



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-303209-18

Strategic Housing Development	116 units and a creche
Location	Sutton's Fields, Ballybetagh Road, Kilternan, Dublin 18
Planning Authority	Dun Laoghaire Rathdown County Council
Prospective Applicant	Paul and David Butler
Date of Consultation Meeting	24 th January 2019
Date of Site Inspection	13 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 has a stated area of 3.6ha. It consists of fields under pasture at the edge of the built up area of Dublin city at Kilternan. The landholding includes the curtilages of two detached houses between the main part of the site and the Ballybetagh Road to the south. The site also includes a short frontage onto that road to the west of the houses and a narrow strip along the road in front of the houses. There is a primary school on the Ballybetagh Road immediately to the east of the houses on the landholding. The junction of that road with the main Enniskerry Road through Kilternan lies c150m east of the houses on the landholding. A footpath runs along the road from that junction to the school, but it does not continue in front of the houses on the landholding. The western boundary of the site of the site adjoins agricultural land. the northern boundary of the site adjoins a private laneway. The eastern boundary of the site adjoins the curtilages of houses that have access from the Enniskerry Road, including those laid out around a cul-de-sac at Wayside Cottages.

3.0 Proposed Strategic Housing Development

3.1. It is proposed to build 116 residential units.. The housing mix is as follows –

	1 bed	2 bed	3 bed	4 bed	5 bed	Total
Houses	7	2	43	33	-	85
Apts/Duplex	16	13	2	-	-	31
Total	16	15	45	33	-	116

3.2. It is also proposed to build a creche with 31 places. There would be a single access off the Ballybetagh Road in the south-western corner of the site. It is proposed to build a footpath along the northern side of the Ballybetagh Road from this access to join the existing footpath in front of the school. The roads within the are is shown as running up to the northern boundary to provide a link for future development on the zoned lands there, and to a point on the eastern boundary that would facilitate redevelopment of the plots of detached houses there. It is proposed to provide a gated access to the primary school from within the development at a point near the proposed creche.

3.3. The apartments would be in 2 three-storey buildings at the northern end of the site. the creche would be in a separate three-storey building in the south-east of the site. The houses would range from one to three storeys in height. A public open space of 3,888m² would be provided in the centre of the site.

4.0 Planning History

4.1. No previous planning applications were cited in the submissions from the parties.

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 the 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 (including associated Technical Appendices).

5.2. Local Policy

5.2.1. Dun Laoghaire Rathdown Development Plan 2016-2022

Kiltiernan is designated as a 'future development area' in the Core Strategy as outlined in Figure 1.1 of the Plan (Core Strategy Map) and is within the Metropolitan Area of the county. Development plan section 1.3.4.2 sets out the basis for the Kiltiernan – Glenamuck LAP. It is anticipated that the plan area will ultimately accommodate c. 2,500-3,000 residential units, a neighbourhood centre, two tranches of public open space and a large employment node adjacent to the established mixed-use development at The Park, Carrickmines. The key elements of the overall planning framework for the area include the proposal to provide a bypass road of the Village Core of Kiltiernan, the implementation of a Neighbourhood Framework Plan to consolidate the Village Core, the graduation of residential densities from higher densities adjacent to the Luas line to lower densities further removed from this main public transport artery and the implementation of a centrally located major public open space / school site.

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

5.2.2. **Kiltiernan Glenamuck LAP 2013 – 2023**

The site is on land zoned for lower density residential development in the LAP. The overall strategy for the LAP lands reflects that of the County Development Plan, based on the roads improvement objectives for the Glenamuck District Distributor Road (GDDR) and Glenamuck Local Distributor Road (GLDR) to bypass Kiltiernan village, facilitating the development of the village centre and a new civic node. The LAP also provides for some upgrading of the existing Glenamuck Road to provide pedestrian and cycle facilities and the upgrading of the Enniskerry Road to a traffic calmed street to function as part of the neighbourhood centre. There is a Section 49 Supplementary Development Contribution Scheme for the GDDR, which also includes as a separate infrastructure project of Regional Surface Water Attenuation Ponds that are required to effect the SUDS drainage scheme for the new roads and the development lands within the LAP area.

The LAP states that the council's Transportation Dept. considers that up to 700 dwelling units can be accommodated on an existing upgraded road network in advance of the GDDR scheme as Phase 1. LAP section 10.6 sets out 13 criteria to be considered in the case of developments in advance of that scheme. The site is within Phase 1 (b) C of the phasing scheme where c350 dwelling units can be considered prior to the GDDR scheme. LAP section 10.6 also states that it will be necessary to incorporate stringent SUDS measures in advance of the development of the Regional Surface Water Attenuation Ponds. The Council's Transportation Dept. have revised the total number from 700 units up to 1050 units on foot of the Part VIII road works outlined below.

The development site is primarily within LAP land parcel 12. The following objectives for land parcel 12 are noted:

- Lower density residential with detached houses, terraces, duplexes, courtyard type housing. Density of 35-45 units/ha.
- Height of 2-3 storeys.

- Requirement for a local access loop road which would run centrally through the current site and continue to its north. Traffic improvements proposed for the portion of (traffic calmed) Enniskerry Road aligned through the Kiltiernan Village Core, from The Church of Ireland Parish site to the north to the Enniskerry / Ballybetagh Road junction to include provisions for cyclists and pedestrians. Upgrading of the section of Enniskerry Road that traverses the Kiltiernan civic node with traffic calming measures.

5.2.3. **Enniskerry Road / Glenamuck Road Part VIII Scheme**

The Part VIII scheme relates to improvements to the Enniskerry Road / Glenamuck Road (Golden Ball) junction. Part VIII approval was granted at a meeting of Dun Laoghaire Rathdown County Council on 11th September 2017.

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 Appropriate Assessment Screening Report
- An Architectural Design Statement
- A Landscape Design Report
- A DMURS Design Statement
- A Transport Assessment
- A Site Services Report including a Flood Risk Management Statement
- An Aboricultural Impact Assessment
- An Archaeological Impact Assessment

6.2. **Statement of consistency**

The statement refers to the site area of 3.6ha and the number of proposed units of 116. The landholding of 4.5ha includes the curtilages of 2 detached houses owned

by the prospective applicants. The proposed main street through the site that would link with the lands to the north in line with the objective of the local area plan is excluded from the net site area of 3.18ha used to calculate the density of the proposed development in line with the 2009 guidelines, which is therefore 36dph. This density is in keeping with the guidelines. The layout and connectivity of the proposed scheme is in also in keeping with the LAP, as is the range of heights from 1 to 3 storeys. The prospective applicants do not propose a pedestrian link to the Ballybetagh Road along the eastern site boundary by the school, as suggested by the planning authority, as it would lack supervision and could facilitate anti-social behaviour. Instead a gated access to the school would be provided from the scheme. The school concurs with this approach. 16% of the site would be provided as open space, including a central area of 3,888m², which would meet the standard laid down in the development plan. Hedges on site would be maintained as much as feasible, as described in the submitted arboricultural report. The parking provision of 1.1 car spaces per apartment is somewhat above the level specified in the development plan, at the request of the planning authority. 10 apartments and a house would be provided under Part V. Watermains and sewers will be provided across the site. Surface water drainage would be to a soakaway with an overflow to an adjacent stream.

6.3. Planning Authority Submission

The submission from the planning authority broadly accepted the conclusions of the prospective applicants' statement of consistency. Nevertheless is recommended that the documentation submitted with any application should address the creation of a pedestrian and cycle link to the Ballybetagh Road in the south-eastern corner of the site that would be permanently open; an extension of the central green area to the front of the houses to its east; a reduction of the roof profile of the back of the 3 storey houses on the eastern boundary of the site to reduce their impact on the existing houses on the other side of the boundary; a potential link to the lands to the west which might be used for open space; details relating to drainage, roads and landscaping.

6.4. Other submissions

Irish Water have made a submission stating that it has issued a confirmation of feasibility in respect of 112 units subject to a Project Works Services Agreement to determine the water infrastructure extension to facilitate the connection which may require a road opening licence from the local authority.

6.5. The Consultation Meeting

A section 5 consultation meeting took place at the offices of the board at 1430 on Thursday, 24th 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 density and mix of house types in the proposed development
- ii. Design and layout with particular reference to pedestrian permeability and connectivity to the rest of Kiltiernan
- iii. The delivery of the proposed development in relation to road improvements in the area and the phasing scheme set out in the Local Area Plan
- iv. Drainage and Water Supply
- v. Any other matters

With regard to item i), the prospective applicant stated that it had addressed the previously communicated concerns of the planning authority in their statement of consistency. The density of the development was calculated 36dph in accordance with appendix A of the 2009 guidelines, and under the LAP. It was compliant under both methods. The main road through the proposed scheme is a major link under the LAP and so it was reasonable to omit it from the net site area for this purpose. The planning authority agreed that this approach was reasonable. The prospective applicant stated that the scheme would provide a mix of housing in accordance with policy RES 7 of the development plan with 29 apartments. The planning authority stated that the housing mix was acceptable, in particular the proposal for single storey houses which would accommodate older people and those with restrictions on mobility.

With regard to item ii), the prospective applicants stated that they were not satisfied with a pedestrian link along the eastern boundary of the landholding to the Ballybetagh Road as it would not be properly overlooked and it would run along the boundary of one of their dwellings. The proposed gate to the school would satisfy one of the main demands for pedestrian movement and it would be near the proposed creche, allowing for children to be dropped off to both at the same time. The submitted layout would facilitate other links from the site to the north and to the east to serve future development on adjoining land, and a link to the unzoned fields to the west could also be provided. The proposed 3-storey houses abutting the curtilages of existing houses to the east behind Wayside Cottages would achieve a separation distance of 22m. The roof profile at the back could be reduced, but the 3-storey frontage should be kept to provide a better streetscape and enclosure of the central open space in the scheme. The planning authority stated that roads providing future links should be brought to the boundaries of the site to avoid creating ransom strips. The laneway just north of the site is in private ownership. The proposed heights would comply with SPPR 4 of the 2018 guidelines on building height. However the planning authority re-asserted its opinion that a pedestrian link along the school boundary could provide a useful amenity, notwithstanding the lack of houses overlooking it. The link would be relatively short and similar pedestrian routes elsewhere in the county operate successfully. The concern regard the 3 storey houses backing onto Wayside Cottages related to overbearing rather than overlooking, and a design solution could be proposed to address it. The amount of space occupied by carriageway in the scheme could be reduced by omitting the shared surface to the east of the central open space. The board's representatives stated that a taking in charge plan should be submitted at application stage showing links right up to the site boundary.

With regard to item iii) the prospective applicant stated that the council had advised them that there was no current constraint under the LAP on the delivery of houses on this site, and that the recommendation that the occupancy of houses be restricted until the upgrade of the Glenamuck junction had been completed was not based on the provisions of the plan. The planning authority stated that the increase from 700 to 1050 in the number of houses allowable in Kiltarnan prior to the completion of the distributor roads refers to the situation after the upgrade of the Glenamuck junction.

However works on that upgrade should be commence this year and this proviso is not likely to delay housing on the current site.

With regard to item iv) the planning authority stated that water supply and foul drainage are matters for Irish Water. It did not have fundamental objections to the documentation submitted in relation to surface water drainage, but had certain queries as set out in the report from its drainage report. The prospective applicant agreed to discuss the matter further with the planning authority. The board's representatives advised the parties that any outstanding disagreements should be clearly set out in any submitted application, given the restricted opportunity to request FI on SHD applications.

With regard to item v), the planning authority raised concerns about the impact of the proposed soakaway on the function of the open space. The submitted scheme appeared to have adequate open space to meet the required development plan standards and it was not envisaged that a special financial contribution would be required to supplement it. The amount of retained hedgerow should be maximised. The prospective applicants referred to the arboricultural report which had been submitted. The planning authority raised concerns about the sightlines available to the west of the proposed access to the Ballybetagh Road particular if vegetation there is not trimmed. The prospective applicants stated that the roadside boundary of the adjoining site was a bank rather than a hedge. The board's representatives stated that the junction would be at the boundary of the rural and urban area if the proposed development were carried out, and the treatment of the junction should be designed to constrain vehicular traffic to reflect this circumstance in accordance with DMURS. The planning authority stated that any shortfall from the development plan standards in relation to car parking did not appear to be significant. The planning authority also requested that details of a suitable palette of material be submitted at application stage.

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 issue needs 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:

Further consideration is required in respect of the documentation relating to the provision of direct and convenient pedestrian and cycle links to the existing built up area of the village including, as appropriate, a link to the Ballybetagh Road that would be open on a 24 hour basis following the line of the existing trackway/laneway on the landholding adjoining the curtilage of the primary school.

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. National Transport Authority
2. Irish Water
3. Dun Laoghaire Rathdown County Childcare Committee.

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 to be taken in charge by the local authority. Streets and paths that facilitate links to future development on other lands should be shown as continuing to the boundary of the site without leaving scope for ransom strips.
2. A report demonstrating compliance with the applicable standards set out in DMURS with particular reference to the proposed junction and footpath on the Ballybetagh Road, having regard to the proposed urban development on the site and the need to control vehicular traffic coming from the rural road network to the west.
3. 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.
4. A housing quality assessment which provides the specific information regarding the proposed apartments required by the 2018 Guidelines on Design Standards for New Apartments. The assessment should also demonstrate how the proposed apartments comply with the various requirements of those guidelines, including its specific planning policy requirements. A building lifecycle report for the proposed apartments in accordance with section 6.13 of the 2018 guidelines should also be submitted.
5. Details of proposed boundary and surface treatments throughout the development, and of landscaping and planting.
6. A draft construction management plan
7. 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,

11th February 2019