



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-303505-19

Strategic Housing Development	192 residential units
Location	Clay Farm (Phase 1C), Ballyogan Road, Dublin 18
Planning Authority	Dun Laoghaire Rathdown Co. Council
Prospective Applicant	Viscount Securities
Date of Consultation Meeting	28 th February 2019
Date of Site Inspection	26 th February 2019
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 .93ha. The site is located along Ballyogan Road between junction 14 and 15 of the M50. The development site forms part of the first permitted Phase of the Clay Farm development – Phase 1 C which is located to the western extremity of the development site. Elmfield development is located to the west. Ballyogan stream traverses lands to the south of the development site. The Luas Green line is located along Ballyogan Road opposite the development site.

3.0 Description of proposed development

The applicant is proposing a residential development comprising of 192 units as follows:

Unit Type	Block G	Block E 7
Studios	12	0
1 bed	36	34
2 bed	77	33
Total	125	67

4.0 Planning History

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

File Ref. No. D15A/0247 / PL.246601 7 year permission granted for 425 units on 13.63ha of development site located along the Ballyogan Road. The permitted density was 65 units per hectare. The grant of permission details 39 no. conditions. An error occurred in the ordering of conditions and condition no. 37 was re-ordered as 37a and 37b and refer to Part V agreement and provision of a bond respectively.

Of note Condition 5 (a) and (b) refers to the 25 metre wide Clay Farm Loop Road reservation which shall be maintained free from development to facilitate the completion of the Clay Farm Loop Road as a public road. Taking in charge is to also include this section of road.

Condition 7 set out that

“when required by the planning authority the developer shall –

(a) construct the westernmost access from Phase 1c to the Clay Farm Loop Road/Elmfield Road in accordance with DBFL drawing number 133094-2020-C and drawing number 133094-2040-A, and

(b) remove the temporary road linking Phase 1B and 1C and reinstate the open space in accordance with OMP drawing number pS(cfi)04a(Feb 2016), BSM drawing number 310

File ref. No. SHD 301522-18 10 year permission granted in August 2018 for 927 units and childcare facility including two retail units on 20.5ha. Permitted density was 55 units per hectare.

Condition 2 of the permission set out:

The appropriate period of this permission shall be 10 years from the date of this order. The development shall be carried out within this period in accordance with the

phasing plan submitted with the application with the exception that the full length of the Ballyogan Loop Road shall be constructed as part of the first phase of the development (including that portion of the Loop Road to the South and South West of house numbers 346 - 307. The phasing plan shall be co-ordinated with the completion of the residential development on the neighbouring land to the north of the site authorised under An Bord Pleanála Reference Number PL06D. 246601, Planning Register Reference Number D15A/0247. No development shall commence on the first phase of the development authorised by this permission until the planning authority has certified in writing that the development on the neighbouring land has been completed to a satisfactory extent. Prior to the commencement of development, proposals for its extension over any adjoining lands which are under the control of the developer shall be submitted to, and agreed in writing with, the planning authority. No development shall commence on any subsequent phase of the development authorised by this permission until the planning authority has certified in writing that the works in the previous phase have been completed to a satisfactory extent.

Reason: To ensure the orderly development of the site and the timely provision of supporting infrastructure.

5.0 National and Local Planning Policy

5.1. 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.

5.2. Local Policy

5.3.1 Dun Laoghaire-Rathdown County Development Plan is the statutory plan for the lands in question. Chapter 2 deals with ‘Sustainable Communities Strategy. The following are some of the more pertinent policies and objectives within the development plan which pertain to the lands in question.

Policy RES3: Residential Density provides that it is Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development. In promoting more compact, good quality, higher density forms of residential development it is Council policy to have regard to the policies and objectives contained in the following Guidelines:

- ‘Sustainable Residential Development in Urban Areas’ (DoEHLG 2009)
- ‘Urban Design Manual – A Best Practice Guide’ (DoEHLG 2009)
- ‘Quality Housing for Sustainable Communities’ (DoEHLG 2007)
- ‘Design Manual for Urban Roads and Streets’ (DTTaS and DoEHLG 2013)

- ‘National Climate Change Adaptation Framework – Building Resilience to Climate Change’ (DoECLG 2013).

Policy RES7: Overall Housing Mix sets out that it is Council policy to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided within the County in accordance with the provisions of the Interim Housing Strategy.

Policy RES14: Planning for Communities – it is Council policy to plan for communities in accordance with the aims, objectives and principles of ‘Sustainable Residential Development in Urban Areas’ and the accompanying ‘Urban Design Manual – A Best Practice Guide’. In all new development growth areas, and in existing residential communities it is policy to ensure that proper community and neighbourhood facilities are provided in conjunction with, and as an integral component of, major new residential developments and proposed renewal/redevelopment areas, in accordance with the concept of sustainable urban villages outlined under Policy RES15.

Chapter 2.2 of the development deals with Sustainable Travel and Transportation. Relevant policies and objectives in this section are referred to within the body of the assessment section.

Chapter 8 deals with Principle of Development. **Policy UD1: Urban Design Principles** provides that it is Council policy to ensure that all development is of high quality design that assists in promoting a ‘sense of place’. The Council will promote the guidance principles set out in the ‘Urban Design Manual – A Best Practice Guide’ (2009), and in the ‘Design manual for Urban Roads and Streets’ (2013) and will seek to ensure that development proposals are cognisant of the need for proper consideration of context, connectivity, inclusivity, variety, efficiency, distinctiveness, layout, public realm, adaptability, privacy and amenity, parking, wayfinding and detailed design.

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, Drawings including A3 booklet; Irish Water pre-connection enquiry letter; Planning report and statement of consistency; EIA screening report; Screening for Appropriate Assessment; Landscape and Biodiversity report; Arboricultural Report; Daylight/Sunlight Analysis; Transportation Assessment Report; Flood Risk Assessment; Engineering Report; Design Statement; Photomontages.

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 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 14 February 2019.

6.2.2 The submission refers to the planning history of the site and adjoining lands; local planning policy and key planning considerations which are summarised as follows:

- The lands are zoned Objective 'A – residential and Objective 'F' – Open space' and in the interests of clarity should be requested to submit a zoning plan overlaid on top of the proposed site plan to confirm no development encroaches into the F zoned lands.
- It is considered that the red line on the site plan should include the full Clay Farm phase 1 as it is an amending application.
- The proposed density would amount to 84.3 dwellings per hectare. The planning authority welcomes the increase in density at this highly connected site.
- Vehicular access to the development site will be via the Ballyogan road entrance until such time as the vehicular connection to the north west is made available. A potential connection to the lands to the north-west is provided to the north of Block G.
- Reference is made to a report from the Transportation Department which considers the proposed amendment to be premature. Continued reliance and proposed intensification of vehicular use of a temporary road link is not deemed acceptable.
- The planning authority considers that this proposed development is premature and that any development should be referred to Transport Infrastructure Ireland and National Transport Authority.
- The new development will be required to maximise permeability and connectivity for pedestrians and cyclists to create direct attractive links to adjacent road and public transport networks.
- A total of 145 no. car parking spaces are proposed on site which is not acceptable to the Transportation Department.
- In addition to recommendation for provision of additional car parking, Transportation Planning are also concerned with the quality of the proposed 20 no. surface car parking spaces.
- Applicant to demonstrate compliance with standards for Cycle Parking and associated Cycling Facilities for New Developments.
- Access ramps with motor vehicles should include a separate lane clearly marked for the use of cyclists 1.75m wide.
- 37.5% of the proposed units are dual aspect. However, the documentation fails to indicate the orientation of the single aspect apartments.

- Further information is required regarding each unit to be numbered on floor plans with a detailed schedule of accommodation for each unit; storage provisions; confirmation minimum balcony depth is 1.5m, and Type 2 G is indicated on the floor plans but not detailed in the schedule of apartments.
- Permission was previously granted for 5 storey apartments for Blocks G and E7. The proposal is for part 4, part 5 and part 6 storeys.
- The subject site meets two upward modifiers including its ability to contribute to higher densities in an area with exceptional public transport accessibility and the size of the overall site exceeds 0.5ha and therefore can set its own context for development.
- The planning authority considers that the existing Ballyogan Road is wide and would benefit from a 6 storey height as Block G would act as a 'gateway' to Ballyogan Road. It is therefore considered that this site has the potential to accommodate buildings of this height.
- The submitted sunlight/daylight analysis indicates that the proposed development will not give rise to adverse impacts on sunlight availability to existing or adjacent or nearby residential development.
- It is noted that a number of units fail to meet the ADF values. The applicant is therefore requested to indicate what mitigating measures can be provided to meet the recommended targets.
- The planning authority notes that the ground level courtyard along the north western side will receive less than 1 hour of sunlight.
- A wind study should be undertaken concentrating on the balconies and roof terraces.
- Suitable play opportunities for the future child population within the proposed development should be provided.
- A dining/event space room at level of Block G is provided and is welcomed.
- Quality finishes and breaking up the elevations will be required to provide a high quality residential development.
- The drainage department has raised a number of issues in their report which should be addressed.
- It is considered that given the existing and permitted facilities in the area it is not considered necessary to provide a further childcare facility.

- A Part V submission indicates a proposed transfer of 12 units on site within Block E3.
- No details of proposed phasing were submitted
- A Travel Plan should be submitted in order to accord with section 8.2.4.3 of the 2016 Development Plan.
- In order to accord with Policy ST28 (traffic noise) of the CDP an assessment of the traffic noise impacts on the proposed development is recommended.

Internal report Traffic and Transportation Assessment

Proposal considered premature. Continued reliance and proposed intensification of vehicular use of a temporary road link is not deemed acceptable. The proposed car parking provision of 125 basement car spaces and 20 surface car spaces for the 192 units is significantly less than the development plan standard which recommend 247 for this development. At least 1 car parking space should be provided per unit. The applicant's proposed total of 399 cycle spaces compares favourably to the Apartment Guidelines 2018. A travel plan is required to be submitted and ensure it is an integral part of the development.

Drainage Planning

Applicant is required to submit the surface water drainage proposals, particularly any changes that may have occurred since the grant of the D15A/0247 permission for the receiving catchment downstream of the catchment under consideration in this application. The bottom width of the swale no. 1 is 0.17m which is significantly narrower than the recommended width of 0.5m in CIRIA C753 and what was proposed in the D15A/0247 application. Applicant will be required to show the areas contributing to the swale and permeable paving areas. A surcharge analysis of the surface water drainage system will be required with commentary on its significance. The applicant will be required to agree the run-off coefficients and the methodology of calculation of interception and treatment volume storage requirements with drainage planning. Site Specific Flood Risk Assessment should be based on the final version of ECFRAMS published in October 2017.

Housing Department

Proposal is acceptable and this arrangement is subject to planning permission and funding being made available and agreement on costs.

6.4 Submission from Irish Water

IW indicates new connection to the existing water and waste water network is feasible without upgrade. 5

7.0 Consultation Meeting

7.1 A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on 28th February 2019, commencing at 2.30pm. 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. Residential Amenity (existing and proposed)
2. Traffic and Transportation to include issues raised in planning authority's opinion
3. Surface Water Management to include issues raised in planning authority's opinion
4. Any other matters

7.3 In relation to residential amenity (existing and proposed), ABP representatives sought further discussion/elaboration on the quality of residential amenity for future residents and the potential impacts on existing residential amenity.

7.4 In relation to Traffic and Transportation, ABP representatives sought further elaboration/discussion on this issue including clarity regarding the delivery of loop road infrastructure.

- 7.5 In relation to Surface water management to include comments contained in the Planning Authority's opinion, ABP representatives sought further elaboration on this issue.
- 7.6 In relation to Any Other Matters, ABP representatives sought further elaboration/discussion on Part V provision and details regarding external finishes.
- 7.8 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-303505-19' 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 **require further consideration and amendment in order 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 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.

Future Residential Amenity

Further consideration and/or justification of the documents as they relate to the future residential amenity of units vis-à-vis sunlight and daylight provision and the target values used to assess same. Consideration should also be given to the qualitative nature of proposed open space areas, outlook from residential units and the location of bicycle storage with specific regard to the potential impact on the residential amenity of the units. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted.

9.4 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 site layout plan indicating any encroachment onto F1 zoned lands. In the context of ancillary or associated enabling infrastructure (roads and carparking) being located on lands zoned open space and thereby reducing the quantum of open space, a design rationale/planning justification in respect of the open space provision, and provision of enabling infrastructure thereon should be submitted which should also reference any relevant extant permissions and/or as constructed development.
2. Having regard to the local road network serving the immediate area and its ability to accommodate additional traffic and/or accesses pending the completion of the Ballyogan loop road, the prospective applicant should demonstrate the suitability of the proposed vehicular access arrangements for the subject site.
3. Details regarding surface water management proposals which address the concerns raised in the planning authority's opinion.

4. Details of existing and proposed levels across the development site relative to adjoining lands.
5. 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).
6. A construction and demolition waste management plan.
7. A phasing plan for the proposed development including phasing of this development in the context of the permitted Phase 1 and 2 developments on the overall Clay Farm lands.
8. A site layout plan indicating all areas, if any, 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. Córas Iompair Éireann
5. Dun Laoghaire Rathdown 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

11th March 2019