



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-300163-17

Strategic Housing Development

142 no. dwellings including alterations to site levels, provision of open space and all site development works on site of 1.64 hectares.

Location

Mount Avenue, Farrandreg, Dundalk
Co. Louth

Planning Authority

Louth County Council

Prospective Applicant

Urban Life Developments Ltd.

Date of Consultation Meeting

7th December 2017

Date of Site Inspection

25th November 2017

Inspector

Joanna Kelly

1.0 Introduction

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

2.0 Site Location and Description

- 2.1 The proposed development is located on an overall stated site of approx. 1.64ha on greenfield lands in the townland of Farrendreg, north-west of Dundalk town centre.
- 2.2 The site is an irregular rectangular shape with frontage onto the Headfort estate to the northern boundary. Access to the field is via other green fields to the west. The site levels fall steeply from north to south. There is also a depression/hallow located within the site to the south.
- 2.3 The area in which the site is located is characterised by predominantly low rise residential development. There are large red-brick dormer type houses located on large plots within the Headfort estate to the north on higher grounds that command views north-east towards Dundalk Bay. The lands to the east and south-east are characterised by two-storey 1970s social housing, known as Cox's Demense.
- 2.4 It is proposed to access the site in two locations. The first is from the north by creating a new access point from the Headfort estate which will serve 106 dwellings. The second access point is via the Frandreg estate within Cox's Demense which is currently a cul-de-sac and will serve 36 dwellings.

2.5 The Headfort estate has an entrance onto the Mount Avenue road. This road is sub-standard in width and alignment. The stretch of the road to the south is particularly narrow with a large concentration of housing. There are no footpaths to the south and there are some sections of footpath along this Avenue to the north providing access to the Castleblaney road. The road is generally considered rural in character with lands rising steeply to the north.

3.0 Proposed Strategic Housing Development

3.1 It is proposed that the overall site of c. 1.64 hectares will be developed. It is proposed to construct 142 dwellings.

Figure 1: Residential Unit Types

Residential Units		
Houses	No. of Units	% Mix of bed type only
2 beds	24	17%
3 bed	63	44%
4 bed	55	39%
Total	142	100%

3.2 Permission is also sought for 272 no. car parking spaces to serve the proposed residential units.

4.0 Planning History

History associated with site

File Ref. No. PL.15.244460 Permission refused on appeal for the construction of 141 no. dwelling units. The development includes all site development works including the provision of a new access road and pedestrian access from Headford, Mount Avenue, landscaping, boundary treatments, reconfiguration and realignment of existing public water main, ESB sub-station, alterations to existing ground levels and all other site works. The two reasons for refusal were as follows:

1. The Board is not satisfied....that the applicant has demonstrated that they can provide the improvements necessary at Mount Avenue and Headford junction to achieve the minimum required sightlines for this type of access point onto the public road network.....the existing Mount Avenue, onto which traffic is to discharge is substandard in respect of its horizontal and vertical alignment, restricted width and irregular surface and is not satisfied that the applicants are in a position to effect the necessary improvements to this road.....the proposed development would endanger public safety by reason of traffic hazard or obstruction of road users as a result of the additional traffic movements that the proposed development would generate at the Mount Avenue and Headford junction where sightlines are restricted in a southerly direction.
2. The proposed development would result in substandard level of public open space for the overall development by virtue of its poor location, lack of adequate passive surveillance, its failure to integrate with existing adjoining recreational amenity land and its failure to provide an adequate standard of functional passive and recreational amenity space, including its lack of any children's play area which is a requirement for a residential development of this size under Table 6.5 of the Dundalk and Environs Development Plan, 2009-2015. The proposed layout fails to integrate the open space with the main areas of housing and results in a series of cul-de-sacs remote from

from open space and dominated by the automobile. The proposed development would, therefore, result in a poor standard of residential amenities for future occupants and would be contrary to Policy HC 20 which requires all new residential developments to meet the qualitative requirements of the Development Plan in relation to the provision of public open space. The proposal would, therefore, seriously injure the residential amenities of future residents. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

5.0 National and Local Planning Policy

5.1 National

5.1.1 Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant section 28 Ministerial Guidelines are:

- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- 'Design Manual for Urban Roads and Streets' (DMURS)
- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices')
- 'Childcare Facilities – Guidelines for Planning Authorities'
- 'Framework and Principles for the Protection of the Archaeological Heritage'.

5.2 Local

5.2.1 The Dundalk Development Plan 2009-2015 is the statutory plan for the area.

5.2.2 Chapter 6 of the development plan deals with Housing and Community Facilities.

5.2.3 Chapter 5 of the development plan deals with Transportation. Section 5.1.1 contains objectives to encourage a modal shift away from the dependency on the private motor car to public transport, walking and cycling. Section 5.2.2 identifies 'Green Routes' and there is one identified for Mount Avenue/Castletown area, linking Ard

Easmiun to Castletown Road. There is also policy TR 6 which requires applicants for development likely to generate 500 plus vehicle trips per day to submit a mobility management plan. Table 5.2 identifies Mount Avenue/Castletown for realignment and upgrade including provision of Mount Avenue link road.

5.2.4 The Coxes Demense is a RAPID area and contains neighbourhood facilities such as Dunnes Stores, Redeemer Church and school.

5.2.5 The site is identified within the development plan as being exempt from the provision of Part V.

6.0 Forming of the Opinion

Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the planning authority submission and the discussions which took place during the tripartite consultation meeting. I will provide a brief detail on each of these elements hereunder.

6.1 Documentation Submitted

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

6.1.2 The information submitted included *inter alia*: a completed application form; site location and site layout plans; Architectural Documents A3; letter from County Council; pre-connection enquiry letter from Irish Water; screening for Appropriate Assessment; Supplementary information to Q6 on application form; Statement of consistency; Landscape and Visual Assessment Report; Statement of Community and Stakeholder Involvement; Archaeology Testing; Engineering Assessment Report; Traffic and Transport Assessment; Flood Risk Assessment; Engineering Drawings.

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

6.2 Planning Authority Submission

6.2.1 In compliance with section 6(4)(b) of the Act of 2016 the planning authority for the area in which the proposed development is located, Louth County Council, submitted a note of their section 247 consultations with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on 1 December 2017.

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

- Core Strategy – development is consistent with core strategy
- Spatial Strategy – development is consistent with spatial strategy
- Density – Planning authority consider development is consistent with the masterplan and the Dundalk and Environs development plan.
- National planning guidance – development is mostly consistent with the Urban Design Manual. Applicant should be requested to submit a drawing showing the layout of street lighting within the development which shall be accompanied by a report drafted by a professionally qualified competent independent Public Lighting Engineer demonstrating that the proposed public lighting complies with BS 5489-1 and BS EN 13201-2.
- Community Facilities – There are sufficient community facilities in the locality to serve the development.
- Special Contribution – A Special Contribution of €31,500 to provide public lighting, drainage and footpath on Mount Avenue from Headford to the Castleblaney Road.

6.3 Consultation Meeting

6.3.1 A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on 7 December 2017, commencing at 11.15am. Representatives of the prospective

applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

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

1. Mount Avenue Road Upgrade
2. Traffic and access
3. Development strategy to include layout, open space, accessibility, connectivity, phasing and integration with adjoining lands.
4. Surface water management
5. Any other matters

6.3.3 In relation to the Mount Avenue Road upgrade, ABP representatives sought further elaboration/discussion on how the proposals in this application address previous reasons for refusal in respect of the road upgrade and achieving sightlines at the junction of Headford with Mount Avenue Road.

6.3.4 In relation to Traffic and Access ABP representatives sought further elaboration on how the development is DMURS compliant, sought clarification as to why there was no through route serving the entire housing development, clarification on status of adjoining housing proposals by Local Authority.

6.3.5 In relation to the development strategy for the site, ABP representatives sought further elaboration/discussion on how the proposal is consistent with the master plan for the Mount Avenue lands, how does the design proposal respond to the specific characteristics of the site, and ensure integration with adjoining lands, justification for density and how view to the west will be protected.

6.3.6 In relation to Surface Water Management, ABP representatives sought further clarification/elaboration on surface water and storm water attenuation proposals, seeking justification for deviation from Soil Type 2 to 3 in the modelling and further details on the catchment areas.

6.3.7 In relation to Other matters, ABP representatives sought clarification on details pertaining to archaeology having regard to the submission from the National Monuments Service, clarification whether ESB lines are to be re-located as part of the proposal and status of the Dundalk Development Plan 2009-2015.

6.3.8 Both the prospective applicant and the planning authority were given an opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting ABP-300163-17' which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

7.0 Conclusion and Recommendation

7.1 Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

7.2 I have examined all of the information and submissions before me including the documentation submitted by the prospective applicant, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the section 28 Ministerial Guidelines, and local policy via the statutory plan for the area.

7.3 Having regard to all of the above, I recommend that further consideration and/or possible amendment of the documents submitted are required at application stage in respect of Mount Avenue road upgrade, development strategy and surface water management which is set out in the recommended Opinion below.

7.4 Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **requires further consideration and amendment** in order to constitute a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

7.5 I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making

process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

8.0 Recommended Opinion

- 8.1 An Bord Pleanála refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.
- 8.2 Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála is of the opinion that the documentation submitted requires further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.
- 8.3 In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development:

1. Mount Avenue Road Upgrade

Further consideration and clarification should be given in relation to the timing of the Mount Avenue Road upgrade works and/or extent of works required to be complete/underway so as to facilitate the proposed development and/or address the previous concerns of An Bord Pleanála as set out in reason no. 1 for refusal in File Ref. No. PL.15/244460. The prospective applicant is advised to liaise with the Roads/Planning Authority in relation to the delivery of the required Mount Avenue upgrade.

2. Development Strategy

Further consideration of documents as they relate to the layout and configuration of public open space; access arrangements within and connectivity through the site having particular regard to integration of adjoining lands and changes in topography across the site. Further consideration of how the layout and access arrangements are consistent with the principles of Design Manual for Urban Roads and Streets should be provided. Further consideration should also be given to the proposed density having regard to national policy or further planning rationale/justification for the proposed density should be submitted. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

3. Surface water management

Further consideration of documents as they relate to the proposed location of the surface/storm water management tanks vis-à-vis existing archaeological areas located within the site. Further consideration of this issue may require an amendment to the documents and/or design proposals submitted. The Prospective Applicant is advised to liaise with the planning authority regarding surface/storm water proposals prior to making an application.

8.4 Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

1. Irish Water
2. The Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs, (in relation to archaeology)
3. The Heritage Council (in relation to archaeology)
4. An Taisce – the National Trust for Ireland (in relation to archaeology)

5. Local Childcare Committee

8.5 Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission:

1. Additional photomontage images and cross-sections at appropriate intervals to illustrate the topography of the site, showing proposed and existing dwellings and public open space areas.
2. Having regard to the difference in levels across the site, details of existing and proposed changes in contours/levels across the site.
3. A contextual layout plan which indicates the layout of adjoining developments existing and proposed where possible.
4. Details of undergrounding or re-routing of any overhead ESB power lines.
5. A drawing should be submitted showing the layout of street lighting within the development which shall be accompanied by a report drafted by a professionally qualified competent independent Public Lighting Engineer demonstrating that the proposed public lighting complies with BS 5489-1 and BS EN 13201-2.
5. A construction and demolition waste management plan should be provided.
6. A phasing plan for the proposed development should be provided.

PLEASE NOTE:

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic

housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.


Joanna Kelly

Senior Planning Inspector

19 December 2017