

Planning Report

Including: Statement of Consistency,

Material Contravention Statement, and

Response to An Bord Pleanála' s opinion

For a Strategic Housing Development

At Cooldown Commons Phase 3, Fortunestown Lane, Citywest, Dublin
24

May 2021

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On behalf of:

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Chapter 1 Introduction

On behalf of the applicant, Cairn Homes Properties Ltd., this planning report accompanies an application to An Bord Pleanála under Section 4 of the Planning and Development (Housing) and Residential Tenancies Act (2016) for a proposed Strategic Housing Development at Cooldown Commons Phase 3, Fortunestown Lane, City West, Dublin 24 in accordance with the Planning and Development (Housing) and Residential Tenancies Act 2016.

The application has been prepared by a multidisciplinary team on behalf of Cairn Homes Properties Ltd as set out in the table below.

Company Name	Documents Prepared
McGill Planning	Planning Report including <ul style="list-style-type: none"> - Statement of Consistency with Planning Policy - Statement of Response to An Bord Pleanála' s Opinion - Material Contravention Statement
	Social Infrastructure Capacity Report
	Retail Viability Study
Cairn Homes Properties Ltd	Building Life Cycle Report
Reddy Architecture	Design Statement
	Housing Quality Assessment
	Architectural Drawings
Murray and Associates	Landscape Design Rationale
	Landscape Masterplan
DBFL	Site Specific Flood Risk Assessment
	Infrastructure Design Report
	Traffic and Transport Assessment Report
	Mobility Management Plan
	Statement of Consistency with DMURS (Technical Note 190003-TN-001)
	Construction Management Plan
Infrastructural Drawings	
Sabre	Public Lighting Layout
Ethos	Outdoor Lighting Report
Innovision	Glint and Glare Report
IES	Wind Study
O'Dwyer and Jones	Aeronautical Assessment Report
Avison Young	Daylight and Sunlight Assessment
Byrne Environmental	Construction Waste Management Plan
	Operational Waste Management Plan
Openfield Ecological Services	AA Screening
Bat Eco Services	Bat Assessment
The Tree File	Tree Assessment
	Tree Drawings
Modelworks	Photomontages
	CGIs
	LVA Statement (included within EIAR Chapter 10)

Table 1 Design Team and Documents Prepared

Please note, that while every effort has been made to ensure consistency throughout the application, inconsistencies may arise due to human error. As such the drawings and documentation created by Reddy Architecture are the principal documents for the design and layout of the development.

It is our client's intention, subject to securing planning permission, to carry out the development of the application site within the short term, in order to complete overall the Cooldown Commons development alongside the current Cairn development immediately to the west of the current site.

This planning report is set out into 9 chapters:

- Chapter 2 outlines the development description as set out in the statutory notices and provides a brief summary of the proposed development
- Chapter 3 sets out the site location and context
- Chapter 4 outlines the relevant planning history for the subject site and the surrounding area.
- Chapter 5 provides the rationale for the proposed development
- Chapter 6 includes the response to An Bord Pleanála's Opinion
- Chapter 7 assesses the proposed development against national, regional, and local planning policy
- Chapter 8 includes the material contravention statement
- Chapter 9 provides an overall conclusion

In the interest of clarity, it is important to note, that this proposed application is following on from Cooldown Commons Phases 1 and 2 which were granted under ABP 302398-18. The website address for this earlier application was www.cooldowncommonsshd.com. The first phase is completed, and the second phase is nearing completion. This third phase, the subject of this application, is the final phase and can be viewed at the website address www.cooldowncommonsshd2.com.

Chapter 2 The Proposed Development

Statutory Notices

The proposed development is described in the statutory notices as follows:

The proposed development will consist of the construction of a residential scheme comprising 421 no. residential units, offices (c.376sqm), retail units (3 no. of c.285sqm, c.252sqm and c.182sqm) and a residential amenity area (c.555sqm), within 9 no. blocks ranging in height from 1 – 13 storeys. The residential component will include 126 no. 1 bed units, 267 no. 2 bed units, 28 no. 3 beds all with associated private balconies/terraces to the north/south/east/west elevations.

The proposal will include 289 no. car parking spaces (181 no. at basement and 108 no. at surface level) along with 650 no. cycle parking spaces. The development will provide public and communal open spaces throughout including a public plaza adjoining Fortunestown Luas stop. Provision of vehicular, pedestrian, and cyclist accesses to the site, including pedestrian bridge to the public park (under construction) to the east.

The application includes for all landscaping, ESB substations, plant areas, bin storage, surface water attenuation and all other site development works, and site services required to facilitate the proposed development.

The proposed development seeks to amend SHD permission ABP-302398 -18 (under construction to the west), replacing 32 no. permitted duplex apartments along with associated amendments to internal roads and open spaces. The current proposal also replaces permission SD16A/0078 previously granted on this site.

Summary of the Development

The site is located in Cooldown Commons, Fortunestown, Citywest and extends to a size of 3.404ha. The site is immediately north of the Fortunestown Luas stop and the Citywest Shopping Centre. The proposed development statistics are set out in the table below:

Development Proposal	Statistics
No. of Units	421 comprising <ul style="list-style-type: none"> - 126 no. 1 bed units - 267 no. 2 bed units - 28 no. 3 bed units
Facilities	<ul style="list-style-type: none"> – Residential amenity space in Block D4 (c. 555sqm) – Offices in Block E1 (c. 376sqm) – Retail unit in Block D3 (c. 285sqm) – Two retail/ commercial units in Block E1 (c. 182sqm and c. 252sqm)
Site Area	3.404ha
Density	124 units/ha
Plot Ratio	1.23
Site Coverage	24%
Building Height	1 – 13 storeys

Aspect	59% dual aspect (including duplexes) 55% dual aspect (excluding duplexes)
Public Open Space	c. 4,394 sqm (c. 13% of the site area)
Communal Open Space	c. 6,088 sqm (c. 18% of site area)
Car Parking	289 no. car parking spaces – 181 no. basement spaces – 108 no. at surface spaces
Cycle Parking	650

Table 2 Summary of Site Statistics

The breakdown of the residential units will be as follows:

Unit Size	No. Of Units	Percentage	Unit Type
1 Bed	126	30%	126 no. apartments (30%)
2 Bed	267	63%	249 no. apartments (59%) 18 no. duplexes (4%)
3 Bed	28	7%	10 no. apartments (2%) 18 no. duplexes (4%)
Total	421	100%	100%

Table 3 Proposed Unit Mix Breakdown

Chapter 3 Site Location and Context



Figure 1 Approximate Site Location. Please note the red line is shown for indicative purposes only. Please refer to the architect's drawings for an accurate red line boundary.

The site is located immediately north of the Fortunestown Luas stop and the Luas line bounds the site to the south and east. The adjacent lands to the north, north east and west of the site are currently under construction. The small triangular site to the southeast of the site is currently undeveloped. The Citywest Shopping Centre is located south of the subject site, on the opposite side of Fortunestown Lane and the Luas tracks.

The subject site is irregularly shaped and extends to c. 3.404ha. It is undeveloped and currently consists of a temporary compound that is being used for the construction of the adjacent site to the west, Cooldown Commons Phase 2. As a result, there is little natural vegetation existing on the site.

The site is free from any protected structures or monuments and it is not located within a Conservation Area or an Architectural Conservation Area. The site is also not within or adjacent to a Special Area of Conservation (SAC) or a Special Protection Area (SPA).

The surrounding area has seen significant development in recent years with the extension of the Luas red line and the construction of new residential developments. The surrounding residential schemes include a mix of semi-detached houses, duplexes, and apartment blocks. There is a variety of architectural styles seen throughout the surrounding area. Examples of residential development in the area are shown in the following images.



Figure 2 Duplexes at Carrigmore Lawns, facing towards Fortunestown Lane and the lands adjacent to the subject site



Figure 3 Residential Development at Fortunes Walk, opposite the subject site to the south



Figure 4 Apartment Blocks at Carrigmore Way, south of the subject site

The site is part of a wider Cooldown Commons development area in the control of the applicant, which extends to lands immediately west of the subject site. The adjoining lands are currently under construction for a mixture of houses and apartments and is nearing completion.

Public Transport

There is a variety of public transport options within the vicinity of the site.

- The Fortunestown Luas Stop is located along the southern boundary of the site which provides a high frequency service to Tallaght, Heuston Station, Connolly Station and the 3Arena.
- The Dublin Bus Stop located immediately east of the subject site is served by the Dublin Bus Routes 65b, 77a and the 77x and the GoAhead Ireland Route 175.
- The Dublin Bus Stop located north of the site, along Bianconi Avenue, is served by the Dublin Bus Route 69 and 69x.
- The Nitelink Bus Stop located west of the subject site is served by the Nitelink Route 69n,
- The Nitelink Bus Stop located south of the subject site is served by the Nitelink Route 77n.

Operator	Bus No.	Route	Approx. Frequency
Dublin Bus	77a	Citywest – Ringsend	Every 20min
	77x	Citywest – UCD	Once a day
	65b	Citywest – Poolbeg St	Every Hour
	69	Rathcoole – Hawkins Street	Every Hour
	69x	Rathcoole – Hawkins Street	Once a day
Nitelink	69n	Aston Quay – Saggart	3 Services Fri - Sat
	77n	D'Olier Street – Tallaght	3 Services Fri - Sat
GoAhead Ireland	175	Citywest – UCD	Every 30 min

Table 4 Bus Services within vicinity of the subject site



Figure 5 Public transport options in the surrounding area, site outlined in red

The planned Bus Connects scheme will provide more frequent services that will serve the site. The D2 will provide a service every 10-15 minutes that will connect the site with Tallaght, Crumlin, City Centre,

Fairview, and Malahide Road. The S8 will provide a service every 20 minutes that will connect the subject site with Tallaght, Ballyboden, Ballinteer, Sandyford, and Monkstown. While the W8 will connect the site with Cellbridge and Maynooth and will run every 30 minutes.

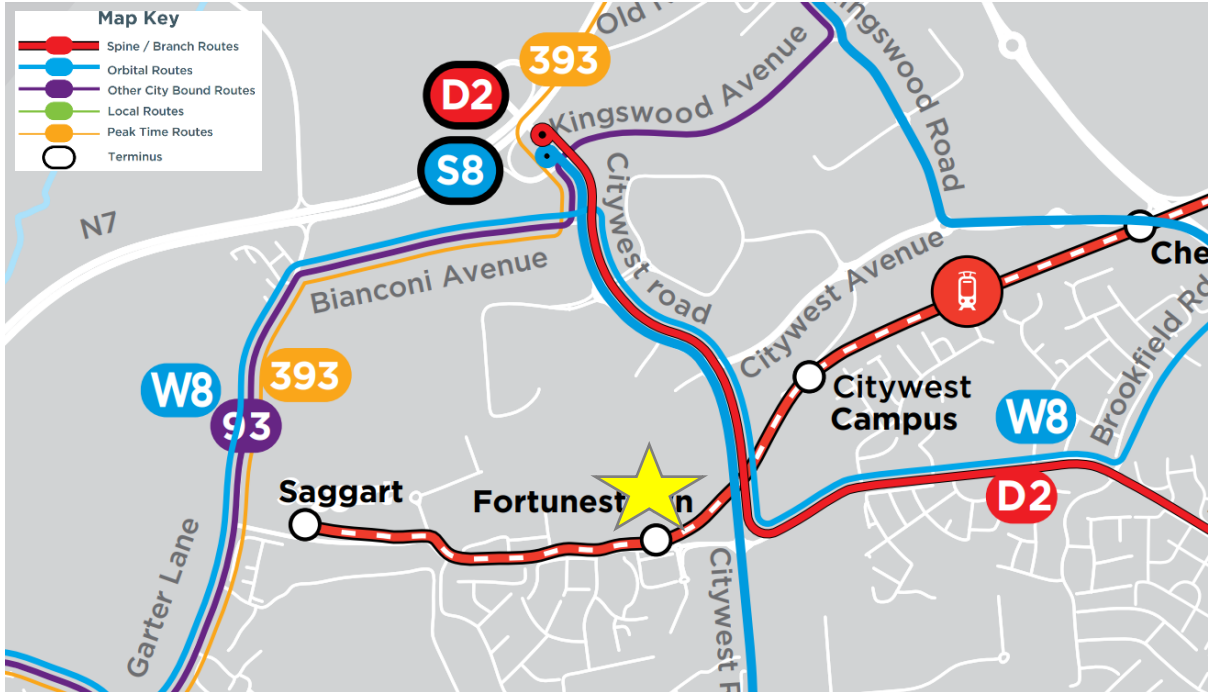


Figure 6 Bus Connects Map – yellow star indicates approximate location of the site

Route	From	Via	To	How Often*
D2	Kingswood Ave	Fortunestown - Jobstown - Tallaght - Greenhills Rd - Crumlin Rd - Cork St - City Centre (Amiens St, Quays) - Fairview - Malahide Rd	Clarehall	Every 10-15 mins
S8	City West	Tallaght - Ballyboden - Ballinteer - Sandyford Ind Est - White's Cross - Monkstown	Dun Laoghaire	Every 20 mins
W8	Maynooth	Celbridge - Hazelhatch & Celbridge Station - Newcastle - Saggart - City West	Tallaght	Every 30 mins
93	Rathcoole	Saggart - Clondalkin - Red Cow - Naas Rd - Islandbridge - City Centre (Quays) - Amiens St - East Wall	Dublin Port	Every 60 mins
393	Rathcoole	Saggart - City West - Newland's Cross - Bluebell - Inchicore - Heuston Station - Custom House	Ringsend Bus Garage	Peak Only

Figure 7 Bus Connects Frequency

Education Facilities

The site is well serviced by primary and secondary schools with three primary schools and one post primary schools within a 1km (15 min walk) catchment of the subject site. These schools have the capacity to accommodate the growing population of this area.

Primary Schools
Citywest Educate Together National School
Citywest & Saggart Community National School
Scoil Aoife Community National School
Post-Primary School
St. Aidan's Community School

Table 5 Schools within 1km of the subject site



Figure 8 Primary and Post-Primary Schools in proximity of subject site

Retail and Employment

There are three large business parks within 1km of the subject site – Baldonnell Business Park, Citywest Business Campus and Magna Business Park. These are all significant sources of employment in the area. They host a range of different businesses, including pharmaceutical offices, corporate offices, data centres, distribution centres, company support services, and printing companies.

The Citywest Shopping Centre located south of the subject site, provides a variety of shops, restaurants, and facilities, including an NDLS centre, post office, Dunnes Stores, pharmacies, and a range of cafes/restaurants. Additional retail uses are also proposed for the Shopping Centre as part of the recent permitted SHD for Citywest Drive (ABP-305556-19).

A Lidl is also located to the west of the site on Fortunestown Lane. The Tallaght Town Centre is within 4.5km of the site and is only 3 stops on the red line Luas service providing access to a range of facilities including the Square, cinemas, the Tallaght Stadium, Civic Theatre and Tallaght Hospital.



Figure 9 Business Parks and Retail within 1km of site

Chapter 4 Planning History

The area around the site is changing from greenfield area to an area under the guidance of the Local Area Plan and the Development Plan for the area. There are currently several permissions on the site and within the wider area, granted by both South Dublin County Council and also An Bord Pleanála, resulting in c. 3,073 units permitted (excluding the 129 units permitted on the subject site under SD16A/0078). The table below sets out the details of the permissions granted in the area to date. The remainder of the chapter discusses each of these sites further.

Application number	Description	No. of residential units
ABP-302398	Permission was granted for 459 units plus a creche, the majority of this development has been completed.	459 (32 of which will be replaced by the current proposal)
SD15A/0095 (SD14A/0121)	Permission was granted for 224 residential units. These have now been completed	224
SD16A/0210	Permission was granted for 111 no. dwellings	111
SD15A/0127 (SD16A/0266, SD17A/0054, SD17A/0336)	Permission was granted for 399 no. residential units, a creche, kiosk and retail unit.	384
ABP 305556	Permission was granted for 290 no. apartments and a creche, 4 retail units and 2 no. café/ restaurants	290
ABP 300555 (SD18A/0420)	Permission was granted for 524 no. residential units and a creche and community room	524
ABP 305563	Permission was granted for 488 no. residential units, 6 retail units (total 1,180 sqm), a café unit (188 sqm) and a creche (431 sqm).	488
ABP 306602	permission was granted for 463 no. residential units and a creche	463
SD18A/0014	Permission was granted for 78 no. residential units comprising houses and apartments	78
SD18A/0015	permission was granted for 52 no. houses	52
TOTAL		3,073 (less 32 is 3,041)

Table 6 Permitted development within the area

Subject Site

The subject site has had multiple planning applications granted and one recent application that was withdrawn.

Cairn Homes Properties Ltd submitted an SHD application on the subject site for 429 no. residential units, 2 no. retail units, an office unit and a café on the 21st December 2020 (Reg. Ref ABP 308985). The applicant subsequently withdrew the application on the 1st April 2021. The current application has evolved from this withdrawn application and presents an overall improved scheme.

The subject site straddles two extant permissions - ABP-302398-18 and SD16A/0078 - for two contiguous residential developments. These are set out below.

The current proposal seeks to amend the SHD permission (ABP-302398 -18) (under construction to the west), replacing 32 no. permitted duplex apartments along with associated amendments to internal roads and open spaces. The current proposal also seeks to replace the permission (Ref SD16A/0078) previously granted on the remainder of the site.

ABP Reg. Ref.: ABP 308985
Decision: Withdrawn
Decision Date: 01/04/2021

The proposed development was for the construction of 429 no. residential units, a café, offices, retail units and residential amenity area, within 9 no. blocks ranging in height from 1 – 15 storeys. The proposal will include car parking spaces, cycle parking spaces, public and communal open spaces. It will also include vehicular, pedestrian, and cyclist accesses to the site. The proposed development seeks to amend SHD permission ABP-302398 -18 (under construction to the west), replacing 32 no. permitted duplex apartments along with associated amendments to internal roads and open spaces. The current proposal also replaces permission SD16A/0078 previously granted on this site.

This application was withdrawn.

ABP Reg. Ref.: ABP 302398
Decision: Grant
Decision Date: 03/12/2018

<https://www.cooldowncommonsshd.com/>

An Bord Pleanála granted permission for a Strategic Housing Development for 459 no. dwellings. The Inspector considered that the proposed development *would provide a reasonable standard of residential amenity for its occupants; would not injure the amenities of the area of the property in the vicinity; would respect the emerging character of the area and achieve an acceptable standard of urban design; would include adequate measures for the attenuation and drainage of storm water runoff.*

The Inspector also noted that although the development materially contravenes the Fortunestown Local Area Plan 2012 (in terms of density, the height of some of the proposed buildings and the

proportion of apartments that would not have their own front doors) the development is an accessible urban location and that the proposal was in accordance with the National Planning Framework, the Guidelines for Planning Authorities on Sustainable Urban Residential Development and the Sustainable Urban Housing: Design Standards for New Apartments.



Figure 10 CGI of proposed development taken from Architectural Design Statement.



Figure 11 Extract from ABP302398 Site Layout Plan

The Inspector comments in relation to these items that *“The proposed apartment blocks would be within 300m of the Luas stop. The entire site would be within 600m of the Luas stop. Section 5.8 of the sustainable urban housing guidelines from 2009 states that minimum net densities of 50dph should be applied of public transport corridors including land within 1km of light railway stops. The proposed development would comply with the guidelines. The density stipulated for this site in the local area plan does not. More generally, the National Planning Framework sets objectives to encourage development that can accommodate more people in existing settlements (no. 11) and increased densities of development there (no. 35), both of which would support the density proposed in this case.”* The Inspector identified that the site is also within *“a range of commercial and social facilities, and the accommodation of a higher population upon it would render the provision of further such services more economic”*.

The Inspector also highlights that *“Section 2.4 of the Guidelines on the Design of New Apartments issued by the minister in 2018 states that sites within 10 minutes’ walk of Luas stops are generally suitable for high density development that may consist wholly of apartments. The proposed development would be consistent with this provision of the guidelines. The local area plan is not. The implementation of the relevant provisions of the 2012 local area plan would also be contrary to SPPR 1 of the 2018 guidelines, which states that statutory plans may only specify a mix of housing types after an evidence-based housing needs assessment has been completed and incorporated into a development plan... The proposed housing mix is therefore considered acceptable notwithstanding its contravention of the local area plan, and the board may consider granting permission under section 37(2)(b)(iii) of the 2000 act having regard to the 2018 Guidelines on the Design of New Apartments issued by the minister under section 28 of the act.”*

The Inspector identified, when considering the increase in height above the LAP requirements, that *“The height of the apartment blocks allows the development to achieve a suitable density, as discussed at section 10.5 of this report above, while maintaining a substantial amount of open space. The height is important in providing a strong street frontage along Citywest Avenue within the site and towards Fortunestown Lane to its south. It would also improve the legibility and visual interest of the built fabric of this emerging urban area and so would make a positive contribution to its character. The application of such performance criteria to the question of building height in this case therefore demonstrates that the height of the proposed apartment blocks would be acceptable. A grant of permission could be considered for them despite their contravention of the height limits set down in the local area plan under section 37(2)(b)(iii) of the 2000 act by having regard to the government policy as set out in objective 13 of the National Planning Framework.”*

In the concluding remarks on this permitted development the inspector highlights that *“the density of the proposed development, the height of some of the proposed buildings and the proportion of apartments what would not have their own front doors would not be in keeping with the relevant limits set down in the Fortunestown Local Area Plan 2012, and so the proposed development would materially contravene the provisions of that plan. Nevertheless a grant of permission is warranted in accordance with section 37 (2)(b)(iii) of the Planning and Development Act 2000, as amended, having regard to objectives 11, 13, 27 and 35 of the National Planning Framework, to section 5.8 of the Guidelines for Planning Authorities on Sustainable Urban Residential Development and to section 2.4 of the Sustainable Urban Housing: Design Standards for New Apartments, which prefer the use of performance based criteria with respect to the issue of building heights in urban areas, which require*

the development of zoned and serviced land in the built-up area of the city along public transport corridors to be at an appropriately high density, and which establish the suitability of such sites for development consisting mainly or wholly of apartments.”

It is noted, similar to this permitted development by ABP, the subject site also proposes increased density, height and a mix which is not consistent with the 2012 LAP for this area. However, the proposed mix, height and density is considered to be in accordance with current National Planning Policy as adopted since 2018 and which supersedes any conflicting policies and standards of the earlier LAP.

It is also worth reiterating, in the interest of clarity that this proposed development, the subject of this application, will alter the south east corner of this permitted development site as part of the overall proposal, replacing 32 no. permitted duplex apartments with new apartment blocks along with associated amendments to internal roads and open spaces. The areas impacted by this application are identified below:



Figure 12 Indicative area outlined in purple impacted by the proposed application

SDCC Reg. Ref.: SD16A/0078
Decision: Grant Permission
Decision Date: 20/01/2017

Permission was granted by South Dublin County Council for 129 residential units, shops, creche 142 no. car parking spaces and 40 no. bicycle parking spaces. The layout and design of this proposal is set out below.

In granting this permission the council acknowledges that a reduced amount of own door houses than required by policy is acceptable *“given the location of the site close to the Luas, the number of apartments provided and the design and scale of the units”*.

A criticism in this report is of the public open space that *“it is considered that proposed public open space to the north east of the site has been designed with little integration of the proposed contiguous public open space as part of the Talarive permission SD15A/0127.”*



Figure 13 Extract from SD16A/0078 Site Layout Plan

This area subject of the application SD16A/0078 is now incorporated into the area of this application and the extant permission will be replaced with the new SHD permission.

As can be seen by these two recent grants of permission on this site, the principle of mixed use residential and commercial development, and increased density and scale, is acceptable to both An Bord Pleanála and South Dublin County Council.

The current proposal carries through the principles of these two developments while providing for a more efficient layout that enables higher levels of permeability and connectivity through the site. The revised layout also provides for more public open space and connectivity to the neighbouring public

open spaces, while at the same time creating a higher density of development, ensuring the best and most sustainable use of this scarce resource – zoned land.

In completing the Cooldown Commons development, the proposal will also provide a new public plaza and public routes to the Luas stop and on to the Citywest District Centre. The scheme has been intentionally designed to reflect this key focal point and gateway location (at the convergence of key pedestrian and vehicular routes) with a landmark building that will provide suitable urban legibility for the wider area.

Nearby Sites

There have been multiple residential planning applications on some of the surrounding sites, but for clarity only the most recent application for each site is shown below.

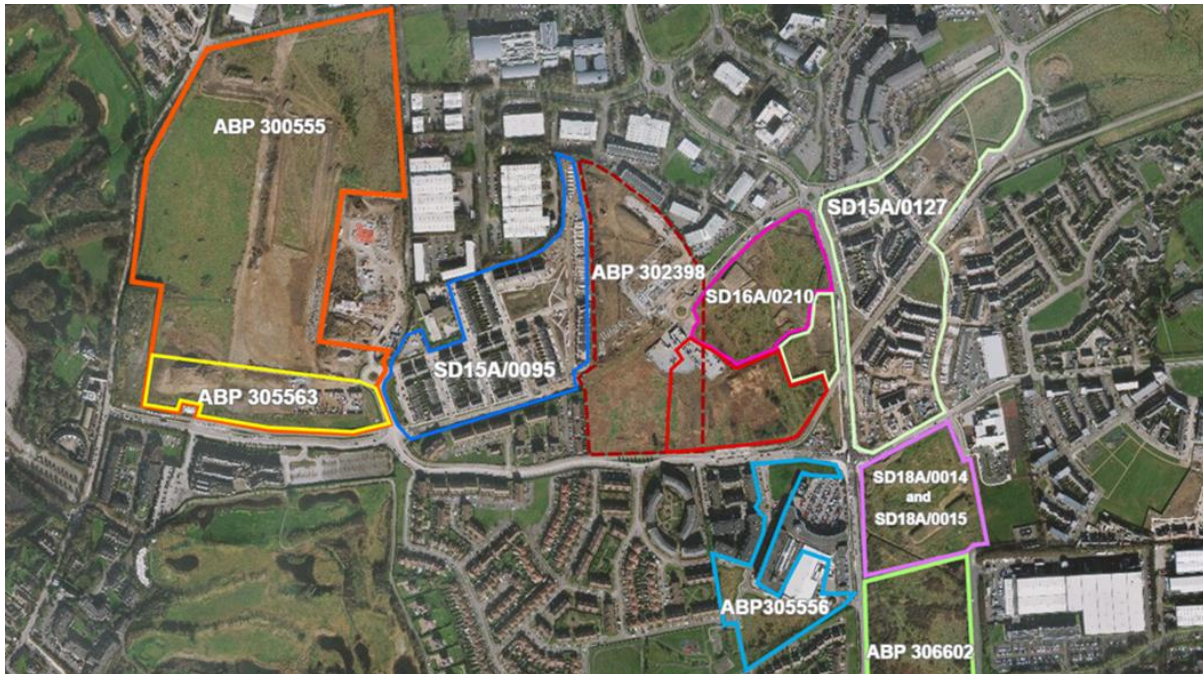


Figure 14 Locations of recently granted nearby permissions.

SDCC Reg. Ref.: SD15A/0095
Decision: Grant
Decision Date: 15/07/2015

This site is located to the west of the site, granted permission for modifications to the permitted 224 no. residential dwellings (Reg. Ref. SD14A/0121). This development is now completed.



Figure 15 Extract from SD15A/0095 Site Layout Plan

SDCC Reg. Ref.: SD16A/0210

Decision: Grant

Decision Date: 29/07/2016

This site is located north east of the subject site. Permission was granted for 111 no. dwellings consisting of 90 no. two storey houses and one four storey apartment block.

It is worth noting that this permission expires in September 2021. However, under reg. ref. SD16A/0210/EP, South Dublin County council granted an Extension of Duration of Permission for a period of 5 years. This development is expected to be complete by September 2026.



Figure 16 Extract from SD16A/0210 Site Layout Plan

SDCC Reg. Ref.: SD15A/0127

Decision: Grant

Decision Date: 13/11/2015

This site is to the west of the subject site, and straddles both side of Citywest Road. The larger portion of the site, on the west of Citywest Road is for built development, while the smaller portion, adjoining the subject site of this application, is set aside as open space. Permission was granted for 399 no. residential units, a creche, kiosk and retail unit. Access to the development is via two new vehicular entrances from Citywest Avenue and Fortunestown Lane. Permission was also granted for the demolition of an existing dwelling in the south west corner of the site.



Figure 17 Extract from Site Layout Plan of SD15A/0127

The undeveloped site to the north east of the subject site is included within this application site boundary and has permission for the provision of an open space *to be delivered as part of a future application*. This local park has not yet been developed but has influenced subsequent applications on the adjoining sites. It is worth noting that the site the subject of this application is providing links to this local park and has located the majority of public open space within this proposal to the east in order to link into this public open space.



Figure 18 Extract from SD15A/0127 Landscape Plan showing open space north of subject site

ABP Reg. Ref.: ABP 305556

Decision: Grant

Decision Date: 20/01/2020

An Bord Pleanála granted permission for 290 no. apartments and a creche, 4 retail units and 2 no. café/ restaurants within 6 blocks. The permitted density for this development is 100 units per hectare and the buildings are up to 7 storeys in height. The views of the inspector are particularly relevant to this application and are discussed in further detail below.



Figure 19 Extract from ABP305556 Site Layout Plan

The inspector, when assessing this application identified that the site was “in immediate proximity to the Fortunestown Luas line station, and in this context, is an appropriate location for higher densities. I also note that the Citywest Shopping Centre is proposed as a new bus interchange under the Bus Connects proposals. Under the proposals, Dublin bus routes 65B and 77A will be replaced by a new route W8 between Citywest and Tallaght which is also proposed to provide a direct service to Maynooth and Celbridge. Improved service frequencies are also proposed to destinations to the east via a number of new routes. The existing 77x bus route will be replaced by a new orbital route (S6/S7) which will provide direct frequent services between Tallaght and UCD. I consider that the development complies with the guidelines and will ensure the efficient use of lands well served by public transport.”

The Inspector goes on to highlight that “having regard to the fact that the site is located immediately adjacent to a light railway stop and is adjacent to the existing district centre with a range of social, retail and community facilities, that a higher density is appropriate, would provide the critical mass of

population to support existing and future services and facilities and makes an appropriate and sustainable use of these strategic, residual brownfield lands.”

With regard to unit mix within the LAP, the inspector identified that *“section 2.4 of the Guidelines on the Design of New Apartments 2018 notes that sites within 10 minutes’ walk of Luas stops are generally suitable for high density development that may consist wholly of apartments... Furthermore, SPPR1 of the guidelines states that statutory plans may only specify a mix of housing types after an evidence based housing needs assessment has been completed and incorporated into that development plan.”* The Inspector also note, with regard to the lack of 3 bed units, that *“the location of the site in a suburban area characterised by large concentrations of low density suburban housing, I consider the housing mix appropriate. The housing mix is also in accordance with the guidance set out in the National Planning Framework which notes “that apartments will need to become a more prevalent form of housing, particularly in Ireland’s cities. This is underpinned by on-going population growth, a long term move towards smaller average household size, an ageing and more diverse population, greater mobility in the labour market and a higher proportion of households in the rented sector.”* The inspector goes on to say that the proposed mix provides for greater diversity and choice in the Citywest area reflecting the demographic change.

With regard to height, this recent ABP decision, found that the 4 to 7 storeys proposed *“allows it to achieve a suitable density, whilst also ensuring that the development has an appropriate form and presence along the key road frontages surrounding the site. Whilst the matter of urban design and architectural quality is discussed further below, the height of the development in my view helps achieve a sense of place and improve the legibility and visual interest of the District Centre.”* The inspector also makes reference to *“section 2.11 of the (Urban Development and Building Heights) Guidelines which identifies examples of locations with potential for comprehensive urban development which includes low density urban shopping centres and that this is wholly applicable to the subject which represents a serious underutilization of zoned and serviced land within a District Centre environment. It also notes that increased height at this location is also justified having regard to the sites proximity to public transport and its positive contribution to placemaking and legibility.”*



Figure 20 View of the permitted development

ABP Reg. Ref.: ABP 300555

Decision: Grant

Decision Date: 26/03/2018

An Bord Pleanála granted permission for 524 no. residential units on this site which is located west of the subject site. The applicant applied for 526 no. residential units but two of these units were removed by way of condition to allow the provision of two or three storey building for a creche and community room, which is to subject to a future application. This creche will be located in the south-west corner of the site.



Figure 21 Proposed Site Layout submitted with ABP300555 application



Figure 22 Image taken from Architects Design Statement submitted with ABP300555 application

ABP Reg. Ref.: ABP 305563

Decision: Grant

Decision Date: 07/10/2019

An Bord Pleanála granted planning permission for 488 no. residential units, 6 retail units (total 1,180 sqm), a café unit (188 sqm) and a creche (431 sqm). This application formed Phase 2 of the residential development permitted by ABP 300555 (outlined above).



Figure 23 Proposed Site Plan submitted with ABP305563 application

This permitted development provides a residential density of 116 units/hectare. In relation to density, the inspector noted that *'The site has significant locational advantages. The availability of a high-quality light rail station adjacent to the site cannot be underestimated but is not the sole reason for higher densities. The site will provide its own commercial and community facilities as well as a new public open space and improved public realm. The site is located close to primary schools and within walking distance of the district centre at Citywest Shopping Centre and employment at the Citywest Business Campus. It is in this context and in accordance with relevant section 28 guidelines that higher densities can be sustained at this location.'*

The planning authority was critical of allowing high density residential development reliant on existing public infrastructure that is, in their opinion, oversubscribed. However, the Inspector stated that *'there is no documentary evidence to convince me that the existing public transport system is grossly under strain or that capacity issues exist and couldn't be improved over time. In addition, the Inspector stated that 'to refuse permission for a high-density residential development on an operational light rail network in a well-served urban setting, seems counterintuitive.'*



Figure 24 CGI View of permitted development ABP305563

ABP Reg. Ref.: ABP 306602
Decision: Grant
Decision Date: 26/05/2020

An Bord Pleanála granted permission for 463 no. residential units and a creche in seven blocks ranging in height from 6-7 storeys. The permitted development provides a density of 93 uph.



Figure 25 Permitted Site Layout of ABP 306602

In assessing this application, the Inspector noted that the *‘having regard to the sites proximity to the LUAS and location of the site between a business park and a District Centre it conforms with the definition of a “Central and/or Accessible Urban Location” in Section 2.4 of the apartment guidelines and therefore is an acceptable location for higher densities greater than 50 dwellings per ha area’.*

In relation to building height, the Inspector considered that *the inclusion of 6-7 storeys on the site is acceptable and the inspector did not consider it necessary to either refuse permission or condition the removal of the Blocks 1-6 of the proposal, as per the PA recommendation.* In addition, the inspector was of the opinion that *‘that the proposed development is complying with Section 3.2 and SPPR 3 of the Building Height Guidelines and the location of the apartments adjoining a public transport corridor*

ABP-306602-20 Inspector's Report Page 35 of 57 complies with Sustainable Residential Guidelines. I am satisfied that a grant of permission in accordance with section 37(2) (b) of the planning act, that may be considered to material contravene the LAP relating to height and location of the apartments, is justified in this instance.'



Figure 26 CGI View of permitted ABP 306602

SDCC Reg. Ref.: SD18A/0014

Decision: Grant

Decision Date: 11/07/2018

SDCC granted permission for 78 no. residential units comprising houses and apartments on this site located to the south-east of the subject site.



Figure 27 Permitted Site Layout Plan of SD18A/0014

SDCC Reg. Ref.: SD18A/0015

Decision: Grant

Decision Date: 11/07/2018

SDCC granted planning permission for 52 no. houses on this site located to the south-east of the subject site.



Figure 28 Permitted Site Layout Plan of SD18A/0015

Chapter 5 Rationale for Development

The subject site is zoned for residential use within the South Dublin County Development Plan (Development Plan) and the Fortunestown Local Area Plan (LAP). The Citywest District Centre designation, identified in Figure 6.1 of the LAP, also includes the southern portion of the site next to the Luas stop.

The Fortunestown Luas Stop is also identified as a Local Node for the LAP area. Therefore, the subject site is considered an appropriate location for residential and commercial development at the proposed scale and quantum.

The proposed development site currently has the benefit of two planning permissions as it straddles two sites:

- ABP302398 received planning permission for 459 dwellings. This application will modify 32 no. of these units in blocks A1, A2 and A3 by incorporating them into this application and replacing them with the proposed block D2.
- It also replaces, in its entirety, the granted development for 129 units under SD16A/0078.

This proposed development will provide for 421 new residential units, which is an overall net increase of 260 no. units for the two combined site areas affected by this proposal.

The principle of residential development in this location is established by the grant of both these permissions. However, it is considered that the density of development permitted, particularly under permission SD16A/0078 is low given its highly accessible and sustainable location.

Due to the scarce resource that is zoned, available residential land, it is considered appropriate to revisit the layout, and design of both permitted developments in order to deliver the most efficient use of land in line with recent National Planning Guidelines.

Furthermore, with the remaining lands within the District Centre are either developed or with recent permission (e.g. Citywest Drive (ABP-305556-19) to be developed to a maximum of 7 storeys) this site, given its location directly adjacent the Luas stop, to provide a suitable landmark development to define the location of this transport interchange and the significant public plaza proposed.



Figure 29 Approximate overlap of subject site (solid red line) with adjacent ABP302398 site (dashed red line)



Figure 30 Extract from ABP302398 Site Layout Plan with units lost outlined in blue



Figure 31 Extract from SD16A/0078 Site Layout Plan

Creation of a Self-Sustaining Growth Town

Variation No. 4 of the South Dublin County Council Development Plan 2016-2022 identifies Saggart/Citywest as a 'self-sustaining growth town'. This designation was in response to the publication of the National Planning Framework and the Regional Spatial and Economic Strategy. In relation to this designation, the variation states

'The population taken in conjunction with the extent of economic activity, the quality of public transport provision, the designation of Citywest Shopping Centre as a Level 3 Retail Centre in the Retail Strategy for the Greater Dublin Area 2008-2016 and future growth potential, align strongly with the definition of a Self-Sustaining Growth Town in the RSES'.

The area has undergone significant changes in recent years, with numerous residential developments recently granted and constructed. These developments have been designed in accordance with the Local Area Plan and have contributed to an increased population in the area. Despite this recent development, the area lacks a strong core or centre. The area to the south-east of the subject site, at the junction between Citywest Road and Fortunestown Lane, is identified as a district node and district centre in the Local Area Plan. However, there is currently no strong centre or core at this location. Citywest Shopping Centre is located south-west of the junction of Citywest Road and Fortunestown Lane and provides a variety of shops and facilities for the area. However, due to its layout and set back from the street, it does not create a strong urban frontage to the street or junction. As such it does not help create a sense of place.

The recently permitted SHD at Citywest Shopping Centre (ABP 305556) will provide a stronger urban edge to the south of Fortunestown Lane, north of the shopping centre. However, further development will still be required to complete this district centre.

The subject site is a strategic site within the LAP area that offers an opportunity to create a strong centre in Citywest and has remained undeveloped. The development of this site has the potential to create a district centre and increase the permeability and walkability of the area. Therefore, the proposed layout, building heights, facilities and open spaces have all been carefully considered to create a strong sense of place at this key district centre site and fulfil the objectives of the LAP and Development Plan.

Layout and Design

The proposed development has been carefully designed to integrate seamlessly with the recently completed and under construction developments adjacent to the site.

Furthermore, the current layout addresses the concerns raised by SDCC in the SD16/0078 Managers Report about the relationship of then proposed public open space to the east and its relationship with neighbouring public open space.

The revised design and layout provide for predominantly apartment blocks and duplex units resulting in significantly more public realm, and a more permeable, walkable, and safe environment. It provides better access for both the residents of this proposed development, and also the surrounding developments to the Luas stop and existing bus routes along with the proposed bus exchange and existing shopping centre to the south of Fortunestown Lane. The development facilitates the natural desire lines to the Luas stop and District Centre.

Connections to the public open spaces permitted to both the east and west of the development have also informed the proposed layout. The proposed revised layout will result in an increase in the quantum of public open space within the development. It will also provide for better visual and physical links to the surrounding open spaces in adjacent sites. The stream will also become more of a feature within the development.

Cars have also been restricted within the proposed revised development, with the majority of parking in basements rather than at surface level as previously permitted. The number of vehicular routes have been reduced, while the number of pedestrian and cycle links have increased. This will encourage and enable a modal shift to a more sustainable mode of transport appropriate to this location beside a Luas stop and District Centre.

Pedestrian, cyclist, and vehicular access to the site will be provided from three points through the adjacent sites to the north and west. While additional pedestrian priority routes will be provided from the south and east. The main vehicular route through the development connects the public plaza and Luas stop with the adjacent development. Although this route provides the main vehicular access to the site it has been designed to provide a pleasant environment for pedestrians and cyclists who can chose to use this route, or the alternative segregated pedestrian/ cyclist only route.

The apartment blocks and duplexes provide strong urban frontages and overlook the open spaces and routes through the development. This provides passive surveillance creating a strong sense of safety and security.

A public plaza is proposed with retail units, café adjacent to the Luas stop. This will add to social infrastructure provision for the wider area and will enable a stronger sense of place. The plaza has been located to connect with both the Fortunestown Luas stop, which is identified as a local node, and the Citywest Shopping Centre. This adds to and enables the creation of the district centre as identified in the LAP for the area.

Height

The proposed development exceeds the maximum height of 20m set out in the 2012 LAP. However, it is noted that the LAP precedes the 2018 Building Height Guidelines, the Apartment Guidelines 2018 and the NPF and is not in compliance with these documents. The 2018 Building Height Guidelines state that *it is Government policy that building heights must be generally increased in appropriate urban locations*. The Guidelines also note that blanket limitations on building heights *can hinder innovation in urban design and architecture leading to poor planning outcomes*.

The building heights are in accordance with recent national planning guidance and are used strategically to create nodes and features within the development.

- The proposed 13-storey element in Block D4 will create a strong sense of place and urban wayfinding, will improve legibility and visual interest at this important nodal point beside the Luas stop and at the plaza.
- The 6– 9 storey heights of Block E1 and Block E2 provide an attractive urban frontage along the Luas line, defining the edge of the development and creating a welcoming approach to the development. The wider site development varies in height and includes single storey office building (partial), 3 storey duplex apartments whilst the remaining six+ storey apartment blocks will provide interest and variation to the street scene and will integrate with the Phase 2 development to the west. The creation of multiple open spaces will also enable good light penetration.
- The use of height frames these public open spaces and streets, providing a sense of space, a sense of security within the area.
- The increase in height, and the associated increase of density (compared to the previous permissions on this site), is considered appropriate for this location proximate to the Luas stop and the future bus connections in this area. It also enables the provision of a new mixed use public plaza, and improved connectivity and permeability through the site particularly when compared to the previous low density two storey development.
- Recently granted SHDs on adjacent sites (ABP 302398 and ABP 305556) in the area also exceed the height requirements set in the LAP, however, the ABP Inspector on both of these sites found that this was appropriate in the current environment as it enabled the sites to achieve a suitable density, whilst also ensuring that the developments have an appropriate form and presence along the key road frontages surrounding the site. This is applicable to this proposed development also and arguably more so given the location directly adjacent the Luas stop.

- The LAP for the area had identified the area to the south of the Luas track, at Citywest Shopping Centre, as an appropriate location for a landmark building. However, this has, arguably, not been achieved. The recently permitted development under reg ref ABP 305556 includes buildings of 7 storeys. Given the relative heights now considered suitable (and permitted) at other, less prominent, and accessible suburban locations, this height range would not achieve a suitable landmark status in the long run. As the southern part of the current site also falls partially within the district centre designation of the LAP, it is considered an appropriate location for the proposed landmark building. This will achieve the ambitions of the LAP, by creating a key focal nodal building clearly visible in the wider suburban landscape, close to the Luas stop, providing legibility and definition at this important central point within the wider Fortunestown area.

Aviation

The subject site is located c. 2km south-east of the Baldonnell Casement Aerodrome and c. 3km west of the Tallaght Hospital. Any development in the area has the potential to impact these, particularly in terms of building height and glint and glare from solar panels. Due to these potential impacts a Solar Photovoltaic Glint and Glare Study and an Aeronautical Assessment has been carried out.

The Solar Photovoltaic Glint and Glare Study assesses the potential of the proposed solar panels to impact on users at the Casement Aerodrome or the helipad at Tallaght Hospital. This study concluded

*'In conclusion, it can be shown from the above analyses that major nuisance or hazardous glare **cannot** be expected for aircraft landing at any of the runways or the ATCT at Casement Aerodrome. Based on the "worst case" scenario analysed, there is the potential for very small amounts of "green" glare from certain rooftop arrays, but durations and magnitudes would be considered **negligible to low** by Innovision's classifications as set out in this report. More importantly however, the results achieve a pass by FAA standards based on the fact that no glare falls in or even near the "yellow" area of the hazard plot.'*

The Aeronautical Assessment assessed the potential aviation impact of the proposed development on the Casement Aerodrome. Discussions have also been held with the Department of Defence, AirCorp and IAA. Following on from these discussions changes to the building height have occurred, along with a full assessment of the area with particular regard to existing obstacles and shielding of the development. The Aeronautical Assessment clearly demonstrates that *the proposed residential development at this Cooldown Commons site complies with all aviation and aeronautical requirements affecting the location.*

There are several Obstacle Limitations Surfaces around the aerodrome. The one of relevance to this site is the Inner Horizontal Surface, a large circular area above the aerodrome, which lies above the subject site at 131.6 OD. Section 11.6.6 of the Development Plan notes that *generally, development will be acceptable in this zone, subject to the development having an OD height below the height restriction of the Inner Horizontal Surface.* The proposed development includes building heights up to 155.7m which is above the 131.6 of the Inner Horizontal Surface. However, the Aeronautical Assessment notes, due to the rising terrain, the prohibition on circling aircraft, and the existing intrusions above the Inner Horizontal Surface *the protections normally afforded by the Inner*

Horizontal Surface do not apply above this particular site, and for that reason alone the proposed projection (by 24.1m) above the Inner Horizontal Surface will not constitute a hazard to aviation’.

The Aeronautical Assessment also assessed whether the proposed development would be ‘shielded’ by existing obstacles. Blocks D4 is fully shielded by Saggart Church which rises to 156.15m OD at its lighting rod. As Block D4 is the tallest of the proposed blocks, the other blocks can also be considered shielded by Saggart Church. Further shielding is also provided by existing trees in the surrounding area. On this basis, in the context of the existing surrounding development, the proposed building heights are considered to be acceptable for this site.

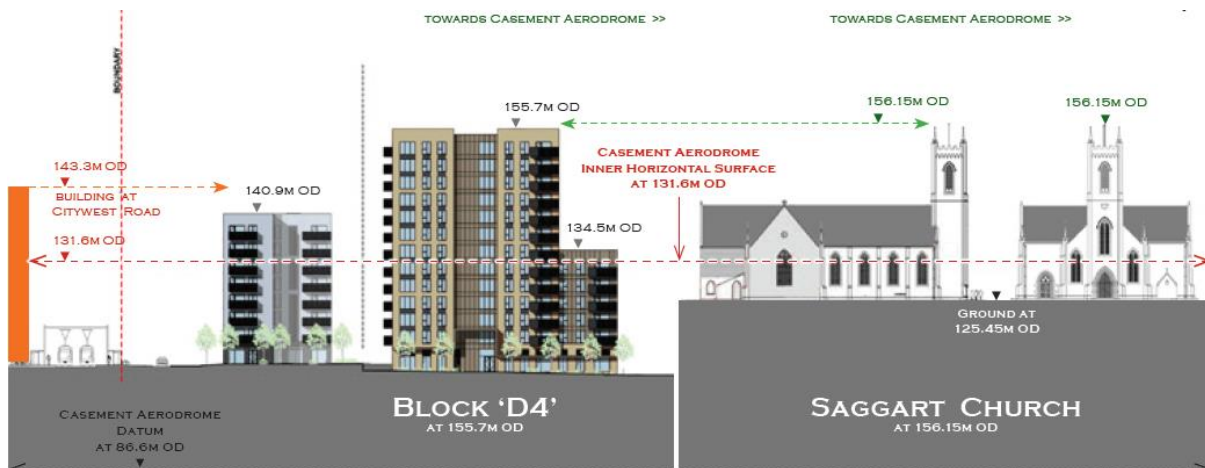


Figure 32 Height of Block D4 compared with Saggart Church

The applicant will notify the Irish Aviation Authority and the Casement Aerodrome 30 days in advance of the use of any cranes on site.

Density

The proposed development provides 421 no. residential units on a site area of 3.404ha. This results in a residential density of 124 units/ha, which is considered in line with the National Planning Framework, and associated Section 28 Ministerial Guidelines. It is considered an appropriate density for this strategic location adjacent to the Fortunestown Luas stop, the Citywest Shopping Centre, the existing bus network and planned bus interchange under Bus Connects, multiple employment centres, several schools and other community services and facilities.

The density is contrary to the densities stated in the 2012 LAP, however, as noted above the LAP precedes recent National Planning Guidance and is not in conformity with current policy. The proposed density will ensure the provision of the critical mass of population to support existing and future services and facilities. It is an appropriate and sustainable use of these strategic lands.

Aspect

The majority of the apartments (c. 59% including the duplexes, c. 55% excluding the duplexes) are dual aspect. The blocks have been carefully designed to ensure that none of the single aspect units are north facing. The majority of single aspect apartments are south/ east or west -facing.

Open Space and Amenity

A total area of 10,482sqm of open space is provided within the development as public/communal open space. This has been achieved due to the more efficient layout and use of land provided through this revised layout. This equates to 31% of the site area which is significantly greater than the 14% requirement in the County Development Plan and LAP.

The previous permitted development schemes (under SD16A/078 and ABP 302398) provided c. 4,500sqm of open space.

The public open space north of the apartment Block D2 will connect with the public open space in the permitted development adjacent to the subject site (ABP 302398 which is in the same ownership as the applicant for this application and is considered an earlier phase to this development). This will create a large public open space that will serve both this proposed development and the permitted development. The proposed Blocks D1 and D2 have been designed to frame this public open space and provide passive surveillance from this development. This will complement the permitted approach to this area under ABP 302398.

The public open space to the east of the site provides a buffer zone to the stream along the eastern boundary and will connect with the proposed public park adjacent to the site permitted under SD15A/0127. A bridge over the stream is also proposed to physically connect these areas of open space. The redesign of the layout particularly benefits this eastern area of the development, which had been raised as a concern in previously granted permission on this site SD16A/0078. As can be seen from the landscape drawings this area will create an attractive haven for flora and fauna along this stream, while also open up the site and enabling better connection and links through to the network of public open space.

A public plaza is proposed north of the Fortunestown Luas Stop. This plaza will act as a focal point within the development. The proposed retail units, amenity spaces and offices on the ground floor of Blocks D3, D2 and E1 will provide active frontage to the plaza and the street adjacent to the Luas Stop. This active frontage in addition to the Luas stop will ensure that this plaza is an active and safe space. This public plaza is bounded to the south by a new street that connects to the permitted development to the west and connects around to provide vehicular access to all the apartment blocks and duplexes. These streets have been carefully designed to ensure that they do not dominate the landscape. In addition, as these are primarily residential access roads it is expected that there will be very low volumes of traffic.

Additional open spaces are provided throughout the development which will provide additional amenity for residents.

All the public and communal open spaces are overlooked by the apartment blocks which will provide passive surveillance and a sense of safety and security.

Each of the residential units are provided with private open space, either in the form of terraces or balconies. The terraces will be clearly distinguished from the communal and public open space through the use of hard landscaping.

Parking

There are 289 no. car parking proposed within this development. This equates to an overall ratio of 0.69 no. parking spaces per residential unit (289 no. car parking spaces/421 no. units).

A basement car park under Blocks D1, D2 and D3 provides 181 no. car parking spaces. Vehicular access to the basement is provided between Blocks D1 and D3. There will be direct access via lift and stairs from the basement car park to Blocks D1, D2 and D3.

There are 108 no. car parking spaces provided at surface level. 59 no. of these spaces are allocated for the duplexes, while 38 no. are allocated for the apartments. The remaining 11 no. are for the retail/office units, the café and the luas. The surface car parking spaces are arranged as on-street parking and overlooked by the apartments and duplexes. This arrangement will avoid the car parking dominating the landscape and will provide some animation to the streets.

This quantum of car parking, while less than the maximum Development Plan requirements, is considered appropriate given the highly accessible location of the development by public transport and in line with the Development Plan requirements which seek a maximum.

There are 650 no. cycle parking spaces proposed. The cycle parking for the residential units will be provided in safe and secure bike enclosures, primarily in the basement. The cycle parking provided for the retail units, the Luas station and for visitors will be provided on stands at surface level.

Childcare Facilities

A Childcare Assessment carried out by McGill Planning as part of the EIAR provides a detailed analysis of childcare supply and demand in the area, inclusive of the proposed development.

There are 11 existing creche facilities in the wider area plus an additional 7 planned creches which in total will provide 655 additional spaces. 3 of these creches are already under construction including a 90 place creche in the applicant's Cooldown Commons Phase 2 development directly adjoining this development. SDCC (as per its Childcare Provision Study August 2020) also concludes that the combined number of existing, permitted and proposed childcare facilities within the study area is sufficient to cater for current and future demand within the Fortunestown LAP.

As a result, it is considered that there is sufficient existing/planned childcare provision in the vicinity and that a childcare facility will not be required as part of this proposed development.

Unit Mix

The proposed development is for a mixed use development including retail along with apartments and duplexes. The breakdown of the mix is as follows:

Unit Size	No. Of Units	Percentage
1 Bed	126	30%
2 Bed	267	63%
3 Bed	28	7%

Total	421	100%
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Table 7 Proposed Unit Mix

This housing mix and typology is contrary to the 2012 LAP which requires 85% own door housing. However, as highlighted above the LAP was written and adopted prior to the current National Planning Guidelines. Notably section 2.4 of the Guidelines on the Design of New Apartments 2018 notes that sites within 10 minutes' walk of Luas stops are generally suitable for high density development that may consist wholly of apartments.

SPPR1 also states that statutory plans can only specify a mix of housing types if a housing needs assessment has been completed and incorporated into the Development Plan. To date this has not occurred with the SDCC Development Plan. The housing mix is based on an LAP from 2012. The existing wider area is generally characterised by low density suburban housing. The provision of apartments and duplexes is reflective of the current demographic change in Ireland which includes smaller household sizes and more varied household types. This proposal will provide for a greater diversity and choice of housing in this area.

Visual Impact Assessment

The subject site is located in a suburban area of significant transition. It is surrounded by construction sites and sites with current permitted development which has not yet commenced. The subject site itself is currently hosting the compound for a number of these construction sites. Once construction has completed on the surrounding sites, the subject site will be effectively brownfield and will appear out of place if it remains undeveloped.

The proposed apartment blocks have been designed to integrate with and complement the new residential developments and to reflect its location at the heart of this burgeoning new community centred around the Luas stop and District Centre. The 13-storey building will act as a focal point adjacent the Luas stop in for the surrounding area.

The Photomontages prepared by Modelworks show the extent to which the proposed development will be visible in the surrounding area and how it will visually integrate with the adjoining developments whilst also providing the urban signpost considered necessary for this landmark location. A Landscape Visual Impact Assessment has also been completed by Modelworks in chapter 10 of the EIAR and this has found that the proposal will have an overall positive impact.

Drainage Infrastructure

The reports and drawings prepared by DBFL Consulting Engineers outline the proposed drainage infrastructure for the proposed development. This has been agreed in principle with both South Dublin County Council and Irish Water.

Compliance with Part V

10% of the proposed development will be Part V in line with national policy. The proposed units along with the costings have been sent to South Dublin County Council and are also enclosed with this application submission.

Ecological Assessments

An Appropriate Assessment (AA) Screening Report for this site was prepared by Pádraic Fogarty of Openfield Ecological Services and is submitted with this application. It determined that a full AA Report would not be required for the proposed development.

A full Environmental Impact Assessment Report has been completed with respect to the proposed development and has been submitted with this application. This has found that the overall impact of the development is acceptable subject to appropriate mitigation measures.

Chapter 6 Statement of Response to An Bord Pleanála Opinion

A Section 5 Pre-Planning Consultation Meeting with An Bord Pleanála and South Dublin County Council on the 18th June 2020 via Microsoft Teams. Following on from this An Bord Pleanála issued a Direction, dated the 10th July 2020, along with a Notice of Pre- Application Consultation Opinion, also dated the 10th July 2020 under reg. ref. ABP-307008-20, which stated that it is *of the opinion that the documents submitted with the request to enter into consultations constitute a reasonable basis for an application for strategic housing development.*

Specific Information Required

The Board also requested, pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, 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. An appropriate statement in relation to section 8(1)(iv) of the Planning and Development (Housing) and Residential Tenancies Act 2016, that outlines consistency with the relevant Development Plan/Local Area Plan and that specifically addresses any matter that may be considered to materially contravene the said plan, if applicable.*
- 2. A report that addresses issues of residential amenity (both existing and future residents of nearby development and future occupants), in particular addressing any potential overlooking of the permitted development to the north-east of the site, from the proposed duplex units. The report shall include full and complete drawings including levels and cross-sections showing the relationship between the proposed development and nearby existing and permitted residential development. The report shall also address daylight/sunlight impacts, overshadowing, overbearing and noise. An analysis of wind microclimate at ground level is also required.*
- 3. Additional details in relation to site services, and in relation to flood risk, having regard to the requirements of South Dublin County Council, as stated in the Water Services Planning report dated 1st May 2020, and having regard to the comments included in the Irish Water Submission on this pre-application dated 18th May 2020. These include additional details/revised proposal in relation to SuDS, and the potential need to obtain third party consents for foul and water infrastructure. In relation to flooding, additional details are required in relation to existing drainage ditch flows through the site and how this will be maintained post-development. In addition, and further to discussions at the tri-partite meeting, additional details are required in relation to any history of flooding on or around the site.*
- 4. Details and/or revised proposals (as appropriate) that address the concerns raised by the Roads Department which are set out in the report dated 28/04/202. These include details/purpose of the 4.8m wide road to the north of the Luas Stop; a reduction in the rate of car parking proposed on the site or further justification for the level of car parking proposed on the site; details drawings showing links to adjacent sites, including the link/footbridge connection to the proposed neighbourhood park to the east of the site/revised entrance proposals to the basement car park*

or further justification for the single entrance as proposed; Mobility Management Plan; Public Lighting Scheme; Construction Management Plan.

5. *Additional landscaping details to address the issues raised in the report of the Parks and Landscape Services Division dated 11/05/2020 including details of play and fitness items; SuDS features; planting plan and cross-sections.*
6. *A detailed landscaping plan for the site which clearly sets out proposals for hard and soft landscaping including street furniture, where proposed.*
7. *Landscape and Visual Impact Assessment with photomontages and CGIs of the proposed development.*
8. *Viability Study for the proposed retail unit.*
9. *Social Infrastructure Capacity Report.*
10. *A site layout plan, which clearly indicates what areas are to be taken in charge by the Local Authority.*
11. *AA Screening report.*
12. *The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 should be submitted as a standalone document (unless it is proposed to submit an EIAR at application stage).*

In addition, the opinion identifies that the applicant shall notify the following authorities in the event of making a planning application:

1. Irish Water
2. Irish Aviation Authority
3. Operator of Baldonnell Aerodrome
4. Transport Infrastructure Ireland
5. National Transport Authority
6. [Transdev](#)
7. Inland Fisheries Ireland
8. South Dublin County Childcare Committee

We can confirm that the prescribed bodies identified by An Bord Pleanála have been notified and a full copy of the planning application under consideration has been furnished to these bodies. It is worth noting that only 1 no. of these consultees require a hardcopy and a soft copy (highlighted in blue above) and the other 7 no. have requested that only a soft copy be sent to them.

Statement of Response to Specific Information Required

This report addresses additional specific information requested and issues raised at the tripartite meeting and in the Opinion by the Board in respect of the proposed development following the pre-application process for a Strategic Housing Development at the subject site (Reg. Ref. ABP-307008-

20). Please note that these specific information requests should be read in conjunction with the accompanying detailed documentation prepared by McGill Planning, Reddy Architecture, DBFL Consulting Engineers, Murray and Associates Landscape Architecture, The Tree Line, Byrne Environmental, IES, IAC Archaeology, and Openfield Ecological Services.

A few key changes have been made to ensure any issues arising from the specific information requested or as a result of discussion in the tripartite meeting have been addressed in the application. Alterations include:

- The layout of the site in the north east corner has been altered with the duplex block moved back from the boundary with the permitted residential development to the north.
- The landmark building has been altered to improve the design, including an increase in height (by 2 storeys) to create an appropriate landmark for this urban plaza and transport interchange.
- The open space around the development has been more clearly defined to provide a clear distinction of spaces, private, communal, and public open space.
- The road layout, parking and plaza area have been rationalised to ensure an efficient layout that prioritises pedestrians and cyclists through the site.

Response to Specific Information Required 1: Consistency with the Development Plan/ Local Area Plan and material contravention statement

An Bord Pleanála stated the following:

1. *An appropriate statement in relation to section 8(1)(iv) of the Planning and Development (Housing) and Residential Tenancies Act 2016, that outlines consistency with the relevant Development Plan/Local Area Plan and that specifically addresses any matter that may be considered to materially contravene the said plan, if applicable.*

Applicant Response

The proposed development is in general accordance with the Development Plan and Local Area Plan including the zoning of the site. These are addressed in full in the Statement of Consistency – Chapter 7 of this report.

However, it is noted that the proposed development is not in compliance with a number of policies and standards regarding building height, density, mix overall unit numbers. A Material Contravention Statement is therefore also included in chapter 8 as part of this Planning Report which addresses these issues and sets out why it is appropriate to permit this development.

Response to Specific Item 2: Residential Amenity

An Bord Pleanála stated the following:

A report that addresses issues of residential amenity (both existing and future residents of nearby development and future occupants), in particular addressing any potential overlooking of the permitted development to the north-east of the site, from the proposed duplex units. The report shall include full and complete drawings including levels and cross-sections showing the relationship between the proposed development and nearby existing and permitted residential

development. The report shall also address daylight/sunlight impacts, overshadowing, overbearing and noise. An analysis of wind microclimate at ground level is also required.

Applicant Response

Residential Amenity

The proposed internal site layout has been designed to ensure appropriate distances are maintained within the development to ensure there is no undue overlooking between the proposed apartments.

The development has also had regard to the neighbouring developments both existing/ under construction and permitted but as yet not commenced. To the west and north west of the site are the apartment blocks associated with Cooldown Commons Phase 2. These new apartments within the subject site are located so that the orientation of the buildings and distance between the buildings will prevent any overlooking between apartment blocks.

To the north east of the site two storey semi-detached and terraced houses have been permitted but as yet not commenced under SD16A/0210. To reflect and respond to these house layouts, and provide a transition in scale and topology, two blocks of duplex apartments are located in this corner of the proposed development. These units will provide an appropriate transition from these houses to the increased density and more urban approach to the subject site proposal. The location of the duplex apartments has also been altered between the pre-application consultation meeting and the current proposal before the board to further address any issues of overlooking and privacy between these developments. Alterations include increasing the set back and including louvres in block F1.



Figure 33 Layout of the northeast corner as submitted for the pre-application consultation request to the left and the current proposed layout for the northeast corner for the planning application to the right

In the previous layout, there were four blocks of duplex apartments which lined the road up to the boundary with the site. The most northern block, which was closest to the boundary has now been removed. The duplex apartments are also designed to splay away from the proposed houses creating more space between the blocks. All these proposed duplex apartments, meet or exceed the 22m distance to the opposing windows of the permitted houses on the neighbouring site.

As can be seen in the cross sections by Reddy Architects, the design of the duplex apartments, due to their size and layout, will not appear excessively large or unduly dominant when considered in relation to the permitted houses within this development.

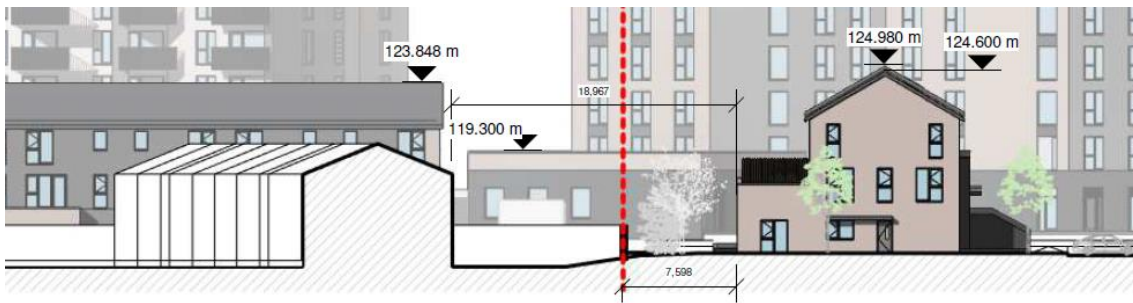


Figure 34 extract from drawing Proposed Site Sections CC, DD, and EE by Reddy Architecture

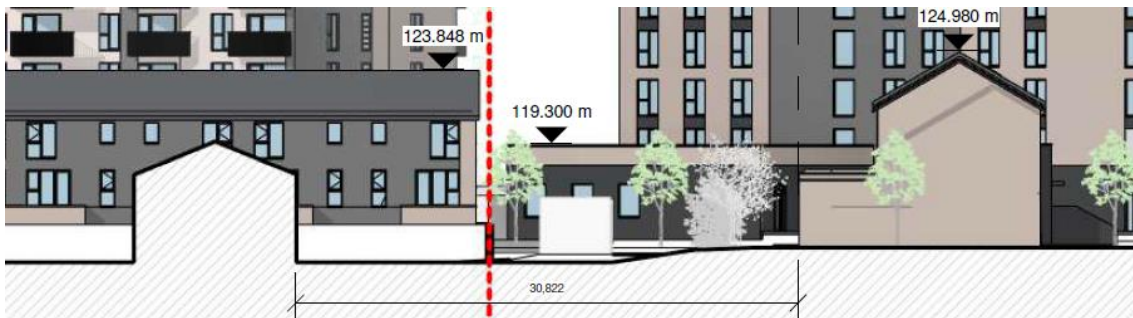


Figure 35 extract from drawing Proposed Site Sections CC, DD, and EE by Reddy Architecture

Sunlight/Daylight

To confirm that this proposed development will not have a detrimental impact on the adjoining existing and permitted developments surrounding the site, and that good levels of daylight and sunlight were achieved withing the development, a Daylight, Sunlight and Overshadowing Report was completed by Avison Young. This report found that excellent levels of internal daylight amenity were achieved within the development with **99%** of the habitable rooms assessed meeting the minimum recommended ADF targets of 1% for a bedroom, 2% for a living/kitchen/dining room and 1.5% for a living/dining room. If a 2% ADF target were considered for the living/dining rooms, **97%** of the rooms will meet the ADF targets. In addition, **92%** of the rooms will achieve the recommended level of NSL to 80% or more of the room areas. It also found that all public amenity spaces fully complied with BRE Guidelines. The report also identified that the majority of neighbouring windows/ rooms assessed met the recommended BRE Guidelines for daylight/ sunlight and that while there were isolated breaches, AY are of the opinion that the alterations and retained levels of light are acceptable in terms of the impact on neighbouring daylight/sunlight. AY also identified that the transient overshadowing technical assessment indicated that shadows will be cast from the proposed development, it was considered inevitable given it is a greenfield site. They conclude that in AY's professional opinion the *"Proposed Development is acceptable in terms of daylight, sunlight and overshadowing"*.

Noise

A noise assessment has been carried out and is included in Chapter 8 of the EIAR. This includes noise mitigation measures for the development including appropriate sound insulation windows and window frames, ventilation systems and for wall construction. This has all been addressed within the design of the development.

Microclimate

Wind microclimate was also assessed for the development at ground level as requested. This found that in terms of walking and safety, the development achieved excellent compliance. For sitting and standing excellent compliance was observed for the amenity area to the west of Block E1 and for the seating area in the courtyard surrounded by blocks D2, D3 and D4. The rest of the public realm shows acceptable compliance when the sitting criterion results are combined with the standing criterion results. The report noted that many of the locations in yellow and orange bands are above the threshold of the sitting comfort criterion of 4m/s for more than 5% of the year. However, when this is considered in the context of the results of standing comfort criteria, where the threshold air speed is 6 m/s, those locations are effectively compliant. So even when the air speed exceeds 4 m/s, it also unlikely to exceed 6 m/s.

The report also highlights that the results are excellent in the overall in context of the Dublin weather. The median wind speed for Dublin is around 5m/s. Therefore, for 50% of the year, the wind speed is greater than 5m/s. Even in such conditions, most of the site shows wind speeds less than 6 m/s for more than 95% of the year, and less than 4m/s for more than 80% of the year.

Response to Specific Item 3: Site services details

An Bord Pleanála stated the following:

Additional details in relation to site services, and in relation to flood risk, having regard to the requirements of South Dublin County Council, as stated in the Water Services Planning report dated 1st May 2020, and having regard to the having regard to the comments included in the Irish Water Submission on this dated 18th May 2020. These include additional details/ revised proposal in relation to SuDS, and the potential need to obtain third party consents for foul and water infrastructure. In relation to flooding, additional details are required in relation to existing drainage ditch flows through the site and how this will be maintained post-development. In addition, and further to discussions at the tri-partite meeting, additional details are required in relation to any history of flooding on or around the site.

Applicant Response

DBFL have worked with South Dublin County Council Water Service Department and Irish Water (please see the Confirmation of Feasibility and Statement of Design Acceptance) and have agreed in principle the drainage and SuDS rationale for the site, which is outlined in detail in the Infrastructure Design Report by DBFL. The Infrastructure Design Report also sets out a detailed response to each of the items raised by South Dublin County Council.

A Site-Specific Flood Risk Assessment has been carried out for this site. No records of flooding on the lands or benefitting lands has been found for the site. The conclusion of this report is that the development meets the requirements of the FRA Guidelines and that the proposed development is appropriate to this flood zone and a justification test is not required.

Response to Specific Item 4: Traffic and car parking

An Bord Pleanála stated the following:

Details and/or revised proposals (as appropriate) that address the concerns raised by the Roads Department which are set out in the report dated 28/04/2020. These include details/purpose of

the 4.8m wide road to the north of the Luas Stop; a reduction in the rate of car parking proposed on the site or further justification for the level of car parking proposed on the site; details drawings showing links to adjacent sites, including the link/footbridge connection to the proposed neighbourhood park to the east of the site/revised entrance proposals to the basement car park or further justification for the single entrance as proposed; Mobility Management Plan; Public Lighting Scheme; Construction Management Plan.

Applicant Response

DBFL have worked with South Dublin County Council Roads Department to ensure agreement on these elements. The Infrastructure Design Report addresses these queries in detail. The proposed design incorporates the provision of a continuous local access road which upon entering the site from the north loops around the outer extents of the site accommodating a circuitous but highly legible vehicle connection that enables the centre of the development area to be prioritised for active modes of travel and high-quality public realm / landscaping areas. This approach delivers a people focused central public realm with pedestrian and cyclists accommodated along key travel desire lines (to internal and external destinations) whilst directing motorised vehicles to the peripheral areas along the slightly longer route enabling deliveries to the commercial and other areas and local services. The roads are designed to be 5.5m except at the LUAS area which is reduced in width to 4.8m in order to deliver traffic calming to this area and benefitting more vulnerable road users.

The proposed parking has been revised to reduce the level of the surface parking along with a reduced quantum of parking for the site, providing only 289 no. car parking spaces. 219 no. car parking spaces are allocated for the apartments and 59 no. car proposed for the duplex units. This equates to a provision of 0.57 spaces per apartment unit and 1.64 spaces per duplex unit. This provides an overall ratio of 0.66 per residential unit. Details of this justification is set out in full in the Traffic and Transport Assessment by DBFL.

DBFL have further analysed the access to the car park, this is set out in the TTA report. They are satisfied that given the low turnover rate of residential parking spaces, the absence of any internal 'search' traffic and the provision of more than sufficient capacity at the proposed basement access/exit ramp DBFL believe that the provision of a single vehicle access point to the proposed basement car park represents a safe and appropriate design solution.

A Mobility Management Plan and Construction Management Plan has been completed by DBFL and is enclosed with the application. Sabre and Ethos have completed the Lighting Scheme for the development.

Please also see the Landscape Architects drawings and landscape report which address pedestrian permeability and connectivity through the site. This includes the provision of a new pedestrian bridge to the east connecting into the new public park.

Response to Specific Item 5: Pedestrian Connection

An Bord Pleanála stated the following:

Additional landscaping details to address the issues raised in the report of the Parks and Landscape Services Division dated 11/05/2020 including details of play and fitness items; SuDS features; planting plan and cross-sections.

Applicant Response

The site is highly permeable site, with connections from the luas stop throughout the site and connecting into the wider neighbourhood. Many of these routes are car free and are overlooked by the proposed development ensuring attractive, safe routes for pedestrians through the site. This is detailed in full in the TBS Landscape Architects drawings and also the design rationale. TBS documents also include details of the play and fitness items, a planting plan and landscape cross sections throughout the site. All issues raised by Parks and Landscaping Services have been addressed in full in the TBS Landscape Architects document and drawings.

DBFL have designed the SuDS features which have been incorporated successfully within the landscape proposals for the development.

Response to Specific Item 6: Detailed Landscaping Plan

An Bord Pleanála stated the following:

A detailed landscaping plan for the site which clearly sets out proposals for hard and soft landscaping including street furniture, where proposed.

Applicant Response

TBS Landscape Architects have provided detailed landscaping plans and a landscaping design report enclosed with the application which clearly sets out the proposals for hard and soft landscaping including street furniture, gym equipment and planting schedule for the development.

Response to Specific Item 7: Landscape and Visual Impact Assessment

An Bord Pleanála stated the following:

Landscape and Visual Impact Assessment with photomontages and CGIs of the proposed development.

Applicant Response

Modelworks have developed photomontages and CGI's for this development enclosed with the application. Chapter 10 of the EIAR also includes a detailed Landscape and Visual Impact Assessment by Modelworks. The overall permanent impact of the development has been assessed as ranging from significant-positive, to significant-neutral to moderate-positive.

Response to Specific Item 8: Viability Study for the retail unit

An Bord Pleanála stated the following:

Viability Study for the proposed retail unit.

Applicant Response

A Retail Viability Study has been completed by McGill Planning Ltd. This assessed the viability of the proposed

Retail unit at GF of D3 = **285 sqm**

Retail unit at GF of E1 = **182 sqm**

Retail unit at GF of E1 = **252 sqm**

The findings identified that due to the location of existing larger retail facilities further afield a large retail facility is not required on this site. However, smaller retail units that would service smaller daily needs is appropriate to this site. These units would not only serve the proposed development but also the permitted/ under construction sites to the north of the luas line which are currently under served and are overly reliant on the District Centre of the south side of the Luas for everyday retail convenience which could and should be provided at more proximate locations within these large residential developments. It is considered an optimal site in terms of location, availability, viability, and benefits to both the existing and future local residential and provides local access for the residential development on the north side of the luas tracks.

Response to Specific Item 9: Social Infrastructure Capacity Report

An Bord Pleanála stated the following:

Social Infrastructure Capacity Report.

Applicant Response

A Social Infrastructure Capacity Report has been completed by McGill Planning Ltd. This identifies that there are sufficient social and community infrastructure facilities in the area, either existing, under construction or permitted by an existing permission in the immediate vicinity. On this basis it was considered appropriate to provide additional employment opportunities as part of this development including retail, and local office space. The proposed residential component will also be served by an amenities space which can provide a variety of uses for future residents.

Response to Specific Item 10: Taken in Charge

An Bord Pleanála stated the following:

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

Applicant Response

In response to this item Reddy Architecture have prepared a site layout plan which indicates what areas are to be taken in charge. Please see drawing no. CW-3-06-SW-ZZZ-DR-RAU-AR-1562 enclosed with this application.

Response to Specific Item 11: AA Screening

An Bord Pleanála stated the following:

AA Screening report.

Applicant Response

An AA Screening Report has been prepared by Openfield Ecological Services. This concluded that the project has been screened for AA under the appropriate methodology. It has found that significant effects are not likely to arise, either individually or in combination with other plans or projects to the Natura 2000 network. This conclusion is based on best scientific knowledge.

Response to Specific Item 12: EIAR

An Bord Pleanála stated the following:

The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 should be submitted as a standalone document (unless it is proposed to submit an EIAR at application stage).

Applicant Response

The application is accompanied by a full EIAR.

Chapter 7 Response to Further consultation with South Dublin County Council

Prior to the resubmission further documentation and consultation was carried out with South Dublin County Council. The Planning Authority facilitated an internal review and provided comments to the agents via a Teams call on May 28th 2021. The comments focused on the need for the applicant to make substantial revisions to the scheme to address the following:

Urban Square/ Public Plaza

- Concerns in relation to the relationship of the ground floor uses of the adjoining blocks with the square. Poor levels of activation.
- Concerns in relation to the enclosure of the square by the adjacent blocks
- Need to clearly extend the plaza across the access road to the Luas through consistent material and finishes

Applicants' response

The urban square has been designed to ensure active frontages from all buildings at ground floor level fronting onto the plaza, while also ensuring sufficient space to enable future events to take place in the square. E1 and D3 both have active retail/ commercial units fronting onto this space. Block D4 has the residential amenity facing onto this square. Potentially additional door could be placed at ground floor of D4 to allow more openings onto the square.

The placement of blocks around the square have been carefully designed and considered to ensure that all blocks achieve appropriate levels of daylight and sunlight and that all engineering requirements are achieved. They have also been located to facilitate activation of this square through the use of this area for future community events such as markets or local festivals.

The treatment of the plaza can be extended across the road to the luas to ensure consistent materials.

Landmark

- Concerns remains about the height of the building
- Concerns remain about the bulky appearance of the structure. Planning Authority consider that a landmark proposal at this location should be slender and the 37m width is excessive. The PA acknowledge the attempt of the applicant to design the landmark as visually 2 elements with a setback/material change. The PA consider that this approach is not a successful response to our previous concerns.
- Balconies on a landmark building should be absorbed and built into the building envelope.

Applicants' response

The Design Report by Reddy's provides clear rationale for the design of the buildings, layout of the site and building heights.

Block D4 has, as the planning authority highlight, two frontages, as it needs to address both the public park to the east and also the plaza to the south. It is considered to achieve this, a broader frontage facing east is necessary, to ensure the park is sufficiently overlooked and create an attractive focal point to this park area.

To the south the building is slimmer and has a variety of treatments creating a visually interesting element in the street, particularly when viewed from the luas or plaza. This achieves the aim of creating a landmark and visual indicator for the area, ensuring that way finding and legibility within the area is achieved.

The proposed building height is considered to be an important element of creating a landmark in this location, along with the change in materials. The building height allows this landmark to be viewed from multiple locations in the area. This could not be achieved with a lower building, given the increasing heights of all of the surrounding neighbouring buildings.

It is noted the comments regarding the balconies, however, the use of external balconies, with appropriate balustrades will create an attractive residential amenity, while also providing visual interest and an extra dimension to the elevations.

Other Buildings

- Concerns are raised in relation to the back of the office block and the interaction of same with the public open space. Full details of the levels and boundaries important.
- The predominant building height in the newly developing immediate context is 5/6 storeys and apart from the landmark, the PA consider that the other blocks should conform to the prevailing height.

Applicants' response

The area immediately to the north of block E1 is communal space for the residential use and is a semi-private space. The northern side of Block E1 will have retail, residential amenity and also office space fronting onto the communal space to the rear. This will provide overlooking of this space.

The increase in height along the Fortunestown Lane frontage is considered to be key in ensuring a strong urban frontage along this lane and the luas line. It will frame the wide road and luas track and compliment the recent permission of the SHD on the opposite side of the road. In this context this height is considered to be appropriate.

Open Space

- Clear rationale for the division of open space inside and outside red line to the northwest needed. PA prefer to see entire open space in this proposal.

Applicants' response

The redline area to the northwest reflects the previous permission and site layout, including the engineering elements associated with that earlier phase. It is intended that the area is developed and has been designed as a cohesive single area. It is simply a reflection of the engineering and phasing of the development of the site while also incorporating the landscaping of the previous phases.

Urban Design

SDCC Architects and Planning Department remain seriously concerned about the overall urban design approach to the site and feel the site layout would benefit from further work that clearly delineates the public space and creates a better urban feel. Concerns expressed extend to the appropriateness of the height and density at this location.

Applicants' response

The pack submitted takes account of the concerns and has addressed each issue in turn. This is an appropriate, high quality development on zoned residential land. It is a highly sustainable site so the density and building height is considered appropriate. It is also noted the recent neighbouring permissions granted surrounding the site some of which are under construction. The proposed building heights and density also reflect these permissions and the evolving nature of this area.

Chapter 8 Statement of Consistency Planning Policy Review

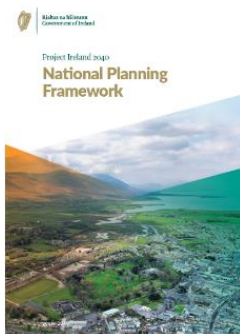
This chapter provides an overview of national, regional, and local planning policy which are relevant to this development.

National Policy

The key national policies and guidelines (including Section 28 Guidelines) relevant to the proposed development are as follows:

1. Ireland 2040 Our Plan - National Planning Framework (2018);
2. Rebuilding Ireland – Action Plan for Housing and Homelessness 2016;
3. Urban Development and Building Heights - Guidelines for Planning Authorities (2018);
4. Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities (2020);
5. Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities (2009), and the accompanying Urban Design Manual;
6. Quality Housing for Sustainable Communities (2007);
7. Design Manual for Urban Roads and Streets (2019);
8. Guidelines for Planning Authorities on Childcare Facilities (2001);
9. Smarter Travel – A New Transport Policy for Ireland (2009-2020);
10. The Planning System and Flood Risk Management (2009);
11. Climate Action Plan 2019.

Ireland 2040 Our Plan – National Planning Framework



The National Planning Framework (NPF) is the Government's plan to cater for the extra one million people that is anticipated to be living in Ireland within the next 20 years. The Eastern and Midland Region (including Dublin) will, by 2040, be a Region of around 2.85 million people, at least half a million more than today. The NPF includes National Strategic Outcomes and National Policy Objectives to guide development and policy making at regional and local levels, providing an overall framework for the entire country.

The NPF Strategy includes the following planning aims to guide the delivery of this growth:

- Supporting the future growth and success of Dublin as Ireland's leading global city of scale, by better managing Dublin's growth to ensure that more of it can be accommodated within and close to the city.
- Enabling significant population and jobs growth in the Dublin metropolitan area, together with better management of the trend towards overspill into surrounding counties.
- Targeting a greater proportion (40%) of future housing development to be within and close to the existing 'footprint' of built-up areas.

- Making better use of under-utilised land and buildings, including ‘infill’, ‘brownfield’ and publicly owned sites and vacant and under-occupied buildings, with higher housing and jobs densities, better serviced by existing facilities and public transport.

Key National Policy Objectives (NPOs) which relate to the proposal are set out below:

National Policy Objective	Evaluation of Consistency
National Policy Objective 2a A target of half (50%) of future population and employment growth will be focused in the existing five Cities and their suburbs.	The proposed development will provide new homes within this suburb of Dublin City.
National Policy Objective 3a Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements	The subject site is located within the Sustainable Growth Town of Saggart/Citywest at the district node identified in the LAP. The proposed development will provide new homes within this existing settlement.
National Policy Objective 4 Ensure the creation of attractive, liveable, well-designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.	The proposed development will create a high-quality, attractive, and liveable place for residents.
National Policy Objective 27 Ensure the integration of safe and convenient alternative 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.	The subject site is located immediately north of the Fortunestown Luas Stop. The development’s layout and design creates a public plaza north of the Fortunestown Luas Stop, helping to integrate the Luas Stop into the development. The development’s design limits the presence of the car by only providing vehicular access where absolutely required. This has helped to create a safe pedestrian friendly environment and will encourage people to walk and cycle where possible.
National Policy Objective 32 To target the delivery of 550,000 additional households to 2040	The proposed development will provide 421 no. residential units and help to achieve this objective.
National Policy Objective 33 Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.	It is considered that 124uph is an appropriate scale for the subject site. The proposed development is a highly sustainable location. The proximity of the Luas Stop provides a viable public transport route to Tallaght and Dublin City. There are also multiple bus routes within close proximity to this site.

	<p>The proximity of the City West Shopping Centre provides shops and services within a short walking distance of the site.</p> <p>There are a variety of schools and childcare facilities to cater for the population generated by the development.</p>
<p>National Policy Objective 34 Support the provision of lifetime adaptable homes that can accommodate the changing needs of a household over time</p>	<p>All of the homes will be fully adaptable.</p>
<p>National Policy Objective 35 Increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.</p>	<p>The proposed development will provide residential units at a density of 124uph.</p> <p>Although the subject site is currently undeveloped, it is identified for residential development within the Fortunestown Local Area Plan 2012 area. It also has an extant permission for development on this site and the neighbouring sites to this are currently under construction. This is seen as an underused vacant and the redevelopment of it will contribute to increasing the overall residential density in the Citywest area.</p>

Evaluation of Consistency

The proposed development will provide a high-quality residential scheme in sustainable location and help to achieve the NPF's overall aims. The proposed development is in accordance with the NPF's over-arching aim of consolidated and sustainable growth patterns. The subject site is considered an appropriate location for residential development due to its proximity to the Luas Stop, excellent bus routes and the Citywest Shopping Centre. The proposal will increase the local population and support the public transport, service, and facilities in the area. The sites highly accessible location will encourage walking, cycling and public transport use as alternatives to the car.

Rebuilding Ireland – Action Plan for Housing and Homelessness 2016



Rebuilding Ireland was launched in 2016 with the objective to double the annual level of residential construction to 25,000 homes and deliver 47,000 units of social housing in the period to 2021. It was based on 5 no pillars. Pillar 3 – Build More Homes aims to increase the output of private housing to meet demand at affordable prices.

The Action Plan puts locating houses in the right place at the centre as stated in page 24: “locating housing in the right place provides the opportunity for wider family and social networks to thrive, maximises access to employment opportunities and to services such as education, public transport, health and

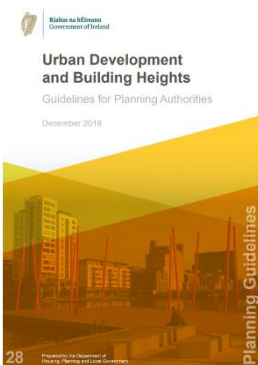
amenities, while also delivering on sustainability objectives related to efficiency in service delivery and investment provision”.

Evaluation of Consistency

The proposed development is consistent with Pillar 3- Build More Homes. The proposed development will provide 421 no. residential units and will add to the housing stock and mix of the Citywest area.

In addition, these residential units are in an excellent location, adjacent to the Fortunestown Luas Stop, a short walk from the Citywest Shopping Centre and in close proximity to a range of schools and childcare services.

Guidelines for Planning Authorities on Urban Development and Building Heights 2018



The Guidelines set out national planning policy guidelines on building heights in urban areas in response to specific policy objectives set out in the National Planning Framework and Project Ireland 2040. There is a presumption in favour of high buildings at public transport nodes and state that it is Government policy to promote increased building height in locations with good public transport services.

Under Section 28 (1C) of the Planning and Development Act 2000 (as amended), Planning Authorities and An Bord Pleanála are required to have regard to the guidelines and apply any specific planning policy requirements (SPPR's) of the guidelines in carrying out their function. SPPRs as stated in the Guidelines, take precedence over any conflicting, policies and objectives of development plans, local areas plan and strategic development zone planning schemes.

The Guidelines emphasise the policies of the NPF to **increase levels of residential development in urban centres and increase building heights and overall density** by both facilitating and encouraging the development of increased heights and densities by Local Authorities and An Bord Pleanála.

The Guidelines place significant emphasis on promoting development within the existing urban footprint utilising the existing sustainable mobility corridors and networks. *“In order to optimise the effectiveness of this investment in terms of improved and more sustainable mobility choices and enhanced opportunities and choices in access to housing, jobs, community and social infrastructure, development plans must actively plan for and bring about increased density and height of development within the footprint of our developing sustainable mobility corridors”*. It goes on to highlight that *“the preparation of development plans, local areas plans, and Strategic Development Zone Planning Schemes and their implementation in the city, metropolitan and wider urban areas must therefore become more proactive and more flexible in securing compact urban growth through a combination of both facilitating increased densities and building heights”*. It encourages local authorities away from setting generic maximum height limits across their functional areas identifying *“such limits, if inflexibly or unreasonably applied, can undermine wider national policy objectives to provide more compact*

forms of urban development as outlined in the National Planning Framework and instead continue an unsustainable pattern of development whereby many of our cities and towns continue to grow outwards rather than consolidating and strengthening the existing built up area. Such blanket limitations can also hinder innovation in urban design and architecture leading to poor planning outcomes.”

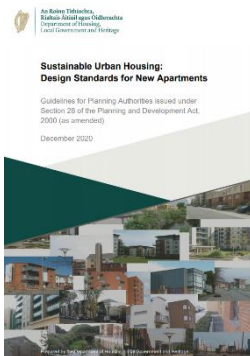
The Guidelines sets out Development Management Criteria and Specific Planning Policy Requirements (SPPRs) to assist planning authorities in assessing planning applications for increased building heights.

Evaluation of Consistency

As can be seen from the assessment above, this proposed site, given its key location beside the Fortunestown Luas Stop, beside the Citywest Shopping centre, and a variety of bus routes is the ideal location for increased heights and densities. The proposed development will ensure the creation of an attractive plaza at this key transport nodal point. The use of taller buildings in this location ensure that the area is easily distinguished from the surrounding area which has been the subject of significant change with new buildings being delivered on the adjacent sites in recent years.

Please see the Material Contravention Statement in Chapter 8 for a detailed assessment of the proposed development against the Development Management Criteria and the SPPRs.

Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments 2020



The Apartment Guidelines 2020 promote sustainable housing, by ensuring that the design and layout of new apartments provide satisfactory accommodation for a variety of household types and sizes, including families with children over the medium to long term. The guidelines provide for updated guidance on apartment developments in response to the National Planning Framework and Rebuilding Ireland.

The guidelines note that apartments are most appropriately located within urban areas and that the scale and extent of apartment development should increase in relation to proximity to core urban centres and other factors. The


guidelines outline three types of locations:

- Central and/or Accessible Urban Locations
- Intermediate Urban Locations
- Peripheral and/or Less Accessible Urban Locations

The criteria for determining these locations and the scale of apartment development that is considered appropriate at each location is also provided within the guidelines.

It is our contention that the proposed site comes under the definition of a “Central and/or Accessible Urban Location” which the Guidelines *state “are generally suitable for small- to large-scale (will vary subject to location) and higher density development (will also vary), that may wholly comprise apartments...”*

The site represents an Accessible Urban Location for the following reasons:

<p><i>Sites within walking distance (i.e. up to 15 minutes or 1,000- 1,500m), of principal city centres, or significant employment locations, that may include hospitals and third-level institutions</i></p>	 <p>As noted in Chapter 3 above the site is located close to a number of employment centres, the closest and largest being the Citywest Business Campus located directly north (within 300m) of the proposed development. Citywest is one of the largest employment centres in the Dublin Area outside of the city centre and according to its website (www.citywestcampus.com) contains over 180 businesses ranging from healthcare/pharmaceutical, telecoms providers, web hosting centres, finance houses, IT & software companies, and publishing.</p>
<p><i>Sites within reasonable walking distance (i.e. up to 10 minutes or 800- 1,000m) to/from high capacity urban public transport stops (such as DART or Luas)</i></p>	<p>The site is located directly beside Fortunestown Luas stop with high frequency services to Dublin City Centre and to Tallaght.</p>
<p><i>Sites within easy walking distance (i.e. up to 5 minutes or 400-500m) to/ from high frequency (i.e. min 10 minute peak hour frequency) urban bus services.</i></p>	<p>Citywest Shopping Centre Bus Stop (No. 7460) is located 300m to the southeast and is currently served by Dublin Bus Services Nos 77a and 65b which provide regular services to/from Dublin City Centre. The No. 175 service between Citywest and UCD also runs along Citywest Avenue to the east of the site. Citywest Shopping Centre is also proposed as a new bus interchange under the BusConnects proposals. Under the proposals, the existing Dublin bus routes will be replaced by a new route W8 between Citywest and Tallaght which is also proposed to provide a direct service to Maynooth and Celbridge. Improved service frequencies are also proposed to destinations to the east via a number of new routes. The existing 77x bus route will be replaced by a new</p>

	orbital route (S6/S7) which will provide direct frequent services between Tallaght and UCD.
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The guidelines outline 9 Special Planning Policy Requirements (SPPRs) that take precedence over any conflicting policies and objectives of development plans, local area plans and strategic development zone planning schemes.

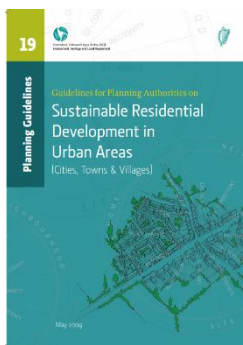
Guidance	Evaluation of Consistency
SPPR1 notes that apartments may include up to 50% one bedroom or studio type units and that there shall be no minimum requirement for 3 or more bed units.	The proposed development provides 421 no. units as follows: – 30% one beds – 63% two beds – 7% three beds This is in accordance with SPPR1.
SPPR2 relates to building refurbishment schemes on sites of any size, or urban infill schemes on sites of up to 0.25ha.	N/A
SPPR3 sets out the minimum floor areas for apartment units along with a requirement that the majority of units within a scheme shall exceed the minimum floor areas by 10%	The Housing Quality Assessment prepared by Reddy Architecture + Urbanism illustrates in tabular format how each apartment meets or exceed the relevant standards in respect to apartment size.
SPPR4 In relation to the minimum number of dual aspect apartments that may be provided in any single apartment scheme, the following shall apply: (i) A minimum of 33% of dual aspect units will be required in more central and accessible urban locations, where it is necessary to achieve a quality design in response to the subject site characteristics and ensure good street frontage where appropriate in. (ii) In suburban or intermediate locations it is an objective that there shall generally be a minimum of 50% dual aspect apartments in a single scheme.	55% of the apartments are dual aspect, 59% when the duplexes are included. The blocks have been carefully designed to ensure that none of the single aspect units are north facing. The majority of single aspect apartments are south/east or west -facing.
SPPR5 requires all ground floor apartments to have 2.7m floor to ceiling heights.	All the ground floor apartments achieve the minimum requirement of 2.7m floor to ceiling heights in line with SPPR5.
SPPR6 limits the number of units per core to 12 units.	The proposal is in line with SPPR6 regarding the number of units per core.
SPPR7 and 8 relate to BTR Developments.	N/A
SPPR 9 states that there shall be a presumption against granting planning permission for shared accommodation/co-living development.	N/A

<p>The apartment guidelines states that all apartments should include private and communal open space.</p>	<p>All apartments include access to private and communal open space. Private space is provided in terraces or balconies.</p> <p>c. 6,088sqm of communal open space is provided for the residential units.</p>
<p>Section 4.16 identifies that cycling “provides a flexible, efficient and attractive transport option for urban living and these guidelines require that this transport mode is fully integrated into the design and operation of all new apartment development schemes.”</p>	<p>The development will provide for 650 bike parking spaces which is in excess of 1.5 spaces per unit. This is considered to be appropriate for the location of the development and will enable a modal shift to more sustainable forms of transport.</p>
<p>Section 4.19 notes that for central and/or accessible urban locations comprising wholly of apartments in more central locations well served by public transport, the default policy is for car parking provision to be minimised.</p>	<p>The proposed 286 no. car parking spaces for the residential units resulting in 0.66 no. spaces per residential unit. This is a reduction compared to the requirements of SDCC, however, given its excellent links to public transport this is considered appropriate.</p>
<p>Appropriate density</p>	<p>The proposed density on the site is 124 units per hectare. This an appropriate density considering the site’s proximity to the Fortunestown Luas stop, the excellent bus routes, the Citywest Shopping Centre, and the numerous business parks.</p>

Evaluation of Consistency

The subject site is within walking distance of the three business parks which are significant employment locations in the area, and it is adjacent to the Fortunestown Luas station, and frequent bus routes (with planned significant expansion) and next to Citywest Shopping Centre. It is therefore considered an Accessible Urban Location that is suitable for higher density development with reduced car parking. The proposed mix of units, size, and storey heights along with quantum of public, private and communal open space is in accordance with these guidelines.

Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 2009



The guidelines set out the key planning principles to be reflected in development plans and local area plans, to guide the preparation and assessment of planning applications for residential development in urban areas.

The Guidelines elaborate a range of high-level aims for successful and sustainable residential development in urban areas. These are assessed against the proposed scheme as follows:

Guidance	Evaluation of Consistency
<p>Prioritise walking, cycling and public transport, and minimise the need to use cars;</p>	<p>The proposed development has been designed to create an attractive and permeable environment for pedestrians and cyclist. Cars have been restricted with large areas of the development being car free. The majority of the car parking is underground.</p> <p>The public plaza with its range of commercial facilities has been located adjacent to the Luas station enabling people to socialise and pick up shopping on their route to or from public transport.</p> <p>Pedestrian and cycle links into the neighbouring adjacent developments have been created to enable easier access to public transport from adjacent sites.</p>
<p>Deliver a quality of life which residents and visitors are entitled to expect, in terms of amenity, safety and convenience;</p>	<p>The scheme has been designed to the highest residential standard. All units accord with the quantitative and qualitative standards sets down in the national guidelines and South Dublin County Council Development Plan 2016.</p>
<p>Provide a good range of community and support facilities, where and when they are needed and that are easily accessible;</p>	<p>The development will consist of apartments, public open spaces, local retail and employment. The site will have good connectivity with the city via the Luas and bus routes. Cycle and pedestrian links to neighbouring business parks and shopping areas are also provided.</p> <p>The development is well located in relation to existing/planned social infrastructure in the locality particularly with respect to major employment centres and commercial centres located at reasonable distance of the site providing for a range of community facilities.</p>
<p>Present an attractive, well-maintained appearance, with a distinct sense of place and a quality public realm that is easily maintained;</p>	<p>The layout of development has been designed to utilise the existing landscape and surrounding building context. The proposal includes features that will contribute to creating a sense of place for the site including the creation of a new public plaza beside the luas stop and a clear focal point and urban signpost through the provision of an 15 storey landmark building. The public open space proposed within the scheme is well distributed and will provide a variety of recreational opportunities and amenities.</p>
<p>Are easy to access for all and to find one's way around;</p>	<p>The layout has been designed to ensure the development is permeable, walkable, and easy to navigate for all users.</p>

<p>Promote the efficient use of land and of energy, and minimise greenhouse gas emissions;</p>	<p>The proposed development provides a density of 124 units per hectare which is an efficient use of land. The design integrates Fortunestown Luas stop into the development making the Luas an attractive and viable transport option for future residents. A reduced parking ratio of 0.66 spaces per unit is proposed, which will encourage a modal shift away from private car usage.</p> <p>The proposal seeks to import best practice construction/engineering techniques and use of energy efficient materials to maximise energy capacity and minimise impacts of climate change in accordance with current buildings regulations.</p>
<p>Provide a mix of land uses to minimise transport demand;</p>	<p>The proposed development provides a mix of uses. The retail units will provide local services for the future residents of the area. These retail units will also complement the Citywest Shopping Centre.</p> <p>The proposal also includes offices which can provide additional employment opportunities to future residents, particularly in likely post-COVID-19 work environment. This has been centrally within the development and in close proximity to the Luas track. This will ensure that the offices are easily accessible from sustainable modes of transport.</p>
<p>Promote social integration and provide accommodation for a diverse range of household types and age groups;</p>	<p>The proposed typology mix will add to the existing housing stock in the area and will meet the increasing demand from more diverse and smaller household sizes.</p>
<p>Enhance and protect the green infrastructure and biodiversity; and</p>	<p>The proposed development provides a large area of public open space beside the stream, this open space not only creates a riparian buffer along the stream but also connects both visually and physically to the public open space within the adjacent site creating a large area of public open space between the two developments. These benefits both the future residents of the developments as well as the natural flora and fauna in the area.</p>
<p>Enhance and protect the built and natural heritage.</p>	<p>A buffer zone is provided alongside the stream on the eastern boundary, which will protect and enhance the streams biodiversity. The proposed public open space and communal open space north of Block E1 and E2 will connect with this buffer zone providing a larger green area to allow the local biodiversity to thrive.</p>

Ensure there is sufficient capacity in the local schools and childcare facilities.

A Childcare Assessment has been carried by McGill Planning (as part of the Population & Human Health Chapter of the EIAR) and which has determined that a childcare facility will not need to be provided within the development. There are 11 existing creche facilities in the wider area plus an additional 7 planned creches which in total will provide 655 additional spaces. 3 of these creches are already under construction including a 90 place creche in the applicant's Cooldown Commons Phase 2 development directly adjoining this development. SDCC (as per its Childcare Provision Study August 2020) also concludes that the combined number of existing, permitted and proposed childcare facilities within the study area is sufficient to cater for current and future demand within the Fortunestown LAP.

In relation to schools, these have been provided in accordance with the Fortunestown LAP and we note the following located in the immediate area:

Primary Schools

1. Citywest Educate Together National School
2. Citywest & Saggart Community National School
3. Scoil Aoife Community National School

Post-Primary Schools

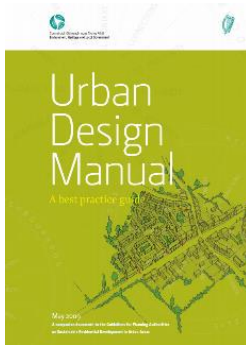
1. St. Aidan's Community School

Further detail on the nearby schools is provided in Chapter 4 of the EIAR submitted with this application.

Evaluation of Consistency

The proposed development, in terms of layout, design, mix and accessibility ensures a highly sustainable, accessible development that will provide an attractive location to live and visit. This is consistent with national guidelines.

Urban Design Manual 2009



The Urban Design Manual is the accompanying document to the Sustainable Residential Development in Urban Areas document which provides policy guidance for the creation of successful neighbourhoods having regard to the 12 point criteria. The proposal complies with the following design criteria:

Design Criteria	Evaluation of Consistency
1. Context – How does the development respond to its surroundings?	
The development seems to have evolved naturally as part of its surroundings.	<p>The proposed development is bounded to the east, north and west by residential developments that are currently under construction. The proposed development has been carefully designed to integrate seamlessly with these developments. The proposed heights of 1 storeys to 13 storeys have been carefully located to complement the adjacent developments but also to properly delineate this central location within the LAP adjacent to the Luas stop and District Centre.</p> <p>The public plaza at the Fortunestown Luas stop provides a natural public place and meeting area for future residents and the wider community.</p>
Appropriate increases in density respect the form of buildings and landscape around the site's edges and the amenity enjoyed by neighbouring users.	<p>Three apartment blocks frame the public plaza and provide a strong sense of enclosure. The proposed public open spaces connect with the public open spaces in the adjoining sites, providing larger and more useable open spaces.</p> <p>The proposed density is achieved through a mix of apartment blocks heights, sizes, and orientations. This provides variety within the development and avoids monotonous lengths of wall.</p> <p>The densities and scale of development within the development respond to the adjoining developments, for instance to the north the development proposes duplex units to create a suitable transition to the town door housing of the planned adjoining scheme.</p>
Form, architecture, and landscaping have been informed by the development's place and time.	The proposed development reflects the development's place and time.

	<p>The development's design is modern and of high-quality that reflects the type of development existing and under construction in the area.</p> <p>The proposed unit mix of one bed, two bed and three bed units reflects the increased number of smaller household sizes.</p> <p>The proposed density reflects the national policies for urban consolidation and compact growth.</p>
<p>The development positively contributes to the character and identity of the neighbourhood.</p>	<p>The proposed development will positively contribute to the neighbourhood connecting the surrounding developments to the Luas stop. The creation of the public plaza at the Luas stop will create a focal point within both the development and the wider area. The layout of the proposed apartment blocks will provide a visual connection between the open spaces and the Luas stop.</p> <p>The public open spaces will provide recreational and amenity spaces for the neighbourhood.</p>
<p>Appropriate responses are made to the nature of specific boundary conditions.</p>	<p>The proposal includes a riparian buffer along the stream which will protect the stream's biodiversity.</p> <p>To the south a new urban edge to the Luas line is proposed which then opens out into the new public plaza where people can congregate.</p>
<p>2. Connections – How well connected is the new development?</p>	
<p>There are attractive routes in and out for pedestrians and cyclists.</p>	<p>All of the proposed accesses into the scheme will provide attractive routes for pedestrians and cyclists.</p> <p>The three vehicular access routes will have footpaths for pedestrians and reduced vehicular speeds will ensure a pleasant experience for pedestrians and cyclists.</p> <p>The proposed pathway west of the apartment blocks D1 and D3 provide an alternative segregated pedestrian and cycle route through the development which is entirely car free.</p> <p>Additional pedestrian/cyclist connection to the planned residential development to the north,</p>

	south and east will be facilitated via the new public park with pedestrian bridge over the stream.
The development is located in or close to a mixed-use centre.	The development is north of the Citywest Shopping Centre which provides a range of shops, services, facilities, and restaurants for the surrounding area. Additional retail and café uses is also proposed as part of the current development.
The development's layout makes it easy for a bus to serve the scheme.	The Citywest Shopping Centre bus stop is located 300m to the southeast and will be significantly expanded in service under the planned Bus Connects. An additional bus route through the development is not considered necessary.
The layout links to existing movement routes and the places people will want to get to.	The proposed layout connects with the existing developments creating a more permeable environment and shorter connections between places.
Appropriate density, dependent on location, helps support efficient public transport.	The proposed density of 124 units per hectare is considered sustainable for this accessible location will support both the existing and future public transport services in the area. The low car parking ratio will help to encourage a modal shift towards increased public transport use.
3. Inclusivity – How easily can people use and access the development?	
New homes meet the aspirations of a range of people and households.	The proposed units mix of one bed, two bed and three bed units will provide for a range of homeowners including individuals, couples, empty nesters, and families. The smaller units will allow more flexibility for housing different household types sizes and increase the affordability of units. The mix of unit types will allow for families and individuals to upgrade or downgrade with the scheme.
Design and layout enable easy access by all.	The proposal has been designed for ease of access throughout the site in accordance with Part M of the building regulations.
There is a range of public, communal and/or private amenity spaces and facilities for children of different ages, parents, and the elderly.	The scheme will provide a variety of open spaces that including public, communal, and private amenity spaces for a range of different ages including children, adults, and the elderly. The open areas will include provisions for active recreation, natural play areas, as well as more intimate and formal landscaped spaces. All of the open spaces are overlooked by the residential units offering great passive surveillance.

<p>Areas defined as public open space that have either been taken in charge or privately managed will be clearly defined, accessible and open to all.</p>	<p>The open spaces will be publicly accessible. Crossings to these spaces will be denoted by a change in the landscaping. All dwellings have ease of access to these areas. It is also easily accessible from the surrounding area. All of the open spaces are easily accessible and are overlooked by the development creating a safe and secure environment.</p>
<p>New buildings present a positive aspect to passers-by, avoiding unnecessary physical and visual barriers.</p>	<p>The layout is designed to maximise visual and physical fluidity throughout the scheme. The apartment blocks have been strategically placed to avoid large visual barriers within the scheme. The public spaces will present a positive aspect to passers-by.</p>
<p>4. Variety – How does the development promote a good mix of activities?</p>	
<p>Activities generated by the development contribute to the quality of life in its locality.</p>	<p>The proposal will provide additional commercial uses in the area including retail and office. There are also significant proportion and distribution of open spaces which interlinks with neighbouring sites open spaces enabling visitors and residents to explore the area within an attractive, considered environment.</p> <p>The proposal will contribute to the housing mix of the area and will increase population creating additional demand for educational, sports and retail services all of which are provided close to the development.</p>
<p>Uses that attract the most people are in the most accessible places</p>	<p>A variety of open spaces are provided throughout the scheme that will include a range of spaces for all age groups child’s play areas, kickabout areas and seating areas. All of these spaces will be easily accessible and well overlooked.</p> <p>The blocks fronting onto the public plaza provide a retail unit, residential amenity space and a café at ground floor level. Extending east from the plaza, block E1 provide further retail units and offices at ground floor level. These will create activity and a strong sense of place at the plaza and throughout the development.</p>
<p>Neighbouring uses and activities are compatible with each other.</p>	<p>The proposed development is compatible with the existing uses and activities in the area. The proposed residential use will complement the existing residential development in the area. It will also support the existing Citywest Shopping Centre, which is also planned to be expanded. The location of the public open space to the east</p>

	provides a visual and physical connection with the public open space on the adjacent site which will benefit the biodiversity of the area, particularly the stream.
Housing types and tenure add to the choice available in the area.	The variety of dwellings provided will further improve the range of unit types available in the area. The proposed scheme will add to the residential mix of the neighbourhood and further improve the availability of a range of unit types to various types of households. Please refer to the Schedule of Accommodation prepared by Reddy Architecture and Urbanism for more details.
Opportunities have been taken to provide shops, facilities and services that complement those already available in the neighbourhood.	The proposed development will provide 3 no. retail units, a residential amenity space and offices within Blocks D4, D3 and E1. These will complement the existing shops and services in Citywest Shopping Centre across the road. The public open spaces will serve both the proposed development and adjacent developments.
5. Efficiency – How does the development make appropriate use of resources, including land?	
The proposal looks at the potential of higher density, taking into account appropriate accessibility by public transport and the objectives of good design.	The proposed development provides a density of 124uph adjacent to the Fortunestown Luas stop.
Landscaped areas are designed to provide amenity and biodiversity, protect buildings and spaces from the elements and incorporate sustainable urban drainage systems.	The stream’s buffer zone and the adjacent open space will create a large green area for the local biodiversity. The open space will also serve as a recreational and amenity space for the general public and the future residents of the scheme.
Buildings, gardens, and public spaces are laid out to exploit the best solar orientation.	<p>The proposed apartment blocks have been laid out to achieve the best solar orientation considering the site constraints. None of the single aspect units are north-facing.</p> <p>A gap between block G1 and F2 allows sunlight into the communal open space for the duplexes. Similarly, the gap between Block E1 and E2 allows sunlight into the public open space.</p> <p>The 13-storey building is carefully located to minimise the overshadowing on the open spaces and other residential units within the development scheme.</p>
The scheme brings a redundant building or derelict site back into productive use.	The site is currently undeveloped and under-utilised. The proposed development will bring the site into use and add to the neighbourhood. The proposal will connect the adjacent

	developments with the Luas stop and the Citywest Shopping Centre.
Appropriate recycling facilities are provided.	Communal recycling facilities will be provided in bin stores.
6. Distinctiveness – How do the proposals create a sense of place?	
The place has recognisable features so that people can describe where they live and form an emotional attachment to the place.	The design of the buildings throughout the scheme are distinct and clearly defines the spaces around the buildings, while the 13 storey landmark building creates a focal point for development at a nodal intersection. There are also a series of open spaces creating a unique sense of place that will shape different character areas within the scheme.
The scheme is a positive addition to the identity of the locality.	The site is currently vacant. The proposal will provide an appropriate scale and quantum of residential development on this key site adjacent to the Fortunestown Luas stop and the Citywest Shopping Centre.
The layout makes the most of the opportunities presented by existing buildings, landform, and ecological features to create a memorable layout.	The proposed layout adapts to the site boundaries while also taking into account existing neighbouring properties. All the proposed open spaces and plazas are overlooked providing passive surveillance around the entire site.
The proposal successfully exploits views into and out of the site.	As can be seen from the contiguous elevations and the proposed plans submitted the views have been carefully considered in order to enhance the area and it is sensitive to the character of the surrounding area.
There is a discernible focal point to the scheme, or the proposals reinforce the role of an existing centre.	The public plaza north of the Fortunestown Luas stop will provide a clear focal point within both the scheme and the wider area. The 13-storey landmark building and retail units add to the sense of place that this creates.
7. Layout – How does the proposal create people friendly streets and spaces?	
Layout aligns routes with desire lines to create a permeable interconnected series of routes that are easy and logical to navigate around.	Pedestrian permeability is a key design outcome for the scheme. All cycle and pedestrian paths have been designed to follow anticipated desire lines.
The layout focuses activity on the streets by creating frontages with front doors directly serving the street.	The retail units, offices, and residential amenity space will provide active frontage to the proposed plaza area, the public open space, and the street alongside the Luas track. The ground floor accesses into the apartment blocks will also provide active frontage.
The streets are designed as places instead of roads for cars, helping to create a hierarchy of	The streets have been carefully designed to create places and not simply roads designed for cars. In addition, the street through the scheme

<p>space with less busy routes having surfaces shared by pedestrians, cyclists, and drivers.</p>	<p>has been carefully located to only allow vehicular access where it is required. Meanwhile, the scheme has been designed to ensure easy access for pedestrians throughout the entire scheme.</p> <p>The active frontage from the retail units and the Luas stop will provide activity in the space and create a sense of place.</p> <p>The majority of car parking is in the basement resulting in a predominantly car free development, with large areas of public spaces free from cars.</p> <p>The other routes have been carefully designed to ensure that space is provided for all road users.</p>
<p>Traffic speeds are controlled by design and layout rather than by speed humps.</p>	<p>The scheme has been designed in line with DMURS and ensures that the development is not dominated by cars but instead is a well landscaped pleasant environment. Please see the Statement of Consistency with DMURS prepared by DBFL Consulting Engineers for further detail.</p>
<p>Block layout places some public spaces in front of building lines as squares or greens, and some semi-private space to the back as communal court.</p>	<p>The open space strategy for the scheme creates multiple open space areas of varying uses and sizes. This can be seen in the landscaping masterplan prepared by Murray and Associates.</p>
<p>8. Public Realm – How safe, secure, and enjoyable are the public areas?</p>	
<p>All public open space is overlooked by surrounding homes so that this amenity is owned by the residents and safe to use.</p>	<p>All open and landscaped spaces are overlooked and surveyed by the residential units surrounding them.</p>
<p>The public realm is considered as a usable integrated element in the design of the development.</p>	<p>Public realm is integrated into the design of the development and forms part of the wider network of usable public spaces in the wider area.</p>
<p>Children’s play areas are sited where they will be overlooked, safe and contribute to the amenities of the neighbourhood.</p>	<p>Children’s play areas will be located within the communal and public open spaces, all of which are overlooked by the apartment blocks.</p>
<p>There is a clear definition between public, semi-private, and private space.</p>	<p>Private open space is provided by balconies/terraces. Communal open spaces for residents are provided in front of the proposed apartment blocks. Public open space is provided at the plaza, to the north east of the site, through the centre park area in the site and by the riparian buffer zone. Hard and soft landscaping will be used to distinguish between these areas.</p>

Roads and parking areas are considered as an integral landscaped element in the design of the public realm.	<p>The roads and parking have been designed carefully to avoid a car dominated scheme. As such, the roads have been treated as streets that will provide activity and linkages for all users, not just cars.</p> <p>The provision of the basement car parking has allowed the provision of a high-quality landscaping scheme throughout the entire development.</p> <p>The surface car parking has been located alongside the streets to avoid the appearance of large car park.</p>
9. Adaptability – How will the buildings cope with change?	
Designs exploit good practice lessons, such as the knowledge that certain house types are proven to be ideal for adaptation.	The apartment buildings have lifts so the apartments can be adapted for all times of life.
The homes are energy-efficient and equipped for challenges anticipates from a changing climate.	Yes, design practices and proposed materials will mitigate against the effects of climate change.
Homes can be extended without ruining the character of the types, layout, and outdoor space.	N/A
The structure of the home and its loose fit design allows for adaptation and subdivision, such as the creation of an annex or small office.	The apartments can be altered internally.
Space in the roof or garage can be easily converted into living accommodation.	N/A
10. Privacy and Amenity – How does the scheme provide a decent standard of amenity?	
Each home has access to an area of useable private outdoor space.	Yes, each unit has its own private open space in accordance with the minimum residential standard.
The design maximises the number of homes enjoying dual aspect.	59% of the residential units (including the duplexes) are dual aspect, in excess of the 50% minimum requirement.
Homes are designed to prevent sound transmission by appropriate acoustic insulation or layout.	All units will be designed to prevent sound transmission in accordance with building regulations.
Windows are sited to avoid views into the home from other houses or the street and adequate privacy is affordable to ground floor units.	Adequate separation distance between opposing windows is achieved and overlooking is not considered an issue.
The homes are designed to provide adequate storage including space within the home for the sorting and storage of recyclables.	All units are designed in accordance with national design standards on storage areas.
11. Parking – How will the parking be secure and attractive?	
Appropriate car parking is on-street or within easy reach of the home's front door.	63% of the car parking spaces are provided at basement level and 37% are provided at surface level.

	<p>The basement parking provides parking spaces for apartment blocks D1, D2 and D3 which all have direct access into the basement.</p> <p>The surface level car parking is provided as on-street parking within a short distance of the entrances to apartment blocks E1 and E2 and the blocks of duplex units (blocks F1, F2, and G1). All of these on street parking spaces are overlooked.</p>
Parked cars are overlooked by houses, pedestrians, and traffic, or stored securely, with a choice of parking appropriate to the situation.	All of the on-street car parking are carefully designed and overlooked by the apartments and duplexes.
Parking is provided communally to maximise efficiency and accommodate visitors without the need to provide additional dedicated spaces.	The basement parking and on-street parking are all provided communally to maximise efficiency.
Materials used for parking areas are of similar quality to the rest of the development.	Yes, the highest quality materials will be used throughout the scheme.
Adequate secure facilities are provided for bicycle storage.	Bicycles are stored in locations close to the apartments in a secure, sheltered, and lockable location.
12. Detailed Design – How well though through is the building and landscape design?	
The materials and external design make a positive contribution to the locality.	The proposed development uses a controlled palette of high-quality materials that are detailed within architecture drawings and in the Design Statement.
The landscape design facilitates the use of the public spaces from the outset.	A network of different types of open spaces are provided within the scheme that will provide a range of opportunities for future users.
Design of the buildings and public space will facilitate easy and regular maintenance.	This can be achieved and will be provided by the estate management company.
Open car parking areas are considered as an integral element within the public realm design and are treated accordingly.	The on-street car parking has been carefully considered and integrate into the design of the development.
Care has been taken over the siting of flues, vents, and bin stores.	Bin stores are located discretely around the site. The vents have been carefully designed and located to integrate into the landscaping scheme without impinging on the movement of people through the spaces.

Evaluation of Consistency

Based on the above, it is considered that the proposed development is in accordance with the Urban Design Manual.

Quality Housing for Sustainable Communities



The Department’s policy statement Delivering Homes, Sustaining Communities, Guidance provides the overarching policy framework for an integrated approach to housing and planning. Sustainable neighbourhoods are areas where an efficient use of land, high quality design, and effective integration in the provision of physical and social infrastructure combine to create places people want to live in. The policy statement is accompanied by Best Practice Guidelines that promotes quality sustainable residential development in urban areas having regard to the following:

- promote high standards in the design and construction and in the provision of residential amenity and services in new housing schemes;
- encourage best use of building land and optimal of services and infrastructure in the provision of new housing;
- point the way to cost effective options for housing design that go beyond minimum codes and standards;
- promote higher standards of environmental performance and durability in housing construction;
- seek to ensure that residents of new housing schemes enjoy the benefits of first-rate living conditions in a healthy, accessible, and visually attractive environment; and
- provide homes and communities that may be easily managed and maintained.

The following criteria indicate the 7 no. essential requirements new residential developments should have regard to when carrying out development

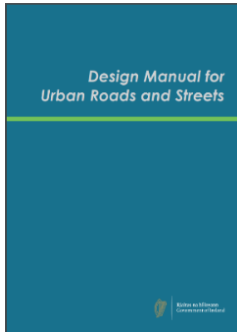
	Evaluation of consistency
Socially & Environmentally Appropriate “The type of accommodation, support services and amenities provided should be appropriate to the needs of the people to be accommodated. The mix of dwelling type, size and tenure should support sound social, environmental and economic sustainability policy objectives for the area and promote the development of appropriately integrated play and recreation spaces.”	The scheme will provide a variety mix of units from 1, 2- and 3-bedroom apartments. This will cater to the needs of a wide range of family sizes and types. The proposal seeks to integrate usable open spaces distributed throughout a number of character areas. All communal open spaces will be overlooked by adjoining dwellings.
Architecturally Appropriate “The scheme should provide a pleasant living environment, which is aesthetically pleasing and human in scale. The scheme design solution should understand and respond appropriately to its context so that the development will enhance the neighbourhood and respect its cultural heritage.”	The design and layout of the scheme creates a liveable and visually pleasing residential environment. The design is mindful of the site context and will integrate with the adjacent developments.
Accessible & Adaptable	The design approach routes, entrances and accommodation within the proposed units

<p>“There should be ease of access and circulation for all residents, including people with impaired mobility, enabling them to move as freely as possible within and through the development, to gain access to buildings and to use the services and amenities provided. Dwellings should be capable of adaptation to meet changing needs of residents during the course of their lifetime.”</p>	<p>incorporate the provisions of <i>Building Regulations Part M access and use 2010</i>.</p>
<p>Safe, Secure & Healthy “The scheme should be a safe and healthy place in which to live. It should be possible for pedestrians and cyclists to move within and through the area with reasonable ease and in safety. Provision for vehicular circulation, including access for service vehicles, should not compromise these objectives.”</p>	<p>The proposed development has been designed to ensure a safe environment for pedestrians and cyclists. The streets have been designed to reduce vehicular speed limits with footpaths provided along all streets. In addition, routes through the public open spaces provide alternative routes for pedestrians and cyclists.</p>
<p>Affordable “The scheme should be capable of being built, managed and maintained at reasonable cost, having regard to the nature of the development.”</p>	<p>The scheme will have high quality materials and landscaping throughout, ensuring that it has longevity in terms of appearance and ease of maintenance.</p>
<p>Durable “The best available construction techniques should be used, and key elements of construction should have a service life in the order of sixty years without the need for abnormal repair or replacement works.</p>	<p>The scheme proposes to use the best available materials and construction techniques in order to minimise the level of refurbishment over the lifetime of the scheme.</p>
<p>Resource Efficient “Efficient use should be made of land, infrastructure and energy. The location should be convenient to transport, services, and amenities. Design and orientation of dwellings should take account of site topography so as to control negative wind effects and minimise the benefits of sunlight, daylight and solar gain; optimum use should be made of renewable sources of energy, the use of scarce natural resources in the construction, maintenance and management of the dwellings should be minimised.”</p>	<p>The scheme is considered to accord with the sustainable development principles.</p>

Evaluation of Consistency

It is considered that the proposed development is in accordance with the above policies and criteria.

Design Manual for Urban Roads and Streets 2019



The Design Manual for Urban Roads and Streets (DMURS) was first published in 2013 and an updated version was released in May 2019. It sets out design guidance and standards for constructing new and reconfiguring existing urban roads and streets in Ireland. It also outlines practical design measures to encourage more sustainable travel patterns in urban areas. DMURS outlines 4 design principles for new developments, which are addressed in the table below:

Design Manual for Urban Roads and Streets	
Design Principle 1	Connected Networks
“To support the creation of integrated street networks which promote higher levels of permeability and legibility for all users, and in particular more sustainable forms of transport.”	<p>The proposed layout and design ensure a permeable and legible development for all users.</p> <p>The internal road and street layout combined with the proposed walkways through the open spaces ensures a permeable and legible layout for all users.</p>
Design Principle 2	Multi-Functional Streets
“The promotion of multi-functional, place-based streets that balance the needs of all users within a self-regulating environment.”	<p>The layout ensures that all open spaces and routes are overlooked providing a strong sense of safety and creating a self-regulating environment.</p>
Design Principle 3	Pedestrian Priority
“The quality of the street is measured by the quality of the pedestrian environment.”	<p>Pedestrian priority is of the utmost importance. The passive surveillance provided by the overlooking apartments and duplexes creates a strong sense of safety for pedestrians. Vehicular speeds through the development will be reduced to create a safe environment for pedestrians.</p> <p>The road along the southern boundary will separate the public plaza from the Luas station. However, this road is designed to create an environment in which pedestrians have priority. This will be achieved by reducing vehicular speeds and using different materials to distinguish the plaza area from the adjoining roads.</p>
Design Principle 4	Multi-Disciplinary Approach
“Greater communication and cooperation between design professionals through the promotion of a plan-led,	<p>The proposed design results from a multi-disciplinary plan-led approach through the co-operation of architects, engineers, ecologists, and planners.</p>

multidisciplinary approach to design.”

Evaluation of Consistency

A DMURS Design Statement prepared by DBFL Consulting Engineers, is included with the planning application. The proposed development achieves the appropriate balance between the functional requirements of different network users whilst enhancing the sense of place. Permeability for pedestrians and cyclists is prioritised throughout the scheme with pathways through the public open spaces.

Guidelines for Planning Authorities on Childcare Facilities

Childcare Facilities
Guidelines for Planning Authorities

June 2011

These guidelines state that developments should facilitate the provision of childcare facilities with the standard minimum provision of one childcare facility with 20 places for each 75 dwellings.

The 2001 Guidelines have since been updated by Section 4.7 of the *Sustainable Urban Housing Design Guidelines for New Apartments*, 2018 which states the following:

*“Notwithstanding the Planning Guidelines for Childcare Facilities (2001), in respect of which a review is to be progressed, and which recommend the provision of one child-care facility (equivalent to a minimum of 20 child places) for every 75 dwelling units, the threshold for provision of any such facilities in apartment schemes should be established having regard to the scale and unit mix of the proposed development and the existing geographical distribution of childcare facilities and the emerging demographic profile of the area. **One-bedroom or studio type units should not generally be considered to contribute to a requirement for any childcare provision and subject to location, this may also apply in part or whole, to units with two or more bedrooms.**”*

Evaluation of Consistency

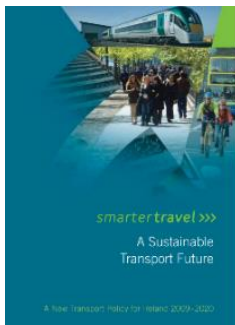
Applying the 2001 guidelines to the proposed development would suggest that a childcare facility with c. 79 childcare spaces would be required to serve the proposed development (295 no. units/75*20 spaces). However, this is unsophisticated method is now considered too crude and, as noted by the guidelines, regard should be had to the existing demographic distribution of childcare facilities and the emerging demographic profile of the area.

A Childcare Assessment carried out by McGill Planning as part of the EIAR provides a detailed analysis of childcare supply and demand in the area, inclusive of the proposed development.

There are 11 existing creche facilities in the wider area plus an additional 7 planned creches which in total will provide 655 additional spaces. 3 of these creches are already under construction including a 90 place creche in the applicant's Cooldown Commons Phase 2 development directly adjoining this development. SDCC (as per its Childcare Provision Study August 2020) also concludes that the combined number of existing, permitted and proposed childcare facilities within the study area is sufficient to cater for current and future demand within the Fortunestown LAP.

As a result, it is considered that there is sufficient existing/planned childcare provision in the vicinity and that a childcare facility will not be required as part of the proposed development.

Smarter Travel – A New Transport Policy for Ireland 2009-2020



The Irish Government published *Smarter Travel – A New Transport Policy for Ireland* in 2009 in acknowledgment that the transport trends throughout the country are unsustainable. This national policy document was designed to demonstrate how unsustainable transport and travel patterns can be reversed.

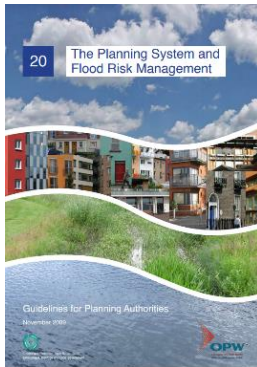
Key targets of this national sustainable transport policy include:

- To support sustainable travel, future population and employment growth will have to predominantly take place in sustainable compact urban areas or rural areas, which discourage dispersed development and long commuting
- Work-related commuting by car will be reduced from a current modal share of 65% to 45%, which will mean that between 500,000 and 600,000 commuters will be encouraged to take means of transport other than car driver (of these 200,000 would be existing car drivers). Change in personal behaviour will also be necessary for other travel purposes as most travel relates to non-commuting.
- Car drivers will be accommodated on other modes such as walking, cycling, public transport, and car sharing (to the extent that commuting by these modes will rise to 55% by 2020) or through other measures such as e-working.
- The total kilometres travelled by the car fleet in 2020 will not increase significantly from current total car kilometres.

Evaluation of Consistency

The proposed development is in line with the overall vision for better integration between land-use and transport. The proposed scheme places a high-density residential scheme along a high frequency public transport corridor. Thereby, encouraging the residents of the scheme to use alternate means of transportation by disincentivising private car usage.

The Planning System and Flood Risk Management 2009



These guidelines require the planning system to avoid development in areas at risk of flooding, particularly floodplains, unless there are proven wider sustainability grounds that justify appropriate development and where the flood risk can be reduced or managed to an acceptable level without increasing flood risk elsewhere.

The Guidelines adopt a sequential approach to flood risk management when assessing the location for new development based on avoidance, reduction, and mitigation of flood risk; and incorporate flood risk assessment into the process of making decisions on planning applications and planning appeals.

Evaluation of Consistency

A Site Specific Flood Risk Assessment was carried out by DBFL consulting engineers and has been submitted with this application. This assessment concludes that *the development meets the requirements of the FRA Guidelines and that the proposed development is appropriate to this flood zoning and a justification test is not required.* The proposed development is within flood zone C and is not considered to be at risk of fluvial or coastal flooding.

Climate Action Plan 2019



The Department of Communications, Climate Action and Environment published the Climate Action Plan 2019, which aims to *make Ireland a leader in responding to climate disruption.* This Action Plan acknowledges the impact of climate change and that *the window of opportunity to act is fast closing* and that *decarbonisation is now a must if the world is to contain the damage and build resilience in the face of such a profound challenge.*

The Action Plan includes the following objectives:

- Increase reliance on renewables from 30% to 70% adding 12GW of renewable energy capacity
- Increase attention to Energy and Carbon ratings in all aspects of managing property assets.
- Make growth less transport intensive through better planning, remote and home-working and modal shift to public transport.
- A target of 55% renewable power and at least 500,000 electric vehicles on the road by 2030.
- Reduced travel distances and greater proximity to employment and services, which will enable a greater proportion of journeys by bike or on foot (zero emissions)
- Greater urban density, which when combined with the point above, will ensure more viable public transport (less emissions per person than by individual vehicle)

- Greater sustainable mode share, which will enable cities and towns to densify, as development will not be dependent on road capacity nor car parking requirements, and less land will be required for the latter
- Closer proximity of multi-storey and terraced buildings, which will require less energy and make renewables-based systems of energy distribution such as district heating, or area-wide technology upgrades, more feasible

The Action Plan notes that the built environment accounted for 12.7% of Ireland’s greenhouse gas emissions in 2017 and it is therefore important that *we improve the energy efficiency of our buildings*. Ireland’s dispersed settlement pattern and low population density are identified as challenges specific to Ireland that need to be addressed reduce transport emissions. Actions to address spatial planning and urban form of development are required to aid the transition to a low carbon and climate resilient society.

Evaluation of Consistency

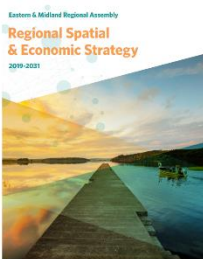
The proposed development will address Ireland’s dispersed settlement pattern and low population density by providing a residential density of 124uph at this highly accessible location. The proximity of the development to the Luas stop and the highly permeable layout will encourage increased usage of the Luas line and promote a modal shift away from car dependency.

Regional Policy

The subject site is located within Citywest, Dublin 24 which is covered by

- Regional Spatial and Economic Strategy 2019-2031
- Transport Strategy for the Greater Dublin Area 2016-2035

Regional Spatial and Economic Strategy 2019-2031



Under the Local Government Reform Act 2014 the Regional Planning Framework has been revised with the previous Regional Authorities/Assemblies (ten in total) now replaced with three Regional Assemblies. The Regional Authorities for the Greater Dublin Area – The Dublin Region and the Mid-East Region - have been replaced by the Eastern and Midland Regional Assembly. The region covers nine counties, Longford, Westmeath, Offaly, Laois, Louth, Meath, Kildare, Wicklow, and Dublin.

The Regional Spatial and Economic Strategy for the Eastern and Midland Region (RSES) was adopted in 2019 and is a strategic plan and investment framework to shape the future development of this region to 2031. The RSES will support the implementation of Project Ireland 2040 – the National Planning Framework (NPF) and National Development Plan (NDP). It addresses employment, retail, housing, transport, water services, energy and communications, waste management, education, health, sports and community facilities, environment and heritage, landscape, sustainable development, and climate change.

The vision for the region is to *“create a sustainable and competitive Region that supports the health and wellbeing of our people and places, from urban to rural, with access to quality housing, travel and*

employment opportunities for all.” The three key principles are Healthy Placemaking, Climate Action and Economic Opportunity.

The RSES sets out 16 Regional Spatial Objectives and the most relevant to this site are:

- **Sustainable Settlement Patterns** Better manage the sustainable and compact growth of Dublin as a city of international scale and develop Athlone, Dundalk, Drogheda, and a number of key complementary growth settlements of sufficient scale to be drivers of regional growth. (NSO 1, 7, 10)
- **Compact Growth and Urban Regeneration** Promote the regeneration of our cities, towns, and villages by making better use of under-used land and buildings within the existing built-up urban footprint and to drive the delivery of quality housing and employment choice for the Region’s citizens. (NSO 1)
- **Integrated Transport and Land Use** Promote best use of Transport Infrastructure, existing and planned, and promote sustainable and active modes of travel to ensure the proper integration of transportation and land use planning. (NSO 2, 6, 8,9)
- **Support the Transition to Low Carbon and Clean Energy** Pursue climate mitigation in line with global and national targets and harness the potential for a more distributed renewables-focussed energy system to support the transition to a low carbon economy by 2050. (NSO 8, 9)

The subject site is located within the Dublin Metropolitan Area. Section 5.3 sets out the guiding principles for the growth of the Dublin Metropolitan Area.

- **Integrated transport and land use** – Target growth along high quality public transport corridors and nodes linked to the delivery of key public transport projects including Bus Connects, DART expansion and Luas extension programmes and the Metro Link, along with better integration between networks.
- **Accelerate housing delivery**– Activate strategic residential development areas and support the steady supply of sites to accelerate housing supply and the adoption of performance-based standards to achieve higher densities in the urban built up areas, supported by better services and public transport.
- **Co-ordination and active land management** - enhanced co-ordination across Local Authorities and relevant agencies to promote more active urban development and land management policies that focus on the development of underutilised, brownfield, vacant and public lands.

Section 5.4 identifies the Metropolitan Area strategy and development corridors. This includes the South West corridor which has been identified as strategic development corridor for the DART expansion and LUAS red line supported by additional bus connections.

The RSES includes Regional Policy Objectives relating to the Dublin Metropolitan Area. RPO 5.3, RPO 5.4 and RPO 5.5 support active transport modes, increased densities, and the consolidation of Dublin city and suburbs.

RSES along with the NTA and Local Authorities have developed Guiding Principles for Integration of Land Use and Transport in the region. They include the following:

- For urban-generated development, the development of lands within or contiguous with existing urban areas should be prioritised over development in less accessible locations. Residential development should be carried out sequentially, whereby lands which are, or will be, most accessible by walking, cycling and public transport – including infill and brownfield sites – are prioritised.
- Planning at the local level should prioritise walking, cycling and public transport by maximising the number of people living within walking and cycling distance of their neighbourhood or district centres, public transport services, and other services at the local level such as schools.
- Support the '10 minute' settlement concept, whereby a range of community facilities and services are accessible in short walking and cycling timeframes from homes or accessible by high quality public transport to these services in larger settlements.
- Cycle parking should be appropriately designed into the urban realm and new developments at an early stage to ensure that adequate cycle parking facilities are provided.
- Support investment in infrastructure and behavioural change interventions to encourage and support a shift to sustainable modes of transport and support the use of design solutions and innovative approaches to reduce car dependency.

Evaluation of Consistency

The proposed development will help to achieve RSES's aims and objectives. The proposed development will provide a high-density residential development in the Citywest area. Although the site is undeveloped, it has the benefit of an existing planning permission on the site, it is also surrounded by new residential developments in varying stages of construction. The site is therefore considered appropriate for development to help with the consolidation of the area and to avoid sprawl further west.

The scheme will help to encourage a modal shift away from private car usage to more sustainable travel. The creation of a public plaza adjacent to the Luas stop will highlight the Luas as an easy and viable transport option. The creation of multiple attractive pedestrian and cycle routes through the development will promote walking and cycling as viable transport options for both the future residents of the scheme and the wider neighbourhood. The close proximity of the Citywest Shopping Centre, Business Parks and proposed neighbourhood parks will provide local destinations that residents will further encourage people to choose walking/cycling over cars. These existing destinations in the area combined with the proposed permeability of the scheme will support the '10 minute settlement' concept promoted by RSES.

The proposal is considered in line with the RSES's aims and objectives, in particular RPO 5.3, 5.4 and 5.5.

Transport Strategy for the Greater Dublin Area 2016-2035



The Transport Strategy for the Greater Dublin Area promotes the consolidation of the Metropolitan Dublin area allowing for the accommodation of a greater population than at present, with much-enhanced public transport system, with the expansion of the built-up areas providing for well-designed urban environments linked to high quality public transport networks, enhancing the quality of life for residents and workers alike.

The strategy's primary policy notes that *Ireland is required to radically reduce dependence on carbon-emitting fuels in the transport sector* and that the strategy must promote, within its legislative remit, transport options which provide for unit reductions in carbon emissions. This can most effectively be done by promoting public transport, walking, and cycling, and by actively seeking to reduce car use in circumstances where alternative options are available.

Section 7 states that *"the implementation of the Strategy will facilitate a more efficient use of land within the GDA. By focussing public transport investment, and investment in the cycling and pedestrian network, into the city centre, major suburban centres and hinterland growth towns, the Strategy will complement national, regional, and local planning policy by promoting and enabling the consolidation of development into higher order centres... In terms of the provision of housing, the Strategy will directly enable the sustainable development of strategically important residential sites, particularly in Metropolitan Dublin, where demand is highest."*

Evaluation of Consistency

The proposed development is located within Corridor D – Newbridge – Naas – Clondalkin – North Tallaght – to Dublin City Centre. The strategy notes that 77% of all trips are done by car and only 8% of trips are by public transport. In addition, this corridor is the *busiest radial route into and out of Dublin and connects the capital with the regional cities of Limerick, Cork, and Waterford.*

The proximity of the subject site to the Luas stop will help to encourage a modal shift away from car usage. The permeability of the site and the provision of safe pathways will encourage walking and cycling as viable transport options.

Local Policy

The subject site is within the administrative boundary of South Dublin County Council and as such is covered by the South Dublin County Council Development Plan 2016-2022.

South Dublin County Council Development Plan 2016-2022

The South Dublin County Development Plan 2016-2022 (hereafter Development Plan) sets out South Dublin County Council's objectives for the future development of the area.

Zoning

The subject site is zoned RES-N (residential) with the objective *to provide for new residential communities in accordance with approved area plans.*

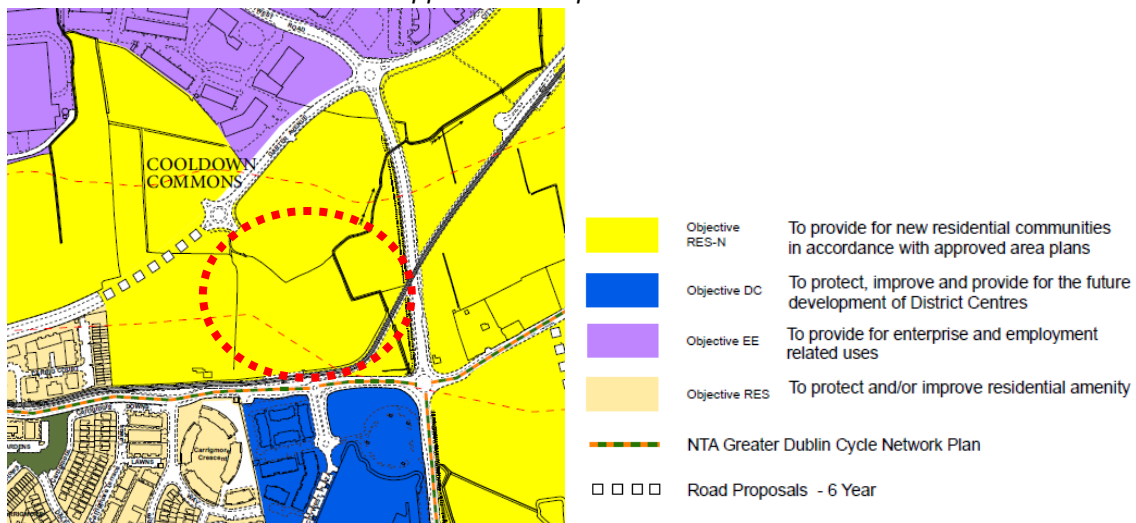


Figure 36 Extract from Development Plan Map 8. Site Outlined in red dashed line

RES-N Zoning	
Permitted in Principle	Childcare Facilities, Community Centre, Cultural Use, Doctor/Dentist, Education, Enterprise Centre, Funeral Home, Garden Centre, Guest House, Health Centre, Housing for Older People, Industry-Light, Nursing Home, Offices less than 100 sq.m, Open Space, Primary Health Care Centre, Public House, Public Services, Recreational Facility, Recycling Facility, Residential Institution, Residential, Restaurant/Café , Retirement Home, Shop-Local, Shop-Neighbourhood , Sports Club/Facility, Stadium, Traveller Accommodation, Veterinary Surgery.
Open for Consideration	Advertisements and Advertising Structures, Agriculture, Allotments, Bed & Breakfast, Betting Office, Camp Site, Car Park, Caravan Park-Residential, Cemetery, Crematorium, Embassy, Fuel Depot, Home Based Economic Activities, Hotel/Hostel, Industry-General, Live-Work Units, Motor Sales, Nightclub, Office-Based Industry, Offices 100 sq.m - 1,000 sq.m , Off-Licence, Petrol Station, Place of Worship, Refuse Transfer Station, Science and Technology Based Enterprise, Social Club, Wholesale Outlet.

Evaluation of Consistency

The proposed development will provide 421 no. residential units which is in accordance with the land use zoning. The provision of retail units, café and offices is also in accordance with the land-use zoning.

Settlement Strategy and Housing

The Development Plan's settlement strategy was developed in accordance with the Regional Planning Guidelines 2010-2022. As such, the Development Plan noted that Saggart/Citywest *is not listed as a Moderate Sustainable Growth Town in the RPG (Regional Planning Guidelines) but its population exceeds the RPG defined population threshold for a 'Small Town'*. As a result, the Development Plan identified the area as an Emerging Moderate Sustainable Growth Town within the Settlement Hierarchy.

Following the publication of the Regional Spatial and Economic Strategy 2019-2031, South Dublin County Council adopted Variation No. 4 of the Development Plan. This variation included the identification of Saggart/Citywest as a Self-Sustaining Growth Town. In relation to this designation, the variation states the following:

The population taken in conjunction with the extent of economic activity, the quality of public transport provision, the designation of Citywest Shopping Centre as a Level 3 Retail Centre in the Retail Strategy for the Greater Dublin Area 2008-2016 and future growth potential, align strongly with the definition of a Self-Sustaining Growth Town in the RSES.

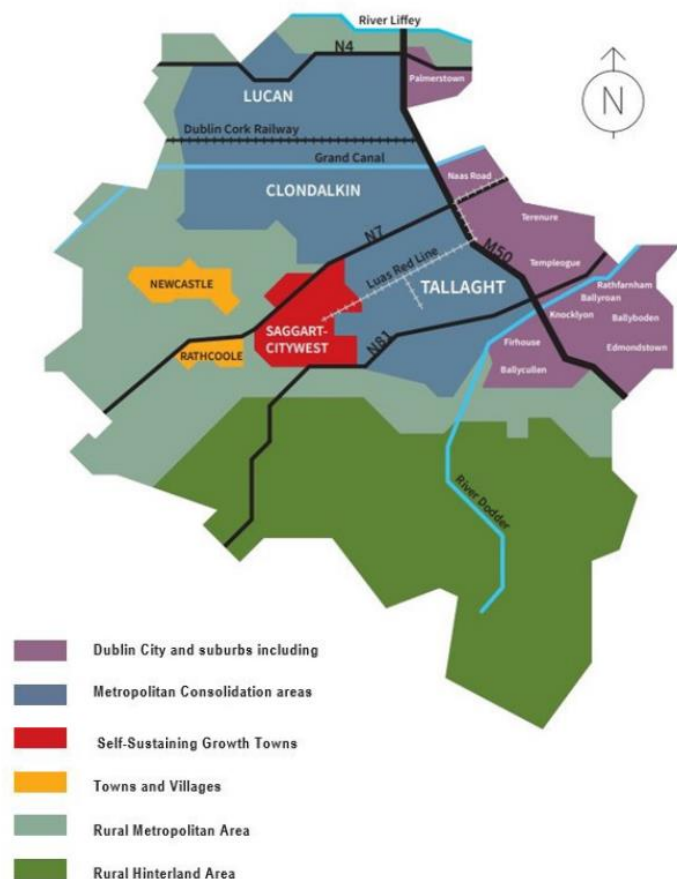


Figure 37 Development Plan Figure 1.1, as per Variation No. 4.

Citywest is also identified as a District Centre within the Urban Hierarchy. These are secondary urban centres that serve the environs of the Metropolitan Consolidation Towns of Tallaght, Clondalkin and Lucan and the Consolidation Area within the Gateway associated with Dublin City. They are generally

purpose built shopping centres and their role is to provide a district focal point for the community. Citywest Shopping Centre, located south of the subject site, is identified in the land use zoning map as the district centre.

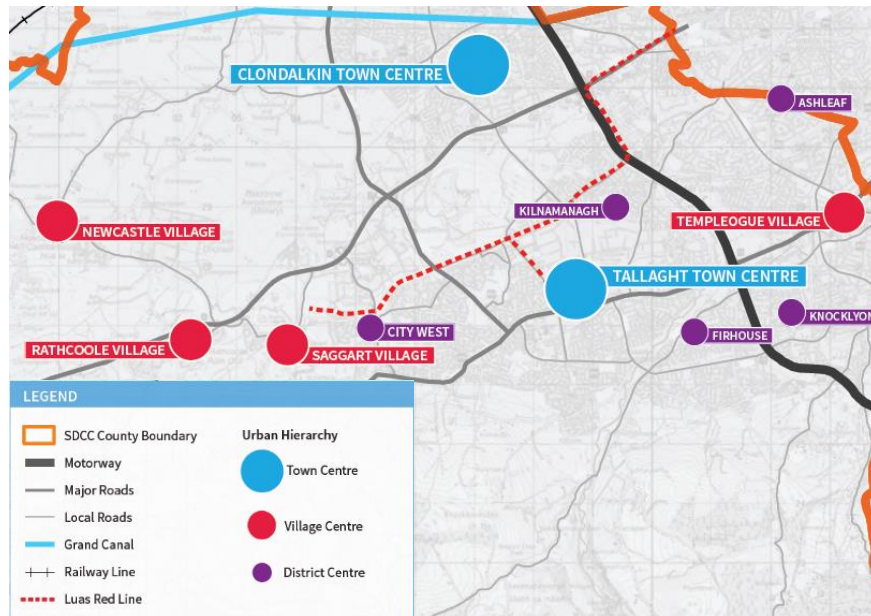


Figure 38 Extract from Figure 5.2: Urban Hierarchy

Variation No. 4 notes that, as of September 2019, 2,804 no. units have been delivered in South Dublin since the adoption of the Development Plan and there is therefore sufficient capacity for further growth over the remaining lifecycle of the plan period. The subject site is identified in Map 1.3 of the Development Plan as one of the sites within the county that has capacity for additional residential development.

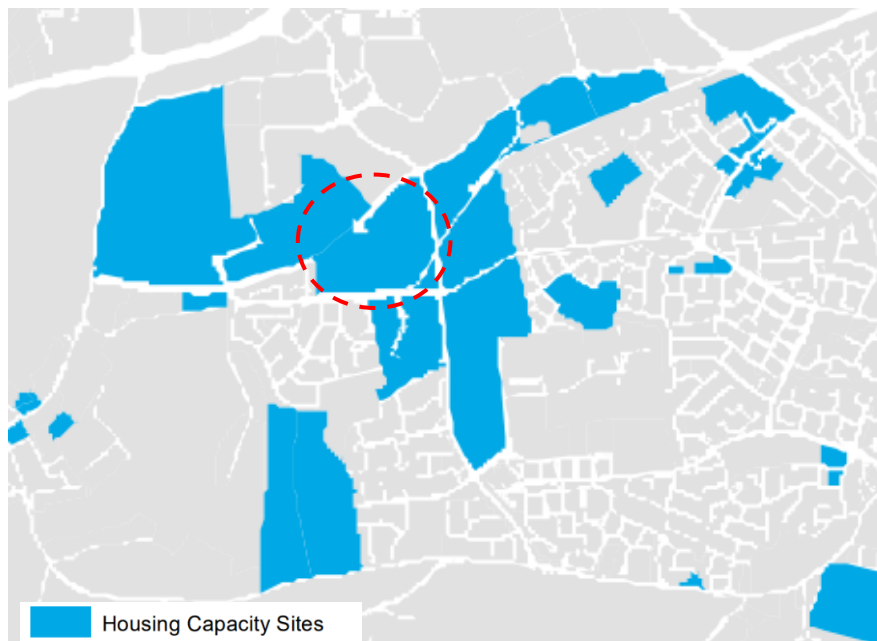


Figure 39 Extract from Map 1.3 Capacity Sites from Development Plan. Site location outlined in red dashed line

Chapter 2 outlines the aims and objectives for housing in the county. It notes that as South Dublin is a predominantly urban county, *new housing will be delivered in established areas through sustainable intensification, infill development and the re-use of brownfield lands while respecting the amenity value of existing public open spaces*. It also notes that new housing will take into account the *housing needs of the County's population and in particular changing demographic factors such as the decline in average household size and the increasing number of people aged over 65*.

This chapter includes policies and objectives in relation to housing supply, residential densities, creating sustainable neighbourhoods, residential building height, unit mix, and the quality of residential development.

Evaluation of Consistency

The proposal will provide a high density residential development on a site identified for housing in Citywest. The proposal will contribute to the further development of Citywest/Saggart as sustainable town within the county. The increased population will add to the existing population, supporting existing shops, facilities, and public transport routes, and allowing these existing facilities to grow and expand.

Unless otherwise stated, the proposal is in considered in line with the Development's policies and objectives for housing.

Retail

The Development Plan provides a five-tier retail hierarchy which identifies Citywest Shopping Centre as Level 3 and Saggart Village Centre as a Level 4. The hierarchy of these locations form the basis for retail development in the County during the period 2016-2022.

Evaluation of Consistency

The proposed development includes three small retail facilities. These will provide small scale convenience retail services for the residents of both the proposed development and the adjacent developments located north of the Luas line.

Parking

Section 11.4.1 sets out the *minimum* bicycle parking standards. Bicycle parking is divided into two categories – long term and short stay.

Category	Land-Use	Long Term	Short Stay
Accommodation	Residential Apartment	1 per 5 apartments	1 per 10 apartments
Retail	Café/Restaurant	1 per 5 staff	1 per 10 seats
	Retail Convenience	1 per 5 staff	1 per 50 sqm GFA
	Retail Comparison	1 per 5 staff	1 per 50 sqm GFA
Enterprise and employment	Offices	1 per 200 sqm GFA	1 per 200 sqm GFA

Table 8 Minimum Bicycle Parking Standards set out in SDCC Development Plan

Section 11.4.2 sets out the *maximum* car parking standards. These standards are divided into residential and non-residential, and into two zones.

Category	Land-Use	Zone 1	Zone 2
Retail	Café/Restaurant	1 per 15 sqm GFA	1 per 20 sqm GFA
	Retail Convenience	1 per 15 sqm GFA	1 per 25 sqm GFA
	Retail Comparison	1 per 25 sqm GFA	1 per 35 sqm GFA
Enterprise and employment	Offices	1 per 50 sqm GFA	1 per 75 sqm GFA

Table 9 Maximum Car Parking Standards for retail and cafe/restaurants

Dwelling Type	No. of Bedrooms	Zone 1	Zone 2
Apartment/Duplex	1 Bed	1 space	0.75 space
	2 Bed	1.25 space	1 space
	3+ Bed	1.5 space	1.25 space

Table 10 Maximum car parking standards for apartments/duplexes

The Development Plan requires all developments to *provide facilities for the charging of battery-operated cars at a rate of up to 10% of the total parking spaces.*

Evaluation of Consistency

The proposed development provides 650 no. cycle parking spaces which exceeds the Development Plan standards.

The proposed development provides 286 no. car parking spaces. This equates to 0.66 no. spaces per residential unit which is below the maximum standards set out in the Development Plan but are in accordance with national guidelines. 11 no. spaces are allocated for the retail/luas area and visitors, which is again below the maximum standards. However, given the highly accessible nature of the site, beside a luas line and multiple bus routes this proposed quantum of car parking is considered to be acceptable.

10% of the car parking spaces will be designated for electric vehicles. Ducting will be provided to all car parking spaces to ensure future charging points can be accommodated.

Aerodromes and Airport

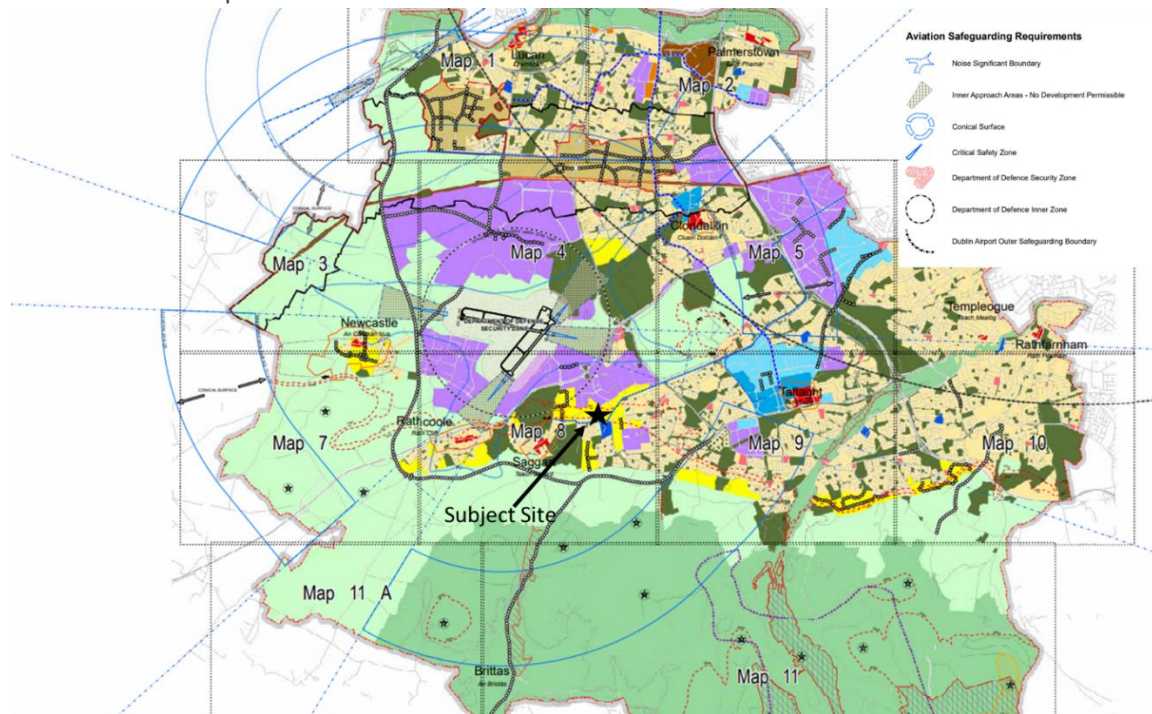


Figure 40 Extract from SDCC Development Plan Index Map showing location of subject site in relation to Casement.

Section 7.8 outlines the general restrictions and requirements on development within the county for Dublin Airport, Casement Aerodrome and Weston Aerodrome. This includes Obstacle Limitation Surfaces, such as the Inner Horizontal Surface, and safety and security zones. Section 11.6.6 provides further details on these restrictions and requirements for development near the airport and aerodromes.

Evaluation of Consistency

The subject site is located southwest of the Casement Aerodrome and lies below the Inner Horizontal Surface which is 'a large case track shaped or circular area above an aerodrome'.

Policy IE8 Objective 2 aims to prevent objects from penetrating the Inner Horizontal Surface. Section 11.6.6 of the Development Plan states that generally development will be acceptable in the Inner Horizontal Surface zone, subject to the development having an OD height below the height restriction. Policy IE8 Objective 3 states that the principles of shielding should be used in assessing proposed development in the vicinity of aerodromes.

An Aeronautical Assessment Report has been carried out in respect of the proposed development by O'Dwyer & Jones Design Partnership Aviation Planning & Architecture Consultants. This report assessed the proposed development in terms of the impact on the Inner Horizontal Surface and implemented the principles of shielding. The report concluded that *the proposed residential development at this Cooldown Commons site complies with all aviation and aeronautical requirements affecting the location.*

It is therefore considered that the proposed development is in accordance with the aims and objectives of the Development Plan in relation to airports and aerodromes.

The table below outlines the consistency of the proposed development with the relevant policies and objectives relating to the proposed development.

Policy/Objective	Evaluation of Consistency
Core Strategy	
Policy CS1 (including CS1 Objective 1, 2 and 3) promotes the consolidation and sustainable intensification of development to the east of the M50 and the south of the River Dodder.	The Saggart/Citywest area is identified as an Emerging Moderate Sustainable Growth Town (and as a Sustainable Growth Town in Variation No. 4). The proposed development will contribute to the continued development of the area.
Policy CS2 (including CS2 Objective 1, 2, 3, 4, 5 and 6) supports the sustainable long term growth of Metropolitan Consolidation Towns through consolidation and urban expansion.	The subject site is zoned for residential development within the Development Plan and within the Fortunestown Local Area Plan 2012.
Policy CS3 (including CS3 Objective 1 and 2) supports the sustainable long term growth of Moderate Sustainable Growth Towns/Emerging Moderate Sustainable Growth Towns.	The surrounding lands have been recently constructed/are under construction, it is therefore considered appropriate an appropriate time to develop the subject site.
Policy CS6 (including CS6 Objective 1 and 2, and CS6 SLO1, CS6 SLO 2, and CS6 SLO3) supports the preparation of Local Areas Plans.	The subject site is located adjacent to the Fortunestown Luas stop which provides a high frequency public transport link to Tallaght, Heuston Station, and the city centre. The subject site is also located adjacent to the Citywest shopping centre and several business districts/ parks.
Policy CS4 (including CS4 Objective 1 and 2) supports the sustainable growth of small towns.	These three policies are not applicable to the subject site or the proposed development.
Policy CS5 (including CS5 Objective 1) relates to housing development in rural areas.	
Policy CS7 (including CS7 Objective 1) relates to Strategic Development Zones.	
Policy CS8 supports the implementation of the National Climate Change Strategy and the National Climate Change Adaption Framework Building Resilience to Climate Change 2012 and the preparation of a Climate Change Adaption Plan.	The proposed development is a high-density, residential development located adjacent to a district centre and a Luas stop. It will provide an alternative to unsustainable patterns of car dependent residential development.
Housing	
Policy H1 (including H1 Objective 1-10) supports the implementation of the Interim South Dublin County Council Housing Strategy.	In line with Part V of the Planning and Development Act, the proposed development includes 10% social housing units.

Policy H2 (including H2 Objective 1) seeks to ensure that sufficient zoned land continues to be available at appropriate locations.	The proposed development represents a sustainable and efficient use of zoned land at this strategic location.
Policy H3 (including H3 Objectives 1-4 and H3 SLO 1-3) relates to the provision of housing for older people.	These policies are not applicable to the proposed development.
Policy H4 (including H4 Objective 1) relates to the provision of housing for students.	
Policy H5 (including H5 Objectives 1-5) relates to traveller accommodation.	
Policy H6 supports the development of sustainable communities in accordance with Government policy.	The proposal has been designed in compliance with the provisions of the <i>Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 2009</i> , the <i>Urban Design Manual 2009</i> and the <i>Design Manual for Urban Roads and Streets</i> as outlined in Section 5 of this Statement.
Policy H7 (including H7 Objectives 1-4) supports high quality design in all new residential developments that complies with Government guidance.	
Policy H8 (including H8 Objectives 1-7 and H8 SLO1 and H8 SLO2) promotes higher residential densities at appropriate locations.	The proposed development will have a density of 124 units per hectare, which is considered appropriate given the proximity to excellent public transport links, significant employment centres and local services and amenities.
Policy H17 (including Objectives H17 1-7 and H17 SLO1) supports residential consolidation and sustainable intensification at appropriate locations.	Please see the Material Contravention statement in relation to Policy H8 Objective 5.
Policy H9 (including H9 Objective 1-5) supports varied building heights across residential and mixed use areas in South Dublin County	<p>The proposed development provides heights varying from 1-13 storeys.</p> <p>The proposed heights of 7-13 storeys are carefully located to integrate with and positively contribute to the surrounding context.</p> <p>The proposed 13 storey building is within the Fortunestown Local Node as indicated in the Fortunestown Local Area Plan 2012. This tall building will draw attention to the proposed plaza and the Luas stop.</p> <p>The proposed development exceeds this maximum height of 12 meters. However, the proposed heights are in line with national policies and guidelines.</p> <p>Please see the Material Contravention Statement in relation to H9 Objective 3, 4 and 5.</p>
Policy H10 (including H10 Objective 1) supports a wide variety of adaptable housing types, sizes and tenures.	The proposed development provides a range of housing typologies which will add to the housing stock in the area.

<p>Policy H11 (including H11 Objective 1 and 2) promote a high quality of design and layout in new residential developments.</p>	<p>The proposed development has been designed to provide a high-quality environment for the future residents. The apartment blocks have been carefully located to provide both high-quality internal and external environments. The landscaping will create a welcoming outdoor environment. The provision of a basement car park has allowed the creation of an environment that priorities people.</p> <p>The proposed development has been designed in accordance with Part L of the Building Regulations.</p>
<p>Policy H12 (including H12 Objectives 1-4) requires a clear hierarchy and network of high quality public open spaces in all residential developments.</p>	<p>There is a clear hierarchy of open space provided within this development. These open spaces will add to the recreational amenity of the area.</p> <p>The communal, public, and private open spaces will all be clearly defined by hard and soft landscaping. All of these open spaces will be overlooked by the apartment blocks, providing passive surveillance, and creating a sense of safety.</p> <p>The proposed public open space have been placed next to the public open spaces in the adjoining developments. This will allow for the creation of larger and more useable open spaces serving multiple developments and creating a better environment for flora and fauna in the area.</p> <p>Please see the material contravention statement in relation to H12 Objective 1.</p>
<p>Policy H13 (including H13 Objective 1, 2 and 3) requires all dwellings to have access to high quality private and semi-private open space.</p>	<p>All dwellings will have private open space in balconies or terraces. These private open spaces have been designed in accordance with all best practice guidelines.</p> <p>In addition, communal open space will be provided for the apartment blocks and the duplexes. These communal open spaces have been carefully designed as part of the whole layout.</p>
<p>Policy H14 (including H14 Objective 1 and 2) requires a high standard of flexible and adaptable accommodation.</p>	<p>The proposed development and all proposed residential units have been designed in accordance with the 2020 Apartment Guidelines and all relevant guidance. Please see the Housing</p>

	Quality Assessment prepared by Reddy Architecture +Urbanism for further detail.
Policy H15 (including H15 Objective 1-5) promotes a high standard of privacy and security for existing and proposed dwellings.	All of the public and communal open spaces are overlooked by the apartment blocks and duplexes. This will provide a high sense of security for both residents and visitors to the area. The private open spaces have all been carefully located to avoid possible overlooking.
Policy H16 (and H16 Objectives 1 and 2) relates to steep or varying topography sites.	These policies are not applicable to the proposed development.
Policy H18 (and H18 Objective 1) relates to residential extensions.	
Policy H19 (and H19 Objective 1) relates to family flats	
Policies H20 – 27 (and all associated objectives) relate to housing in rural areas.	
Urban Centres and Retailing	
Policy UC1 (including UC1 Objectives 1-8) supports the continued development of the county's town centres, village centres, district centres and local centres.	The proposed development will support the continued development of the district centre at Citywest Shopping Centre.
Policy UC4 (including UC4 Objectives 1-4) encourages a mix, range and type of uses in District Centres at a scale that caters for the district level catchment.	The proposed development includes retail and offices uses which serve the local area. The site's location adjacent to the Luas stop is a key location to provide these uses.
Policy UC6 (including UC6 Objectives 1-3 and UC6 SLO 1) support varied building heights across town, district, village and local centres and regeneration areas in South Dublin County	The proposed development provides a range of building heights from 1-13 storeys. The building heights have been carefully considered to ensure that a high-quality development is created. The proposed 13 storey building is strategically located to make a positive contribution to the Citywest District Centre (as designated in the Fortunestown LAP) and create a focal point at the plaza next to the Luas stop. This will enhance way finding in the area as well as providing an attractive feature in the plaza.
Policies UC2, UC3, and UC5 (and all associated objectives) relate to town centres, village centres, and local centres.	These policies are not applicable to the proposed development.
Policy R1 (and R1 Objectives 1-9) seeks to ensure adequate retail provision at suitable locations in the County.	The proposed development will provide 3 no. retail units fronting onto the proposed public plaza and the street alongside the Luas track.
Policy R2 (and R2 Objectives 1 and 2) seeks to guide retail development in accordance with the sequential approach.	Although the subject site is close to Citywest Shopping Centre, these retail units will provide convenience shopping at a small shop for those living north of the Luas line. The proposed retail

<p>Policy R6 (and R6 Objectives 1-3) seeks to maintain and enhance the retailing function of District Centres.</p>	<p>units will not undermine the existing Citywest Shopping Centre or Saggart Village.</p> <p>The existing retail provision in the area is sufficient for the existing population. The proposed development and the surrounding recently granted permissions will increase the local population and in turn increase the retail demand. Therefore, the proposed development includes 3 no. retail units to serve the proposed development and those living north of the Luas line.</p>
<p>Community</p>	
<p>Policy C1 (including C1 Objectives 1-7 and C1 SLO 1) seeks to ensure that all communities have access to multifunctional community centres that provide a focal point for community activities.</p>	<p>The proposed development includes communal facilities for the residents.</p>
<p>Policies C2 – C7 (and associated objectives) relate to the provision of libraries, arts and cultural facilities, places of worship, fire stations, burial grounds, and sports facilities and centres.</p>	<p>The Social Infrastructure Audit submitted with this application outlines the community facilities in the area.</p>
<p>Policies C8 – C11 (and associated objectives) relate to the provision of childcare, educational, and healthcare facilities.</p>	
<p>Policy C12 (including C12 Objectives 1-13 and C12 SLO 1-5) supports a hierarchical network of high quality open space for those who live, work and visit the County, providing for both passive and active recreation.</p>	<p>The proposed development provides a hierarchy of public, communal and private open spaces.</p> <p>The open spaces have been designed to serve a range of users including different age groups and abilities.</p>
<p>Policy C11 (and C13 Objectives 1-3) promotes the highest level of universal accessibility in all community facilities.</p>	<p>The proposed development does not include any community facilities.</p>
<p>Economic Development and Tourism</p>	
<p>Policy ET1 (and ET Objectives 1-11) supports sustainable enterprise and employment growth in South Dublin County and in the Greater Dublin Area, whilst maintaining environmental quality</p>	
<p>Transport and Mobility</p>	
<p>Policy TM2 and TM3 (and all associated objectives) promote and prioritise public transport, walking and cycling as alternatives to the car.</p>	<p>The proposal includes a reduced car parking provision to support more sustainable transport modes and to encourage a transition away from car dependency.</p>

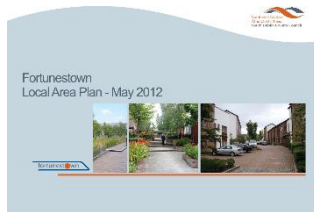
Policy TM7 (and associated objectives) relates to the car parking provision and promotes a transition to sustainable forms of transportation.	
Policies TM6 (and associated objectives) relates to road and street design.	The proposed streets have been designed in accordance with DMURS.
Infrastructure and Environmental Quality	
Policies IE1, IE2 and IE3 (and all associated objectives) relate to the protection of existing water and drainage infrastructure, the management of surface water, and flood risk management.	The proposed water and drainage infrastructure systems have been carefully designed by DBFL. Please see DBFL's documents for further details. DBFL also carried out a SSFRA and have engaged with Irish Water in relation to the proposed development.
Policy IE5 (and IE5 Objectives 1-8) relate to waste management.	Byrne Environmental have prepared a <i>Construction and Demolition Waste and By-Product Management Plan</i> and an <i>Operational Waste Management Plan</i> .
Policy IE7 (and IE7 Objectives 1-5 and IE7 SLO 1) seeks to take appropriate steps to reduce the effects of air, noise and light pollution on environmental quality and residential amenity	The EIAR includes mitigation measures to minimise air, noise and light pollution.
Policy IE8 relates to the safeguarding of the safety and technical requirements of Casement Aerodrome.	Please see the Material Contravention Statement in Chapter 8. The Aeronautical Assessment carried out in respect of the proposed development has implemented the principles of 'shielding', as required by IE8 Objective 3, and determined that the proposal is acceptable.
Green Infrastructure	
Policies G1, G2, G4, and G6 relate to the enhancement of the green infrastructure network throughout the county and for new developments. Policy G3 relates to the protection and management of watercourses in the county. Policy G5 supports the development of Sustainable Urban Drainage Systems (SUDS) in the County	The proposed open spaces will contribute to the green infrastructure network in the area. The proposed open spaces have been located to connect with the open spaces on the adjoining sites to the north and west of the subject site. The public open spaces will provide both recreational space for the residents and space for the local biodiversity to thrive. The stream along the eastern boundary will be enhanced through the provision of a riparian buffer zone and native planting. The riparian buffer is in excess of 10m in certain locations to

	<p>ensure that the ecological function of this stream is protected.</p> <p>The proposed green spaces will benefit the local ecology and biodiversity in the area by providing green links between green spaces and the stream. SuDS will be incorporated into the landscaping to ensure sustainable water management on the site.</p>
Heritage, Conservation & Landscapes	
<p>Policy HCL7 (and HCL7 Objectives 1-2) seeks to preserve and enhance the character of the County's landscapes</p> <p>Policy HCL9 (and HCL9 Objectives 1-7) seeks to protect and enhance the visual, recreational, environmental, ecological, geological, archaeological and amenity value of the Dublin Mountains</p>	<p>A Landscape and Visual Impact Assessment has been carried out by Modelworks and is included in Chapter 10 of the EIAR.</p>
<p>Policy HCL12 (and HCL12 Objectives 1-2) supports the conservation and improvement of Natura 2000 Sites.</p>	<p>An AA Screening has been carried out which concluded that <i>'significant effects are not likely to arise, either individually or in combination with other plans or projects to the Natura 2000 network.'</i></p>
<p>Policy HCL15 (and HCL15 Objectives 1-3) seeks to protect and promote the conservation of biodiversity outside of designated areas</p>	<p>An Environmental Impact Assessment Report has been carried out with respect to the proposed development.</p>
Energy	
<p>Policy E4 (and E4 Objectives 1-2) relates to energy efficiency in new developments.</p> <p>Policy E7 relates to the provision of solar energy infrastructure</p>	<p>The proposed development has been designed to be energy efficient and includes solar PV panels on the roofs of the proposed apartment blocks.</p>

Evaluation of Consistency

Overall, it is considered that the proposed development is in accordance with the policies and standards of the SDCC Development Plan. The proposed development provides for a residential development on residentially zoned land, while also making a positive contribution to the green infrastructure network. The apartment blocks will increase the housing stock in the area and have been designed to a high quality standard.

Fortunestown Local Area Plan – May 2012



The Fortunestown Local Area Plan (LAP) was adopted in May 2012 for a period of 6 years. The LAP was subsequently extended in 2017 for a further 5 years. As a result, this LAP will remain in place until 2022.

The LAP covers an irregularly shaped area within Cooldown Commons in Fortunestown. The vision for the plan lands is to create a vibrant district, a series of neighbourhoods, distinct pedestrian and cyclist links, safe useable green spaces and to provide a balanced mix of residential accommodation.

When the LAP was originally adopted c. 90% of the plan lands were undeveloped. However, many of the plan lands have recently received planning permission for residential developments and are currently under construction. Further details of these recently granted permissions can be found in the planning history section of the Planning Report.

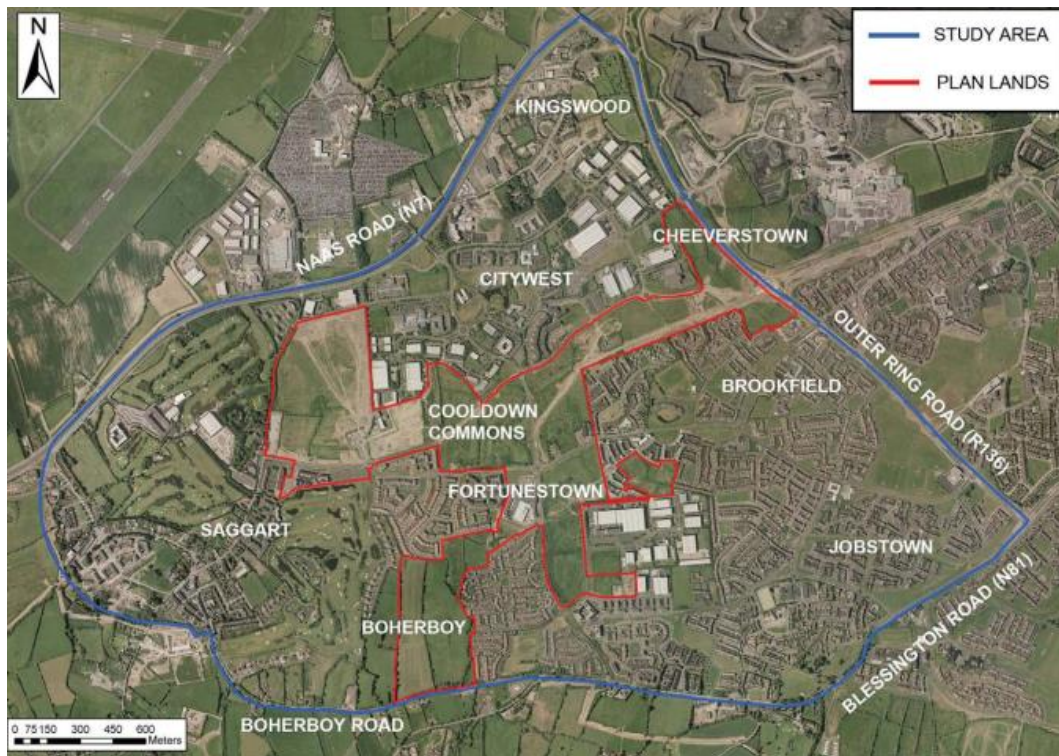


Figure 41 Plan Lands and Study Area of LAP (Source: LAP)

The LAP sets out a grid pattern for the future development of the area which includes clear movement links throughout the entire LAP area. The LAP also highlights district centres, local centres, nodes, and landmark building locations. It sets out five neighbourhoods within the LAP area – Fortunestown Centre, Saggart-Cooldown Commons, Boherboy, Cheeverstown, and Citywest Road – and includes a framework plan for each neighbourhood. The proposed development is centrally located within the LAP area, within the Fortunestown Centre neighbourhood, and is adjacent to a District Centre.

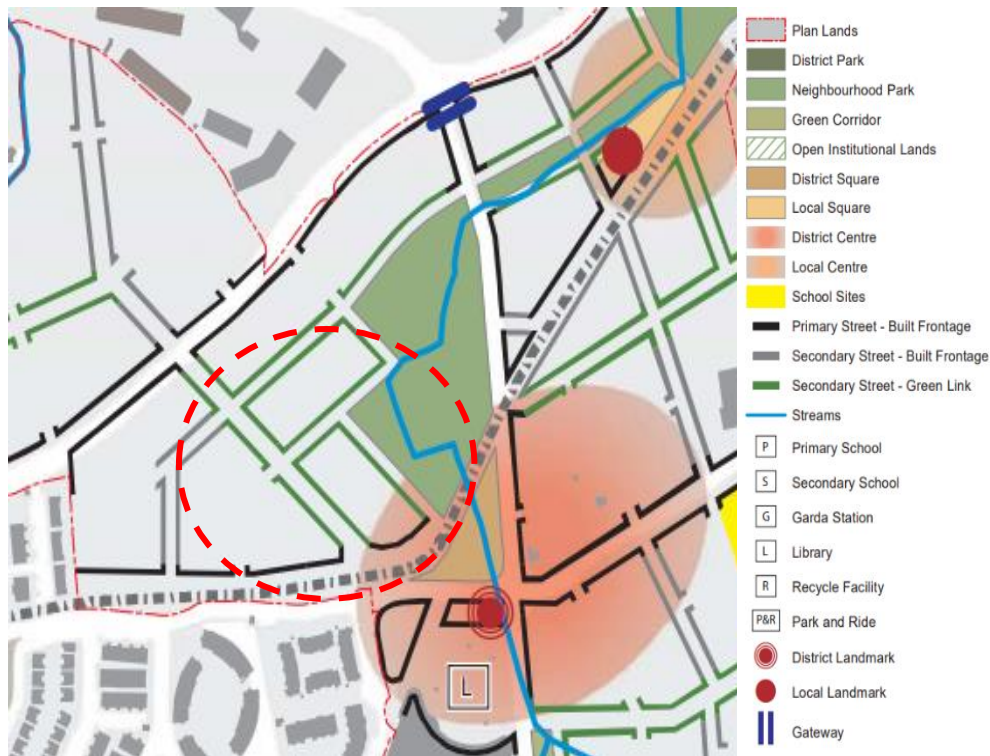


Figure 42 Extract from Fig 6.1 Overall Framework with approx. site location outlined in red

The LAP notes that this District Centre will act as a mixed use hub and will serve surrounding residential and commercial neighbourhoods (existing and proposed) with retail, civic, recreation and service facilities. In addition, the neighbourhoods that emanate from the District Centre will be relatively mono-functional but will include local nodes that accommodate small scale local retail and service uses.

The LAP also states that the Fortunestown Centre neighbourhood will accommodate uses that entice people primarily on foot, by bicycle or by Luas to work, shop, visit, rest or engage in recreation.

Phasing

The LAP sets out to facilitate development of essential infrastructure and amenities that are required to develop a sustainable community.

It notes that “with the exception of Phase One, development may progress to the next phase in each neighbourhood where there is stagnation in one or more other neighbourhood provided that key objectives identified under the previous phases that can be applied to the neighbourhood that is progressing and/ or alternative outcomes that are acceptable to the Planning Authority have been achieved and development allowable under previous phases for the neighbourhood is also nearing completion.”

It also notes “that key outcomes are not mandatory in all cases. In determining planning applications across the overall Plan lands, the Planning Authority may take a considered view that further development should be allowed to proceed with regard to where housing is being delivered. This may occur where:

- *there are phasing requirements on lands that are outside the control of a particular applicant/landowner;*
- *the developer/landowner of lands that are outside the control of a particular applicant/landowner is either not developing or is proceeding at a significantly slower rate than the particular applicant/ landowner;*
- *the phasing requirements in question are considered not to directly serve the further quantum of development that the particular applicant/landowner wishes to proceed with;*
- *If required to directly serve the further quantum of development that the particular applicant/landowner wishes to proceed with, an alternative may be considered on the particular applicant/ landowners own landholding;*
- *the particular applicant/landowner who wishes to further develop has satisfactorily and substantially completed a quantum of development already permitted and any directly associated phasing requirement(s)."*

The LAP also notes that “Development may commence on any part of a landowners holding, subject to overall compliance with Local Area Plan and County Development Plan requirements at Development Management stage. Subject to meeting the Local Area Plan objectives to provide good walking and cycling access to Luas stops from an early stage of new development, development is not restricted to commencing on lands adjoining the Luas stops.”

The table below outlines the four phases of the LAP and their current status.

Phase		Status
Phase One		
Key Development	Up to 400 dwelling units	Completed
Key Outcomes Required before Next Phase	The completion of a fully operational District Park to the rear (south-west) of Citywest Shopping Centre with outdoor play and recreational facilities.	Completed
	The provision of two primary school sites on the Plan Lands	Completed <ul style="list-style-type: none"> • Educate Together • Citywest & Saggart Community National School
	The upgrade of the roundabout junction between Fortunestown Lane and Citywest Road to a fully signalised junction with single phase cyclist and pedestrian crossings.	Completed
	Boherboy: Regardless of where development commences, a 10 metre (min) biodiversity strip (measured from the top of the bank) along both sides of the designated sections of the Corbally Stream to cater for a pedestrian/cycle path from the Boherboy Road to the	Permission not yet granted for any development on these lands. Planning permission was recently refused by ABP on this site under 304828-19.

	public open space to the north-east (District Park).	
Phase Two		
Key Development	Circa 600 residential units	Granted and under construction
Key Outcomes Required before Next Phase	Provision of one secondary school site on the Plan Lands.	Permission has not yet been sought. The LAP identifies two locations for the accommodation of the 2 no. new post primary schools which are located to the east and west of the site. The Department of Education and Skills has not identified any immediate need or plans for a new secondary school within the area with the priority demand being for primary school accommodation.
	Circa 780 sq.m of community floorspace.	646sqm granted under the permitted developments to date.
	Completion of Neighbourhood Park at Saggart-Cooldown Commons Neighbourhood.	Granted and currently under construction
	Construction of the Citywest Avenue extension to the west of the N82 to link with Fortunestown Lane	Under Construction
Phase Three		
Key Development	Circa 800 dwelling units.	Granted and under construction
Key Outcomes Required before Next Phase	Provision of a third primary school site on the Plan Lands	A third primary school has been identified on the lands associated with the refused ABP SHD permission 304828-19. It is appropriate to consider that this will be reserved and delivered in the future.
Phase Four		
Key Development	Circa 1,500 dwellings	Granted and under construction
Key Outcomes Required before Next Phase	Provision of a second secondary school site on the Plan Lands	Permission has not yet been sought for this school as noted above.

Table 11 LAP Phasing Status

The LAP also includes an indicative distribution of residential units across the LAP lands and an overall total of residential units to be provided on the LAP lands. It indicates that the LAP lands have the potential to provide an additional 3,300 residential units. Since the adoption of the LAP, 10 no. residential developments have been granted planning permission on the lands and will provide a total of 3,073 no. residential units when complete.

Evaluation of Consistency

The phasing plan has been broadly complied with to date in terms of the delivery of infrastructure and amenities needed to develop a sustainable community. Many of the facilities identified have either been completed, are under construction or have been permitted.

There are a few exceptions which are set out in the table above. These exceptions are due to a proposed development being refused permission, or in the case of the post primary schools where a site is identified, the Department do not currently have any plans for the delivery of a school in this area.

However, the delivery of key infrastructure, including the two primary schools, District Park, upgrades to roads have been completed.

The delivery of Neighbourhood Parks and Community Floorspace have been permitted and are under construction.

It is noted that the delivery of 780sqm of community floorspace is to be delivered across all 5 neighbourhoods, however, to date the majority of developments which have been permitted, including the c. 646sqm of community space, have predominantly been in the Fortunestown Centre, Saggart – Cooldown Commons and Citywest Road neighbourhoods. Therefore, it is a reasonable expectation that the additional c. 134sqm of additional community space required would come forward in the remaining neighbourhoods yet to be fully developed in order to ensure an even dispersal of community facilities.

In terms of the number of residential units, we note that the proposed development will provide a 421 no. units and will replace 32 no. units permitted by ABP 302398. The total number of units permitted on the LAP lands will therefore be 3,462. Although this exceeds the indicative total of 3,300 in the LAP, the proposal and the recently permitted high density developments are in accordance with national guidelines. Nonetheless, a material contravention statement has been included in Chapter 8.

The following table sets out the policies and objectives relevant to the proposed development.

Policy Objective	Evaluation of Consistency
Accessibility and Movement (Section 5.2)	
That future development will be mainly focused around the four Luas stops, especially the Fortunestown Stop at the District Centre and will create or facilitate direct routes to these stops. (Objective AM1)	The proposed development is immediately adjacent to the Fortunestown Luas stop and will create a new public plaza and provide residential development
That all planning applications for residential and employment development are required to provide or integrate with direct, safe, and attractive pedestrian and cyclist routes to public transport stops. (Objective AM2)	The proposed development is centred on the Fortunestown Luas stop. All pedestrian, cyclist and vehicular routes through the development connect with the Luas stop. The proposed links also provide ease of access to the various bus stops within the vicinity of the site
Encourage cycling within and through the Plan Lands by creating an open ended and integrated network of safe and accessible cycle routes that serve primary, secondary, and tertiary streets and spaces. Cycle paths that correspond with vehicular routes shall be provided on-street on both sides and shall be separated from pedestrian routes. (Objective AM3)	The proposed layout creates a predominantly car free network of routes with connect the application site to the wider area ensuring safe and easy access for pedestrians and cyclists to the wider area. Cars have access to along two main routes that connect to the wider area; however, these are designed to provide priority to pedestrians and cyclists with cars as a secondary user.
Objective AM4 requires the provision of signalised junctions as opposed to roundabouts	This is not applicable to the proposed development.
Objective AM5 requires adequate facilities for cyclists including secure and sheltered bicycle parking.	The proposed development includes safe and secure sheltered bicycle parking.
That pedestrian routes are provided on both sides of every street and through every public space in a manner that creates direct and indirect links with nodal points, civic uses, public open spaces and with the District Centre. (Objective AM6)	Pedestrian routes are provided on both sides of all streets within the development. In addition, there are alternative pedestrian routes through the public open spaces that are wholly car free.
To create a network of pedestrian routes between destinations including housing, business parks, employment areas and public transport stops and to make walking, cycling and the use of public transport a priority. (Objective AM7)	The routes within the development connect with the adjacent developments to provide clear pathways to nearby residential, employment and retail areas. New links are created across the stream to the development to the east. All adjacent sites can use the routes provided within this development as a short cut to the shopping centre and public transport.
Achieve an integrated network of safe pedestrian and cycle routes in line with 'A Proposal for Connected Walking and Cycling Routes through the Parks, Open Spaces and Roads of South Dublin County' (2006) by utilising links through and along parks, open spaces, and green corridors. (Objective AM8)	The proposed development provides a variety of dedicated pedestrian/cyclist routes through planned open spaces that will connect with other open spaces in adjoining developments.

<p>To ensure that development within the Plan Lands is based on a grid layout. (Objective AM9)</p>	<p>The proposed development layout follows the layout for the site set out in the LAP.</p>
<p>They Citywest Avenue will act as a primary movement corridor that bypasses the District Centre and allows the junction between Fortunestown Way/Lane and Citywest Road to be upgraded to a pedestrian and cyclist friendly junction. (Objective AM10)</p>	
<p>Permeable vehicular movement will be catered for but not at the detriment of pedestrian or cyclist movement. (Objective AM11)</p>	<p>Vehicular routes through the site have been provided to connect with the adjacent developments, but these routes have been carefully designed to avoid any negative impacts on pedestrian and cyclist movement.</p>
<p>That movement corridors within new developments are based on a grid format that avails of every possibility to link into the existing street network and provide efficient connections to existing local facilities. The grid shall align with desire lines and link sites to specific destinations. Footpaths shall be provided on either side of every street and shall be direct, safe, barrier free and overlooked by development. (Objective AM12)</p>	<p>The proposed apartment block layout has been designed to reflect the grid pattern set out in the LAP.</p>
<p>Assess all interfaces between proposed new development, existing housing development and undeveloped lands at planning application stage and to ensure that all proposed development integrates and addresses existing development and undeveloped land especially residential development and open spaces in a manner that creates the opportunity for more permeable layouts and encourages passive and active surveillance of streets and spaces. (Objective AM14)</p>	<p>The proposed development has been designed to integrate with adjoining residential developments planned or under construction. This includes the Cooldown Commons Phase 2 development underway by the applicant to the west and the planned housing development to the east and north.</p>
<p>Create open ended routes through existing and new development in a manner that ensures greater permeability and convenient pedestrian access to community facilities, schools, open spaces, shopping facilities, local employment, and public transport stops. (Objective AM15)</p>	<p>Permeability and connectivity to adjoining residential development is a central tenet of the proposed development and the layout facilitates free and direct access to the Luas stop (and to the District Centre) via a number of streets and dedicated pedestrian/cyclist routes.</p>
<p>Green Infrastructure (Section 5.3)</p>	
<p>Create an integrated network of biodiversity strips through the Plan Lands by way of linking, preserving and incorporating existing hedgerows (especially those at Boherboy and Cheeverstown), wildlife corridors, green corridors, and existing streams with a necklace of parks in a manner that forms a link between the Plan Lands and the Dublin Mountains. All</p>	<p>The proposed green spaces are strategically located to connect with the green spaces in the adjoining developments. This will create a network of open spaces that will benefit both the residents in the area and also the local biodiversity. The proposed public open spaces are carefully located to connect with the public open spaces in the adjoining developments. The</p>

<p>developments relating to planting and water features should be cognisant of the potential for creating bird hazard to aviation. (Objective GI1)</p>	<p>proposed public open space to the east of the site provides a buffer zone for the stream. This open space will also form park of the neighbourhood park identified in the LAP.</p>
<p>Ensure that each of the neighbourhoods throughout the Plan Lands will be provided with green spaces that each have a clear role or function and fits within the plan’s hierarchy and network of linked spaces as outlined in Table 5.1. (Objective GI2)</p>	
<p>Ensure that all development proposals maximise the opportunities for enhancement of existing ecology and biodiversity and are accompanied by a full ecological assessment, carried out by a suitably qualified professional, that includes measures to enhance ecology and biodiversity and avoid or minimise loss to local ecology and biodiversity. (Objective GI3)</p>	<p>Chapter 5 of the EIAR submitted with this application assesses the impact of the proposed development on biodiversity. This has found that the proposed development will not have a detrimental impact on the existing biodiversity of the area in the long term.</p>
<p>A 10 metre (min) biodiversity strip (measured from the top of the bank) shall be maintained on both sides of the sections of watercourse that are designated for preservation under the Local Area Plan, for flood management, landscape, and biodiversity reasons. These biodiversity strips shall protect, improve, and enhance the natural character of the streams and accommodate pedestrian and cycle corridors where possible. Culverting of sections of watercourses that are designated for preservation will not be permitted. Limited sections of streams may be sensitively diverted where appropriate with the highest standards of engineering design and environmental mitigation to avoid significant negative environmental impact, taking full account of flood risk assessments etc. (Objective GI4)</p>	<p>A 10m biodiversity strip will be provided to the west of the stream that forms the eastern boundary of the site.</p>
<p>The use of SUDS is a requirement for all new developments in order to reduce surface water run-off and to minimise the risk of flooding of the Plan Lands and surrounding lands. Existing springs will be protected and maintained and incorporated into SUDS. (Objective GI5)</p>	<p>SUDS will be used in the proposed development to reduce surface water run-off.</p>
<p>All planning applications for residential and/or commercial floorspace on sites in areas at risk of flooding shall be accompanied by a Flood Risk Assessment that is carried out at the site-specific level in accordance with ‘The Planning System and Flood Risk Management – Guidelines for Planning Authorities’ (2009). The scope of flood risk assessment shall depend on the type and</p>	<p>A Site Specific Flood Risk Assessment has been prepared as part of this application and concludes that the development is not at flood risk.</p>

scale of development and the sensitivity of the area. (Objective GI7)	
A linked open space hierarchy shall be implemented fully across the Plan Lands and all proposed developments shall contribute to the achievement of this integrated Green Infrastructure Network where relevant and at a minimum rate of 14% of A1 zoned lands. All biodiversity strips may be calculated as contributing to the required minimum 14% public open spaces provision. (Objective GI8)	<p>The proposed open space network has been designed to integrate with the planned open spaces of adjoining developments.</p> <p>A total of 10,482 sqm (31% of the site area) is proposed as open space.</p>
All proposed public open spaces shall have a clear role and function that falls within the Plan's open space hierarchy detailed under Table 5.1 and shall comply with the qualitative standards detailed under 'Sustainable Residential Development in Urban Areas' (2009). (Objective GI9)	A variety of open spaces and proposed that are well distributed and will have a variety of functions.
Play facilities shall be provided at a rate of 3 sq.m per dwelling and in accordance with 'Planning Guidance on Provision of Children's Play Facilities in New Developments' (2007). (Objective GI10)	A variety of open spaces are provided throughout the scheme that will include a range of spaces for all age groups child's play areas, kickabout areas and seating areas. All of these spaces will be easily accessible and well overlooked.
Land Use and Residential Density (Section 5.4)	
Provide community facilities, which shall include youth specific facilities, across the Plan Lands at a rate of 300 sq.m per 1,000 dwellings. (Objective LUD1)	A Social and Community Infrastructure Audit which includes a survey of facilities and amenities within proximity of the site has been prepared. The audit provides details on services, community and health facilities, retail services, cultural facilities, sport and recreation amenities and open space. In conclusion it is considered that the site and its catchment is generally well served by social and community infrastructure.
Concentrate community facilities in and around the District Centre and district parks local shops and/or cafes in and around the node of each of the residential neighbourhoods of Cheeverstown, Saggart, Cooldown Commons and Citywest Road. (Objective LUD2). Objectives LUD2a, LUD2b, and LUD2c relate to the provision of a healthcare facility, Garda station and library close.	
Development of the Boherboy, Fortunestown Centre and Saggart Cooldown Commons neighbourhoods shall each include for the provision of a primary school site (three in total) that measures at least one hectare. (Objective LUD3)	<p>Permission has been granted for 2 no. primary schools under Reg. Ref. SD16A/0255 located at Cooldown Commons, Fortunestown Lane, Dublin 24 which is a short distance west of the subject site (c.500m).</p> <p>These schools are now complete and occupied by Citywest and Saggart Community National School and Citywest Educate Together National School.</p>

	<p>A further primary school reservation site has been identified in Boherboy (see planning application ABP Ref. 304828-19).</p> <p>During the application process for Reg. Ref. SD16A/0255, the Department of Education and Skills also confirmed that there was no immediate need for a new secondary school within the area with the priority demand being for primary school accommodation.</p> <p>Whilst there is no immediate need for additional post primary schools yet in the area, there are LAP identified sites available should the demand arise in the future.</p>
<p>Facilitate the provision of flexible use units including live-work units around the nodes of residential neighbourhoods; within the Fortunestown Centre and within transition zones between adjacent residential and employment uses. (Objective LUD6)</p>	<p>A c.376 sq.m office space is being proposed as part of this development which will provide the opportunity for working close to home for future residents.</p>
<p>Restrict apartments/duplexes only to areas of the Plan Lands that are generally located within 5 minutes walking distance of a Luas station or landmark junction and to require all applicants, at planning application stage, to demonstrate how such walking distances will or can be achieved. (Objective LUD7)</p>	<p>The subject site is adjacent to the Fortunestown Luas Station and is therefore an appropriate area within the Plan Lands for apartments and duplexes.</p>
<p>Ensure that no more than 10% of dwellings in any residential scheme are of the one bedroom type. (Objective LUD8)</p>	<p>30% of the proposed units are one beds. Although this is above the maximum of 10% it is appropriate considering the national policy of compact growth and urban consolidation. Please see the Material Contravention Statement below.</p>
<p>Disperse social housing throughout the area as facilitated by Applicant Sourced Housing and Rental Accommodation Schemes. (Objective LUD9)</p>	<p>In accordance with Part V and this objective 10% of the proposed units will be social housing and will be dispersed throughout the development.</p>
<p>Ensure that a minimum of 85% of all dwellings be provided as own door houses on their own site and that a maximum of 15% of all dwellings across the Plan Lands be provided as apartments/duplexes with such dwellings limited to appropriate areas or particular locations such as Luas stops and landmark junctions and sensitively designed to contribute to the broader aesthetics of the area including the nearby mountains. The minimum average</p>	<p>Throughout the LAP area a range of housing types have been provided including own door units. Within this development there are c. 10% own door units within this proposed development. National and Regional planning guidance requires higher densities in locations such as this due to its sustainable location next to public transport and the shopping centre. This proposal is therefore in conformity with national plan policy.</p>

<p>floor area of all developments throughout the Plan Lands shall be 110 sq. metres. (Objective LUD 10)</p>	
<p>To encourage a mix of dwelling types and quality design that will help aid legibility and way finding throughout the area. (Objective LUD 11)</p>	<p>The proposed apartment blocks have been arranged to aid legibility and way finding. The public plaza by the Luas stop will act as a focal point for the development and the wider area. The blocks provide a strong urban frontage along all routes through the development and will connect seamlessly with the adjacent developments.</p>
<p>That the Plan Lands will incorporate a full street hierarchy that incorporates the four different types of street and emphasises street function. The design of new streets shall be carefully assessed to ensure they fit within the hierarchy of streets and are designed to distinguish between residential, retail, commercial and employment locations with emphasis placed on the Fortunestown Centre as an urban hub. (Objective BF1)</p>	<p>A clear street hierarchy is outlined in the design proposals from Reddy Architecture and DBFL Consulting Engineers, and in accordance with DMURS.</p>
<p>To design streets for slow vehicular speeds from the outset in a manner that would limit the need to install retro-fitted traffic calming structures such as speed humps. Slower vehicular speeds shall be achieved through street design such as narrow carriageways, street enclosures and horizontal and vertical elements such as (inter alia) low traffic tables at junctions and/or pinch points. (Objective BF2)</p>	<p>The design intent is to promote a greater modal share within the development. Whilst vehicular accessibility is still required for servicing and some residents, the street network seeks to reduce car dominance and promote a more pedestrian/cyclist friendly public realm particularly in the heart of the development adjoining the Luas stop and public plaza. The overall development promotes a low speed traffic environment.</p>
<p>To offer choices of routes and help to dissipate vehicular traffic throughout the Plan Lands. This will include a design speed of 30 kilometres per hour for secondary and tertiary streets. (Objective BF3)</p>	
<p>Plot widths should vary for residential and non-residential development. A coarser grain of development may be permissible in the Fortunestown Centre. It is an objective of the Local Area Plan that: • Where facades to development plots are wider than 6 metres they shall be vertically articulated into bays. Long monotonous frontages shall be avoided. Plot widths for dwelling houses shall be between 5 metres and 9 metres. (Objective BF4)</p>	<p>The design requirements for houses are not applicable to this apartment development. The layout, design, massing, materiality, and elevational treatment of the proposed apartment blocks provide for strong verticality and visual articulation throughout. Further design justification is provided in the Reddy Architecture Design Statement.</p>

Building Height (Section 5.5.4)	
There shall be a maximum height limit of three storeys, with exceptions justifiable only in limited exceptional circumstances.	The proposed development includes a range of heights from 1-13 storeys. This is justified by the site's location and the national guidelines regarding building heights. Please see the material contravention statement below.
Residential development should create a strong built edge along main streets subject to the protection of residential amenity especially access to sun/day light.	Th proposed development provides strong urban frontages to the development's internal streets. The buildings have also been carefully located to ensure the best orientation for the development and to ensure that each residential unit receives adequate daylight.
Development immediately adjoining areas of existing one, two and three storey housing should seek to ensure a gradual change in building heights with no significant marked increase in height within transitional areas. Development backing on to existing buildings must respect existing context building heights.	The 3 storey duplex units are located in the north-west corner of the subject site. This provides a gradual increase in height from the existing two-storey houses north of the subject site.
Landmark Opportunities and Gateways Treatments (Section 5.5.5)	
Such buildings/structures are permissible at various points throughout the Plan Lands at places that define the location of transport interchanges, significant areas of open space and vistas. Gateway opportunities are identified at major junctions where there is a convergence of key vehicular and pedestrian routes on entering the Plan Lands.	The proposed 13-storey building will contribute to the legibility of the area and perform a clear way-finding function. It will act as a landmark building to mark the Fortunestown Luas stop and the proposed plaza.
Landmark and gateway buildings/treatments will therefore only be permissible where they perform a clear way-finding function and contribute to the legibility of the area.	
Frameworks (Section 6.0)	
Require planning applications for any building(s), street(s) or space(s) to be accompanied by a masterplan layout drawing that details how the proposed building(s), streets(s) or space(s) fits within the framework for the neighbourhood to which they relate in terms of accessibility and movement; integration of development; density and land use; green infrastructure and built form. These framework elements can be varied in terms of precise location and design provided that they conform to the principles and guidance set out in this Local Area Plan. Existing utilities should be accommodated between blocks and under streets. (Objective F1)	Reddy Architecture + Urbanism have prepared a Design Appraisal report which sets out how the proposed buildings, streets and spaces have been carefully designed to create a high quality, accessible space.

Ensure that each neighbourhood is developed with open ended and integrated pedestrian and cycle routes that link with the Fortunestown Centre and adjacent neighbourhoods. (Objective F2)	The proposed development will provide clear, safe and attractive pedestrian and cyclist routes through the site which will connect the proposed development with the surrounding area.
Frameworks – Fortunestown Centre (Section 6.1)	
Ensure that the Fortunestown Centre is developed with open ended vehicular, pedestrian and cyclist routes from which the four surrounding neighbourhoods can link and emanate. (Objective FC1)	The proposed layout creates a predominantly car free network of routes with connect the application site to the wider area ensuring safe and easy access for pedestrians and cyclists to the wider area. Cars have access to along two main routes that connect to the wider area; however, these are designed to provide priority to pedestrians and cyclists with cars as a secondary user.
Require any further development of the Fortunestown Centre to include for an upgrade of the roundabout between Fortunestown Way/Lane and Citywest Road to a fully signalised junction that prioritises cycle and pedestrian movement with wide cycle paths and footpaths and meets the requirements of ‘Smarter Travel – A Sustainable Transport Future 2009-2020’. (Objective FC2)	These works are now complete.
Ensure that any further development of the Fortunestown Centre includes for the integration with existing surrounding housing estates including those to the south (Verschoyle) and west (Carrigmore) of the Citywest Shopping Centre by way of pedestrian and cyclist links. (Objective FC3)	The proposed development has been designed to integrate with the recently permitted and constructed developments adjacent to the site.
Ensure that any further development of the Fortunestown Centre includes for a safe, direct and prominent cyclist and pedestrian link to the District Park to the rear (south-west) of the Citywest Shopping Centre. (Objective FC4)	The proposed development includes clear, safe routes for pedestrians and cyclists through the site.
Ensure that an identifiable centre develops around the junction between Citywest Road and Fortunestown Lane/Way and the Fortunestown Luas stop with a vibrant mix of retail, service, civic, community and residential uses. Retail floorspace shall comply with Retail Planning Guidelines. (Objective FC5)	The proposed development will help to create an identifiable centre at the Fortunestown Luas stop. The proposed layout will create a public plaza north of the Luas stop that will be fronted by retail and residential amenity uses. The building heights increase at this public plaza which will help to create a focal point and aid with the legibility of the area.
Ensure that development of the Fortunestown Centre accords with the Local Area Plan’s phasing strategy and includes for the provision of a primary school site of not less than one hectare. (Objective FC6)	2 schools have been built at Cooldown Commons and are fully operational serving the area.

<p>Ensure that development of the Fortunestown Centre Neighbourhood shall, in consultation with the Planning Authority, include for the provision of a library building or space and a healthcare facility. These facilities shall be located within or in close proximity to the Citywest Shopping Centre. (Objective FC6a)</p>	<p>The South Dublin Library Development Plan 2018-2022 does not identify a need for a new library building within the Citywest/Fortunestown area. We also understand that a library facility is currently provided via a mobile service which operate from the District Centre once a week.</p> <p>The Social & Community Infrastructure Audit submitted with this application identifies a number of medical centres in the vicinity of the site. Additional facilities are not considered necessary at this time.</p>
<p>Ensure that a minimum of 85% of all dwellings be provided as own door houses on their own site and that a maximum of 15% of all dwellings across the Plan Lands be provided as apartments/ duplexes with such dwellings limited to appropriate areas or particular locations such as Luas stops and landmark junctions and sensitively designed to contribute to the broader aesthetics of the area including the nearby mountains. The minimum average floor area of all developments throughout the Plan Lands shall be 110 sq. metres. (Objective FC6b)</p>	<p>The proposed development provides 91% apartments and 9% own door units which is in line with national policy for compact growth, consolidating urban areas and the apartment guidelines.</p> <p>Please see the material contravention statement.</p>
<p>That no further residential or commercial floorspace (office, retail, services etc) will be permitted within the Fortunestown Centre until such time as the park facilities heretofore permitted within the site designated as the District Park (site to rear/south-west of Citywest Shopping Centre) have been completed or are nearing completion including children's play facilities, sports/outdoor recreational facilities, jogging track, sports building, car parking, paths, and landscaping. (Objective FC7)</p>	<p>The District Park (Carrigmore Park) south of the District Centre is now complete.</p>
<p>That the Fortunestown Centre will incorporate green through routes in a manner that forms a hub for a green structure/network to permeate the Plan Lands. (Objective FC8)</p>	<p>A variety of green links are provided through the development connecting to the Luas stop, public plaza and to adjoining developments.</p>
<p>To ensure that the development of the Fortunestown Centre includes for a neighbourhood park that straddles the Luas line with soft and hard landscaping and incorporates Kingswood Stream with its associated hedgerow. (Objective FC9)</p>	<p>The neighbourhood park is to be provided principally on third party lands to the east of the development, however the current proposal includes for the western extent of the park along with a pedestrian bridge over the eastern stream to connect to the remainder of the park.</p>

That a 10 metre (min) biodiversity strip (measured from the top of the bank) shall be reserved on both sides of the designated sections of stream(s) that traverse the neighbourhood, for flood management, landscaping, pedestrian/cyclist movement and biodiversity reasons. (Objective FC10)

A 10m biodiversity strip will be provided to the west of the stream that forms the eastern boundary of the site.

Evaluation of Consistency

Overall, it is considered that the proposed development is in general accordance with the Fortunestown Local Area Plan. A number of objectives are contravened and are addressed in the Material Contravention Statement in the next chapter and are justified having regard to current Section 28 Ministerial Guidelines.

The proposed development provides an appropriate mix of units and uses. The proposal links into the neighbouring developments ensuring a high level of permeability throughout the site. There are also large areas of public open space within the development creating an attractive environment for both humans and flora and fauna in the area. The high quality layout and landscaping of the scheme, along with the attractive architecture ensures a development that will ensure wayfinding, legibility, and connectivity to the wider area.

Chapter 9 Material Contravention Statement

Potential material contraventions

This Statement provides a justification for the material contravention of the following policies of the County Development Plan 2016-22 and Fortunestown LAP 2012 (Extended in 2017 until 2022) (hereinafter the LAP):

Building Height

- Development Plan Policy 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).”*
- Development Plan Policy H9 Objective 4: *“To direct tall buildings that exceed five storeys in height to strategic and landmark locations in Town Centres, Mixed Use Zones and Strategic Development Zones and subject to an approved Local Area Plan or Planning Scheme ”.*
- Development Plan Policy H9 Objective 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.”*
- Development Plan Section 11.2.7 which requires increased height over 5 storeys to be located in key nodes and also the subject of an approved LAP.
- Section 6.1.5 of the LAP which states *‘Buildings along and around the main streets and spaces will generally be 3 storeys in height save for a landmark building at the south-west corner of the upgraded junction between Fortunestown Lane and Citywest Road’.*
- The LAP requirement for building heights to a maximum of three storeys with exceptions only in limited circumstances (Section 5.5.4).

Public open space and community facilities

- Development Plan Section 11.3.1 (iii) which requires, in areas zoned RES-N, that 14% of the total site area is provided as public open space in new residential developments.
- The LAP requirement for 300sqm of community facilities per 1,000 dwellings. (Section 7.2.5)

Casement aerodrome

- The Development Plan Policy IE 8 and IE8 Objective 2 relating to the Casement Aerodrome.
- Section 5.5.4 of the LAP which states that *‘All development shall comply with the height restrictions from Baldonnel Aerodrome as detailed in the County Development Plan, which largely only apply to the Saggart-Cooldown Commons and Cheeverstown neighbourhoods’.*

No. of units, unit mix, size and density

- Section 5.4.1 of the LAP which states *‘Apartments/duplexes will not generally be permitted and shall only be used in limited circumstances where required for reasons of urban design, subject to Development Management considerations.’.*
- The LAP requirement for densities of 30-50 dwellings per hectare on the plan lands (Section 5.4.1)
- The LAP requirement for densities of c. 50 units per hectare on this site (Table 5.3).
- The LAP requirement that no more than 10% of dwellings in any residential scheme are of the one bedroom type (LUD8).
- The LAP requirement for a mix of 85% own door units and only 15% apartments (Objectives LUD10 and FC6b).

- The LAP requirement for the minimum average floor area of all developments throughout the Plan Lands to be 110 sq. metres (Objectives LUD10 and FC6b).
- The LAP requirement for a total of 3,300 units in total (and 576 within Fortunestown Centre Neighbourhood (Table 8.1 and Appendix 4).

It is submitted that recent National Policy provides justification for the proposed increased density, number of units, housing mix and building heights within the subject scheme due to the national planning policy objective to provide higher densities on appropriately zoned and serviced lands next to town centres, employment hubs and high quality public transport.

Legislative context

The Planning and Development (Housing) and Residential Tenancies Act, 2016 outlines how the Board may grant permission for a development which materially contravenes a Development Plan or Local Area Plan:

Section 9(6) of the Act states:

“(a) Subject to paragraph (b), the Board may decide to grant a permission for a proposed strategic housing development in respect of an application under section 4 even where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned.

(b) The Board shall not grant permission under paragraph (a) where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned, in relation to the zoning of the land.

(c) Where the proposed strategic housing development would materially contravene the development plan or local area plan, as the case may be, other than in relation to the zoning of the land, then the Board may only grant permission in accordance with paragraph (a) where it considers that, if section 37(2)(b) of the Act of 2000 were to apply, it would grant permission for the proposed development.”

Section 37(2)(b) of the 2000 Act states:

“Where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with paragraph (a) where it considers that—

(i) the proposed development is of strategic or national importance,

*(ii) there are conflicting objectives in the development plan, or the objectives are not clearly stated, insofar as the proposed development is concerned, **or***

*(iii) permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister, or any Minister of the Government, **or***

(iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.”

At the time of lodging this application, the Fortunestown Local Area Plan, 2012 had been extended and would remain in place until 2022.

Topic	Policy	Potential Contravention in the Proposed Development
<p>Building Height</p>	<p>Housing Policy 9 of the SDCC County Development Plan states <i>'it is the policy of the Council to support varied building heights across residential and mixed use areas in South Dublin County'</i></p> <p>The following three objectives of housing policy 9 are noted.</p> <p>H9 Objective 4 <i>'To direct tall buildings that exceed five storeys in height to strategic and landmark locations in Town Centres, Mixed Use zones and Strategic Development Zones and subject to an approved Local Area Plan or Planning Scheme.'</i></p> <p>H9 Objective 5 <i>'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.'</i></p> <p>H9 Objective 3: <i>'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).'</i></p> <p>However, this rudimentary height limit would appear to conflict with other policies in the Development Plan as follows:</p> <ul style="list-style-type: none"> • <i>"Housing Policy 9 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."</i> • <i>"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."</i> • <i>"H9 Objective 2: to ensure that higher buildings in established areas respect the surrounding context."</i> 	<p>The proposal comprises 9 blocks ranging in height from 1 to a maximum of 13 storeys.</p> <p>The permitted scheme to the north and east of the subject site includes two storey houses.</p> <p>The area is covered by the Fortunestown LAP and therefore H9 Objective 5 may not be applicable to the proposed development.</p>

	<p>The LAP identifies that <i>There shall be a maximum height limit of three storeys, with exceptions justifiable only in limited exceptional circumstance.</i></p> <p>However, the LAP also allows for Landmark Opportunities and Gateways Treatments as follows:</p> <ul style="list-style-type: none"> • <i>Such buildings/structures are permissible at various points throughout the Plan Lands at places that define the location of transport interchanges, significant areas of open space and vistas. Gateway opportunities are identified at major junctions where there is a convergence of key vehicular and pedestrian routes on entering the Plan Lands.</i> • <i>Landmark and gateway buildings/treatments will therefore only be permissible where they perform a clear way-finding function and contribute to the legibility of the area.</i> 	
	<p>Section 11.2.7 of the Development Plan states that <i>“Varied building heights are supported across residential areas, urban centres and regeneration zones in South Dublin County, subject to appropriate safeguards to protect the amenity of the area.</i></p> <p><i>Development proposals that include ‘higher buildings’ that are greater than the prevailing building height in the area should be supported by a strong urban design rationale (as part of a Design Statement) and provide an appropriate series of measures that promote the transition to a higher building.</i></p> <p><i>Proposals for higher buildings of <u>over three storeys</u> in residential areas should be accompanied by a site analysis (including character appraisal) and statement that addresses the impact of the development (see also Section 11.2.1 – Design Statements).</i></p> <p><i>The appropriate maximum or minimum height of any building will be determined by:</i></p> <ul style="list-style-type: none"> - <i>The prevailing building height in the surrounding area.</i> - <i>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.</i> - <i>The formation of a cohesive streetscape pattern – including height and scale of the</i> 	<p>The proposal includes 3 storey duplexes which are a minimum of c.19m from the permitted but not yet built two storey houses located to the northeast of the site.</p> <p>Block D is over 3 storeys in height and is c. 60m from the permitted unbuild houses.</p> <p>The proposal has a range in building heights from 1 to 13 storeys.</p>

	<p><i>proposed development in relation to width of the street, or area of open space.</i></p> <ul style="list-style-type: none"> - <i>The proximity of any Protected Structures, Architectural Conservation Areas and/or other sensitive development.</i> <p><i>Proposals for ‘tall buildings’, that exceed five storeys will only be considered at areas of strategic planning importance such as key nodes, along the main street network and along principal open spaces in Town Centres, Regeneration zones and Strategic Development Zones, and subject to an approved Local Area Plan or Planning Scheme.</i></p>	
	<p>Section 6.1.5 of the LAP which states <i>‘Buildings along and around the main streets and spaces will generally be 3 storeys in height save for a landmark building at the south-west corner of the upgraded junction between Fortunestown Lane and Citywest Road’.</i></p>	<p>The proposal comprises 9 blocks ranging in height from 1 to a maximum of 13 storeys.</p>
	<p>Section 5.5.4 of the LAP states <i>‘there shall be a maximum height limit of three storeys, with exceptions justifiable only in limited exceptional circumstances.</i></p> <p><i>Residential development should create a strong built edge along main streets subject to the protection of residential amenity especially access to sun/day light. Development immediately adjoining areas of existing one, two and three storey housing should seek to ensure a gradual change in building heights with no significant marked increase in height within transitional areas. Development backing on to existing buildings must respect existing context building heights.</i></p> <p><i>All development shall comply with the height restrictions from Baldonnel Aerodrome as detailed in the County Development Plan, which largely only apply to the Saggart-Cooldown Commons and Cheeverstown neighbourhoods.</i></p>	
<p>Residential mix & typology</p>	<p>The LAP states:</p> <ul style="list-style-type: none"> • <i>Ensure that no more than 10% of dwellings in any residential scheme are of the one bedroom type. (Objective LUD8)</i> • <i>Ensure that a minimum of 85% of all dwellings be provided as own door houses on their own site and that a maximum of 15% of all dwellings across the Plan Lands be provided as apartments/duplexes with such dwellings limited to appropriate areas or particular locations such as Luas stops and landmark junctions and sensitively designed to</i> 	<p>The proposal comprises 30% 1-beds, 63% 2-beds, and 7% 3-beds.</p>

	<p><i>contribute to the broader aesthetics of the area including the nearby mountains. The minimum average floor area of all developments throughout the Plan Lands shall be 110 sq. metres. (Objective LUD 10 & FC6b)</i></p> <ul style="list-style-type: none"> <i>• Apartments/duplexes will not generally be permitted and shall only be used in limited circumstances where required for reasons of urban design, subject to Development Management considerations. (Section 5.4.1)</i> <p>Section 11.3.1 of the Development Plan states that <i>'The overall dwelling mix in residential schemes should provide for a balanced range of dwelling types and sizes to support a variety of household types. On smaller infill sites, the mix of dwellings should contribute to the overall dwelling mix in the locality. With the exception of student accommodation, proposals that include a high proportion of one bedroom dwellings (more than 10%) shall be required to demonstrate a need for such accommodation, based on local demand and the demographic profile of the area. Design Statements for residential or mixed use development proposals with a residential element (see Section 11.2.2 Design Statements) will be required to address the mix of dwelling types.'</i></p>	
<p>Density</p>	<p>Section 5.4.1 of the LAP states <i>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. Densities shall be at the higher end of this range within 5 minutes walk of Luas stops in accordance with Development Plan policy and National Guidance and at the lower end of this range at the extremities of the Plan Lands. Schemes within the range of 30 – 50 dwellings per hectare shall be well-designed, deliver innovative housing layouts, successfully integrate good internal and external space and amenity provision, along with car parking and public open space and be of benefit to the Plan Lands and the District as a whole."</i></p> <p>Table 5.3 in the LAP recommends a residential density of c.50 units per ha for Fortunestown Centre Neighbourhood.</p> <p>The Development Plan Policy H8 states that <i>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.</i></p>	<p>The current proposal is at a density of 124uph.</p>

	<p><i>H8 Objective 1: To ensure that the density of residential development makes efficient use of zoned lands and maximises the value of existing and planned infrastructure and services, including public transport, physical and social infrastructure, in accordance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009).</i></p> <p><i>H8 Objective 2: To consider higher residential densities at appropriate locations that are close to Town, District and Local Centres and high capacity public transport corridors in accordance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009).</i></p> <p><i>H8 Objective 3: To encourage the development of institutional lands subject to the retention of their open character and the provision of quality public open space in accordance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009).</i></p> <p><i>H8 Objective 4: To support proposals for more intensive enterprise and/or residential led development within areas designated with Zoning Objective 'REGEN' (To facilitate enterprise and/or residential led regeneration), subject to appropriate design safeguards and based on traditional urban forms that adhere to urban design criteria.</i></p> <p><i>H8 Objective 5: To ensure that developments on lands for which a Local Area Plan has been prepared comply with the local density requirements of the Local Area Plan.</i></p> <p><i>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.</i></p>	
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	<p><i>H8 Objective 7: To facilitate, in limited locations, four and five bed detached homes on lands that are appropriate to low density residential development.</i></p> <p><i>H8 SLO1: To ensure that future development on lands at the south west side of the Balrothery Estate (two cottages) reflects the density of the Balrothery estate and that the residential amenity of adjoining dwellings is protected.</i></p> <p><i>H8 SLO2: To maintain a RES Zoning Objective for the site identified at Coolamber and, in considering the specific local needs of the area, to provide for the following: A maximum residential density of 40 units per hectare; To maintain a complete unbroken boundary comprising railings or other permanent structure along the perimeter of the site with the exception of an entrance off the Newcastle Road and pedestrian and cyclist permeability with the Finnstown Neighbourhood Centre to the north of the site. The above notwithstanding any other related policies or objectives outlined in this Plan.</i></p>	
<p>Open Space</p>	<p>Section 11.3.1 (iii) of the Development Plan states <i>The Planning Authority will require public open space to be provided as an integral part of the design of new residential and mixed use developments.</i></p> <p><i>A detailed Landscape Plan that outlines the extent of open space and details for its treatment will be required with residential developments of 10 units and above.</i></p> <p><i>In areas that are designated Zoning Objective RES-N all new residential development shall be required to incorporate a minimum of 14% of the total site area as public open space;</i></p> <p><i>In all other zones all new residential development shall be required to incorporate a minimum of 10% of the total site area as public open space. This includes community led housing for older people in established areas on lands designated with Zoning Objective "OS" (To preserve and provide for open space and recreational amenities).</i></p> <p><i>On institutional lands a minimum requirement of 20% is recommended to maintain an open setting.</i></p>	<p>The proposal provides 12.91% of the site area as public open space.</p>

	<i>Local Area Plans and Planning Schemes will address the need for the phased provision of public parks in growth areas.</i>	
Community Facilities	<p>Section 7.2.5 of the LAP requires <i>“Community facilities shall be distributed across the Plan Lands at a rate of 300 sq.m per 1,000 dwellings. Such facilities shall be located close to parks and schools and should encourage complementary day and night time parking.”</i></p> <p>Table 8.3 of the phasing plan identifies for Phase 2 that <i>“circa 780sqm of community floor space”</i> is required before the next phase.</p>	<p>646sqm of community floor space has been granted to date.</p> <p>However, 3073 units have been permitted to date, this permission will further increase this to 3462 units in total.</p>
Number of units delivered	<p>The LAP indicates in section 8 and in Table 8.1 that a total of 3,300 units are to be delivered in 4 phases with 576 units in total delivered in Fortunestown Centre over the 4 phases.</p>	<p>To date, within the immediate area of the site, 10 planning applications have been granted providing for c. 3,073 residential units (See Table 6 in Chapter 4 above).</p> <p>This proposal, for an additional 421 number units, which will replace 32 already permitted, will result in 3,462 no. residential units in the area. This is 162 more units than permitted in the LAP area as a whole, and would represent a 5% increase above the 3,300.</p>
Casement Aerodrome	<p>The Development Plan’s Policy IE8 states <i>‘It is the policy of the Council to safeguard the current and future operational, safety and technical requirements of Casement Aerodrome and to facilitate its ongoing development for military and ancillary uses, such as an aviation museum, within a sustainable development framework.’</i></p> <p>IE8 Objective 1: To ensure the safety of military air traffic, present and future, to and from Casement Aerodrome with full regard for the safety of persons on the ground as well as the necessity for causing the least possible inconvenience to local communities.</p> <p>IE8 Objective 2 states</p>	<p>The proposal penetrates the Inner Horizontal Surface by up to 24.1m</p>

	<p><i>'To maintain the airspace around the aerodrome free from obstacles to facilitate aircraft operations to be conducted safely, including restricting development in the environs of the aerodrome. The airspace of Casement is defined by the Obstacle Limitation Surfaces, prepared and mapped on the County Development Plan map in accordance with the ICAO Standards and the Irish Aviation Authority 'Guidance Material on Aerodrome Annex 14 Surfaces (2015)', including the following:</i></p> <p><i>a). Prevent objects from penetrating the Obstacle Limitation Surfaces for runway 11/29. The existing main runway (11/29) is considered as an instrument approach Code 4 runway and the relevant Obstacle Limitation Surfaces of the Irish Aviation Authority 'Guidance Material on Aerodrome Annex 14 Surfaces' (2015) are applicable.</i></p> <p><i>b). Prevent objects from penetrating the established International Civil Aviation Organisation (ICAO) Annex 14 standards for approach, transitional, inner horizontal and conical Code 3 Obstacle Limitation Surfaces for the subsidiary instrument approach runway (23) in accordance with Tables 1-7 of the Irish Aviation Authority 'Guidance Material on Aerodrome Annex 14 Surfaces' (2015). The extent of the lands under the runway approach surface whereby no development is allowed for runway 23 (Corkagh Park) is shown on the Development Plan maps. i.e 1,100 metres.</i></p> <p><i>c). Protect runway 05 as a Code 3 subsidiary visual approach runway due to the land contours in the area and prevent objects from penetrating the relevant approach, transitional, inner horizontal and conical limitation surfaces for a visual approach runway in accordance with Section 3.13 of the Irish Aviation Authority 'Guidance Material on Aerodrome Annex 14 Surfaces' (2015). The extent of the lands under the runway approach surface whereby no development is allowed for runway 05 (Rathcoole end) is shown on the Development Plan maps (i.e 1,100 metres) and the ICAO standards will not prejudice the development of zoned lands in Rathcoole.'</i></p> <p><i>IE8 Objective 3: To implement the principles of shielding in assessing proposed development in the vicinity of Aerodromes, having regard to Section 3.23 of the Irish</i></p>	
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	<p>Aviation Authority 'Guidance Material on Aerodrome Annex 14 Surfaces (2015)'.</p> <p><i>IE8 Objective 4: To prohibit and restrict development in the environs of Casement Aerodrome in the following ways:</i></p> <ul style="list-style-type: none"> - a) <i>By prohibiting development within the immediately adjacent approach areas to reduce the slight risk to persons on the ground and the increased risk to occupants of an aircraft in the event of the aircraft accidentally touching down outside the aerodrome boundary while taking off or approaching to land, except where development could not reasonably expect to increase the number of people working or congregating in or at the property (this may include development such as the extension of an existing dwelling or a change of building use). In general, no development shall be permitted within the Public Safety Zones.</i> - b) <i>By applying height restrictions to development in the environs of the Aerodrome.</i> - c) <i>By eliminating potential sources of interference with the operation of electronic navigation aids.</i> - d) <i>By obviating possible hazards to aircraft through the generation of smoke, dust or fumes which may reduce visibility.</i> - e) <i>By controlling and assessing the locations of any activities which may be an attraction to birds.</i> - f) <i>By limiting the extent, height and type of external lighting to avoid confusing pilots in the interpretation of aeronautical lights or cause dazzle or glare. The extent of the restriction necessary in any particular instance depends on its purpose. In some cases, more than one purpose may have to be served in which case a combination of the restrictions to satisfy all the purposes to be served will be necessary.</i> <p><i>IE8 Objective 5: Within the Department of Defence Inner Zone (delineated on Development Plan Index Map), in addition to the Obstacle Limitation Surfaces for the Aerodrome, no buildings or structures exceeding 20m in height above ground level should be permitted except where specifically agreed following consultation with the Department of Defence that the proposed</i></p>	
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	<p><i>development will not affect the safety, efficiency or regularity of operations at the aerodrome.</i></p> <p><i>IE8 Objective 6: To limit residential development and other land uses impacted by noise, such as nursing homes, schools, hospitals and conference centres within the Noise Significant Area Boundary delineated for Casement Aerodrome, subject to an appropriate noise assessment and mitigation measures to protect residential amenity</i></p> <p>Section 5.5.4 of the LAP states <i>'All development shall comply with the height restrictions from Baldonnell Aerodrome as detailed in the County Development Plan, which largely only apply to the Saggart-Cooldown Commons and Cheeverstown neighbourhoods'</i></p>	
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An Bord Pleanála's powers and material contraventions

With reference to Section 9(6)(c) of the Planning and Development (Housing) and Residential Tenancies Act, 2016, we hereby set out the criteria in Section 37(2)(b) of the 2000 Act (as amended) under which the Board can grant a material contravention:

- ***Section 37(2)(b)(i) - the proposed development is of strategic or national importance***

The proposed development is a "Strategic Housing Development", as defined under Section 3 of the 2016 Act.

- ***Section 37(2)(b)(ii) - there are conflicting objectives in the development plan, or the objectives are not clearly stated, insofar as the proposed development is concerned***

The conflicting objectives within the current development plan and the 2012 LAP are included under Section 37(2)(b)(iii) below.

or

- ***Section 37(2)(b)(iii) - permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister, or any Minister of the Government***

1. Density

The proposed 124 units per ha is considered acceptable for this key site beside a Luas stop, a District Centre, within short walking distance of a major employment centre (City west Business Campus) and that qualifies as an "Accessible Urban Location" under the 2018 Apartment Guidelines, making it suitable for large-scale higher density development.

The 2012 LAP density would also conflict with the 2016 County Development Plan which contains the following objectives:

- *H8 Objective 1: To ensure that the density of residential development makes efficient use of zoned lands and maximises the value of existing and planned infrastructure and services, including public transport, physical and social infrastructure, in accordance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009).*
- *H8 Objective 2: To consider higher residential densities at appropriate locations that are close to Town, District and Local Centres and high capacity public transport corridors in accordance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009).*

Section 11.3.1 of the Development Plan promotes higher residential densities ‘*within walking distance of town and district centres and high capacity public transport facilities*’.

2. Unit Mix, Size & Typology

The proposed 100% apartment scheme and unit mix is in accordance with SPPR 1 of the Apartment Guidelines 2018 which allows “*up to 50% one-bedroom or studio type units... and there shall be no minimum requirement for apartments with 3 or more bedrooms.*”

Furthermore, all of the apartments are in line with the size requirements set out in the SPPR 3 of the apartment guidelines which requires:

Specific Planning Policy Requirement 3

Minimum Apartment Floor Areas:

- | | |
|--|----------------|
| • Studio apartment (1 person) | 37 sq.m |
| • 1-bedroom apartment (2 persons) | 45 sq.m |
| • 2-bedroom apartment (4 persons) | 73 sq.m |
| • 3-bedroom apartment (5 persons) | 90 sq.m |

Statutory plans can only prescribe specific alternative unit mixes following an evidence-based Housing Need and Demand Assessment (HNDA) which has not been undertaken for the Fortunestown LAP.

Furthermore, Objectives LUD 10 & FC6b, which seek to limit the provision of apartments to only 15% runs contrary to current national Policy (NPF and the Section 28 Ministerial Guidelines) which all promote compact urban growth, higher densities, greater height, and increased mix of unit typologies at accessible and well serviced urban locations such as this.

The Board is referred to the Section 28 Ministerial Guidelines – *Sustainable Urban Housing: Design Standards for New Apartments* (2018) which notes the following:

The NPF and the Housing Agency have identified that more than 30,000 new homes are required in Dublin City and suburbs, *which does not include additional pent-up demand arising from under-supply of new housing in recent years.* It also identifies the need for a minimum of 550,000 new homes, with at least half of these to be targeted to the 5 big cities. It also “*signals a shift in Government policy towards securing more compact and sustainable urban development, to enable people to live nearer*

to where jobs and services are located". As a result, section 1.10 amends the apartment guidance in order to

- Enable a mix of apartment types that better reflects contemporary household formation and housing demand patterns and trends, particularly in urban areas;
- Make better provision for building refurbishment and small-scale urban infill schemes;
- Address the emerging 'build to rent' and 'shared accommodation' sectors; and
- Remove requirements for car-parking in certain circumstances where there are better mobility solutions and to reduce costs.

The Guidelines identify that in the context of sustainably increasing housing supply, targeting greater proportion of urban housing development, and matching to the type of housing required, there is a need for greater flexibility, removing restrictions that result in different approaches to apartment mix on the one hand and to other forms of residential accommodation on the other. This is particularly relevant where comprehensive housing need and demand assessment has not been undertaken. The guidelines identify the need for flexibility in approaches to different forms of housing in order to facilitate a mix of apartment types that reflects household formation and housing demand.

Therefore, it is considered that, in the interests of providing an overall sustainable quantum, density, scale, design and mix of residential units in the LAP area, the proposed 100% apartment scheme and mix of 1/2/3 bed units is appropriate.

3. Exceedance of LAP Total Number of Residential Units

This proposal, for an additional 421 number units, which will replace 32 already permitted, will result in 3,471 no. residential units in the area. This is 162 more units than indicated in the LAP area as a whole and would represent a 5% increase above the 3,300.

The Board may consider that this is not a material contravention particularly as the LAP does not explicitly state that 3,300 units is the maximum number and cannot be exceeded.

Furthermore, the note attached to Table 8.1 (and Appendix 4) of the LAP clarifies that the figures states are based on a calculation of 40 units per ha, with the acknowledgement that some areas will likely be of a lower average density whilst others will be of a higher average density. None of the areas are considered to have an average density above 50 units per ha which would be contrary to current national guidelines.

This suggests that there is an inherent flexibility to the total number of units achievable in the LAP and that the slight exceedance as a result of the current proposal is not a material contravention.

It is also worth noting that there is limited potential for further exceedance of the LAP's total number of units. Most of the LAP lands have now received planning permission for residential developments, with many completed or under construction. The outline of the recent permissions on the LAP lands is shown in the figure below and further detail on the permissions is included in chapter 4. There are only two undeveloped areas left without permission – the Boherboy area to the south-west and the Cheeverstown area to the north-east. The LAP has identified the Cheeverstown land for a secondary school site, a recycling facility and a garda station. This land is also partially zoned for enterprise and employment. As a result, there is limited opportunity for further residential development on these

lands. The Boherboy lands therefore offer the only remaining area for further residential development on the LAP lands. Any further exceedance resulting from residential development on the Boherboy lands would be in line with national guidelines.

However, should the Board consider otherwise it is hereby included for consideration. Justification for same is made having regard to all of the foregoing, current national guidelines which promote increased residential density, building height, more compact urban form, and greater provision of apartments. And which, we note are the same national policies that informed the permitting of all of the other SHDs granted within the LAP to date and each in exceedance of the height, density and mix/typology standards applied in the 2012 LAP.

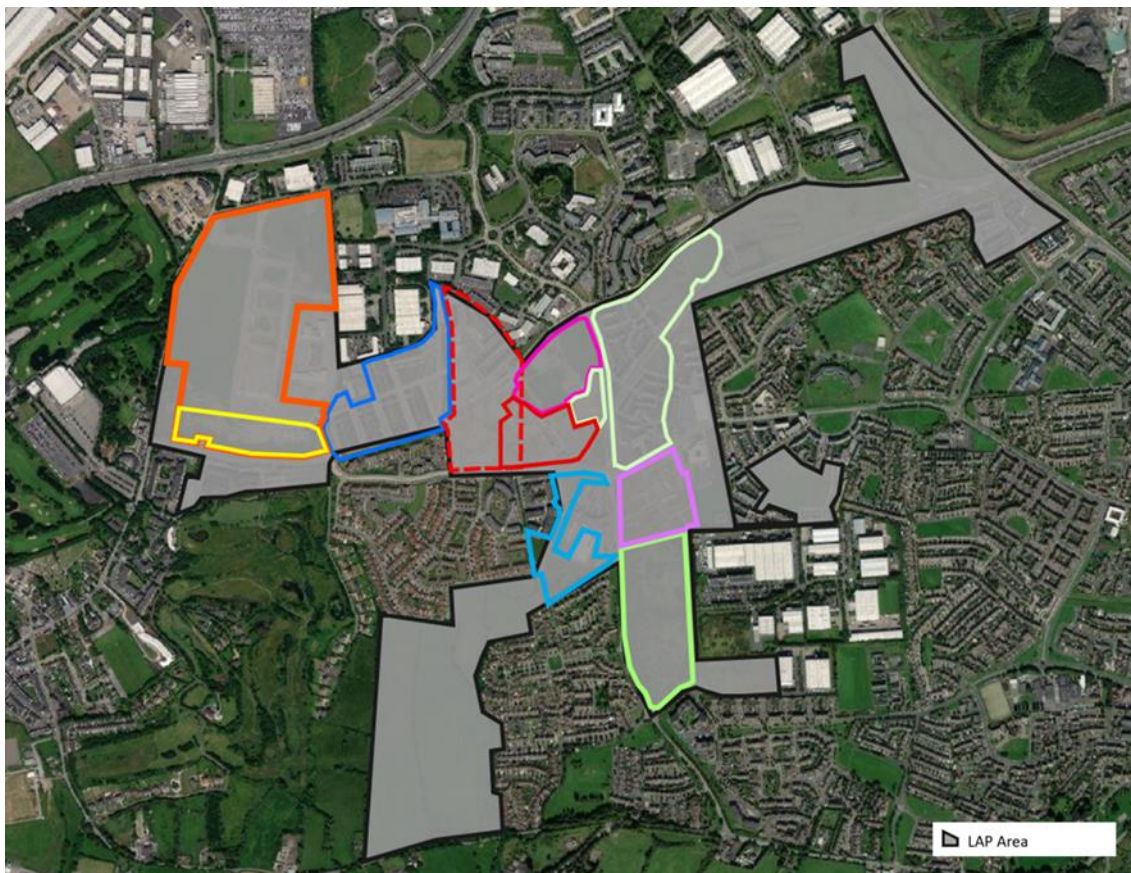


Figure 43 Permitted Planning Permissions on LAP Lands

4. Building Height and casement aerodrome

In relation to Building Height the Board is referred to the Section 28 Ministerial Guidelines - *Urban Development & Building Heights: Guidelines for Planning Authorities* (2018).

Under Section 28 (1C) of the Planning and Development Act 2000 (as amended), Planning Authorities and An Bord Pleanála are **required to have regard to the guidelines and apply any specific planning policy requirements (SPPR's) of the guidelines in carrying out their function. SPPRs, as stated in the Guidelines, take precedence over any conflicting, policies and objectives of development plans, local area plans and strategic development zone planning schemes.**

The Guidelines emphasise the policies of the NPF to **increase levels of residential development in urban centres and increase building heights and overall density** by both facilitating and encouraging the development of increased heights and densities by Local Authorities and An Bord Pleanála.

We note the following compliances with the Development Management Criteria in the Guidelines:

Development Management Criteria	
At the scale of the town	
The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport.	The site is located immediately north of the Fortunestown Luas stop which provides a high frequency public transport link to Dublin city centre. In addition, 6 no. different bus routes serve the site with buses arriving at the stop every 10 – 15 minutes and providing access into Dublin City Centre, UCD and Citywest.
Development proposals incorporating increased building height, including proposals within architecturally sensitive areas, should successfully integrate into/ enhance the character and public realm of the area, having regard to topography, its cultural context, setting of key landmarks, protection of key views. Such development proposals shall undertake a landscape and visual assessment, by a suitably qualified practitioner such as a chartered landscape architect.	<p>The site is not located within an ACA nor are there any protected structure on site and in the vicinity. There are no protected views across the site or in the vicinity.</p> <p>The proposal will create an attractive public plaza beside this heavily trafficked and pedestrian dominated area next to the Fortunestown Luas stop. It will provide a mixture of uses in this location including retail and café.</p> <p>The surrounding area has seen significant development in recent years. The proposed development will integrate with the two adjacent sites that are currently under construction. The routes through this site will connect with the routes in the adjoining sites.</p>
On larger urban redevelopment sites, proposed developments should make a positive contribution to place-making, incorporating new streets and public spaces, using massing and height to achieve the required densities but with sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape.	<p>The provision of a 13 storey next to the Luas ensures that wayfinding to the Luas stop will be improved. The heights of the other buildings on the site have also been carefully located to integrate with the buildings under construction. In addition, the buildings heights will aid legibility through the scheme and avoid a monotonous development.</p> <p>The proposal is fully detailed in terms of landscaping and is subject to a comprehensive landscape and visual assessment as detailed in the EIAR submitted.</p>
At the scale of the neighbourhood	
The proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape	The surrounding area has seen significant development in recent years and many of the lands adjacent to the subject site are currently under construction. The proposed development has therefore been carefully designed to integrate with these new developments. This integration

	will ensure that a legible, permeable, and high-quality environment is created. An overall positive contribution to the neighbourhood.
The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials / building fabric well considered.	The apartment blocks have been carefully designed to avoid long uninterrupted walls of buildings. All of the buildings have been broken up through the use of materials, balconies and recesses creating a varied and interesting building design.
The proposal enhances the urban design context for public spaces and key thoroughfares and inland waterway/ marine frontage, thereby enabling additional height in development form to be favourably considered in terms of enhancing a sense of scale and enclosure while being in line with the requirements of "The Planning System and Flood Risk Management – Guidelines for Planning Authorities" (2009).	<p>A new public space will be created at the Luas stop. The space will be framed by retail units on the ground floor of the apartment blocks.</p> <p>The 13 storey element will act as a focal point, guiding people to this new public space at the heart of the Fortunestown LAP area adjoining the Luas stop.</p> <p>The site is not at risk of flooding (as per the Site Specific Floodrisk Assessment submitted).</p>
Makes a positive contribution to the improvement of legibility through the site or wider urban area within which the development is situated and integrates in a cohesive manner.	The proposed 13-storey building will act as a focal point for the development and the wider area. It will guide people to both the proposed public plaza and the existing Luas stop.
The proposal positively contributes to the mix of uses and/ or building/ dwelling typologies available in the neighbourhood.	The proposed development will provide a mix of uses (commercial and residential) as well as a mix of one bed, two bed and three bed units that will add to the mix of housing typologies in the area.
At the scale of the site/building	
The form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light	<p>The proposed buildings have been carefully located to maximise natural light into each residential unit and on all public open spaces. Strong urban edges are provided along the main routes through the development ensuring surveillance and a perception of safety along these routes. The massing of the buildings have been broken down through the use of varied heights, materials, and gaps between buildings.</p> <p>The buildings are predominantly laid out in a north south orientation, with the exception of blocks G1, E1 and E2. This orientation ensures excellent access to natural daylight and sunlight for all units and public open spaces.</p>

	<p>The layout of the scheme will not result in the loss of light or overshadowing to any of the neighbouring developments due to the location of the buildings and the distances between these buildings.</p> <p>Within the development, the scheme has been designed to ensure that sufficient space is left between buildings to ensure no undue loss of light, or overshadowing occurs between the proposed buildings.</p>
<p>Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'</p> <p>Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution.</p>	<p>A Daylight and Sunlight Assessment has been carried out by Avison Young. This has found that the proposed development performs well in terms of daylight and sunlight.</p>
<p>Specific Assessment</p>	
<p>Specific impact assessment of the micro-climatic effects such as downdraft. Such assessments shall include measures to avoid/ mitigate such micro-climatic effects and, where appropriate, shall include an assessment of the cumulative micro-</p>	<p>A wind study has been carried out by IES. This has found that ensuing the microclimate for the development will be acceptable.</p>

<p>climatic effects where taller buildings are clustered.</p>	
<p>In development locations in proximity to sensitive bird and / or bat areas, proposed developments need to consider the potential interaction of the building location, building materials and artificial lighting to impact flight lines and / or collision.</p>	<p>An AA Screening has been completed by Openfield Ecological Services and is submitted as part of this application.</p> <p>A full EIAR has also been prepared and submitted with this application.</p> <p>These reports found that this proposal will not have a detrimental impact on the natural ecology of the area, which is not identified as sensitive for birds or bats.</p>
<p>An assessment that the proposal allows for the retention of important telecommunication channels, such as microwave links.</p>	<p>Not relevant to the current site or proposal as there are no important telecommunication channels to be retained.</p>
<p>An assessment that the proposal maintains safe air navigation.</p>	<p>The proposed development is located outside of the noise and security Zones for Casement Aerodrome Baldonnell as per the SDCC County Development Plan. The site is also located outside similar zones for Dublin Airport.</p> <p>The subject site lies under the Casement’s Inner Horizontal Surface and some of the proposed blocks extend above this surface. An Aeronautical Assessment has been carried out and determined that the intrusion above the Inner Horizontal Surface <i>would be considered aeronautically acceptable in this location.</i></p> <p>A Glint & Glare report has found that none of the arrays have the potential to be a source of glare for the Air Traffic Control Tower at Casement Aerodrome. It also found that Westerly approaches to Tallaght Hospital Helipad have no potential glare sources from these arrays. The report sets out that the worst case scenario there is the potential for small amounts of green glare from certain rooftop arrays but durations and magnitudes would be considered negligible to very low. The report shows that nuisance or hazardous glare cannot be expected for users of the nearby Casement Aerodrome and Tallaght Hospital Helipad.</p>
<p>An urban design statement including, as appropriate, impact on the historic built environment</p>	<p>A detailed Architectural Design Statement prepared by Reddy Architecture is submitted with this application.</p>
<p>Relevant environmental assessment requirements, including SEA, EIA, AA,</p>	<p>The proposed planning application is accompanied by an AA screening report and EIA (including Biodiversity chapter).</p>

and Ecological Impact Assessment, as appropriate.

We note the following compliances with the Specific Planning Policy Requirements (SPPRs) of the Guidelines:

Specific Planning Policy Requirement	Evaluation of Consistency
<p>SPPR 1 In accordance with Government policy to support increased building height and density in locations with good public transport accessibility, particularly town/city cores, planning authorities shall explicitly identify, through their statutory plans, areas where increased building height will be actively pursued for both redevelopment, regeneration and infill development to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height.</p>	<p>The proposed development is located immediately north of the Fortunestown Luas stop and there is a variety of excellent bus routes including the 65b, 77a, 175 adjacent to the site with future Bus Connects upgrade planned. and is therefore an ideal location for increased building height and density.</p>
<p>SPPR 2 In driving general increases in building heights, planning authorities shall also ensure appropriate mixtures of uses, such as housing and commercial or employment development, are provided for in statutory plan policy. Mechanisms such as block delivery sequencing in statutory plans could be utilised to link the provision of new office, commercial, appropriate retail provision, and residential accommodation, thereby enabling urban redevelopment to proceed in a way that comprehensively meets contemporary economic and social needs, such as for housing, offices, social and community infrastructure, including leisure facilities</p>	<p>The proposed development provides a mix of different types of uses including retail, offices and residential.</p> <p>The proposed development is part of the overall development of the wider LAP area also in the control of the applicant.</p>
<p>SPPR 3 It is a specific planning policy requirement that where; (A) 1. an applicant for planning permission sets out how a development proposal complies with the criteria above; and 2. the assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines; then the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise.</p>	<p>The proposal is in accordance with the Development Management Criteria as set out in the table above.</p> <p>This proposal is in accordance with the national and regional guidance as fully detailed in the Statement of Consistency that forms part of this Planning Report.</p> <p>South Dublin County Council are supportive of the development of this site and at the heights and density</p>

	proposed as noted at Stage 2 Pre-Planning.
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The northern corner of the proposed three storey duplexes are c. 19m from the permitted two storey houses on the adjacent site. This contravenes Section 11.2.7 of the Development Plan which requires that residential buildings adjacent to two storey houses shall not be more than two storeys unless a separation distance of 35m can be achieved.

The proposed three storey duplexes provide a transition between the permitted two storey houses and the proposed taller D blocks and E blocks. As noted above, these taller blocks are considered appropriate at this location and allow a sustainable use and high density at this strategic site adjacent to the Luas stop.

The layout and orientation of the proposed duplexes has been carefully considered to limit overlooking and overshadowing. The duplexes have also been re-positioned since the pre-application meeting with An Bord Pleanála to provide a greater distance between the duplexes and houses.

Section 11.3.1 (v) of the Development Plan states that *'A separation distance of 22 metres should generally be provided between directly opposing above ground floor windows to maintain privacy. Reduced distances will be considered in respect of higher density schemes or compact infill sites where innovative design solutions are used to maintain a high standard of privacy'*.

Therefore, the c.19m distance between the proposed duplexes and permitted houses is considered acceptable. It is noted that these are not existing buildings and therefore this proposal is not considered to be in breach of this section. Furthermore a detailed Architectural Design Statement justifying the layout, transition in building heights and location of buildings has been provided in line with this section.

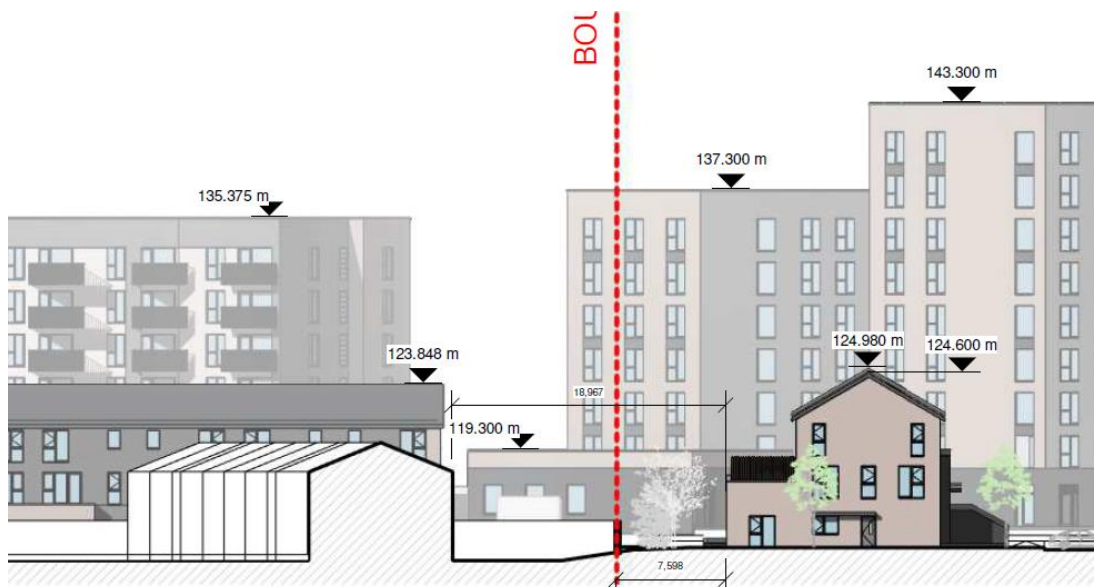


Figure 44 Extract from Contiguous Section CC



Figure 45 Extract from Contiguous Section DD

5. Open Space and community facilities

The proposed development includes 12.91% public open space which exceeds the general 10% requirement for residential development and is only slightly below the 14% requirement for development on lands zoned RES-N.

It is noted that this area used for the calculation of public open space does not include the area along the stream, which is an ecological corridor, which measures 2,280sqm. When these are added together they amount to 6,674sqm. If this area is included it is c. 19.6%. It is noted that the LAP in section 5.3.5 states that “*biodiversity strips may be calculated as contributing to the required minimum 14% public open spaces provision. (Objective GI8)*”.

In addition to this public open space, the proposal also includes 17.88% communal open space for the residents. This combined with public open space, and ecological corridor results in c. 37.5%. It is therefore considered that there is ample open space within the proposed development.

It is therefore considered that this proposal meets and exceeds the requirement for public open space when the ecological corridor is included in the calculation.



It is noted that 780sqm of community space is required within this development. To date c. 646sqm has been permitted by the developments in the area. It is also noted that several schools have been permitted which also have halls which could be used. This has not been included within the calculation provided for the area. It is estimated that in excess of 1000sqm of community space has been provided throughout the area as a whole between the permitted development and the schools in the area. A Social Infrastructure Audit has been completed and it is noted that there is no identified clear need in the area. It is also noted that the majority of the development has occurred in only three areas to date rather than across the entire plan.

6. Casement Aerodrome

The Horizontal Inner Surface is at 131.6m OD (45m above the Department of Defence's chosen datum of 86.6m). Six of the proposed nine blocks extend above this height by varying heights of up to 24.1m. The Aeronautical Assessment Report, carried out by O'Dwyer & Jones Design Partnership, assessed whether this intrusion above the Inner Horizontal Surface would have any significant effect at the Aerodrome.

- Section 7 of this report demonstrates that, due to the rising terrain and the prohibition on the circling of aircraft to the south of the Casement, the protections normally afforded by the Inner Horizontal Surface do not apply to the subject site.
- Section 8 identifies existing protrusions above the Inner Horizontal Surface which provide 'shielding' to the proposed development.
- Section 9 examines the choice of datum level for an Inner Horizontal Surfaces and notes that the Casement's Inner Horizontal Surfaces has been set at an unusually low elevation.

The report concluded that *'the intrusion of up to 24.1m above Casement's Inner Horizontal Surface would be considered aeronautically acceptable in this location'*.

We note that the identification of existing protrusions above the Inner Horizontal Surface that provide shielding to the proposed development is in line with Policy IE8 Objective 3, which recommends

implementing the principles of shielding in assessing proposed development in the vicinity of the Aerodrome.

Therefore given the compliance of the proposed development otherwise with the Section 28 Building Heights Guidelines, as detailed above, it is considered that this development, given the surrounding shielding provided by existing structure, is appropriate and consistent with intention of the plan and despite the contravention of the specific aerodrome policies, can be granted permission.

Conclusion

The proposed development presents an important opportunity to complete the Fortunestown Centre Neighbourhood and to provide vital connectivity to the Luas and the District Centre. Given the importance of housing delivery in the current and ongoing crisis, it is essential that contravention of the 2012 LAP and 2016 County Development restrictions are facilitated, given current national policy and how it has been applied to the high quality design proposal before the Board.

Given that the proposed development accords with all relevant national policies for high density residential development, it is therefore submitted that An Bord Pleanála is justified in permitting a material contravention of the Development Plan and Local Area Plan having regard to Section 37(2)(b)(ii) and Section 37(2)(b)(iii) of the Planning and Development Act, 2000 (as amended).

Chapter 10 Conclusions

In conclusion, the principle of mixed-use, residential development is accepted in this location through the granting of two previous permissions on this site and the zoning of the site. This proposal is a re-design of the permitted residential developments previously approved on this overall site to allow for increased residential density and building height in line with current national policy.

The layout will enable the creation of better, larger areas of open space, better permeability, and connectivity within and to the adjoining sites and a more attractive, urban environment reflective of its highly sustainable location and the changing character of the surrounding area.

The increase in heights throughout this site, and in particular at the 13 storey landmark element, will create a strong urban feel to the area, creating a distinctive feature at this nodal location. The buildings have been carefully located to ensure there is no impact on the aerodrome due to the shielding provided by existing structures and trees in the area. The provision of apartments and duplexes in this location, next to the Fortunestown Luas stop, the Citywest Shopping Centre, the proposed bus interchange, within walking distance of a number of large business parks and next to a range of existing services and facilities, will ensure the provision of the appropriate population to support existing services and facilities in the area.

The proposed heights, density, and mix, while contrary to the 2012 LAP, are in conformity with the current Building Heights Guidelines 2018, the Apartment Guidelines 2018, the National Planning Framework, and the Climate Action Plan, which the LAP is not.

The proposal will result in an increase in the public and communal open space provided compared to the previous permissions. The relocation of the public open spaces to connect to the public open spaces on adjacent sites will meet the recreational and amenity needs of the future population in the area. These larger parcels of open space will serve to connect the developments and also create attractive areas to travel through on the way from the Luas/ bus interchange to adjoining sites.

The dominance of cars and roads has been minimised as much as possible throughout the scheme. The roads have been designed in line with DMURS to reduce vehicular speeds and ensure a safe pedestrian environment is achieved. The majority of the parking is provided at basement level with the remainder provided as on street parking.

The design and layout of the proposal is of high quality and makes the best use of the available allocated land in line with best practice. It is a well-designed scheme that provides a sense of place and identity on the vacant piece of land.

The planning policy review demonstrates that the proposed development complies with relevant national, regional, and local planning policies and guidelines including the following:

- Ireland 2040 Our Plan - National Planning Framework (2018);
- Rebuilding Ireland – Action Plan for Housing and Homelessness 2016
- Guidelines for Planning Authorities on Urban Development and Building Heights (2018);

- Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments (2018);
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), and the accompanying Urban Design Manual;
- Quality Housing for Sustainable Communities (2007);
- Design Manual for Urban Roads and Streets (2019);
- Guidelines for Planning Authorities on Childcare Facilities (2001);
- Smarter Travel – A New Transport Policy for Ireland (2009-2020);
- The Planning System and Flood Risk Management (2009);
- Climate Action Plan 2019;
- Regional Spatial and Economic Strategy (2019- 2031);
- Transport Strategy for the Greater Dublin Area (2016-2035);
- South Dublin County Development Plan 2016-2022;
- Fortunestown Local Area Plan 2012.

The proposed development will provide a high-quality residential development on appropriately zoned lands in a sustainable location that is highly accessible to public transport, local services, and significant employment opportunities. The proposed residential development will increase the local population, which will in turn support existing facilities, amenities, and services in the area.

In conclusion, it is respectfully submitted that the proposed development is consistent with the proper planning and sustainable development of the area, and with all relevant national, regional, and local planning policies and guidance and will provide a high quality living environment on this underutilised site.