



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-302892-18

Strategic Housing Development	167 houses, 18 apartments and crèche.
Location	Kilgarron Hill, Enniskerry. Co. Wicklow
Planning Authority	Wicklow County Council
Prospective Applicant	Capami Limited
Date of Consultation Meeting	6 th December 2018
Date of Site Inspection	22 nd November 2018
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

As outlined in the previous Inspectors Report (ABP-300692-18), the site is inside the settlement boundary for the town of Enniskerry, Co. Wicklow. The town lies c 5km west of Bray in an elevated position on the slopes of the Wicklow Mountains. It had a population of 1,889 at the 2016 census. Its core is an estate village associated with the Powerscourt Demense. The rest of the town consists of houses built around the village in the 20th century in a rather haphazard manner. The site lies between 1.4km and 700m west of the centre of the village core.

It has a stated area of 7.4ha and consists of land under pasture. It occupies a piece of land that is elevated over the level of the village and the wooded valley through which the Glencullen River flows to the north of the site. The site is relatively level, apart from its eastern end where there is a sharp fall towards the river. The site has two separate lengths of frontage onto the Glenree Road, which is a local road that runs west from Enniskerry along the northern edge of the demesne. The road is c5.4m wide and generally lacks footpaths, although isolated standings are provided at bus stops. A 10kV line crosses the site from east to west. A driveway crosses the site which leads to Parknasilloge House to the north, with a gate lodge standing at its junction with the road.

A small housing development of recent construction occupies a rectangular site of c0.8ha between the main part of the current site and the Glenree Road, named Parknasilloge Court. Its houses do not directly front the Glenree Road, although a footpath has been provided along the road in front of that scheme and parallel to its

internal access roads. Immediately to the east of that scheme lie 2 houses on their own plots along the road. A GAA club and pitch occupy another plot on the Glencree Road beside the eastern end of the current site. There are two 20th century housing estates on the other side of the road from the GAA club at the eastern end of the site, named Kilgarron Cottages. They share an access point onto the Glencree Road. Neither contains houses that directly front that road. To the west of the site there is a cluster of houses on both sides of the Glencree Road, some of which do have direct access onto that road. There is a sharp bend on the Glencree Road on the site frontage just before that cluster which seriously restricts visibility.

3.0 Proposed Strategic Housing Development

It is proposed to build 185 units comprising 167 houses and 18 apartments. It is also proposed to build a crèche on the site. The houses would consist of 3 one-bed houses; 8 two-bedroom units; 107 three-bedroom houses; 46 four-bedroom houses; and 3 five-bedroom units. The apartments would comprise 12 one-bed own door apartments and 6 two-bed own door apartments. Each house would have 2 parking spaces and 1 space is proposed per apartment. The crèche has a proposed floor area of 339m².

The housing mix is as follows:

Type	Number of Units	% of Units
One Bed (Apt & House)	15	8
Two Bed (Apt & House)	14	7.5
Three Bed	107	58
Four Bed	46	25
Five bed	3	1.5
Total	185	

The layout of the development proposes two accesses both from the Glencree Road (L1011) one to the east of the site and the other to the west of the application area.

To the east of the site adjoining the entrance two 'L' shaped apartment blocks are proposed which together create an internal courtyard. Parking is proposed to the west of same. To the north of the apartments a 'Village Green' is proposed. The crèche is proposed to the northeast of the site with 11 parking spaces proposed in front of same. A smaller area of open space is proposed in Character Area 2 to the north of the site. A half-moon shaped park is proposed to the north west of the site with a crescent street created by housing addressing same. A number of units address the Glenree Road.

To the east of the proposed application site there is an area of land within the applicant's landholding which are outlined as future development areas. A site is outlined for a proposed future school (1.2ha), an area for community use (0.4ha) and an area for enterprise uses (1ha). There is a triangular area of ground to the north of the site and a rectangular area of land to the west of the site which are not within the applicant's ownership.

4.0 Planning History

Ref. ABP-300692-18 – A pre-application consultation request was sought from the Board with an Opinion issuing on 14 March 2018 which stated that the documentation required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála. The matters where further consideration was required were as follows:

1. How best to achieve appropriate levels of integration of development on the site with the rest of Enniskerry (i.e. the town and adjoining sites), including the provision of safe and convenient connectivity in particular for vulnerable road users, cyclists pedestrians, etc. In this regard consideration should be given to the current of standard and nature of the Glenree Road, the absence of frontage development and pedestrian facilities along the entire road frontage and the restriction on visibility at the bend to the south-west of the site. Further consideration is also required as to the provision of safe and convenient access to the crèche, community centre and school site, including minimising traffic conflicts arising from parking and turning movements.

2. The potential for development on the site to have effects on the adjacent SAC at Knocksink Wood, and whether the proposed development would be likely to have significant effects on this Natura 2000 sites which would require it to be subject to an appropriate assessment.

3. The mix of housing types required to cater for the needs of the community as a whole, as well as a planning rationale for the proposed density of housing with regard to the provisions of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009.

4. The provision of proper streets, roads and footpaths in accordance with the applicable standards set out in DMURS, including the standards for junctions, carriageways, footpaths and cycle facilities along local, low-speed streets set out at sections 4.3 and 4.4, having regard to the need to constrain vehicular speeds and create a safe and comfortable environment for vulnerable road users.

5. The proper configuration of uses upon the landholding, having regard to the absence of a statutory basis for the action area plan and the viability or otherwise of commercial development in the area. This should also have particular regard to the need for a proper treatment of the Glencree Road and frontage onto it to facilitate the expansion of the town, and to the constraints on development on the lower land in the north-eastern part of the site due the requirement for effluent to be pumped from there, with the consequent increased requirements for maintenance and the risks of failure in close proximity to the SAC at Knocksink Wood.

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 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’

- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’)
- ‘Childcare Facilities Guidelines for Planning Authorities’

5.2 Statutory Plan for the area

5.1.1. The Wicklow County Development Plan 2016-2022

The core strategy designates Enniskerry as a small growth town with a projected population of 2,302 in 2022, with an increase in its housing stock from 642 in 2011 to 887 in 2022. The plan includes a town plan for Enniskerry which has now been superseded by the Bray Municipal District Plan 2018-2014. The view north from the Glencree Road is protected prospect 5 in the development plan – Glencree Road towards Carrigollogan.

5.1.2. Bray Municipal District Plan 2018-2024

This plan includes Enniskerry within its area. Chapter 3 deals with residential development with Policy R1 requiring all housing development accord with County Plan requirements. Enniskerry specific housing objectives are R6 and R7 which state that maximum size of any single housing estate should be 60 units and that a full range of units sizes including 1 and 2 bedroom units shall be provided in all new housing areas with no more than 50% of the units in any development have more than 3 bedrooms or 125m² of floor area. Parknasilloge is defined as Action Area Plan 2 and is designated as a priority employment area for Enniskerry with polices EE1 and EE2 specific to Enniskerry referring to the provision of c.1ha of employment lands in AA2. Chapter 10 outlines key areas for AAP2 including that 2ha of the area shall be reserved for active open space (equivalent to the GAA pitch), 1 ha for employment uses, 1.2 ha for education use and 0.4ha for community uses including a community centre of at least 500m² with a playground of at least 400m². A maximum of 156 houses shall be provided on the rest of the area. Only 2 vehicular access points shall be allowed onto the Glencree Road.

5.1.3. Action Plan

The prospective applicant submitted a draft action area plan to the planning authority in February 2017 which was agreed by the Council on 14th November 2017 subject to phasing controls with Phase 1 providing 50% of residential units (max. 78), school site unless Department confirm in writing it is not required and Village Green. Phase 2 requires employment uses, additional 75% of residential units (58) and community uses including community centre with Phase 3 the remaining residential (20).

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.

6.1 Documentation Submitted

The prospective applicant submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Regulation No. 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. This information included, *inter alia*, Form including letter of consent from landowner and Letter from Irish Water; Part V proposal, Cover letter, Environmental Report, Statement of Consistency, Action Area Plan, Architectural Design Statement, Housing Quality Assessment and Schedule of Areas, Architectural drawings, Engineering Drawings, Engineering Assessment Report, Construction and Waste Management Plan, Flood Risk Assessment, Traffic and Transport Assessment, Landscape Drawings and report, Archaeological Desktop Study, Natura Impact Statement, Lifecycle Report.

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. This statement has been submitted, as required. It is summarised as follows:

- Proposal provides for a variety of house typologies and mix and a crèche and a Village Green with provision made for a community use opposite the Village Green and south of crèche providing a hub of community uses and facilities with two options provided;
- Landscape Masterplan incorporates a number of different landscaped areas enhancing overall quality of the scheme with a variety of materials proposed;
- Number of upgrades identified to improve connectivity for pedestrians to the village outlined in green on site map and proposed that these would be included within red line at application stage with letter of consent from WCC with upgrades delivered as part of the proposal including public lighting with WCC requesting same conditioned with works delivered by WCC and funded by developers;
- Permission granted recently opposite subject site which proposed delivery of upgrades to village centre with subject proposal consistent;
- Two phases of development proposed;
- Proposal connected to existing water mains along L1011 with separate foul and surface water system proposed and a new sewer proposed along the L1011;
- Surface water directed to soakaways to maintain existing hydrogeology in the area given sensitivity of the tuffa springs;
- NIS concludes no reasonable scientific doubt remains as to the absence of adverse effects from the proposal on any European site;
- Desktop Archaeological assessment concludes test trenching should be undertaken prior to commencement of development;
- Proposal complies with 12 criteria in Urban Design Manual with the layout addressing the context including the integration of the proposal into the sloped topography, creating connectivity within and to the village, variety of house types, creates four distinctive character areas and the layout creates people friendly streets and spaces and a safe and secure public realm;

- Density proposed is 30 units per hectare excluding the large open space and crèche with proposal complying with Section 6.11 of Guidelines for smaller towns and villages with proposal creating an edge along the Glenree Road;
- Site served by Bus Route 185 with stops along Glenree Road with 28 daily services;
- Proposal complies with key design principles in DMURS;
- 15.2% of the site is proposed as public open space;
- Proposed number of units exceeds the 156 stated in the Action Area Plan criteria but proposal accords with National Policy and Guidelines;
- While AAP criteria state school should be provided in Phase 1 the Department have advised they have no requirement for land for a school at present;
- To address policy objective EEN1 which requires no more than 60 units in any single estate, four distinctive character areas proposed;
- 136 of the 185 units (74%) are below 125 sq.m in compliance with Objective ENN2;

6.2 Planning Authority Submission

A submission was received by An Bord Pleanála on the 22nd November 2018. It included a record of a pre application meeting with the prospective applicants under section 247 of the planning act. The submission may be summarised as follows-

- Proposal would not accord with the core strategy of the Wicklow County Development Plan or population and housing growth targets for Enniskerry as set out in Bray Municipal District LAP 2018-2024 with 185 far in excess of residential development envisaged for the lands;
- Phasing plan is inadequate failing to adequately demonstrate that the proposed residential development is to be linked to provision of both physical and social infrastructure as required;
- While LAP allows for position, location and size of landuse zonings to be altered any such alterations subject to compliance with criteria in AAP;

- Site incorporates 3 landuse zoning objectives but proposed for solely residential with failure to demonstrate how proposal will comply with criteria in the Action Area Plan and particularly the development of a comprehensive integrated scheme;
- Proposal does not comply with the R20 zoning objective with gross density of 24 units per/ha exceeding maximum permitted on the lands;
- Phasing plan does not comply with controls specified in the approved AAP in particular provision of Village Green and playground or crèche not included in Phase 1 and proposal/phasing plan does not provide for the delivery of the employment/community or educational uses and consider lands closest to the village should be developed first and part V units provided pro-rata (1/10);
- Layout and proposed unit mix considered acceptable but larger 3-bed bungalows should be provided to facilitate downsizers and concern at use of brick which is not traditionally used in Irish Rural towns or associated with Enniskerry and concern it will create a large suburban development with no visual link to the established character of the area;
- Assessment of impact of proposal on listed view required;
- Applicants have failed to demonstrate that site proposed for future school is deemed suitable by the Department;
- Clarification required on occupancy of crèche, open space, carparking etc;
- Shortfall of 110sq.m of open space;
- Clarification sought on trip generation and attraction in TTA in addition to trip distribution and assignment, junction modelling, treatment of road terminations, confirm road widths consistent with DMURS, junction treatments;
- Special contribution required for the provision of an adequate footpath and public lighting upgrade;
- Quantum of parking proposed is acceptable;
- Drainage proposal on site satisfactory with detailed drainage proposals required for upgrade of works to public road;

- To allow development proceed outside parameters of the AAP would be contrary to objectives of LAP and proper planning and sustainable development;
- Full geotechnical and archaeological assessment of the lands to be undertaken;
- Statement of consistency to be revised to ensure it addresses all relevant objectives of Wicklow CDP and Bray MDLAP;
- Taking in charge map required;

6.2.1 Prescribed Bodies

Submissions were received from Irish Water and the National Monuments Service.

6.3 Consultation Meeting

A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 6th December 2018, commencing at 11.00. 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 issued in advance which included the following issues-

1. Planning Policy
2. Development strategy for the site including housing mix, density and finishes
3. Upgrade Works to Public Road
4. Site Services
5. Archaeology
6. Any other matters.

In relation to planning policy An Bord Pleanála sought further elaboration/discussion/consideration of the following: the planning policy hierarchy with respect to the County Plan and the Municipal District Plan, relocation of uses proposed in the Action Area Plan, phasing of proposal, criteria outlined in the Action Plan.

In relation to Development strategy for the site including housing mix, density and finishes An Bord Pleanála sought further elaboration/discussion/consideration of the following: housing mix outlined and requirement to provide a greater mix incorporating increased number of two-bed units, density proposed and the requirements of National Guidance, exclusion of uses/areas for calculation of net density.

In relation to upgrade works to the public road An Bord Pleanála sought further elaboration/discussion/consideration of the following: how the upgrade works will be delivered in advance of occupation of the units and the critical consideration of connectivity.

In relation to site services An Bord Pleanála sought further elaboration/discussion/consideration of the following: the requirements of Irish Water, surface water management on the site and wider area and the tuffa springs.

In relation to archaeology An Bord Pleanála sought further elaboration/discussion/consideration of the following: the requirements of the National Monuments Service.

In relation to any other matters An Bord Pleanála sought further elaboration/discussion/consideration of the following: screening for EIAR.

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 302892' 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: configuration of uses on the site and density and housing mix; 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. Further consideration and a detailed planning rationale as to the proposed location of the residential development and crèche on the landholding and the configuration of the other uses having regard to the uses outlined in the Action Area Plan for the lands as included in the Bray Municipal District Local Area Plan 2018-2024. Further consideration is also required as to the provision of connectivity to the proposed enterprise, community centre and school sites. This may require possible amendment to the documents and/or design proposals submitted.
2. Further consideration of documents as they relate to the density in the proposed development, specifically in relation to the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (May 2009) as they refer to small towns and villages and to net density at Appendix A. Particular regard should be had to the need to develop at a sufficiently high density to provide for an acceptable efficiency in serviceable land usage given the site is served by public transport and its proximity to established social and community services in the area. Furthermore, further consideration of documents as they relate to the mix of housing types, particularly in respect of two-bed units, is required to cater for the needs of the community as a whole. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted relating to density and layout of the proposed development.

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 detailed report outlining the proposed connectivity works to the public road and a detailed design of same, the report should also detail who is going to undertake the works required and the timelines involved relative to the construction and completion of the proposed development.
2. A report that specifically addresses the proposed materials and finishes to the scheme and the requirement to provide high quality and sustainable finishes and details.
3. A life cycle report shall be submitted in accordance with Section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2018).
4. A report that addresses issues of residential amenity (both existing residents of adjoining properties and future occupants). The report should include full and complete drawings including levels and cross sections showing the relationship between the development and adjacent residential units.
5. A layout plan that details the location and appropriate quantity of bicycle parking spaces.
6. A plan of the proposed open spaces within the site clearly delineating public, semi-private and private spaces.
7. A phasing scheme for the proposed development
8. A site layout plan clearly indicating what areas are to be taken in charge by the Local Authority and which should include lands up to the boundary with adjoining holdings.
9. A site specific flood risk assessment and details of proposals for the drainage of the site and the attenuation of surface water runoff, as well as details demonstrating the capacity of the receiving waters for stormwater effluent and of the wastewater treatment plant to cater for foul effluent from the proposed development

10. Proposals for compliance with Part V of the Planning and Development Act 2000, as amended.

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 Department of Culture, Heritage and the Gaeltacht
3. The Heritage Council
4. An Taisce
5. Inland Fisheries Ireland
6. The Wicklow 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.

Una Crosse
Senior Planning Inspector

December 2018

