. Further consideration of the documents as they relate to the layout of the proposed development, in the context of the approved Local Area Plan and the Design Manual for Urban Streets and Roads. This consideration should have regard to the interface between the proposed development and Station Road in terms of setbacks and layout; the creation of an active streetscape, together with roads and parking layout. In this regard, the provision of parallel roads, hammer heads and large extent of parking without appropriate separation, may require further justification and/or consideration in the documentation submitted at application stage. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted.
3. Further consideration of the documents as they relate to the density proposed in 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. This consideration should also address the requirements of the Dublin Airport Outer Public Safety Zone in relation to same. Should the further consideration of the density result in an increase in the number of units, the documentation at application stage should include a justification for any such proposal that exceeds the provisions of the statutory plan for the area in this regard. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted.
4. Further consideration of the documents as they relate to pedestrian facilities connecting the proposed development with Portmarnock train station. In this regard, the provision of a more pronounced link, at an appropriate location between the train station and the subject site may require further consideration in the documents submitted at application stage. Further consideration of these issues may require an amendment to the documents and/or design proposal submitted.
5. Further consideration/justification of the documents as they relate to the Part V provision proposed in the subject development. This consideration and justification should address the location of proposed Part V units relative to the proposed phasing arrangements and the provision of the Portmarnock Pumping Station, together with their location close to an area of possible archaeological

significance. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted.

6. Further consideration and/or amendment of the archaeological report, having regard to the submission of the Department of Culture, Heritage and the Gaeltacht to An Bord Pleanála (dated 23/10/17). This consideration should address inter alia an assessment of the impacts and likely impacts from the construction of the proposed regional wetland area and the associated development including the outfall into Baldoyle Bay.
7. Further consideration/clarification of the documents as they relate to the wastewater infrastructure constraints in the network serving the proposed development. The documentation at application stage should clearly indicate the nature of the constraints, the proposals to address the constraints and the timelines involved in addressing these constraints relative to the construction and completion of the proposed development.

Pursuant to article 285(5)(b)(i) and (ii) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that the following specific information should be submitted with any application for permission:

1. Details showing compliance with the requirements of the ERM Report for Outer Public Safety Zones in relation to proposed density
2. A site layout plan and relevant documentation indicating pedestrian and cycle connections through the proposed development to transport modes (train station/bus stops) in the vicinity.
3. A detailed landscaping plan which clearly shows the proposed treatment of boundaries and retention of existing trees or hedgerow, where applicable. In addition, further details relating to the treatment of the proposed wetland area should be included
4. Additional photomontages showing the proposed development from various locations along Station Road
5. A site layout plan showing, which if any, areas are to be taken in charge by the planning authority

6. Site specific flood risk assessment

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 (in the interests of nature conservation; archaeological and architectural heritage protection)
3. An Taisce-the National Trust for Ireland (in the interests of nature conservation; archaeological and architectural heritage protection)
4. Heritage Council (in the interests of nature conservation; archaeological and architectural heritage protection)
5. Failte Ireland (in the interests of archaeological and architectural heritage protection)
6. An Comhairle Ealaíonn (in the interests of archaeological and architectural heritage protection)
7. National Transport Authority
8. Irish Aviation Authority (in the context of the site location relative to Dublin Airport)
9. Dublin Airport Authority (In the context of the site location relative to Dublin Airport)
10. HSE

Lorraine Dockery
Senior Planning Inspector

13th November 2017