



An  
Bord  
Pleanála

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

### Inspector's Report on Recommended Opinion ABP-303291-18

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<b>Strategic Housing Development</b>	429 dwellings, a creche, and open space with 2 playing fields and changing facilities
<b>Location</b>	Farrankelly, Greystones, Co. Wicklow
<b>Planning Authority</b>	Wicklow County Council
<b>Prospective Applicant</b>	Cairn Homes Ltd.
<b>Date of Consultation Meeting</b>	7 <sup>th</sup> February 2019
<b>Date of Site Inspection</b>	6 <sup>th</sup> February 2019
<b>Inspector</b>	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 stated area of the site is 21ha. It lies c2.5km south west of the town centre of Greystones, Co. Wicklow. It is currently in agricultural use. Its southern boundary adjoins a suburban residential development at Eden Gate. Its eastern boundary adjoins the Kilcoole Road R761. Suburban development has recently occurred on the opposite side of that road at Glenheron, and a footpath has been provided on that side of the road. The roadside boundary of the site is marked by a hedgerow. The northern boundary of the site is along the Three Trouts Stream. There has been suburban residential development to its north. The western boundary of the site includes frontage onto the Priory Road, a rural lane serving one-off housing, and the curtilage of the protected structure at Glenbrook House. The site surrounds a cluster of commercial buildings around Farrankelly House which share an access off the Kilcoole Road. The site is elevated and sloping, with the ground falling towards the stream and the Kilcoole Road.

## **3.0 Proposed Strategic Housing Development**

3.1. It is proposed to build 429 homes. The housing mix is as follows –

	1 bed	2 bed	3 bed	4 bed	5 bed	Total
Houses	-		129	119	-	248
Apts/Duplex	36	101	44	-	-	181
<b>Total</b>	<b>36</b>	<b>101</b>	<b>173</b>	<b>119</b>	<b>-</b>	<b>429</b>

3.2. The apartments would be in buildings 3 or 4 storeys high. The houses would be 1, 2 or 3 storeys high. The apartment buildings would be located towards the centre of the site. It is also proposed to build a creche of 599m<sup>2</sup> and to lay out public open space of 4.5ha with two all-weather playing pitches with car parking and changing facilities of 787m<sup>2</sup> in the north-western part of the site. There would be vehicular accesses from both the R761 Kilcoole Road and the Priory Road, as well as to a road in the adjoining housing area to the south at Church View. A separate path would be laid between the two roads through the wooded area along the northern and western edges of the site. Future links are shown the adjoining land occupied by Farrankelly House. A total of 772 car parking spaces would be provided, as well as 273 bike spaces for the apartments.

## 4.0 Planning History

4.1. The parties did not refer to any previous planning applications on the site.

## 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

The Wicklow County Development Plan 2016-2022 applies. Greystones/Delgany has a housing unit growth requirement of 5,034 units by 2025 under its core strategy.

The Greystones/Delgany Local Area Plan 2013-2019 applies. The site occupies most of an area of 24ha zoned under objective AP6 for an action area plan at Farrankelly. Table 1.3 of the plan states that 390 units could be provided on the AAP6 land. Section 10.7 of the plan states that 17ha of this area shall be developed for residential use with 4.5ha as active open space. A roads objective to link the Kilcoole and Priory Roads is shown, and there is an objective for green routes for pedestrian and cycle links to the Eden Gate Development to the south. The zoning map for the LAP outlines the action plan area and shows active open space in the south-western part of the site, other open space along its north and the rest of the site as for residential development at a density of 22dph. Section 10.1 of the plan states - *The position, location and size of the land use zonings shown on Map A within the action plan areas are indicative only and may be altered in light of eventual road and service layouts, detailed design and topography.*

## **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
- A draft Action Area Plan for Farrankelly
- An Environmental Report
- A draft NIS screening report
- A Landscape Master plan and Tree Survey
- An Engineering Services Report and Flood Risk Assessment
- Preliminary plans for construction and waste management
- An Archaeological Report
- A Bat Survey

### **6.2. Statement of consistency**

The statement asserts that the proposed development of homes on land in the town of Greystones within the Dublin Metropolitan Area would be in keeping with the National Planning Framework, particularly objectives 11 and 33, and with the Regional Planning Guidelines and the draft RSES for the Greater Dublin Area. The net density of the proposed development is calculated on a net site area of 12ha which excludes the land that would be occupied by the road required under objective R07 of the LAP, the major open space and greenway, and land that is too steep to develop. The net density is therefore 35.6dph which is in keeping with the 2009 sustainable urban residential guidelines for a greenfield site that is not on a public transport corridor. The design and layout accords with the Urban Design Manual attached to those guidelines. The range of housing types complies with the advice in the 2018 guidelines on apartment design and on building height, with buildings ranging from 1 to 4 storeys in height, as well as DMURS. The proposed apartments are centrally located to protect the character and amenities of houses around the site. The development includes a childcare facility in accordance with the guidelines

on that topic. The engineer's report indicates that the site is largely within Flood Zone C under the guidelines for Planning Authorities on Flood Risk Management, and a site specific flood risk assessment report will be submitted with an application.

The proposed development would comply with the residential and open space zonings in the county development and local area plans. It would comply with the settlement strategy in the county development plan and its policies on residential and community development. It would also protect the natural environment in accordance with the plan's policies on that topic. The private gardens and public open space would meet the standards set down in the plan. The proposed development would provide the link from the Kilcoole Road to the Priory Road required under objective R07 of the LAP in the first phase of development. The proposed development would exceed the density of 22dph specified in the local area plan. This is justified by the national guidelines cited above. A draft action area plan for Farrankelly has been submitted in accordance with objective AAP6 of the LAP. The proposed development would comply with the LAP's requirements for the action plan by providing 4.5ha of active open space, a green route and roads objective R07.

A screening report concludes that the proposed development would not be likely to have a significant effect on a Natura 2000 site and that an appropriate assessment of its was not required. The prospective applicant stated that an EIAR would be submitted with any application.

### **6.3. Planning Authority Submission**

The submission from the planning authority said that the proposed number of homes was acceptable under the core strategy of the county development plan, although table 1.3 of the LAP envisaged 390 units on the Farrankelly lands which includes the current site and the c3ha around Farrankelly House. The scheme would comply with the strategic objectives for development at Greystones in the county and local area plans. It is not clear whether the indicative links to the latter lands are compatible with topography. The draft action area plan submitted has not yet been agreed by the planning authority. The zonings shown on the LAP map are indicative pending the agreement of an action area plan. The proposed development is considered to comply with the zonings, although the board's decision under 302552-18 is relevant

in this regard. The density is not in accordance with the LAP, but is with the 2009 guidelines. The proposed development would deliver roads objective R07 of the LAP. A footpath should be provided along the western side of the Kilcoole Road to Three Trouts Bridge, but this is not within the boundary of the site. The council is responsible for the upgrading of Priory Road per objective R011 of the LAP. Space should be provided on the site's frontage for this. The proposed development would deliver the objective for a green route through the AP6 lands. Insufficient details have been provided of the proposed pedestrian crossing on the Kilcoole Road. Further consideration is required in respect of roads issues. No houses are proposed in the area at risk of flooding along the Three Trouts River. The visual impact of the required cut and fill needs consideration, as does the impact of the houses on the southern side of the spine road. A considerable number of roads are proposed and cul de sacs could allow some of them to be incorporated into open space. The south western part of the scheme lacks an open space. It is unclear if the proposed open spaces or gardens would be of an acceptable gradient. Cross sections are required. The proposed apartments would not comply with policies HD13 or RES 5 of the development plan. The design of the proposed bungalows is more akin to the 2 storey house. Overlooking of existing houses needs to be avoided. The creche should be provided in phase 1. The proposed playing pitches are generally acceptable. Their freehold should be transferred to the council. The proposed action area plan is being considered by the council. The watermains would have to be extended by 540m to serve the development. The required pumping station on the foul sewer should not be in private ownership.

#### **6.4. Other submissions**

A submission from Irish Water states that it has issued a confirmation of feasibility for 440 units for this site. The water main needs to be extended which would require a road opening licence but no other consents.

#### **6.5. The Consultation Meeting**

A section 5 consultation meeting took place at the offices of the board at 1430 on Thursday 7<sup>th</sup> February 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. Compliance with the provisions of the county development plan and local area plan
- ii. Urban Design, including permeability, legibility and ground levels
- iii. Residential amenity, including open space and landscaping
- iv. Access and streets
- v. Drainage and water supply
- vi. Potential impact on natural and cultural heritage
- vii. Any other issues

With regard to item i) the planning authority stated that it was satisfied that the proposed development complied with the zoning of the site. Section 10.1 of the LAP made it clear that the uses shown within the AAP zoning on the map are indicative only. Similar zonings are frequent in Co. Wicklow and it is the established practice of the planning authority to permit uses under similar action area zonings that may differ in their precise location from those shown on the LAP map if the overall mix of uses complies with the specific AAP zoning that applies to the site. The planning authority corrected its written submission to point out that no part of the site was zoned or designated for town centre use. The prospective applicant said that it had examined the board's decisions under ABP- 302552-18 and ABP-301261-18, but remained of the view that the AAP zoning that applies to this site allows the location of the required uses to be varied from that shown on the LAP map and that the proposed development would therefore constitute strategic housing development in keeping with the zoning of the site. The prospective applicant stated that it had obtained a legal opinion to confirm this position. The text of the LAP is clear that the layout of uses shown on the map within the AAP zoning are indicative only, and this is the same zoning elsewhere in Co. Wicklow has been implemented. The proposed type and amount of uses meets the criteria set down for the AAP6 zoning. The board's representatives stated that the board sought to be consistent in its decision making but that prior decisions did not establish binding precedents for the



consideration of future cases, and that the prospective applicant may wish to submit a copy of its legal opinion on the matter with any application. The planning authority stated that the proposed net density of 35.6dph would not be in keeping with the provisions of the local area plan. The prospective applicant stated that it would consider whether this would be a material contravention that should be averted to in notices of any application.

With regard to items ii) and iv) the proposed applicant stated that the development of the site was constrained by the Three Trouts Stream and the gully through which it ran. The design sought to maintain open space along the stream and the rural character of the frontage onto Priory Road. The main avenue through the scheme would reflect the roads objective in the local area plan would be designed as a 30kph road. Its route avoids steep slopes on the site. The other streets would be designed for lower speeds. Apartments are proposed in a central position on the site to protect the amenity of neighbouring houses and in response to the slopes.

Documentation submitted with any applicant will demonstrate how the gardens of houses will accommodate changes in levels. The board's representatives stated that the design of the proposed duplex buildings would need to demonstrate a proper interface between their curtilage and the surrounding area on both sides. The prospective applicant stated that this would be achieved. The planning authority stated that the layout was acceptable for a constrained site. It noted that a part of the AAP6 land is omitted from the site. It is crucial that any proposed development is shown not to prejudice coherent development of all the action area. Better access should be provided to the main road in the scheme to those lands and more information is required regarding cut and fill of the site. Adequate footpaths need to be provided along the stream. The amount of roads could be minimised using cul-de-sacs. Better facilities for cyclists and pedestrians are required along the Kilcoole Road before occupation of the development. Pedestrian facilities are required on the Priory Road back to the Eden Gate roundabout. The council intends to carry out improvements to this road which could affect the timing of the proposed development. The prospective applicant stated that it could provide a footpath along the site's frontage onto Priory Road but that it would be difficult to provide other footpaths in that public road. A link within the scheme would be provided to a road

within Eden Gate. The planning authority stated that the adjacent road has not been taken in charge and Priory Road may have to be the main connection at the west of the scheme. The form and dimensions of the proposed home zones needs to be clarified to ensure that those streets would function as shared surfaces. The prospective applicant stated that an indicative layout has been provided for the other AAP land and that cul-de-sacs were avoided in accordance with DMURS. The planning authority stated that Priory Road would not be maintained as a rural lane and it should be treated as a street within the town with adequate surveillance and interaction with the proposed housing. The prospective applicant stated that gable fronted houses would overlook Priory Road. The slope by the Kilcoole Road was a challenge but the main pedestrian desire line towards the town centre is facilitated. The land required to provide the missing footpath link on the western side of the road is not within the prospective applicant's control. Two pedestrian crossings would be provided over the road. The planning authority stated that the crossings need to take account of the slope along the road and their interaction with other crossings, while the prospective applicant suggested that an uncontrolled crossing may be appropriate at the main access to the scheme.

With regard to item iii), the prospective applicant stated that existing trees and hedges would be maintained where feasible. Routes are provided through the site linking the main areas of open space. The proposed active open space and the linear space along the stream would be provided in addition to the standard open space requirement of the LAP. The facility on the active open space would be managed by the landowners. The planning authority stated concerns about the gradients of the open spaces. An agreement or condition should provide for perpetual public access to the active open space. The prospective applicant emphasised the quality of the proposed facility and the investment required to provide it. There was a steep bank to the north of the proposed pitches.

With regard to item v) the planning authority stated that the water supply in the area was provided by a new main underneath the new footpath linking with the Glenheron estate on the other side of the Kilcoole Road. This may be an issue with regard to

the road opening licence. Some additional details are required with regard to drainage. Glenbrook Park could be included in the proposed attenuation. The planning authority are not generally disposed to private pumping station on sewers, and pumping should only be proposed if it is unavoidable. The prospective applicant clarified that the proposed well would be to serve the pitches only. There would be one pumping station at the bottom of the site which cannot be drained by gravity sewer. One other station would serve only two houses, although there may be a sewer in the Priory Road to which they could be connected. The board's representative advised that agreement on these matters should be sought between the parties, and any outstanding matters should be clearly set out the documentation submitted with the application having regard to the restrictions on seeking further information under the SHD procedure.

With regard to item vi) the prospective applicant stated that it intended to submit an EIAR which would address the cumulative impact with other development. A screening report indicated that an NIS would not be necessary. The site had been extensively surveyed in this regard. It did not contain any recorded monuments but testing had indicated two features of archaeological interest and a mitigation strategy had been discussed with the DAU.

With regard to item vii) the planning authority stated that the phasing of the scheme needed to provide the active open space and childcare facilities early. The prospective applicant stated that it would carry out a review of childcare facilities in the area.

## **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/amendment of the documentation as they relate to the frontage along Priory Road, having regard to the change in the character and function of that road from a rural lane to a street within the urban area that is envisaged in the local area plan.
2. Further consideration of the documentation as it relates to the levels across the site and its impact on co-ordinating development with the remainder of the lands under the AAP6 zone that are outside the site, and on the treatment and use of private and public open space across the scheme development.
3. Further consideration/amendment of the documentation as it relates to the proposed buildings containing duplex apartments which should be sufficient to demonstrate that a proper relationship would be provided between the curtilage of those buildings and the adjoining land on all sides.

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. National Transport Authority

3. The Minister for Culture, Heritage and the Gaeltacht, (in relation to archaeological and architectural heritage)
4. The Heritage Council (in relation to archaeological and architectural heritage)
5. An Taisce — the National Trust for Ireland (relation to archaeological and architectural heritage)
6. The Wicklow 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 the net site area for the calculation of the density of the proposed development in accordance with Appendix A and section 5.11 of the 2009 sustainable urban residential guidelines. If the proposal departs from the provisions of the county development or local area plan in this regard the prospective applicant should have due regard to section 8(1)(a)(iv)(II) of the Planning and Development (Housing) and Residential Tenancies Act 2016.
2. A report demonstrating the provision of proper pedestrian and cycle links within the proposed development and to adjoining development and along public roads. The report should demonstrate compliance with the applicable guidance set out in DMURS. A taking in charge plan should be submitted which shows links to adjoining land up to the boundary of the site without any intervening strips.
3. 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.

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. A phasing scheme for the development which would indicate how open space, and childcare facilities and access for the proposed housing would be provided in a timely and orderly manner.
6. Details of proposed boundary and surface treatments throughout the development, and of landscaping and planting. Proposals should also be submitted to ensure ongoing public access to the facilities on the active open space that could be incorporated into an agreement with the planning authority or a condition attached to a planning permission.
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,

18<sup>th</sup> January 2019

