



An  
Bord  
Pleanála

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

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

**ABP-300197-17**

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**Strategic Housing Development**

Ten-year permission for 138 residential units consisting of two 4-storey apartment buildings over basement and a two-storey apartment building with a total of 100 apartments and a residential communal facility with a gross floor area of c.200sq.m and 38 two/three storey houses, internal roads, pedestrian and cycle paths and associated site and infrastructural works on a site of 2.9ha

**Location**

Brennanstown Road, Carrickmines,  
Dublin 18

**Planning Authority**

Dun Laoghaire Rathdown County  
Council

**Prospective Applicant**

Viscount Securities

**Date of Consultation Meeting**

21<sup>st</sup> December 2017

**Date of Site Inspection**

4th December 2017

**Inspector**

Una Crosse

## 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

The site comprises c. 2.9 hectares and falls by c. 3m from west to east with two ruinous structures on site. The site is adjoined to the south by the Brennanstown Road. Carrickmines Wood, a residential development, is located to the west and north and has significant mature trees and a high boundary wall along the boundary with the subject site. Further north of the site is Cabinteely Park. There are pedestrian links from the Carrickmines Wood residential development into Cabinteely Park. There are a number of large detached residential dwellings located to the east and south. Brennanstown Road continues from its junction with the Bray Road in Cabinteely village to its junction with the Glenamuck Road North and Brighton Road to the west. The site is located to the west of its route in close proximity to the Glenamuck Road North and Brighton Road junction. The site is c.1.5km from Junction 15 on the M50, c. 1km to the Carrickmines Luas stop with Dublin Bus services available on Glenamuck Road and Brighton Road.

## 3.0 Proposed Strategic Housing Development

Permission is sought for ten years for a residential development of 100 apartments and 38 houses as follows: 10 one-bed apartments, 68 two-bed apartments, 22 three-bed apartments, 8 three-bed houses, 23 four-bed houses, 7 five-bed houses. The apartments are proposed in three blocks, two of which are four-storey over

basement and one of which is two-storey. A residential communal facility of 200sq. is proposed on the ground floor of block 1. The houses are a mix of terraced, semi-detached and detached and 2 and 3 storeys in height. It is proposed to remove two existing ruinous structures on the site. Car parking is proposed by way of surface parking (134) and basement (98) a total of 232 spaces with 166 cycle parking spaces. Public open space of 5,504 sq.m is proposed with foul and surface water drainage, attenuation tanks, boundary walls and fences, internal roads, cycle paths and footpaths and electricity sub-station. A 'continental' style roundabout is proposed on Brennanstown Road and a pedestrian connection is proposed to Cabinteely Park to the north via the existing Carrickmines Wood residential development.

#### 4.0 **Planning History**

None on site.

**Reg. Ref. D97A/0257** - adjoining site (Carrickmines Wood) originally permitted with a number of amendments.

**PC/IC/01/16** – Part 8 proposal for Brennanstown Road Traffic Management Scheme which was not approved by the Elected Members.

#### 5.0 **National and Local Planning Policy**

##### 5.1 **Section 28 Ministerial Guidelines**

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 S.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'
- Sustainable Urban Housing: Design Standards for New Apartments (2015)

- Childcare Facilities – Guidelines for Planning Authorities
- Architectural Heritage Protection – Guidelines for Planning Authorities.
- The Planning System and Flood Risk Management (including associated Technical Appendices).

## 5.2 Statutory Plan for the area

The relevant statutory plan for the area is the Dun Laoghaire Rathdown Development Plan 2016-2022 within which the site is zones ‘*to protect and/or improve residential amenity*’.

Policy ST25 - It is Council policy, in conjunction and co-operation with other transport bodies and authorities such as the TII and the NTA, to secure improvements to the County road network – including improved pedestrian and cycle facilities.

It is specifically stated that it is an objective of the Council to preserve the existing character of Brennanstown Road whilst undertaking a Traffic Management Scheme that will:

- reduce traffic speeds and improve road safety.
- provide improved facilities for vulnerable road users.
- reduce through traffic.
- facilitate the development of zoned lands.

To limit development along the Brennanstown Road to minor domestic infills and extensions until a Traffic Management Scheme for the area has been completed and its recommendations implemented. The Brennanstown Road Traffic Management Scheme may determine the future development potential of the area and therefore it is also an objective of the Council to limit developments along Brennanstown Road to minor domestic infills and extensions until the Scheme has been completed and its recommendations implemented (Refer to SLO No. 130 Maps 7 and 9).

Specific Local Objective 130 states the following: To limit development along the Brennanstown Road to minor domestic infills and extensions until a Traffic Management Scheme for the area has been completed and its recommendations

implemented. (A Part 8 scheme proposed was not adopted by the Council Members).

Application site is subject to a Section 49 Supplementary Development Contribution Scheme – Luas line B1.

## **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 shall provide a brief detail on each of these elements hereunder.

### **6.1 Documentation Submitted**

The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. This information included, inter alia, a Completed Application Form, Cover Letter, Planning Report, Statement of Consistency, Environmental Report, Architectural Drawings, Technical Details Brochure, Design Statement Brochure, Part V proposals, Landscape Master Plan, Boundary Treatment Plan and Flora & Fauna and Landscape Report, Appropriate Assessment Screening report, Engineering Services Report and Drawings, Traffic and Transportation Technical Note, Utilities and Energy Sustainability Report and Drawings, Site Lighting Report and Drawings and Archaeological and Cultural Heritage Assessment.

Section 5(5)(b) of the Act of 2016 requires the submission of a statement that, in the prospective applicant's opinion, the proposal is consistent with both the relevant objectives of the development plan or local area plan concerned, and the relevant guidelines issued by the Minister under section 28 of the Act of 2000. These

statements have been submitted, as required. The applicant's case is summarised as follows:

- High quality residential development of apartments and houses in a strategic location with a density of c.52 units per ha close to public transport and amenities;
- Layout is of a high quality and appropriate density with regard to surrounding residential character and pattern of development.
- Proposal consistent with relevant national, regional and local policy frameworks with proposal providing an efficient use of land which is highly accessible and well served by public transport;
- Sufficient capacity remaining on local road network and no material impact on operational performance or safety levels of same resulting from implementation of proposal with associated road improvements and mitigation measures and proposal can be delivered in advance of a Traffic Management Scheme for the Brennanstown Road;
- Proposal to exclude childcare facility justified on basis of existing services within the area, traffic impact associated with such a use and the provision of a communal facility on the ground floor of Block 1.

## **6.2 Planning Authority Submission**

A submission was received by An Bord Pleanála on the 11th of December 2017 from Dun Laoghaire Rathdown County Council. The 'opinion' of the planning authority included, inter alia, the following:

- Proposal accords with the zoning objective and density accords with Guidelines and CDP, CDP transport policy is a key issue where there is critical concern;
- Proposal contrary to Policy ST25 and SLO130 and applicant should assess how proposed changes to the road would impact on the character of the road;

- Previous Part 8 proposal was not adopted by members and in absence of same proposal contrary to objective in the Plan and not acceptable.
- Previous Part 8 included minor road and footpath widening along frontage of Carrickmines Wood development which would be of significant benefit to traffic;
- Considered updated traffic modelling exercise required to determine appropriate traffic light optimisation measures and road quality audit should include a road safety audit, access audit, cycle audit and a walking audit to demonstrate compliance with DMURS.
- Other details required include, inter alia,,: internal areas to be taken in charge designed to meet Council policy, details of roundabout required to show compliance with all standards, differences in stated number of parking spaces.
- Housing mix appropriate, dual aspect provision acceptable and absence of playground acceptable given proximity to Cabinteely Park.
- Access to the communal open space to rear of Part V apartments queried, further consideration to be given to front elevation and details of finishes and sections and contiguous elevations of relationship with Carrickmines Wood required with pinchpoints in separation distance between proposal and adjoining apartment development to be increased;
- Details of proposed community building required with lack of detail in document on childcare;
- Concern regarding rear garden depths and separation distances between houses 21-24 and apartments and units 25-27 and windows in bedroom 2 of 3-bed apartment in Block 01 with details of screens required;
- Concern at pathway to Cabinteely Park running through semi-private open space (taking in charge issues) with public access along proposed route into Cabinteely Park with concern regarding width of archway while balance required in terms of heritage;
- Cross sections through site showing basin area of proposed open space required as identified for attenuation;

- Tree Survey required with concern for root and crown spread of trees in Carrickmines Wood and boundary treatment to front of site should be low wall and railing;
- Agreed surface water drainage proposals critical with concerns raised in Drainage report which include: run-off rates, site investigation report and written consent for use of third party lands for routing of outfall sewer.
- Biodiversity report raises issues regarding the limited information provided and requests an ecological impact assessment. In addition a construction and environmental management plan should have regard to specific matters outlined.

### **6.3 Consultation Meeting**

A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 21<sup>st</sup> December 2017, commencing at 10 AM. 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.

The main topics raised for discussion at the tripartite meeting were based on the Agenda that issued in advance and contained the following issues:

1. Traffic and Transportation
  - Brennanstown Road Improvements
  - Car Parking
  - Pedestrian connections (to public transport and amenities)
2. Surface water drainage
3. Existing Residential Amenity and Separation Distances to Boundaries
4. Childcare/Communal Facility
5. Any other matters

In relation to traffic and transportation An Bord Pleanála sought further elaboration/discussion/consideration of the following: Development Plan policy and local objectives in relation to Brennanstown Road, previously proposed Part 8, traffic modelling undertaken and required, compliance with DMURS, proposals along



boundary of Carrickmines Wood, pedestrian connectivity to LUAS, Cabinteely Park and local services; level of car parking proposed and access from site via open space and archway to Cabinteely Park.

In relation to surface water drainage An Bord Pleanála sought further elaboration/discussion/consideration of the following: run-off rates and requirement for site investigation report, use of hydrabrace, depth of attenuation tanks, requirement for wayleave over third party lands not being taken in charge, potential pinchpoints, drain along southeast of site boundary and storm water audit policy.

In relation to Existing Residential Amenity and Separation Distances to Boundaries An Bord Pleanála sought further elaboration/discussion/consideration of the following: separation distance of apartment blocks with boundary with Carrickmines Wood and requirement for cross sections with residential units adjoining site.

In relation to Childcare/Communal Facility An Bord Pleanála sought further elaboration/discussion/consideration of the following: justification for omission of crèche and proposed use/nature of communal facility.

In relation to any other matters An Bord Pleanála sought further elaboration/discussion/consideration of the following: archaeology and architectural heritage, consideration of impacts on trees particularly on boundary with Carrickmines Wood, bats and lighting and Part V.

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 300197' 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**

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.

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 s.28 Ministerial Guidelines, and local policy, via the statutory plan for the area.

Having regard to all of the above, I recommend that further consideration and/or possible amendment of the documents submitted are required at application stage in respect of the following elements: traffic and transportation and surface water management; details of which are set out in the Recommended Opinion below.

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.

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**

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.

Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála is of the opinion that the documentation submitted requires further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.

In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development:

#### Traffic and Transportation

1. Further justification and rationale for the proposed development and proposed works to Brennanstown Road given the policies and objectives relating to traffic management and development along Brennanstown Road as contained within the Dun Laoghaire Rathdown Development Plan 2016-2022.

2. Further consideration of documents as they relate to the layout and configuration of the proposed amendments to Brennanstown Road and the proposed site entrance with specific reference to the Design Manual for Urban Roads and Streets. The applicant should provide an analysis of future pedestrian demand, take a balanced approach and examine all appropriate junction design alternatives in consultation with the planning authority and provide a rationale for the optimum design solution for the entrance to the site. This should include appropriate traffic modelling and the objective of reducing through traffic along Brennanstown Road. Proposals for the improvement of pedestrian facilities in the vicinity of Carrickmines Wood should also be considered. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

#### Surface Water Management

3. Further consideration of the documents as they relate to surface water management for the site. This further consideration should have regard to the requirements of the Drainage Division as indicated in their report dated 23<sup>rd</sup> November 2017 and contained in Appendix A of the Planning Authority's Opinion.

Any surface water management proposals should be considered in tandem with any Flood Risk Assessment, which should in turn accord with the requirements of 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices'). Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

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 a series of drawings, specifically cross sections at appropriate intervals showing the proposed development and the relationship with existing dwellings adjacent the site. Drawings should be appropriately scaled. Site sections should be clearly labelled and located on a layout 'key' plan.
2. Cross sections should also be provided of all attenuation areas proposed and the area in the vicinity of the drain to the southeast of the site in the context of surface water management on the site.
3. Childcare demand analysis and the likely demand for childcare places resulting from the proposed development and details of the proposed communal facility.
4. 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 and that specifically addresses any matter that maybe considered to materially contravene the said plan.
5. A detailed analysis of car parking demand and provision on the site particularly in the context of the proximity of the site to the LUAS and Dublin Bus Services.
6. A full tree survey of the site should be submitted detailing and quantifying trees proposed to be retained and removed.
7. An ecological impact assessment should be included which should address bats.
8. A full and complete drawing that details all boundary treatments.

9. A phasing plan for the proposed development.
10. A site layout that details areas to be taken in charge by the local authority.

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. National Transport Authority
2. Minister for Culture, Heritage and the Gaeltacht (archaeology and architectural heritage)
3. Heritage Council (archaeology and architectural heritage)
4. An Taisce — the National Trust for Ireland (archaeology and architectural heritage)
5. Irish Water
6. Dun Laoghaire Rathdown County Childcare Committee

**PLEASE NOTE:**

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

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Una Crosse

Senior Planning Inspector

January 2018