



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-303022-18

Strategic Housing Development	420 residential units, a park, 3 shops and a creche
Location	Newcastle, Co. Dublin
Planning Authority	South Dublin County Council
Prospective Applicant	Cairn Homes Properties Ltd.
Date of Consultation Meeting	7 th January 2019
Date of Site Inspection	6 th January 2019
Inspector	Stephen J. O'Sullivan

1.0 Introduction

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

2.0 Site Location and Description

2.1. The site is in the town of Newcastle. Co. Dublin, c19km west of the city centre and c3km northwest of the Rathcoole junction on the N7 Naas Road. The town had a population of 3,093 at the 2016 census. The site lies to the south of the main street of the town and to the west of a housing development dating from the 2000s. It has a stated area of 17.47ha. The main part of the site has an area of 16.46ha and consists of grassland with hedgerows along field boundaries. The site also includes 3 plots within the adjoining housing development to the west. The largest of those plots is 0.8ha and is an undeveloped plot that was fenced off at the time of inspection. The second is 0.17ha of undeveloped land to the south of existing houses, and the third is 0.05ha which is the curtilage of a vacant building intended to have been used as a community centre. The site extends to the Main Street on its northern side. The eastern boundary of the site adjoins a junction on the main access road through the adjoining housing scheme from a roundabout on the R120 which in turn leads to the N7 Naas Road. The streets in the neighbouring housing area are shown within the applicant's landholding, as are undeveloped lands to the west. However the northern part of the western site boundary adjoins undeveloped land owned by another party. The latter land is served by a recently constructed road from Main Street that also provides access for a recently built primary school at St. Finian's.

3.0 Proposed Strategic Housing Development

3.1. It is proposed to build 420 residential units. The housing mix is as follows –

	1 bed	2 bed	3 bed	4 bed	5 bed	Total
Houses	-		184	82	-	266
Apts/Duplex	5	77	72	-	-	154
Total	5	77	256	82	-	420

3.2. It is also proposed to build a creche of 523m² in a standalone building, and provide 3 shops with a combined floor area of 218m² in the ground floor of one of the apartment buildings. The floor area of the proposed buildings is given as 46,242m². The submitted documents include a proposal to lay out a park of 4 ha and allotments on the southern part of the site. A plot of 1.5 ha that is reserved for a primary school is shown with the site boundary, but proposals to build there were not submitted. The area of the site includes a school site of 1.5ha and a proposed park of 4ha.

3.3. The proposed development would provide a 4-storey apartment building on the largest undeveloped plot in the existing housing area with the proposed shops on its ground floor. The main part of the site would be occupied by houses or 3-storey terraces of single storey and duplex apartments. There would an access from Main Street to the north, and two more from the roads in the housing scheme to the east. Shared pedestrian and cycle tracks are shown parallel to the main streets within the site running north-south and east west, and around the proposed park. 814 car parking spaces would be provided to serve the development, including 9 drop off spaces at the creche

3.4. The prospective applicant stated that it intends to seek a 10 year permission.

4.0 Planning History

PL06S. 217096, Reg. Ref. SD05A/0344 – the planning authority granted permission in August 2006 for 696 residential units on a site that included most of the current site. The board determined an appeal against the planning authority's decision that related to a financial contribution only.

ABP-301421-18, Reg. Ref. SD17A/0378 : the board granted permission in August 2018 for a development of 42 residential units on a site adjoining the northern end of the western boundary of the current site. This development has not commenced.

5.0 Policy

5.1. National Policy

The government published the National Planning Framework in February 2018. Objective 3a is that 40% of new homes would be within the footprint of existing settlements. Objective 27 is to ensure the integration of safe and convenient alternatives to the car into the design of communities. Objective 33 is to prioritise the provision of new homes where they can support sustainable development at an appropriate scale.

The applicable section 28 guidelines include -

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- Design Manual for Urban Roads and Streets'
- Guidelines for Planning Authorities on Urban Development and Building Heights, 2018
- Sustainable Urban Housing: Design Standards for New Apartments (2018),
- Childcare Facilities – Guidelines for Planning Authorities
- The Planning System and Flood Risk Management

5.2. Local Policy

- 5.2.1. The South Dublin County Development Plan 2016-2022 applies. Most of the site is zoned for new residential development under objective RES-N. The southern part of

the site is zoned open space under objective OS, with a small part extending into the rural area zoned under objective RU. There is a short term objective to provide a road from east to west across the site and around a rectangular area zoned OS that straddles the western boundary of the site. There is another roads objective to link the road around that open space to Main Street along a line to the west of the site that includes the existing road serving the school.

5.2.2. The Newcastle Local Area Plan 2012-2018 has been extended to 2022 and applies to the site. The movement strategy in the plan shows 'green' link streets across the site in line with the roads objectives in the development plan. Section 5.4.7 of the plan states that development would be based on a grid layout, and a more detailed indicative layout is shown that is based on the link streets. The detailed layout on the current site if reflects the layout of the previously authorised development. there. The framework plan also shows historic hedgerows to be protected across the site and another to be reinstated, in line with the policy to retain such hedges on the boundaries of burgage plots set out at section 5.3.4 of the plan. . The density strategy is based on three zones, including the village core, the village expansion area and the settlement edge. Most of the site is in the village expansion area, but the southern part is in the settlement edge. The average density of development in the village expansion area is recommended to be between 25 and 30dph, and that in the settlement edge to be 15-20dph. The site includes parts of 3 neighbourhoods identified in the plan: Taobh Chnoic , Burgage South and Ballykelly West. In Taobh Chnoic it recommends that buildings be 1 or 2 storeys high. In Burgage South they should be 2 storeys high. They should also be 2 storeys high Ballykelly West, but there is an opportunity for 3 or 4 storey elements as a landmark on a landscaped square.

5.2.3. Newcastle is designated as an zone of archaeological potential on the Record of Monuments and Places.

6.0 Forming of the Opinion

6.1. Documentation Submitted

The prospective applicant submitted extensive documentation including drawings of the proposed development and –

- A Planning Report and Statement of Consistency
- An Environmental Report
- An Architectural Design Statement
- A Housing Quality Assessment
- An Infrastructure Design Report
- A Site Specific Flood Risk Assessment
- An Appropriate Assessment Screening Report

6.2. Statement of consistency

6.3. The context provided by suburban development in Newcastle in the 2000s was noted, and a masterplan for the development of the overall landholding has been prepared.. The layout and design have been informed by four strategies laid down in the LAP, those relating to green infrastructure, accessibility and movement, land use and density, and built form. Green links running north-south and east-west would provide safe routes for pedestrians and cyclists. A series of open spaces are proposed within the site, including a major park of 4 hectares. Vehicular access would be provided from both Main Street to the north and Newcastle Boulevard to the east. Future access to the development authorised under ABP-301421 will be facilitated. 814 car parking and 499 bike parking spaces will be provided. A childcare facility will be provided that could cater for c110 children. It would be centrally located in the scheme. The street layout is mainly a grid as indicated by the framework plan in the LAP, although there are some curvilinear streets. Proposals are submitted to comply with Part V of the planning act. A SUDS strategy has been agreed with the planning authority. Archaeological testing has been carried out on the site.

6.4. The proposed development would comply with the 2009 sustainable urban residential guidelines and the 2018 apartment design guidelines. The range of 2 to 4 storey buildings is in keeping with SPPR4 of the guidelines on building height and urban development issued in 2018. Childcare facilities are proposed in accordance with the guidelines on that topic. The site is within zone C under the flood risk management guidelines and a justification test for housing would not apply.

6.5. The proposed development complies with the core strategy set out in the development plan by contributing to the achievement of the population targets for the town. The proposed development would comply with the zoning of the site by providing housing on land zoned RES-N and open space on lands zoned OS, along with allotments on land zoned RU. The proposed development would comply with the green infrastructure provisions of the LAP with 26% of the overall site area given over to open space with the major park provided in phase 1. Protecting the burgage plot delineations, as sought by the LAP, is central to the proposed design and layout, as described in the landscaping strategy. The street hierarchy has had regard to the layout shown in the LAP and the requirements of DMURS. The links are designed to regulate traffic and integrate with development on the adjoining land. All routes are designed to ensure and facilitate integrated development with adjoining lands subject to third party agreement. The proposed density is 38.8dph which is in keeping with the 2009 sustainable urban residential guidelines although the LAP recommends a density of 25-30 dph in the village expansion area. 3 storey duplex units are proposed to achieve the density consistent with the guidelines although the LAP specifies 2-storey buildings there. All major spaces and streets are excluded from the net site area for the calculation of density, as is 10% of the site area for infrastructure. There are 3 character areas across the development comprised of core, expansion and edge areas. The proposed provision of a park, other green links and spaces and a school site would provide community benefit to ensure that the development meets the phasing requirements of the LAP.

6.6. The Environmental report submitted by the applicant stated that an EIAR would have to accompany the application because the site area was greater than 10ha. It is unlikely that the proposed development would have significant adverse effect on the environment. An appropriate assessment screening report concludes that the proposed development would not be likely to have a significant effect on any Natura 2000 site and that the submission of an NIS is not necessary.

6.7. **Planning Authority Submission**

The submission from the planning authority noted that the development deviated from that in the LAP and some streets may be too long. A strong justification is needed for such deviation. The proposed densities are above those set out in the

LAP. The housing at the north-west of the site should front onto the walkway as per the layout authorised on the neighbouring site under 301421. Streets within the site should be built up to boundaries to avoid the creation of ransom strips and hedges along burgage plots should be retained.

6.8. Other submissions

- 6.8.1. Irish Water made a submission which stated that it had issued a confirmation of feasibility in respect of 450 homes. The applicant must carry out investigations to determine any upgrades required to the wastewater network. No upgrades are required to the water supply network.
- 6.8.2. The Department of Culture, Heritage and the Gaeltacht made a submission which stated that an archaeological impact assessment of the proposed development was required for any application, having regard to the location of the site in the zone of archaeological potential designated as a recorded monument around Newcastle.

6.9. The Consultation Meeting

A section 5 consultation meeting took place at the offices of the board at 1430 on Monday 7th January 2019 between representatives of the board, the planning authority and the prospective applicants about the proposed development. A record of the meeting was made and is available. The main topics discussed at the meeting were –

- i. The layout of the development in relation to that indicated in the local area plan, having regard to the need to achieve a high standard of urban design and integration with potential development on adjoining zoned land.
- ii. Density and type of proposed housing
- iii. Access and permeability
- iv. Phasing of development and delivery of supporting infrastructure including open space and community facilities
- v. Water supply and drainage
- vi. Potential impact on archaeology
- vii. Any other issues

With regard to item i) the prospective applicant stated that a plan would be submitted showing the proposed development in relation to the zoning of land in the development plan. The proposed allotments are outside the zoned area of the town and could be omitted from the scheme if necessary. The proposed development would provide pedestrian links to the road serving the school through the adjoining authorised housing scheme. The proposed curved street is to allow the east-west distributor road to be extended to reach the applicant's land to the west of the site entirely through the prospective applicant's own land. The proposed layout meets the intent of the LAP even if it does not match the indicative layout in that plan exactly. The planning authority noted the deviation from the layout in the local area plan. The LAP seeks to retain the village character and burgage hedgerows in Newcastle and this informs the relatively low densities that the plan requires. The planning authority raised concerns about the removal of hedgerows arising from the higher density of the proposed development and the lack of on-street parking along major routes. Connections to adjoining land should be shown right up to the site's boundaries. The prospective applicant stated that about 500m of hedge would be removed, but reinstatement would also occur in certain places. The net loss of hedgerow would be around 100m. The prospective applicant recognised the value of the burgage plots and was seeking to express this in a contemporary form. The planning authority stated that replacement hedges would not have the environmental and heritage value of the existing hedges. Bats were not addressed in the submitted documentation. The board supported the value of protecting hedges in its decision on the neighbouring site. Hedges should be retained if at all possible.

With regard to item ii) the planning authority stated that the proposed density was significantly higher than that set out in the LAP. The planning authority seeks lower densities of development and building heights as a transition to the rural area to the south, and the maintenance of the village character of Newcastle. The prospective applicant stated that the density of the proposed development fell towards the southern part of the site. The majority of the development would be three- and four-bedroom units but this could be revisited, while the proposed density reflects the spirit of the LAP. The planning authority stated that the mix of house types was broadly acceptable but that Newcastle was not an appropriate location for higher density development. The prospective applicant stated that it was trying to achieve a

sustainable density of development for land in the metropolitan area. It would welcome clarification from the board on the retention of hedgerows. The main north-south route would have a hedgerow along it. The planning authority stated that the LAP sought mainly 2 storey buildings on this site, with single storey housing on its southern part. Details and materials should differentiate the design across neighbourhoods. The representatives of the board expressed concern about the maintenance of apartment buildings and the tendency of render finishes to discolour over time.

With regard to item iii) the planning authority stated a preference for on-street parking which would allow for the planting of street trees in the public area, as opposed to the in-curtilage parking shown on many streets in the submitted documents. The prospective applicant acknowledged the point and stated that around 40% of proposed parking was on the street. In reference to DMURS, it stated that the link street would have a carriageway width of 6.5m, and that other local streets would be 5.5m wide, along with some shared streets. The planning authority stated that some of the roads were too long and might require traffic calming. On-street parking on the east-west street would help to avoid this, as illustrated in the cross-sections of streets shown in the LAP. The prospective applicant said that the segregated 2-way cycle links would be provided along green routes to facilitate recreational cycling and cycling to schools. The planning authority stated that departures from the street types shown in the LAP would require justification. A 7m width with looser radii might be appropriate along the East-West boulevard to allow a bus route. The transition from the previous part of the boulevard needed to be addressed. An under provision of parking should be avoided and 2 parking spaces per dwelling might be necessary.

With regard to item iv) the applicant stated that a 10 year permission was being sought due to the number of proposed units and the demand in the local market. There were no physical constraints that would prevent the proposed development from being completed within 5 years. The planning authority stated that the scheme should reflect the phasing in the LAP. More details were required on the topography of the proposed open space, and for natural play in the playgrounds. Shared cycle and pedestrian paths are preferred in parks. The various open spaces and green links in the development should have houses facing them, with stronger corners

through the site. The apartments should have semi-private space to the rear. The prospective applicant stated that the proposed development included dual fronted units. Details could be provided on the range of facilities to be provided in the open space. The planning authority expressed reservations about the pedestrian link at the north-west of the site required by the board under appeal. The prospective applicant stated that this link was outside the current site, and that the proposed development was designed to overlook the authorised link rather than to duplicate it.

With regard to item v), the planning authority stated that there were 3 different catchments on the site. The storage proposed in the submitted documentation appeared to be undersized and that its calculation should comply with the Greater Dublin Drainage Strategy. The prospective applicant stated that it had followed those procedures. The planning authority stated that natural attenuation on the site should be provided. The prospective applicant stated that permeable paving would be provided within the curtilage of homes, with swales along public roads. The parties indicated they would meet again to address divergences in their approach to the design of a surface water drainage system. The representatives of the board stated that if any matters were outstanding then this should be made clear in the documents submitted with any application, given the restricted opportunity to seek further information during the course of application under the SHD process.

With regard to item vi), the prospective applicant stated that extensive archaeological surveys had been carried out on the site for the current and previous applications. The required information would be submitted with any application.

With regard to item vii) the planning authority stated that it would require a drawing showing the areas of the development that would be taken in charge by it which would avoid the need for any wayleaves. There appeared to be significant infiltration of into the wastewater networks which would need to be addressed. The prospective applicant stated that some small scale works may have to be carried out to the foul network, but that they would not need separate consents. The representatives of the board referred to the need to submit a housing quality assessment that provided specific information to show that the SPPRs of the 2018 apartment design guidelines would be met. The planning authority stated that drawings of services and lighting in relation to open and landscaped spaces should be provided. The prospective applicant queried whether the proposed allotments on lands not zoned for

development would be included in an SHD application. The planning authority stated that it was satisfied that the proposed development did not conflict with the open space zoning of the site.

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 elements that 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

The Board 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 is required in respect of the documentation relating to the compliance of the proposed development with the provisions on the development plan, in particular the zoning of a rectangular area along the central part of the western site boundary as open space and the objectives to provide roads running east to west through the site and around the area zoned as open space that link with the road running north to Main Street to the west of the site. The documentation submitted with any application should be sufficient to demonstrate how the proposed development would be compatible with the achievement of those objectives of the development plan

for roads, open space and residential development on both the site and in the adjoining area to its west that is outside the prospective applicant's ownership in accordance with the development plan and the local area plan, having regard to the existing road from Main Street by St. Finian's National School along the line of the roads objective in the development plan, as well as the roads authorised by the permission granted under ABP-301421 Reg. Ref.SD17A/0358 including street No. 4 in the southern part of that authorised development. The submitted documentation should show streets in the proposed development that would be taken in charge by the planning authority up to the boundary of the site in line and at the level with the authorised streets and in line with the roads objectives of the development plan and the layout shown on the local area plan. The submitted documentation should be sufficient to demonstrate and justify any other proposed deviation from the layout of streets in the area shown in the local area plan, and should have regard to the advice at section 4.4.6 of DMURS that the alignment of link streets generally needs to be directional to efficiently link destinations, without major changes in their horizontal alignment.

2. Further consideration of the documentation relating to the level of amenity and design for the proposed apartments. The documentation should include a housing quality assessment which provides the specific information regarding the proposed apartments required by section 6 of the 2018 Guidelines on Design Standards for New Apartments. The assessment should demonstrate how the proposed apartments comply with the various requirements of those guidelines, including its specific planning policy requirements, with suitable tables and calculations. The submitted documents should demonstrate that the proposed apartments would be provided with a suitable outlook and an appropriate level of privacy and open space, in particular with reference those on the ground floor of the three storey duplex buildings. A building lifecycle report for the proposed apartments in accordance with section 6.13 of the 2018 guidelines should also be submitted which should indicate that the apartments would be finished with materials that minimise the cost of ongoing maintenance.

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. The Minister for Culture, Heritage and the Gaeltacht, (in relation to archaeological protection and historical interest)
2. The Heritage Council (in relation to archaeological protection and historical interest)
3. An Taisce — the National Trust for Ireland (in relation to archaeological protection and historical interest)
4. National Transport Authority
5. Transport Infrastructure Ireland
6. Irish Water

Pursuant to article 285(5)(b)(i) and (ii) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that the following specific information should be submitted with any application for permission:

1. A plan showing all areas of the proposed development that would be taken in charge by the planning authority.
2. A report demonstrating compliance with the applicable standards set out in DMURS and the National Cycle Manual in relation to the proposed development. The report should specify the role of each street in the scheme, whether as a link street, a local street or a shared surface, and the proposed specifications for each should not be exceeded. It should also clarify that the parking standards set out in the development plan have not been exceeded. The report should have due regard to the advice against shared cycle and

pedestrian facilities in section 1.9 of the National Cycle Manual. If shared tracks are proposed as amenity features along open space, then alternative routes for travel rather than recreation by pedestrians and cyclist movements should be provided, in particular along the East-West link street.

3. A phasing scheme for the development which would indicate how supporting facilities and infrastructure for the proposed housing would be provided in a timely and orderly manner in accordance with the phasing scheme set out in section 8 of the LAP. If permission is sought for a period in excess of the 5 years that would normally apply under section 40(3)(b) of the Planning and Development Act 2000, as amended, then a justification for the longer period would need to be submitted and it would need to be included in the description of the development on the published notices.
4. A Site Specific Flood Risk Assessment Report. The prospective applicant is advised to consult with the relevant technical section of the planning authority prior to the completion of this report which should describe this consultation and clarify if there are any outstanding matters on which agreement has not been reached with regard to surface water drainage.
5. Proposals for water supply and foul drainage. The prospective applicant is advised to consult with Irish Water and the relevant technical section of the planning authority prior to the submission of the application. The submitted documentation should describe this consultation and clarify if there are any outstanding matters on which agreement has not been reached.
6. Details of proposed boundary and surface treatments throughout the development, and of landscaping and planting. Cross sections and levels of proposed open space should be provided.
7. A draft construction management plan
8. A draft waste management plan.

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 J. O'Sullivan

Planning Inspector,

23rd January 2019