



An  
Bord  
Pleanála

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

### **Inspector's Report on Recommended Opinion ABP-303301-18**

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#### **Strategic Housing Development**

978 residential units, 2 childcare facilities (c.760 sq.m & 557 sq.m) 1 retail unit (178 sq.m), 1 community facility (785 sq.m) and all associated and ancillary site development, landscape and boundary works, including public open spaces, new site entrances, pedestrian, cycle and vehicular access, car and bicycle parking facilities, bin storage, water and drainage infrastructure.

#### **Location**

Lands at Kilcarbery, Corkagh Demesne, Deansrath, Nangor, Clondalkin, Dublin 22

#### **Planning Authority**

South Dublin County Council

#### **Prospective Applicant**

Adwood Limited

**Date of Consultation Meeting** 11 February 2019

**Date of Site Inspection** 9 February 2019

**Inspector** Una Crosse

## **1.0 Introduction**

- 1.1. 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 application site has a stated area of c.29 hectares comprising the majority of the c.35 hectares of the Kilcarbery Grange Masterplan lands. The application site is located c.2km west of Clondalkin Village and comprises agricultural fields separated by mature hedgerows and trees. The site is located to the south of the New Nangor Road (R134) and the Nangor Road which runs parallel to the New Nangor Road and which is a cul de sac to the west of the site and provides access to residential estates to the east. The New Nangor Road (R134) is connected to the Nangor Road via a new road which runs perpendicular to both these roads. There are a number of existing residential and other institutional uses adjoining the Upper Nangor Road with the subject site located behind same. To the west the site is adjoined by the Outer Ring Road/Grange Castle Road (R136) which is a dual carriageway, west of which is the Grange Castle Golf Club. Corkagh Demesne is located to the south of the site beyond which is the N7 and to the east the site is adjoined by existing residential development.

## **3.0 Proposed Strategic Housing Development**

- 3.1. The proposal provides for a residential development of 978 units. The proposal provides for the development of c.29 hectares of land in units ranging in height from 2 to 6 storeys. Eight blocks of apartments are proposed, five of which are 5 storeys (setback 4<sup>th</sup> floor) and three of which are 6 storeys (setback 5<sup>th</sup> floor). The proposal provides for a 30% provision of Part V units. The site has the benefit of LIHAF

funding for the development of the overall area which provides €4.39m to facilitate enabling works for the development of the site which includes the proposed spine access road including junction upgrade, pumping station & rising foul main to the existing foul network and a foul sewer outfall. The proposal provides for 1560 car spaces and 5.23 ha of public open space. The density of the proposed development is stated to be 43 units per hectare (based on net site of 23 hectares). It is stated that 79% of the 354 apartment units proposed would be dual aspect.

3.2. The following table provides an outline of the proposed development:

<b>House Type</b>	<b>No. of Units</b>
<b>Houses</b>	
3-bed	499
4-bed	125
<b>Total</b>	<b>624</b>
<b>Duplex</b>	
1-bed	41
2-bed	49
3-bed	16
<b>Total</b>	<b>106</b>
<b>Apartments</b>	
1-bed	78
2-bed	145
3-bed	25
<b>Total</b>	<b>248</b>
<b>Overall Total</b>	<b>978</b>

3.3. The housing mix proposed is as follows:

<b>Type of Unit</b>	<b>% of Total</b>
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1 bed units	12.2%
2 bed units	19.8%
3 bed units	55.2%.
4 bed units.	12.8%

3.4. The development also includes the following elements:

Type of Use	Area
Retail Unit	178 sq.m
Community Building	785 sq.m
Crèche 1	760 sq.m
Crèche 2	557 sq.m

3.5. Three park areas linked by a green infrastructure network and an additional public plaza adjacent to the retail and community uses. It is proposed to provide a new vehicular access point from the Outer Ring Road (R136) to the west and 2 new vehicular access points to the New Nangor Road (R134) to the north. If considered necessary it is proposed that within first phase of development a temporary crèche of 557 sq.m can be delivered in lieu of 7 ground floor apartments in Block 7 pending construction of 2 proposed crèches in later phases.

## 4.0 Planning History

### 4.1. Subject Site

**SD03A/0070** – Permission granted for the construction of two 38kV 12m line termination masts under the Clondalkin Saggart/Tee to Cheeverstown 38kV line.

### 4.2. Adjoining Site

**SD178/0002:A** – Part 8 application by SDCC for a residential development of 109 residential units on a site to east of the subject site.

## **5.0 National and Local Policy**

### **5.1. Section 28 Ministerial Guidelines**

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant S.28 Ministerial Guidelines are:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual') 2009
- Design Manual for Urban Roads and Streets
- Sustainable Urban Housing: Design Standards for New Apartments (2018)
- Urban Development and Building Height Guidelines 2018
- Childcare Facilities – Guidelines for Planning Authorities

### **5.2. National Planning Framework**

- 5.2.1. Chapter 4 of the Framework addresses the topic of 'making stronger urban places and sets out a range of objectives which it is considered will assist in achieving same. National Policy Objective 13 provides that in urban areas, planning and related standards, including in particular building height and car parking, will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

### **5.3. South Dublin County Development Plan 2016-2022**

The site is zoned 'RES-N' in the current County Plan the objective of which is 'to provide for new residential communities in accordance with approved area plans'.

### **5.4. Kilcarbery Grange Masterplan November 2017**

The masterplan was prepared by South Dublin County Council. The plan is non-statutory.

## 6.0 Forming of an Opinion

### 6.1. Documentation Submitted

- 6.1.1. The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. This information included, inter alia, application form, letter of consent from SDCC, Correspondence seeking Section 247 consultation with SDCC, Minutes of SDCC meeting, Irish Water confirmation of feasibility statement, Part V letter from SDCC, Applicants Part V proposal, Planning Report, Environmental Report, Architectural Drawings, Schedules of Accommodation, Housing Quality Assessment, Architectural Design Statement, Landscape Drawings, Landscape Design Statement/Rationale, Outline Engineering Infrastructure Drawings, Environmental Infrastructure Statement, Site Specific Flood Risk Assessment, Scoping Review, Construction Waste Management Plan, Statement of Consistency with Statutory Plan, Statement of Consistency with Section 28 Guidelines, Statement of Consistency with Flood Risk Guidelines, Statement of Consistency with DMURS, copy of cover letter sent to SDCC, Kilcarbery Grange Masterplan (November 2017).
- 6.1.2. Section 5(5)(b) of the Act of 2016 requires the submission of a statement that, in the prospective applicant's opinion, the proposal is consistent with both the relevant objectives of the development plan or local area plan concerned, and the relevant guidelines issued by the Minister under section 28 of the Act of 2000. These statements have been submitted, as required.
- 6.1.3. The applicant's case is summarised as follows:
- Proposal located on lands currently within control of SDCC with letter of consent attached facilitating application with proposed development of the lands subject of competitive tender design process following preparation of overall masterplan with final design proposal submitted to SDCC in June 2018;
  - Agreed with PA that applicants proposed to deliver 30% social housing on the site as part of proposal satisfies its Part V obligations;

- The site has the benefit of approved LIHAF funding - €4.39m to facilitate enabling works for the development of the overall area of which this site is part which includes the proposed spine access road including junction upgrade, pumping station & rising foul main to the existing foul network and a foul sewer outfall with enabling phase required in advance of any housing construction with core waste water infrastructure to be installed and core spine road and access points to be constructed;
- Applicant must incorporate sufficient time in their overall development programme and phasing sequence to allow design and construction of the infrastructure enabling works without impacting on the early and ongoing delivery of housing on the site;
- Applicant has engaged with SDCC in a process whereby the design and layout of proposal has been tested against the plan-led requirements of the masterplan devised over an extensive period of pre-planning consultation with the PA;
- Architects design statement seeks to identify the urban design context and how proposal meets with relevant sustainable residential development criteria;
- Four phases of development with sub-phases within same and open spaces/public realm to be delivered with each phase;
- If considered necessary within first phase of development a temporary crèche of 557 sq.m can be delivered in lieu of 7 ground floor apartments in Block 7 pending construction of 2 proposed crèches in later phases;
- Layout and design seeks to retain as much of existing network of hedgerows and mature trees providing natural landscape screening along southern edge of site which is proposed to be augmented by a proposed green landscape buffer setting built edge back from existing natural boundary;
- Key facet is proposed connectivity strategy to the south towards Corkagh Park where natural breaks occur to avoid unnecessary removal of trees/hedgerows with proposal setting down to 2-storeys along southern boundary to ensure a sensitive transition from dense urban development to the open parkland;
- Similar housing typologies proposed along more sensitive eastern and northern ends of the site with apartment buildings of 4-6 storeys defining focal points,



gateways and more robust western edge with appropriate height transitions between proposed apartment buildings and neighbouring housing;

- Green buffer along R136 outer ring road which seeks to ensure proposed residential edge is sufficiently set back and screened from this large distributor road with a new access to the main spine road flanked by 2 apartment blocks as a local landmark marking the gateway and creating a sense of identity;
- Grange Sq. at northern end of main Spine Road flanked by cluster of community uses and services facilitating integration with future planned neighbourhood centre and education campus becoming a focal point of the new residential neighbourhood of a scale that complements character of the area;
- Proposed foul pumping station is proposed to south side of the proposed spine road along a greenspace;
- Two proposed surface water discharge points from the site with lands to NE corner of the site together with the run-off from the main spine road directed to an existing 450mm diameter drain within the Old Nangor Road at junction of Kilcarbery Ave with remainder of the site directed through green infrastructure to the holding ponds in Corkagh Park that ultimately discharge to the Camac River;
- Runoff attenuated at greenfield runoff rates with SuDS elements outlined in detail;
- SSFRA concludes all proposed dwellings are located in Flood Zone C as defined by the Guidelines;
- Site is an intermediate urban location as defined in New Apartment Guidelines as it is within 500m of Dublin Bus 13 which travels along the new Nangor Road on a 10-15 minute frequency;
- 1560 car parking spaces is in excess of SDCC requirements and anticipated that it will be reduced as a result of detailed landscape design measures with proposed parking meeting the appropriate Development Plan standards;
- Childcare audit proposed with childcare needs assessment to be prepared to accompany the future SHD application;
- Extensive archaeological investigations were carried out within the site following desk based Archaeological Impact Assessment with no large scale

archaeological sites have been identified within the site with a number of isolated features identified which were subject to preservation by record in June 2018;

- In the event that likely significant effects cannot be ruled out then an NIS will be prepared;
- Net density of 43 units per hectare based on area which excludes the spine road, significant public open space and green corridor areas;
- Housing typologies and associated mix of uses consistent with the Development Plans to provide wide variety of housing types, sizes and tenures;
- Proposed building height while raising prevailing height, remains modest with 5-6 storey buildings located away from eastern boundary with established residential area;
- Public open space requirement of 14% in CDP with proposal (5.23ha) in excess of same;
- Landscape proposals designed to have regard to the masterplan with creation of network of active amenity routes and provision of a central square;
- Site is within noise significant boundary for Casement Aerodrome with an Aviation Safety Report to be included with any application;

## 6.2. Planning Authority Opinion

6.2.1. A submission was received by An Bord Pleanála on the 28th January 2019 from South Dublin County Council. The 'opinion' of the planning authority, in addition to outlining the planning history and National and Local planning policy context includes, inter alia, the following opinion on the proposal:

- The report notes that reports were received from Parks and Landscape Services who require additional information and Water Services who state that an appropriate level of information required to address surface water and SUDS issues.
- The relevant National Guidelines and the policies considered relevant in the CDP are outlined:
- Main issues for consideration is considered to be as follows:
  - Zoning and Council Policy;

- Visual and Residential Amenity;
  - Private Open space;
  - Public Open space;
  - Green Infrastructure;
  - Internal Accommodation;
  - Compliance with New Apartment Guidelines;
  - Consistency with DMURS;
  - Compliance with best practice urban design principles;
  - Community floor space;
  - Phasing;
  - Design Criteria;
  - Density;
  - Mix-of-dwellings;
  - Building height;
  - Access, Parking and Accessibility;
  - Childcare Facilities;
  - Landscaping and Boundary Treatments;
  - Public Lighting;
  - Taking-in-charge;
  - Services and Drainage;
  - Green Infrastructure;
  - Flood Risk Assessment;
  - Noise and Public Health (Including bin storage);
  - Park V Social and Affordable Housing;
  - Waste Management;
  - Phasing of Construction Works;
  - Screening for EIA;
  - Screening for AA.
- Issues of significance Importance are as follows:

- While general layout broadly acceptable number of detailed urban design issued require further consideration:
- Configuration and layout of private open space, communal open space and public spaces in a number of blocks such as location 2B/5 which requires further consideration in relation to its functionality and residential amenity;
- Rationalising of all open space in particular white spaces requires further consideration;
- Consideration to be given to location of bin storage having regard to visual and residential amenity and noise concerns – e.g. location 3A/4, 4A/3;
- Communal open spaces should contain a high level of passive surveillance;
- Reliance on gates as a way to ‘design-out’ anti-social behaviour for communal open spaces not considered ideal;
- Corner units shall be dual frontage and address corners and streetscapes;
- Justification to be made for presence of ‘dual roads’ separated by green spaces/strips;
- Parking bays to be broken up with sufficient tree planting to improve visual amenity;
- Built form should sufficiently address Outer Ring Road;
- Street hierarchy to comply with DMURS and principles of Urban Design Manual;
- Public realm interface between location 3B/1 and 4A/3 requires further consideration in terms of layout and connectivity;
- Proposed street hierarchy should relate to proposed heights, built form and typologies and ratio between building heights and street widths;
- Bat surveys and ecological surveys required;
- Full tree and hedgerow surveys required and their retention and protection is a requirement;
- While drainage layout is satisfactory in context of green infrastructure and SuDS, further details required in order to resolve issues and to prevent over reliance on hard engineering solutions;

- Further details required relating to communal open spaces and crèche play area including details of finishes, boundary treatments and general rationalising of the layout;
- Pedestrian connectivity to Corkagh Park to the south is a priority;
- Phasing needs to be strongly linked to attenuation and drainage;
- EIAR being prepared;
- Further consideration to be given to AA as part of application.

### 6.3. Response from Prescribed Bodies

6.3.1. A response has been received from Irish Water and is appended to this report.

### 6.4. Consultation Meeting

6.4.1. A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 11<sup>th</sup> February 2019, commencing at 11.00 AM. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

6.4.2. The main topics raised for discussion at the tripartite meeting were based on the Agenda that issued in advance and contained the following issues:

1. Development Strategy for the site to include inter alia, layout, height, open spaces, street hierarchy, creation of character areas and compliance with criteria set out in the Urban Design Manual, A Best Practice Guide 2009.
2. Surface Water management
3. Any other matters

6.4.3. In relation to development strategy for the site to include inter alia, layout, height, open spaces, street hierarchy, creation of character areas and compliance with criteria set out in the Urban Design Manual, A Best Practice Guide 2009, An Bord Pleanála sought further elaboration/discussion/consideration of the following:  
Overview of the masterplan process to date, need to create a strong urban edge along the R136 and Corkagh Park and justification for the scale of set back from

these boundaries and urban form proposed along these edges, creation of character areas within the scheme, compliance with the 12 criteria set out in the Urban Design Manual, details of connections to adjoining sites particularly to the Park to the south, calculation of net density, unit mix proposed and provision of adequate 2-bed units.

- 6.4.4. In relation surface water management An Bord Pleanála sought further elaboration/discussion/consideration of the following: matters arising in the report from South Dublin County Council particularly in relation to phasing of the proposal in respect of attenuation, discussions undertaken between prospective applicant and Local Authority.
- 6.4.5. In relation any other matters An Bord Pleanála sought further elaboration/discussion/consideration of the following: requirements in respect of the most recent EIA Directive, AA screening.
- 6.4.6. 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 303301' which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

## **7.0 Conclusion & Recommendation**

- 7.1. 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.
- 7.2. 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 s.28 Ministerial Guidelines, and local policy, via the statutory plan for the area.
- 7.3. 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 in

respect of the following elements: design, layout and unit mix, density and surface water management and flooding; details of which are set out in the Recommended Opinion below.

- 7.4. 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.
- 7.5. 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.

## 8.0 **Recommended Opinion**

- 8.1. 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.
- 8.2. 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.
- 8.3. 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:

#### Design, Layout and Unit Mix

1. Further consideration/justification of the documents as they relate to the layout of the proposed development particularly in relation to the 12 criteria set out in the Urban Design Manual which accompanies the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009 and the Design Manual for Urban Roads and Streets. In addition to density which is addressed below, the matters of unit mix and design, the configuration of the layout and the creation of distinct character areas within the proposed development, connections to existing and proposed residential development and public open spaces should all be given further consideration and/or justification. Further justification/consideration of the development strategy as it relates to the interface of the site with the R136 to the west and Corkagh Park to the south. Further consideration of these issues may require an amendment to the documents and/ or design proposals submitted.

#### Density

2. Further consideration/justification of the documents as they relate to the density in the proposed development and in particular that the proposed development is at a sustainable density to provide for an acceptable efficiency in serviceable land usage balanced with the requirement to respect the context within which the site is located. Particular regard should be had to the calculation of the net density area within the site boundary and compliance with Appendix A of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009 in this regard. A drawing detailing the calculation of net density within the site boundary which is in compliance with Appendix A of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009 shall be submitted. Where it is proposed to exclude certain areas with the site from the calculation of net density, a clear justification and rationale for same shall be submitted. The proposed development shall have regard to inter alia, national policy including the National Planning Framework, Urban Development and Building Heights Guidelines for Planning Authorities 2018, Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009 and Sustainable Urban Housing:



Design Standards for New Apartments March 2018, local planning policy and the sites context and locational attributes and context. The further consideration of this issue may require an amendment to the documents and/or design proposal submitted relating to density and layout of the proposed development.

### Surface Water Management and Flooding

3. Further consideration of the documents as they relate to surface water management for the site. This further consideration should seek to maximise the SuDS measures proposed within the design of the proposed surface water management strategy. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

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 report that specifically addresses the proposed materials and finishes of the proposed structures including specific detailing of finishes, openings and privacy screening, the treatment of private amenity areas, commercial facades, landscaped areas, pathways, entrances and boundary treatment/s. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the development, avoiding blank facades and creating active frontages and corners. The documents should also have regard to the long term management and maintenance of the proposed development.
2. A mobility management framework and car parking rationale for the proposed development which should have regard to existing public transport which serves the area.
3. A public realm and permeability strategy which addresses connections to and from the site and in particular the treatment of the proposed interface with Corkagh Park to the south.

4. A report should include full and complete drawings including levels and cross sections showing the relationship between the development and adjacent residential units, public pathways and interfaces with the public realm.
5. A detailed schedule of accommodation which shall indicate compliance with relevant standards in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' 2018.
6. A life cycle report shall be submitted in accordance with Section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2018).
7. A site layout that details any areas to be taken in charge by the local authority.

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. Transport Infrastructure Ireland
3. Minister for Culture, Heritage and the Gaeltacht
4. Heritage Council
5. An Taisce — the National Trust for Ireland
6. Irish Water
7. IAA
8. Department of Defence
9. South Dublin Childcare Committee

**PLEASE NOTE:**

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic

housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

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Una Crosse  
Senior Planning Inspector

February 2019