



An  
Bord  
Pleanála

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

## Inspector's Report on Recommended Opinion

### 301477

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<b>Strategic Housing Development</b>	305 apartment units in 2 blocks ranging from 3 - 8 storeys, provision of a crèche and a gym.
<b>Location</b>	Palmerstown Retail Park, Kennelsfort Road Lower, Palmerstown, Dublin 20.
<b>Planning Authority</b>	South Dublin County Council.
<b>Prospective Applicant</b>	Randelswood Holdings Ltd.
<b>Date of Consultation Meeting</b>	25 May 2018.
<b>Date of Site Inspection</b>	10 May 2018.
<b>Inspector</b>	Stephen Rhys Thomas.

## 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 subject site known as the former Vincent Byrne site, with a stated area of 1.27 Hectares, is located north of the R148, the former N4 Lucan Road. On its west side, the site adjoins a petrol filling station. To the north of the site are a combination of purpose built one and two storey commercial units and the rear gardens of domestic dwellings at Rose View and Old Lucan Road. The site fronts onto the R148 and Kennelsfort Road Lower, the latter provides the only means of direct vehicular access to the site. An existing two storey commercial premises is located on the site along Kennelsfort Road Lower and adjoins a neighbouring two storey development of terraced houses.

The site is triangular in shape and broadly flat with no significant changes in level. There are a variety of commercial buildings on the site, none greater than two storeys in height. In addition, there is a significant amount of surface car parking throughout the site.

## 3.0 Proposed Strategic Housing Development

The proposed development which is subject of this pre-application consultation request comprises 305 apartment units arranged around two blocks (24.6 metres in height) as follows:

Block A to the west, 6 – 8 storeys arranged around an inverted ‘U’ and sits on a podium:

- Studio apartments 21 units (7%)
- 1 bed apartments 102 units (33%)
- 2 bed apartments 60 units (20%)
- 3 bed apartments 9 units (2.5%)

Block B to the east, 3 – 8 storeys arranged around an ‘L’ shape:

- Studio apartments 8 units (2.5%)
- 1 bed apartments 21 units (7%)
- 2 bed apartments 74 units (24%)
- 3 bed apartments 10 units (4%)

Total % breakdown by unit:

- Studio apartments 29 units (9.5%)
- 1 bed apartments 123 units (40%)
- 2 bed apartments 134 units (44%)
- 3 bed apartments 19 units (6.5%)

45% of units are single aspect, none of which are north facing.

Creche – 215 sqm, Block B ground floor.

Community Room – 122 sqm, Block B ground and first floor.

Gym – 226 sqm, Block B ground and first floor.

Basement Leisure/Sports Hall – 281 sqm, Block B.

Concierge Office – 30 sqm, Block B ground floor.

274 car parking spaces, 22 motorcycle spaces and 306 bicycle spaces

Open space provision, including roof top gardens – 0.1429 Hectares (11% of total site area).

The proposed density is stated at 240 units per Hectare.

The external finishes comprise a combination of fibre/resin laminate panel, honed natural stone, aluminium cladding, brick and glass panel curtain walls.

## 4.0 National and Local Policy

### 4.1 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'
- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices')
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities - 2018
- 'Childcare Facilities – Guidelines for Planning Authorities'

### 4.2 Local Policy

The South Dublin County Council Development Plan 2016-2022 is the operative development plan for the area. The site is subject to zoning Objective VC - To protect, improve and provide for the future development of Village Centres, and subject to Specific Local Objective UC6 SLO:1 and a none-specific junction proposal at the junction of Kennelsfort Road Lower/Upper with the New Lucan Road.

Specific Local Objective UC6 SLO:1, states:

To preserve the character of Palmerstown Village by limiting any future development on the former Vincent Byrne site to three storeys in height, and two storeys where it backs or sides onto adjoining two storey housing.

Housing (H) Policy 7 Urban Design in Residential Developments sets out broad design policies for new development, H7 Objective 4 states: that any future

development of both residential and/or commercial developments in Palmerstown Village and the greater Palmerstown Area shall not be higher than or in excess of three stories in height.

The Liffey Valley Special Amenity Area Order 1990 (SAAO) and proposed Natural Heritage Area associated with the Liffey Valley are located to the north of the site.

There is a six year cycle network programme, the Liffey Valley Greenway seeks a link between Lucan and Palmerstown (from Leixlip to Heuston Station).

## 5.0 Planning History

- PA reference SD09A/0021 and ABP reference PL06S.234178. Permission for a mixed use development including retail, offices, 102 residential units, 220 bed aparthotel, café/restaurant, library and health centre. Permission extended until May 2020 by SD09A/0021/EP.
- There have been other permissions on site, however, they relate to existing commercial activity. Permission was refused for a large mixed use development on the opposite side of Kennelsfort Road Lower, PA reference SD04A/0982 refers.

## 6.0 Forming of an Opinion

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

### **Documentation Submitted**

- 6.1.2. 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.

- 6.1.3. The information submitted included the following: a cover letter, SHD Application Form for Section 5 Consultation, Irish Water Confirmation of Feasibility, Part V Proposals, Statement of Consistency with Planning Policy, Material Contravention Statement, Pre-Planning Minutes (30 August 2017) and Presentation, Public Consultation Details (20 March 2018) and Presentation, Habitats Directive Screening Assessment, Archaeological Desk Study, Landscape Report, Traffic and Transportation, Flood Risk Assessment, Arboricultural Report, Mobility Management Plan, Acoustic Report, Daylight/Sunlight Impact Report, Public Lighting Design Calculations Report, Schedule of Accommodation, Urban Design Statement (A3 booklet), Photomontages (A3 booklet), A3 booklet of drawings, Traffic and Transport Assessment, Infrastructure Report and a full set of Architectural & Engineering drawings.
- 6.1.4. I have reviewed and considered all of the above mentioned documents and drawings.

#### **Planning Authority Submission**

- 6.1.5. In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, South Dublin County Council, submitted a note of their section 247 consultation with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on 17 May 2018.
- 6.1.6. The planning authority's 'opinion' included the following matters: a description of the site and surroundings, a brief overview of the proposed development, planning history, the zoning provisions of the Development Plan and any specific objectives for the area, a list of relevant national policy documents. The planning authority's comments included the following: the proposed SHD pre-app development is broadly similar to the plans discussed at the section 247 pre-planning consultation, the relationship of the proposed development with neighbouring residential development requires careful consideration in particular block B steps up six storeys in close proximity to 15 Kennelsfort Road Lower, pedestrian access to the site is sub-optimal and a left in left out vehicular arrangement is preferable, public open space calculations should not include roof gardens and noise issues require careful consideration.

6.1.7. The planning authority conclude that the considerations and concerns outlined in their 'Opinion' are broadly similar to those expressed under pre-planning SPP01/17 dated 30 August 2017.

## **The Consultation Meeting**

- 6.1.8. A section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 25 May 2018, commencing at 2.30pm. 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.
- 6.1.9. 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. Residential Amenity – Standards, noise, daylight/sunlight and overshadowing.
  2. Development Plan – Zoning Objectives, height and mixed-use development.
  3. Pedestrian/cycle permeability and public realm.
  4. Traffic - Junction Design.
  5. Open Space - Roof Gardens – Access and Surveillance.
  6. Building finishes – quality and durability.
  7. Any other matters.
- 6.1.10. In relation to Residential Amenity, ABP representatives sought further elaboration/discussion on the design of apartments in the context of the Design Standards for Apartments 2018. Clarity was sought in relation to the treatment and usability of balconies facing the former N4 to the south. The residential amenity of some single aspect apartments in Block A was explored, particularly in relation to access to daylight and sunlight. The impact of the apartment blocks in terms of overshadowing, daylight and sunlight was highlighted, in addition to the perception of overbearing appearance to existing residents nearby.
- 6.1.11. In relation to Development Plan and Zoning Objectives, ABP representatives sought further elaboration/discussion on the principle of taller buildings in the context of local zoning objectives of the County Development Plan that limit height. In addition, clarity was sought in relation to the underlying ‘Village Centre’ zoning that requires a mix of retail, commercial and residential uses at this location.



- 6.1.12. In relation to Pedestrian/cycle permeability and public realm, ABP representatives sought further elaboration/discussion on the possibility of a link through the site for pedestrians and cyclists. It was noted that the current planning permission provides such a link. It would be beneficial for the area if a greater degree of permeability through the site to Palmerstown Village could be achieved. Given the scale of the proposed development and the limited connection to the public road (Kennelsfort Road Lower), the importance of good public realm design and the provision of high quality placemaking was emphasised as critical at this location.
- 6.1.13. In relation to Traffic and Junction Design, ABP representatives sought further elaboration/discussion around any Council proposals for improvements to the Kennelsfort Road Lower junction with the R148, as indicated on Development Plan maps. Potential traffic conflicts, junction amendments, the proposed entrance to the development and proposals for pedestrians should be carefully considered. Car parking provision in the context of new apartment guidelines and changing patterns of car use and ownership were also focused on.
- 6.1.14. In relation to Open Space and Roof Gardens, ABP representatives sought further elaboration/discussion regarding access to roof gardens and their usability. Discussion centred on the security and long-term management of roof gardens as well as the usability of open spaces close to the main road.
- 6.1.15. In relation to Building finishes – quality and durability, ABP representatives sought further elaboration/discussion regarding the importance of durable and quality materials at such a prominent location along a main road and close to the village centre. Building material selection should be carefully considered in the context of the requirement of the new apartment guidelines to prepare a Building Life Cycle report.
- 6.1.16. 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 301477' 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: Zoning Objectives, Site Permeability and Public Realm; 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:

#### 1. Zoning Objectives

Further consideration of the documents as they relate to the zoning objectives for the site. Particular consideration should be given to the County Development Plan objectives: Specific Local Objective UC6 SLO:1 and Housing Policy 7 Objective 4, that limit building height to no greater than three storeys in Palmerstown Village and the greater Palmerstown Area. An appropriate statement in relation to section 8(1)(a)(iv) of the Planning and Development (Housing) and Residential Tenancies Act 2016, should be supported by the relevant national guidance documents. Specific attention is also drawn to the underlying Village Centre land use zoning for the site and a robust justification for the mix of land uses proposed should be prepared that outlines consistency with the relevant development plan objectives for the future development of Village Centres. Further consideration of this issue may require amendment to the documents and/or design proposals submitted

#### 2. Site Permeability

Further consideration of the documents as they relate to pedestrian and cyclist permeability through the site. Attention is drawn to the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual') insofar as maximum permeability for pedestrians

and cyclists should be considered as a starting point to the design process and the achievement of a compact urban structure. This should include the potential to create a pedestrian link between Kennelsfort Road Lower and the Lucan Road. Consideration should also be given to the Design Manual for Urban Roads and Streets as it relates to Connectivity and the importance of placing the pedestrian and cyclist at the top of the user hierarchy. Further consideration of this issue may require amendment to the documents and/or design proposals submitted.

### 3. Public Realm

Further consideration of the documents as they relate to public realm and the creation of a sense of place. Specific reference is made to both the Sustainable Residential Development in Urban Areas and the Design Manual for Urban Roads and Streets as they relate to streets that contribute to the creation of attractive and lively mixed-use places and new urban spaces that have adequate pedestrian facilities and appropriate junction design. This is all in the context of the existing high quality public realm associated with Palmerstown Village. Further consideration of this issue may require 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. A management plan for open space and roof gardens.
2. Full and complete analysis and drawings that detail the impact of the proposed development on the residential amenity of existing and future residents in relation to daylighting, overshadowing and overlooking. Specific attention should be paid to proposed accommodation and interactions with existing development to the north along Kennelsfort Road Lower, Old Lucan Road and Rose View. In addition, attention is drawn to the residential amenity associated with single aspect corner units in Block A.

3. An architectural report accompanied by photomontages of the proposed development should outline the design rationale for the proposed building height, scale and massing. Photomontage images from a number of key approach roads to the development site and from the Liffey Valley Special Amenity Area Order.
4. A phasing plan for the proposed development.
5. A site layout plan showing which, if any, areas are to be taken in charge by the planning authority.
6. Details of all materials proposed for the proposed buildings, open spaces, paved areas, boundary and any retaining walls.
7. A traffic impact assessment report of the impact the proposal would have on the road network in the area, in particular, the signalised junctions immediately adjacent and east of the development site. Further consultation with the planning authority is advised in this respect.
8. A construction and demolition waste management plan should be provided.

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:

- Transport Infrastructure Ireland
- National Transport Authority
- Irish Water
- Irish Aviation Authority and Department of Defence (Casement Aerodrome)
- Dublin Airport Authority

**PLEASE NOTE:**

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the

forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

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Stephen Rhys Thomas  
Planning Inspector

07 June 2018