



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-303986-19

Strategic Housing Development	404 residential units, a park, a shop and a creche
Location	Newcastle, Co. Dublin
Planning Authority	South Dublin County Council
Prospective Applicant	Cairn Homes Properties Ltd.
Date of Consultation Meeting	30 th April 2019
Date of Site Inspection	6 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 is in the town of Newcastle. Co. Dublin, c19km west of the city centre and c3km northwest of the Rathcoole junction on the N7 Naas Road. The town had a population of 3,093 at the 2016 census. The site lies to the south of the main street of the town and to the west of a housing development dating from the 2000s. It has a stated area of 15.8ha. The main part of the site also has a stated area of 16.46ha and consists of grassland with hedgerows along field boundaries. The site also includes 3 plots within the adjoining housing development to the west. The largest of those plots is 0.8ha and is an undeveloped plot that was fenced off at the time of inspection. The second is 0.17ha of undeveloped land to the south of existing houses, and the third is 0.05ha which is the curtilage of a vacant building intended to have been used as a community centre. The site extends to the Main Street on its northern side. The eastern boundary of the site adjoins a junction on the main access road through the adjoining housing scheme from a roundabout on the R120 which in turn leads to the N7 Naas Road. The streets in the neighbouring housing area are shown within the applicant's landholding, as are undeveloped lands to the west. However the northern part of the western site boundary adjoins undeveloped land owned by another party. The latter land is served by a recently constructed road from Main Street that also provides access for a recently built primary school at St. Finian's.

3.0 Proposed Strategic Housing Development

3.1. It is proposed to build 404 residential units. The housing mix is as follows –

	1 bed	2 bed	3 bed	4 bed	5 bed	Total
Houses	-	27	203	53	-	283
Apts/Duplex	8	66	47	-	-	121
Total	8	93	250	53	-	404

3.2. It is also proposed to build a creche of 523m² in a standalone building, and a shop of 67m² on the ground floor of one of the apartment buildings. The floor area of the proposed buildings is given as 42,659m². The proposed development includes the provision of a part of 2 hectares at the south of the site. A plot of 1.5ha reserved for a school is also within the redline boundary.

3.3. The proposed development would provide a 4-storey apartment building on the largest undeveloped plot in the existing housing area with the proposed shop on its ground floor. The main part of the site would be occupied by houses or 3-storey terraces of single storey and duplex apartments. There would an access from Main Street to the north, and two more from the roads in the housing scheme to the east. Shared pedestrian and cycle tracks are shown parallel to the main streets within the site running north-south and east west, and around the proposed park.

4.0 Planning History

PL06S. 217096, Reg. Ref. SD05A/0344 – the planning authority granted permission in August 2006 for 696 residential units on a site that included most of the current site. The board determined an appeal against the planning authority’s decision that related to a financial contribution only.

ABP-301421-18, Reg. Ref. SD17A/0378 : the board granted permission in August 2018 for a development of 42 residential units on a site adjoining the northern end of the western boundary of the current site. This development has not commenced.

ABP-303022-19 – The board issued an opinion on 24th January 2019 after a pre-application consultation for a similar housing development on the site that is slightly larger than the current 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 to 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. The South Dublin County Development Plan 2016-2022 applies. Most of the site is zoned for new residential development under objective RES-N. The southern part of the site is zoned open space under objective OS, with a small part extending into the

rural area zoned under objective RU. There is a short term objective to provide a road from east to west across the site and around a rectangular area zoned OS that straddles the western boundary of the site. There is another roads objective to link the road around that open space to Main Street along a line to the west of the site that includes the existing road serving the school.

- 5.2.2. The Newcastle Local Area Plan 2012-2018 has been extended to 2022 and applies to the site. The movement strategy in the plan shows 'green' link streets across the site in line with the roads objectives in the development plan. Section 5.4.7 of the plan states that development would be based on a grid layout, and a more detailed indicative layout is shown that is based on the link streets. Over most of the The detailed layout on the current site if reflects the layout of the previously authorised development. there. The framework plan also shows historic hedgerows to be protected across the site and another to be reinstated, in line with the policy to retain such hedges on the boundaries of burgage plots set out at section 5.3.4 of the plan. . The density strategy is based on three zones, including the village core, the village expansion area and the settlement edge. Most of the site is in the village expansion area, but the southern part is in the settlement edge. The average density of development in the village expansion area is recommended to be between 25 and 30dph, and that in the settlement edge to be 15-20dph. The site includes parts of 3 neighbourhoods identified in the plan: Taobh Chnoic , Burgage South and Ballykelly West. In Taobh Chnoic it recommends that buildings be 1 or 2 storeys high. In Burgage South they should be 2 storeys high. They should also be 2 storeys high Ballykelly West, but there is an opportunity for 3 or 4 storey elements as a landmark on a landscaped square.
- 5.2.3. Newcastle is designated as an zone of archaeological potential on the Record of Monuments and Places.

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 Environmental Report
- An Architectural Design Statement
- A Housing Quality Assessment
- An Infrastructure Design Report
- A Site Specific Flood Risk Assessment
- An Appropriate Assessment Screening Report
- A DMURS Design Statement
- A Traffic and Transport Assessment

6.2. **Statement of consistency**

The statement says that ownership issued had arisen in respect of part of the site of the previous consultation and so a new opinion was now sought. The nature, extent and layout of the current proposal is generally the same as the previous one except for the boundary line and some minor variations in response to matters raised in the last opinion. The omission of the land occupied by the proposed park, main road and school site results in a net site area of 10.8ha. The net density would be 38.3dph. The application would be accompanied by an EIAR but not an NIS. 3.8ha of open space would be provided. The prospective applicant has undertaken to provide a playground on behalf of the council that would be authorised under Part 8. The layout of the proposed development is integrated with that authorised under 301421. 699 car parking spaces would be provided, with 272 bike parking spaces for the apartments and 6 visitor spaces for the creche. The layout avoid residential development on the land zoned as open space near the middle of the western site boundary. It does not provide streets in line with the roads objectives there in order to protect one of the burgage hedgerows. The layout provides an east-west street to the site boundary that would provide a route equivalent to the that set out in the development and local area plans. The link with the streets on the adjoining authorised scheme would allow a one-way bus route and the removal of the turning circle by the school on the zoned open space.

The proposed apartments would comply with the 2018 apartment design guidelines, which do not apply to units with their own doors. The development would comply with the 2018 guidelines on building height and the 2009 guidelines on urban

residential development. The proposed development would comply with the zonings applied to the site under development plan, but not the line of the roads objectives. The proposed development would provide 3.8 ha of open space and reflect the burgage hedges in the scheme, in line with the provisions of the development plan. It has regard to the street hierarchy set out in the plan.

6.3. Planning Authority Submission

The submission from the planning authority stated that the deviation from the layout indicated in the LAP required strong justification. The doubling up of streets along the east-west street is not good practice. The hedgerow on the boundary with the authorised housing to the north west should be protected, ideally with housing fronting onto it. Some streets are too long. The LAP envisages short blocks. Connectivity to the roundabout is preferable. The drainage infrastructure does not properly implement SUDS and there are outstanding details.

6.4. Other submissions

Irish Water made a submission which stated that it had issued a confirmation of feasibility in respect of 430 homes. The applicant must carry out investigations to determine any upgrades required to the wastewater network. No upgrades are required to the water supply network.

6.5. The Consultation Meeting

A section 5 consultation meeting took place at the offices of the board at 1430 on Tuesday, 30th April 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 topic discussed at the meeting was –

- i. The boundaries of the site and the layout of the proposed development.

During the meeting the board's representatives referred to the previous consultation about a similar development on a similar site. They noted the various competing objectives set out in the local area plan in relation to the site. Concern was

expressed about the lack of frontage development and the proposal for parallel roads along the main street, as well as the curves along its line as opposed to the perpendicular junctions with other streets shown in the LAP. These elements would be a departure from the pattern established by the previous phase of development to the east and the advice on urban design given in DMURS and in the LAP. These factors may be considered more significant than the situation of a replacement hedge. Concern was expressed about the deviation from the street layout shown in the LAP. There was a particular concern about the failure to provide streets with frontage development in line with the eastern and southern sides of the rectangular area zoned as open space along the western site boundary. The board's representatives acknowledged the comments in the statement of consistency regarding the retention of the burgage hedge on the site boundary, the proposed links to the streets authorised under ABP-301421-18, and the potential for this pattern to provide a coherent boundary for the zoned open space that could facilitate the removal of the turning circle in front of the school. The board's representatives also stated that adequate residential amenity needed to be demonstrated for the proposed apartments, including proper privacy and outlook for ground floor units. The provisions of the 2018 guidelines on apartment design, including its SPPRs and the housing quality assessment, applied to own door apartments and duplexes. If the planning authority and the prospective applicant had different positions regarding the design of the surface water drainage system, then this should be made clear in the documents submitted for the application so that the board can come to a conclusion on the subject.

The planning authority also expressed concern about the deviation from the layout described in the LAP, including the absence of streets that could form the square envisaged around the central area of zoned open space, as well as the weak frontage and parallel streets proposed along the main street area. The integration of the planned layout with the objective to retain hedges required innovative solutions. Site layout plans submitted with an application should include an overlay showing the proposed development in relation to the zoning of the area and the layout in the LAP. The importance of the hedges in relation to heritage and biodiversity was stressed. The amount of public open space and the phasing of its provision is

important and the provision of a GAA pitch is sought. The planning authority stated that the proposed surface water drainage and attenuate on system was undersize

The prospective applicant accepted that the framing of the square of open space was an issue. Extensive work had been done to incorporate and reinforce existing hedges in the proposal. Most of them would be retained and additional planting would result in more hedges on the site after development with consequent benefits for biodiversity. The prospective applicant defended its drainage calculations.

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 plans 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 is required in respect of the documentation relating to the achievement of an acceptable standard of urban design within the proposed development and its integration with existing, permitted and planned development on adjoining land in compliance with the provisions of DMURS, the development plan (including its zoning and roads objectives)

and the local area plan (including its indicative layout). The documentation should illustrate how the proposed development would provide suitable street frontage along the main street through the site and along the eastern and southern side of the planned square around the area zoned as open space along the western site boundary, while providing a rectilinear layout of streets with perpendicular junctions and omitting the doubling up of parallel carriageways; and showing how links would be provided to the streets in existing and permitted housing on neighbouring land and how they could be provided to future residential development on the neighbouring lands zoned for such.

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. The Minister for Culture, Heritage and the Gaeltacht, (in relation to archaeological protection and historical interest)
2. The Heritage Council (in relation to archaeological protection and historical interest)
3. An Taisce — the National Trust for Ireland (in relation to archaeological protection and historical interest)
4. Transport Infrastructure Ireland (in relation to surface water drainage and transport)
5. National Transport Authority (in relation to transport)
6. Irish Water

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. Site layout plans showing the proposed development overlain with the zoning and roads objectives that apply to the site under the county development plan and the indicative layout set out in the local area plan.
2. A housing quality assessment which provides the specific information regarding the proposed apartments (including the own-door units) 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.
3. A report demonstrating compliance with the applicable design principles and specifications set out in DMURS and the National Cycle Manual.
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 access for the proposed housing would be provided in a timely and orderly manner, and a taking-in-charge plan.
6. Details of proposed boundary and surface treatments throughout the development, and of landscaping and planting.
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,

13th May 2019