



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion

301715

Strategic Housing Development	341 residential units, creche. Demolish existing house and outbuildings.
Location	Glencairn House Lands, Murphystown Way, Dublin 18.
Planning Authority	Dun Laoghaire Rathdown County Council.
Prospective Applicant	Castdale Ltd.
Date of Consultation Meeting	4 July 2018.
Date of Site Inspection	14 June 2018.
Inspector	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 is located on lands associated with Glencairn House, a substantial house which is a 19th Century Protected Structure with associated landscaped grounds, gate lodge, boundary walls and portal gateway, on Murphystown Way in Leopardstown. Access to the site is taken from Murphystown Way, across the Luas green line and through the portal gateway associated with the house. A second entrance is also taken from Murphystown Way across the Luas Line, slightly south of the main entrance. Glencairn Luas stop is located adjacent to the site and the Luas tracks bound the western portion of the site and include the flanking walls of a bridge abutment as the line crosses the M50.

The site is characteristic of lands associated with a large country house and exhibits a significant number of mature trees in a parkland setting. The lands are not in agricultural use and the grassland areas are overgrown. The northern portion of the site is steeply sloping down to a valley floor and is heavily wooded. There are the remains of estate walls at this northern edge of the site. The flatter portion of the site is dominated by a parallel line of mature lime trees, there are also other mature trees that add to the mature character of the overall site. The interior of the subject site is not easily viewed from Murphystown Way, however, glimpses of the site can be had from Orby Way to the south. The boundaries of the site are a combination of high estate walls, topped with security hoarding in places and chain-link fencing topped with barbed wire elsewhere.

3.0 Proposed Strategic Housing Development

The proposed development which is subject of this pre-application consultation request comprises 341 residential units provided in a combination of houses and apartments on 8.77 Hectares as follows:

243 units in 7 apartment buildings between 4 and 5 storeys:

- 1 bed apartments 45 units
- 2 bed apartments 174 units
- 3 bed apartments 24 units

98 houses:

- 5 bedroom two storey houses 10 units
- 4 bedroom three storey houses 49 units
- 3 bedroom two storey houses 39 units

Total % breakdown by unit:

- 1 bedroom 45 units (13%)
- 2 bedroom 174 units (51%)
- 3 bedroom 63 units (19%)
- 4 bedroom 49 units (14%)
- 5 bedroom 10 units (3%)

Childcare facility – 300 sqm. Ground floor Block 7 and cater for 60-70 children.

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

Glencairn House and associated outbuildings/structures are listed as Protected Structures.

Relocation of an existing entrance portal to a position closer to Glencairn House.

Demolition of an existing two storey house and outbuildings.

Open space provision – 4.3 Hectares (50% of total site area).

The proposed density is stated at 66 units per Hectare. Net developable area of 5.135 Hectares.

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'
- 'Architectural Heritage Protection - Guidelines for Planning Authorities'

Other relevant national guidelines include:

- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.

4.2 Local Policy

The Dún Laoghaire-Rathdown County Development Plan 2016-2022, is the operative county development plan and contains general policies and objectives in relation to residential amenity standards. The site is subject to zoning Objective A - 'To protect and/or improve residential amenity'. The site also contains lands subjected to zoning objective F – 'To preserve and provide for open space with ancillary active recreational amenities'.

The site is also located within the boundaries of an area for which it is intended to prepare the Ballyogan and Environs Local Area Plan - Specific Local Objective 135. The pre-draft plan public consultation process closed on the 24 May 2018.

Located within and adjacent to the site is Glencairn House (Protected Structure number 1643) and includes the following: House, Gate Lodge, Outbuildings and Conservatory (Note: Entrance Railings, Piers, Archway and Gates are also Protected Structures).

The ruins of a Castle-Tower House (reference number 023-025) are located on the western boundary of the site.

There is an objective to protect and preserve trees and woodlands adjacent to Glencairn House and on the northern boundary of the site with the M50 motorway.

Chapter 2, Sustainable Communities Strategy, includes policies which seek to increase housing supply, ensure an appropriate mix, type and range of housing and promoting the development of balanced sustainable communities.

Relevant policies include RES3 which promotes higher residential densities in the interests of promoting more sustainable development whilst ensuring a balance between this and ensuring the reasonable protection of residential amenities and established character of areas. RES4 encourages the densification of existing housing stock to retain population levels RES7 encourages the provision of a wide variety of housing and apartment types and RES8 seeks to provision of social housing. Other policies which relate to sustainable land use and travel include ST2 – Integration of Land Use and Transportation Policies, ST19 - Travel Demand Management and ST27 Traffic & Transport Assessment and Road Safety Audits.

Chapter 4 – Landscape and Heritage – policy LHB 6 seeks to preserve views and prospects of special amenity value. Glencairn House is a Protected Structure. Relevant policies include AR1 which seeks to protect structures from works that would negatively impact their special character and appearance.

Chapter 8 contains the urban design policies and principles for development including public realm design, building heights strategy, car parking. Development Management section 8.2.11.2 provides more detailed guidance on development affecting Protected Structures.

5.0 Planning History

- PA reference **D17A/0913**. Single storey dwelling and garage for embassy staff within the existing walled garden, including vehicular access through a new opening in the walled garden; Provision of a new boundary wall for the Ambassador's residence of c. 3 metres in height, with a railing above, on the northern, eastern and part-western boundaries of the site, and a new security gate entrance with security hut on the existing avenue. January 2018.

5.1.1. Section 247 Consultation(s) with Planning Authority

It is stated by the prospective applicants in the submitted documentation that three Section 247 pre-application consultations took place with the planning authority (16/01/2018, 13/03/2018 and 19/04/2018).

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: Cover Letter, SHD Application Form including Response to Q7 and Irish Water Letter, Part V report and proposal, Waste Management Plan, Relocation of Entrance Portal Report, Planning Report and Statement of Consistency, Environmental Report, Engineering Services Report, Site Investigations, Traffic Appraisal, Construction & Environmental Management Plan, Flood Risk Assessment, Soil Testing Report, Arborist Report, Site Lighting Report, Utilities & Energy Report, Daylight/Sunlight Assessment, Technical Booklet including House Types, Landscape Design Rational, Design Statement, DBFL

Engineering Drawings, BSM Landscape Drawings and O'Mahony Pike architectural 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, Dun Laoghaire Rathdown 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 22 June 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 and a list of relevant national policy documents. The planning authority's comments included the following: the proposed residential density and building heights are acceptable; the proposed unit designs are acceptable, however, there is an unsatisfactory level of detail that has been omitted and should be supplied at application stage; the landscape design is acceptable and measures to retain trees is welcomed; in terms of architectural conservation and archaeology issues, the proposals to relocate the portal and include the ruins of Murphystown Castle are broadly acceptable; the submission of an EIAR is noted, however, details concerning AA screening have been omitted; Part V proposals are acceptable; detail and clarity concerning pedestrian linkages is required; matters that concern crossing the Luas line require consultation with the relevant bodies.
- 6.1.7. The planning authority conclude that the proposed development accords with the Development Plan zoning for the area, however, there are points of detail that require further consideration and these reflect the issues outlined above.

Submission from Irish Water

6.1.8. A submission was received from Irish Water and is appended to this report. In summary, the submission states that a Confirmation of Feasibility has issued and that the proposed development requires a network survey and flow and load survey.

Response from the National Monuments Service

6.1.9. A response to a request from the Board under Section 6(10) of the Act was received from the National Monuments Service of the Department of Culture, Heritage and the Gaeltacht. The response is appended to this report. In summary, the response advises that a revised Archaeological Assessment Report should be submitted with the planning application in the appropriate stage of the SHD process, if any amendments are made to the proposal.

Response from the National Transport Authority

6.1.10. A response to a request from the Board under Section 6(10) of the Act was received from the National Transport Authority (NTA). The response is appended to this report. In summary, the response recommends greater consideration of site access and permeability from the perspective of pedestrians and cyclist, in addition to internal layout suggestions.

Response from Transport Infrastructure Ireland

6.1.11. A response to a request from the Board under Section 6(10) of the Act was received from the Transport Infrastructure Ireland (TII). The response is appended to this report. In summary, the response recommends careful consideration of the M50, Luas Operations, Luas accessibility and travel planning/mobility management and further consultation between TII and the planning authority.

The Consultation Meeting

6.1.12. A section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 4 July 2018, commencing at 11am. 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.

6.1.13. 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. Architectural and Archaeological Heritage.

2. Density and proximity to Glencairn Luas stop.
3. Access – Alternatives, Junction Design and Luas Crossing (consents).
4. Traffic and Transport Impact Assessment.
5. Site permeability and planning application area.
6. Residential Amenity – Standards, detailed design and interface with Luas line.
7. Water Services – detailed surface water design, IW network survey and flow and load survey.
8. EIAR and AA.
9. Ballyogan and Environs LAP status.
10. Any other matters.

6.1.14. In relation to Architectural and Archaeological Heritage, ABP representatives sought further elaboration/discussion on the removal and relocation of the portal entrance to Glencairn House, its new landscape setting and the context of proposed development in relation to the ruins of Murphystown Castle (a recorded monument).

6.1.15. In relation to Density and proximity to Glencairn Luas stop, ABP representatives sought further elaboration/discussion on the principle of density and building height so close to a Luas stop. It was noted that the iterative approach drawn from previous section 247 meetings has led to an increase in density and the issue of site security places constraints on proposing taller buildings.

6.1.16. In relation to Access – Alternatives, Junction Design and Luas Crossing (consents), ABP representatives sought further elaboration/discussion on the alternatives considered in accessing the site. Discussion centred on the possibility of alternative access arrangements from existing public roads. Clarity regarding the impact on the operation of the Luas was also sought, in terms of a new junction design proposed on to Murphystown Way.

6.1.17. In relation to Traffic and Transport Impact Assessment (TTIA), ABP representatives sought further elaboration/discussion around an update material that may be included in the TTIA in the context of comments made by the Transport Infrastructure Ireland and the National Transport Authority.

- 6.1.18. In relation to Site permeability and planning application area, ABP representatives sought further elaboration/discussion regarding pedestrian and cyclist permeability to and from the development. Clarity was sought on the locations of access points and the extent of works on publicly owned lands. It was also noted that the applicant should clearly define where works will take place and prepare detailed drawings in this respect.
- 6.1.19. In relation to Residential Amenity – Standards, detailed design and interface with Luas line, ABP representatives sought further elaboration/discussion regarding the incorporation of the new apartment guidelines and the preparation of the planning application. In addition, detailed elements of the proposal such as car park entrance detail and the interface with the Luas require elaboration.
- 6.1.20. In relation to Water Services – detailed surface water design, IW network survey and flow and load survey, ABP representatives sought further elaboration/discussion regarding surface water design and the requirements of the planning authority. In addition, clarity was sought in relation to the requirements of Irish Water in connection with surveys and assessments of the network in the area and the implications of same to the preparation of a planning application.
- 6.1.21. In relation to EIAR and AA, ABP representatives sought further elaboration/discussion on the requirement for an EIAR and the progress with regard to the preparation of an AA Screening Report. It was also noted that public notices should state that an EIAR has been prepared, if that is the case.
- 6.1.22. In relation to the Ballyogan and Environs LAP status, ABP representatives sought further elaboration/discussion on the progress so far in relation to the preparation of a draft LAP and the likely date of publication.
- 6.1.23. 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 301715' 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

- 7.1.1. 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.
- 7.1.2. 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, submissions received from statutory consultees referred to under Section 6(10) of the Act 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.
- 7.1.3. Having regard to all of the above, I recommend that further consideration and/or possible amendment of the documents submitted are required at application stage in respect of the following elements: Architectural and Archaeological Heritage, Access and Site Permeability, Surface Water Management and Flooding; details of which are set out in the Recommended Opinion below.
- 7.1.4. 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.
- 7.1.5. 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

- 8.1.1. 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.
- 8.1.2. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority and submissions received from statutory consultees referred to under Section 6(10) of the Act, 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.
- 8.1.3. 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. Architectural and Archaeological Heritage

Further consideration of the documents as they relate to the architectural and archaeological heritage of the site; the prospective applicant should satisfy themselves that the proposed relocation of the entrance portal associated with Glencairn House (a Protected Structure) is the optimal architectural heritage and landscape design solution for this landmark structure. In this regard, the proposed development shall be accompanied by an architectural heritage report and accompanying drawings that outlines the design rationale and architectural heritage considerations for the proposed portal removal and relocation having regard to inter alia, National and Local planning policy, the Architectural Heritage Protection - Guidelines for Planning Authorities and the Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999, the site's context and locational attributes.

Furthermore, landscape and architectural drawings shall adequately detail the proposed works concerning all architecturally and archaeologically sensitive features. In the context of the information required above, a detailed photomontage report and any other suitable report that includes sufficient detail of the proposal in terms of the architectural and archaeological heritage of the site should be prepared. Further consideration of this issue may require amendment to the documents and/or design proposals submitted.

2. Access, Site Permeability and Connections

Further consideration of the documents as they relate to vehicular access and specifically pedestrian and cyclist permeability onto and 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.

In addition, the Transport and Transportation Assessment and other documentation related to traffic and transportation shall respond to the comments raised by both the National Transport Authority and Transport Infrastructure Ireland in the responses received by the Board which are attached. In this regard, the applicant should prepare a site layout that shows footpaths/cycleways/roads up to and flush with site boundaries. A layout that details, if any, areas to be taken in charge by the planning authority. Further consideration of these issues may require amendment to the documents and/or design proposals submitted.

3. Surface Water Management and Flooding

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 received by the Board on 22 June 2018 and contained in Appendix B 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. A report that specifically addresses the proposed materials and finishes and the requirement to provide high quality and sustainable finishes and details. Particular attention is required in the context of the prominent location along the Luas Green Line and the proximity of a protected structure – Glencairn House and recorded monument – Murphystown Castle.
2. A life cycle report shall be submitted in accordance with Section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2018). In addition, the applicant shall ensure that advice provided by the guidelines in relation to the development management process (section 6.0) is followed.
3. A report that addresses issues of residential amenity (both existing residents of adjoining development and future occupants), specifically how the development will limit the potential for overlooking and overshadowing. The report should include full and complete drawings including levels and cross sections showing the relationship between the development and adjacent residential units and adjoining Luas Line. Details in relation to noise impact and mitigation for same shall also be included. Attention is also drawn to the residential amenity associated with one bedroom corner units in terms of access to daylight and sunlight.

8.1.4. Also, 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:

- Irish Water
- National Transport Authority

- Transport Infrastructure Ireland
- Department of Culture, Heritage and the Gaeltacht
- An Taisce – the National Trust for Ireland
- The Heritage Council
- Bord Fáilte
- The Arts Council
- Luas Operator – Transdev Ireland
- Córas Iompair Éireann
- Commission for Railway Regulation
- 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.

Stephen Rhys Thomas
Planning Inspector

20 July 2018