



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-303099-18

Strategic Housing Development	181 residential units
Location	Glenamuck Road, Kilternan, Dublin 18
Planning Authority	Dun Laoghaire Rathdown Co. Council
Prospective Applicant	Declan Taite and Anne O'Dwyer
Date of Consultation Meeting	16 th January 2019
Date of Site Inspection	2 nd January 2018
Inspector	Joanna Kelly

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

The development site has a stated site area in the application form of c. 4.5ha and is located on the western side of the Glenamuck Road South, approx. 130m north of the Golden Ball junction. The majority of the site's frontage is along Glenamuck Road. This road is narrow with a narrow footpath to the eastern side. There is a small residential development of two storey houses and apartments adjoining the south-west boundary of the site known as Cromlech Close. There is existing access to the lands from 'Tra Dha Mhin located along the Enniskerry Road. The lands slope and there is a difference of c. 20m from the north-eastern corner to the south-western corner of the site. There are two dwellings proposed to be demolished as part of the works.

3.0 Description of proposed development

The applicant is proposing a residential development comprising of 181 residential units including a childcare facility.

The unit mix as indicated by the prospective applicant is as follows:

Table 1: Unit Mix

	Apartments	Housing units	Total Units
1 bed	53	0	53
2 bed	46	0	46
3 bed	8	29	37
4 bed	0	18	18
5 bed	0	27	27
Total Units	107	74	181

4.0 Planning History

The most relevant history associated with the site is noted as follows:

File Ref. No. 300731-18 Permission refused by ABP for development consisting of the demolition of 2 dwellings and the construction of a residential scheme of 141 units comprising 98 no. houses, 11 duplex units, 32 no. apartments and a 242sq.m. creche facility, public open spaces and a link road between Enniskerry Road and the Glenamuck Road as required in the Kilternan Glenamuck LAP. Reason for refusal pertained to density, lack of details in respect of storm water proposals, substandard level of pedestrian/cycle connections, injurious to residential amenities by reason of overbearing impact and overlooking.

File Ref. No. D16A/0054/PL.06D.247097 A split decision for 139 no. residential units. Permission was granted for 55 number residential units only. ABP refused permission for the entire development as development would be premature by reference to the existing deficiencies in the road network.

File Ref. No. D08A/1408

Permission refused for the demolition of 'Dun Oir'

and the construction of a residential scheme comprising 50 no. semi-detached and terraced houses, the provision of 1 no. vehicular entrance off Glenamuck Road.

Reason for refusal pertained to inter alia, design including the lack of variation of design, need for distinctive building/feature that is of high architectural design quality and is sympathetic to Glenamuck Road.

4.0 National and Local Planning Policy

4.1. National

Having considered the nature of the proposal, the receiving environment, the documentation on file, including submission 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' (DMURS)
- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices')
- 'Childcare Facilities – Guidelines for Planning Authorities'
- 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities'
- Urban Design and Building Heights, Guidelines for Planning Authorities
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, August 2018.

Other relevant national guidelines include:

- Project Ireland 2040, National Planning Framework.
- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.

4.2. Local Policy

5.2.1 Dun Laoghaire Rathdown County Development Plan 2016-2022

The Dun Laoghaire - Rathdown County Development Plan 2016 applies. Kiltiernan is designated as a 'future development area' in the Core Strategy as outlined in Figure 1.1 of the Plan (Core Strategy Map).

The subject site is zoned 'Objective A' which seeks 'to protect and/or improve residential amenity'. Residential development is 'permitted in principle' under this zoning objective while childcare service is 'open for consideration'.

There is a specific local objective – No. 40 – pertaining to the lands which seeks to develop the Kiltiernan/Glenamuck area in accordance with the policies and objectives of the adopted LAP.

There is also a proposed quality bus/bus priority route running along the Glenamuck Road to the east of the site. In addition, there are six-year road upgrade proposals on the Enniskerry and Glenamuck Roads.

There are two protected structures in the vicinity of the site, Shaldon Lodge to the north and Rockville Lodge and House on the opposite side of the Glenamuck Road.

5.2.2 Kiltiernan Glenamuck LAP 2013

The subject site is zoned objective A, the objective of which is 'to protect and/or improve residential amenity'. Primary objectives are outlined VO1-VO7 including V04 which seeks to guide sustainable development in order to establish the character of the two component areas that comprise the LAP. Broad framework and principles of development are included at Section 2.2 which objectives RE01-RE09 relating to residential development which includes RE03 which seeks to facilitate the provision of appropriate residential densities and a mixture of dwelling units, types and tenures taking into account proximity to public transport corridors, site topography, sites of archaeological interest/protected structures and natural features.

The site is part of a larger development land parcel referenced as 6B in the LAP. At section 2.2.2 of the LAP it is stated that '*development on Parcel No. 6b will be 40-45 du/net ha with heights of 2/3 storeys with four storey elements adjacent to major road*

alignments. An access loop road will be required to service these lands'. In relation to the Golden Ball Cottages, it is stated 'that it is anticipated some small-scale infill development could occur and would be considered in accordance with relevant development management guidelines. An alternative scenario, where a number of the Cottages are acquired and the amalgamated lands developed as a single scheme may be considered by the Council. Development guidelines for Parcel No. 6 would apply in any such scenario'.

Water Catchment Areas and Surface Drainage is outlined in section 3.1.5.

Residential development is addressed at Section 4 with residential addressed at section 4.2. The following is noted: *'the Council's approach to residential density must be consistent with Central Government's policy on sustainable residential development in urban areas, with particular regard to development within the catchment of high quality rail-based transport. Pressure to reduce residential densities, on a wholesale basis, regardless of whether the land is well located in relation to high quality rail-based public transport, and based solely on short-term market demand, has the potential to undermine the viability of public transport and the sustainable development principles of the County Development Plan and cannot, therefore, be supported by the Council'.*

Section 5 of the Plan deals with public transport and the road network which includes the 6-year road proposals for the Glenamuck District Distributor Road and the Glenamuck Link Distributor Road.

Phasing

Section 10 of the LAP states the following: *'at present, the area is serviced principally by Glenamuck Road and Enniskerry Road. The configuration, width and alignment of these Roads are not sufficient to accommodate the extensive areas of land available and zoned for development in the County Development Plan and the LAP. As identified in the LAP, new roads and, indeed, some upgrading of existing roads are required to facilitate the scale of development envisaged within the LAP area. These inter alia include the following:*

- *The new Glenamuck District Distributor Road.*
- *The new Link Distributor Road.*

- *Some upgrading of the existing Glenamuck Road – principally pedestrian/cycle facilities and the removal of the ‘pinch point’ at the Golden Ball end of the corridor’.*

Section 10.6 of the LAP provides for an interim proposal to accommodate development as follows:

Dun Laoghaire-Rathdown’s Transportation Department considers that up to 700 dwelling units could be accommodated on an upgraded existing road network (Phase 1). The development of additional units in excess of these 700 dwelling units would, however, require the construction of the Glenamuck District Distributor Road Scheme roads. The possibility exists that the GDDR Scheme could possibly be further phased with the Main Distributor Road being constructed first to be followed by the construction of the Link Distributor Road.

Outlined below are the recommended planning criteria to be used in the assessment of planning applications for development of up to 700 dwelling units (Phase 1).

Precedence will be given to applications for planning permission which best achieve and satisfy the criteria as set out in the LAP.

Land Parcel 6B

This area has been designated for ‘medium/higher density’ residential development. The parameters for the development of land parcel 6B are set out in Section 11 of the LAP. The following are key considerations:

Density: 40-45 du/ha

Height: 2-4 storeys. Any four-storey element to be concentrated along the proposed main and link distributor roads, and/or at key entrances to the sites

Comments on 6B parcel:

- Is constrained by 220kv overhead powerlines
- Access to be provided off existing Glenamuck and Enniskerry Roads
- Requirement for local access loop road within the site- provisions to prevent rat-running
- Presence of Protected Structure (Shaldon Lodge) to be acknowledged.

Other Considerations

Part 8 approval for the upgrade of the Glenamuck Road/Enniskerry Road and removal of pinch point was approved by the Council in September 2017.

6.0 Forming of the Opinion

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

6.1 Documentation Submitted

6.1.1 The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 and article 285 of the Planning and of the Planning and Development (Strategic Housing Development) Regulations 2017.

6.1.2 The information submitted included *inter alia*: a completed SHD Application form and cover letter including inter alia, schedule of documents; Drawings including landscape masterplan and play strategy; Statement of Consistency including statement of consistency with DMURS; Details in respect of Traffic and Transport, Irish Water; Flood Risk Assessment; Ecological Impact Assessment; Appropriate Assessment Screening; Consent Letters; Schedule of Area for residential units.

6.1.3 I have reviewed and considered all of the documents and drawings submitted.

6.2 Planning Authority Submission

6.2.1 In compliance with section 6(4)(b) of the Act of 2016 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 2018.

6.2.2 The planning authority's opinion (section 2) provides an assessment and refers to, inter alia, the following matters:

Kiltiernan Glenamuck LAP – The proposal has been designed to facilitate the development of the remainder of land parcel 6B, with future potential road linkages shown and the possibility to extend the central area of open space. An indicative masterplan for the land parcel 6B has been submitted. Details of consultation/engagement with adjacent land owners has been submitted.

Housing /Part V – 18 units are proposed to be transferred. Housing Department recommends a detailed submission to include, inter alia, existing and development use land values, construction, development and any attributable costs associated with the development. A condition should be attached to any permission re Part V.

Building Height – The development ranges in height from 2 to 4 storey. It is considered that the proposed heights are in line with SPPR4 of the Urban Development and Building Heights – Guidelines for Planning Authorities. The proposed building heights of 3-4 storeys accord with the provisions of the LAP for this land parcel and this is welcomed.

Density – The proposed residential density is calculated as 45 units per hectare based on a site area of 4.02ha. This density is in line with and at the upper level of the stated 40-45 units per hectare for land parcel 6B in the LAP. A proposed density of 45 units is considered acceptable. The applicant has by redesigning and increasing the overall total number of units by 40 overcome the previous reason for refusal with regards to density for the site.

Residential accommodation /standards – The greater residential mix is welcomed with an increase in smaller 1 and 2 bed units and the previous reason for refusal has been overcome. It is noted that garden depths for dwelling type C are short and do not meet the standards of the CDP, but the area of gardens proposed are in line with the standards and the usability of the gardens appear to be good.

Elevations/ External finishes – Full details of finishes will be required and carefully considered. Quality finishes and breaking up the elevations will provide a high quality

residential development. Photomontages would be helpful as the drawings submitted show excessive contrast between the material finishes proposed and this combined with the use of three or four different bands of materials with a horizontal emphasis is a cause for concern. Choice of brick and other finishes is extremely important given the locational context.

EIA /Information for AA screening – The Board is the competent authority for EIA screening/scoping. Notwithstanding this, the conclusion of the screening that an EIAR is not required is accepted by the planning authority.

Permeability and pedestrian flow – In response to the previous reason for refusal pertaining to this issue, the current layout and design of the proposed scheme is shown to take into account the surrounding area, and the indicative masterplan details potential permeability and connectivity of the overall site into its surrounding area. The main area of open space has been designed to enable it to connect with open space of neighbouring development. The additional areas of public open space are considered well located and the interconnection of areas via pedestrian and cycle links is welcomed. There is concern that the application is showing a significant change in levels along the eastern boundary so that the subject site will be higher than the lane in the adjoining site (Shaldon) which makes connections more difficult. Further details including sections for the pedestrian and cycle links from the site to the adjoining lands would be required to enable a full assessment to be made.

Flooding/ Drainage Issues / Wayleaves – The Drainage department has advised that the details submitted at this stage are seriously deficient. The applicant is strongly advised to consult with and reach agreement with the Drainage planning section on surface water drainage proposals for this site in advance of the lodgement.

Open Space / Public realm /Contribution to Kiltiernan – Landscaping masterplan has been submitted. No parks report has been received however concerns were raised in the previous application. The landscaping plans should ensure that ample space is provided for the planting to ensure it is effective.

Protection of residential amenity – Duplex units which back onto the Goldenball cottages are shown to have a separation distance of 11m from the first-floor units. The proposed first floor terraces are shown to the rear. Privacy screen details will be

required to overcome overlooking issues associated with these terraces. The apartment block A/C is shown to be set back from the common boundary by 6m at the nearest point, and it is noted that this block has been reduced in height next to the boundary and then steps up to fourth floor. Apartment block A/D is shown to be designed to protect the residential amenity of the existing Rocklands dwelling. The balconies to the front could possibly be inset to remove the need for screens, particularly on the south-east elevation. Contextual elevations showing the proposed relationship with the existing dwellings that adjoin the site and the proposed dwellings would be required.

Transportation Issues – The transportation planning report raises issues relating to the program for the implementation of the Junction Upgrade Scheme and drainage works required to be included in the planning application. The report raises issues relating to car parking, cycle parking, street lighting, signage, ramped entry for pedestrian priority and a detailed Construction Management Plan.

Phasing of development – Future development on the LAP lands is heavily dependent on the construction of the Glenamuck Distributor Road Scheme comprising the Glenamuck District Distributor Road and the Glenamuck District Link Road. In advance of the GDDRS some interim development may be permitted in order to begin to meet the central objectives of the 2013 LAP and the objectives of the CDP. It is set out that the subject site is located in Phase 1 (a) lands at the Glenamuck road/Enniskerry junction node. The proposal includes the widening of the Glenamuck Road where the site has frontage onto the road, and the Part 8 Junction Upgrade scheme has been included in the red line. The report further sets out that the subject site is located in LAP phasing area 1B. The remaining housing capacity relating to LAP phasing areas 1B (out of the total of 1050 dwelling units) should be presented and justified at planning application stage, subject to the 13 LAP criteria. Any number in excess of the 1050 would be deemed premature.

Conclusion – The report sets out the items that may require further consideration which were raised in the report. It is noted that it is also set out that a letter of consent from adjoining landowner re Part 8 work is required. Ceding of lands for Part 8 works to be carried out by roads authority would be welcomed.

6.4 Submission from Irish Water

IW indicates that a confirmation of feasibility for 140 residential units issued to the applicant. The proposed development, as assessed for the confirmation of feasibility, is a standard connection, requiring no network or treatment plant upgrades for water or wastewater by either the customer or Irish Water. Therefore, subject to a compliant water and wastewater layout and a valid connection agreement being put in place between Irish Water and the developer, the proposed connections to the Irish Water networks can be facilitated.

7.0 Consultation Meeting

- 7.1 A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on 16th January 2019, commencing at 12pm. Representatives of the prospective applicant, Dun Laoghaire Rathdown County Council and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.
- 7.2 The main topics raised for discussion at the tripartite meeting were as follows:
1. Previous reasons for refusal in respect of File Ref. No. 300731-18
 - a. Density and unit mix
 - b. Storm water proposals
 - c. Connections to adjoining lands
 - d. Impact on residential amenity
 2. Masterplan and phasing having regard to Kilternan LAP provisions
 3. Any other matters
- 7.3 In relation to the Previous reasons for refusal in respect of File Ref. No. 300731-18, ABP representatives sought further discussion/elaboration on how the prospective applicant consider they have addressed the previous reasons for refusal pertaining to density and unit mix; storm water proposals; connections to adjoining lands; impact on residential amenity.

- 7.4 In relation to Masterplan and phasing having regard to the LAP provisions, ABP representatives sought further elaboration/discussion on this issue having particular regard to the interface of third party lands that form part of parcel 6b within the LAP and the delivery of connections.
- 7.5 In relation to Any Other Matters, ABP representatives sought further elaboration/discussion on Part V and Management plan for Japanese Knotweed.
- 7.6 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 ABP-303099-18' 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.

8.0 Conclusion and Recommendation

- 8.1 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 and as amended by Section 50 of the Planning and Development (Amendment) Act 2018.
- 8.2 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 and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the section 28 Ministerial Guidelines, and local policy via the statutory plans for the area.
- 8.3 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 as set out in the recommended Opinion below.
- 8.4 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.

8.5 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.

9.0 Recommended Opinion

9.1 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.

9.2 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.**

9.3 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. Storm Water Proposals

Further consideration and/or justification of the documents as they relate to the storm water management proposals and the supporting information regarding method of calculations with regard to discharge and attenuation rates.

Consideration should be given to any potential impact of surface water management on adjoining lands particularly where differences in levels may arise. Further consideration of this issue may require an amendment to the documents and/or design proposal submitted.

2. Connectivity and Permeability

Further consideration and/or justification of the documents as they relate to the provision of vehicular, cycle and pedestrian connections and permeability through the site to contiguous residential lands particularly to the north and east of the development site. Details of existing and proposed levels through adjoining lands including cross-section should be provided. Further consideration should also be given to the provision of a connection to the rear of the Golden Ball cottages as indicated under section 2.2.2 of the Kiltiernan Local Area Plan.

Documentation giving an account of consultation and agreement with adjoining landowners and the planning authority regarding proposed connections should be submitted where possible. Further consideration of this issue may require an amendment to the documents and/or design proposal submitted.

3. Masterplan and phasing

Further consideration and/or justification of the documents as they relate to the overall development of the lands identified in the land parcel '6b' in the Kiltiernan Local Area Plan. In this regard, it would be beneficial if an overall masterplan for the lands in question could be submitted which has been agreed with adjoining landowners in the interests of providing for a comprehensive urban development strategy which is cognisant of the adjoining third party lands and provides a local planning framework to deal with inter alia, movement, public realm, design and surface water managements proposals. Further consideration of this issue may require an amendment to the documents and/or design proposal submitted.

8.4 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 clear statement as to how the proposed net density is being calculated and a rationale for the exclusion of lands in accordance with the provisions of Appendix A of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Town and Villages)
2. A rationale for the proposed quantum of development with regard to the provisions of the Kiltiernan Glenamuck Local Area Plan 2013-2021, along with detailed phasing proposals with regard to the provision of the permitted Part VIII works at the Glenamuck Road / Enniskerry Road junction. The rationale should have regard to the 13 phasing criteria set out in Section 10.6 of the LAP.
3. Landscaping proposals including an overall landscaping masterplan for the development site and a site layout plan indicating the full extent of tree retention and removal. Details of proposed tree protection measures during construction. Details pertaining to the quantity, type and location of all proposed hard and soft landscaping including details of play equipment, street furniture including public lighting and boundary treatments should be submitted.
4. Photomontages and cross sections at appropriate intervals for the proposed development including how the development will interface with contiguous lands.

5. Details of existing and proposed levels across the development site relative to adjoining lands in particular contiguous residential properties. Full details of any changes in levels proposed should be provided.

6. A Building Life Cycle Report in respect of the proposed apartments as per section 6.13 of Sustainable Urban Housing: Design Standards for New Apartments- Guidelines for Planning Authorities (2018).

7. A construction and demolition waste management plan.

8. A phasing plan for the proposed development which includes the phasing arrangements for the delivery of the public open spaces, surface water management proposals having regard to sub-catchments within the scheme and Part V provision.

9. A site layout plan indicating all areas to be taken in charge.

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. Transport Infrastructure Ireland
3. National Transport Authority
4. 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 2018 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

Joanna Kelly

Senior Planning Inspector

4th February 2019