



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-304985-19

Strategic Housing Development	165 no. apartments
Location	'Dunluce', 'Drumkeen' & 'Mulberry', Glenamuck Road, Carrickmines, Dublin 18
Planning Authority	Dun Laoghaire-Rathdown County Council
Prospective Applicant	Victoria Homes Ltd
Date of Consultation Meeting	11 th September 2019
Date of Site Inspection	11 th September 2019
Inspector	Ronan O'Connor

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

The subject site is on the eastern site of Glenamuck Road, approximately 600 metres south of The Park Carrickmines, approximately 1 km south of Ballyogan Wood Luas Station and approximately 1.7 km north of Kiltarnan Village.

The subject site has an area of c. 1.48ha. The site is bounded to the south by Cairnbrook residential estate, to the north by Carrickmines Manor housing and retail development and east by a site that is currently under construction (which has permission for 75 no. detached, semi-detached and terraced houses).

There is a bus stop opposite the site on Glenamuck Road which is served by bus numbers 63 and 63a which serves Dún Laoghaire, Cabinteely and Kiltarnan.

On site there are currently 3 no. houses; Dunluce House (c. 403.8sq.m), Drumkeen House (c. 293sq.m) and Mulberry House (c. 541sq.m).

3.0 Proposed Strategic Housing Development

Construction of 165 no. apartments measuring up to 5 storeys in height across 5 no. blocks and all associated and ancillary site development, landscaping and boundary works, at a site measuring 1.48 ha at 'Dunluce', 'Drumkeen' & 'Mulberry', Glenamuck Road, Carrickmines, Dublin 18.

The following details are noted:

Parameters	Site Proposal
Height	4-5 Storeys
SHD Site	1.48 ha
No. of Residential Units	165 apartments
Open Space	1602 sq. m. (Private Open Space) 4,300 sq. m. (Public Open Space) 1,430 sq. m (Communal Open Space)
Car Parking	169 no. car parking spaces (110 no. in the basement for block A; 55 no. in the basement to block B. 4 no. visitor spaces at surface)
Bike Parking	413 spaces
Density (Net)	111 units per hectare

The breakdown of the accommodation is as follows:

Unit Type	No.	%
Studio	3	2
1-bed	37	22
2-bed	84	51
3-bed	41	25

Total	165	100
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4.0 Planning History

ABP PL06D.249144 (D17A/0520)

Grant 15 no. three storey houses.

D17A/0116

Permission was refused by DLR for 15 no. three storey houses for 4 no. reasons related to (i) insufficiently high density (ii) substandard public open space (iii) architectural quality, urban design and layout, piecemeal development (iv) response to site constraints including trees and stream.

D07A/1294

Permission was refused by DLR for 73 no. apartment units for 6 no. reasons relating to (i) density proposed materially contravenes Kiltarnan/Glenamuck LAP (ii) overdevelopment of the site and overlooking of adjacent property (iii) lack of children's play space (iv) premature pending the determination of the layout of the Glenamuck District Distributor Road (GDDR) and the new Link Distributor Road (LDR) (v) restricted sightlines on proposed access to service road for Carrickmines Manor (vi) current and prospective deficiency in the road network serving the area/give rise to a traffic hazard.

Surrounding Area

Location: Quadrant 3, The Park, Brookfield Glenamuck Link Road, (also known as Glenamuck Road), and Ballyogan Road, Carrickmines Great and Jamestown, Dublin 18 (c500m to the north-west of site)

PL06D.304396 (D18A/0257) Current appeal following a grant of permission by DLR for a retail/Commercial Development comprising a neighbourhood centre, retail warehouses, cinema and other leisure space, residential units, creche, office space, car showroom, medical centre, linear park and associated works.

Location: 'Tintagel', 'Auburn', 'Keellogues', 'Villa Nova', 'Arda Lodge', and adjoining lands under the control of Dun Laoghaire Rathdown County Council, Golf Lane, Glenamuck Road South, Carrickmines, Dublin 18 (c450 m to the north of site)

PL06D.302336 SHD Application – Refuse permission for 250 no. apartments, creche, gym, residents amenity space and associated site works for 1 no. reason relating to design and insufficient height of the proposed scheme.

Location: Site of c. 0.4713 ha at, The Glen, Golf Lane, Glenamuck Road, Carrickmines, Dublin 18. (D18A/1175) (c500m north-east of the site)

PL06D.304641 (D18A/1175) Current appeal following grant of permission by DLR for 1 apartment block with 48 units. New vehicular access and all associated site works. Part of the application site is located within the Cherrywood SDZ.

Location: The Leys, Glenamuck Road South, Dublin 18 (Directly opposite subject site)

PL06D.302572 (D18A/0623)

Permission refused by ABP for 52 no. duplex apartment units for 2 no. reasons related to (i) lack of a coherent overall outline Masterplan for the subject lands (ii) design of the proposed duplex blocks.

Location: Carrickmines Manor, Glenamuck Road, Dublin 18 (East of subject site)

D15A/0406

Permission granted by DLR for the demolition of 36 no. incomplete terraced dwelling and construction of 75 no. houses.

Location: Saxaroon and Inglenook, Glenamuck Road, Carrickmines, Dublin 18 (South of site)

PL06D.244520 (D14A/0765)

Permission granted by APB for 28 no. residential units (16 houses, 12 apartments).

Location: Glenamuck Road, Enniskerry Road, Kiltiernan, Dublin 18. (c700m to the south-west of the site)

PL06D.300731 SHD Application Permission refused for 141 no. residential units (98 no. houses and 43 no. apartments/duplexes), provision of a creche, construction of

link access road between Enniskerry Road and Glenamuck Road, and all associated site works for 4 no. reasons relating to (1) insufficient density, inappropriate housing mix (2) insufficient details in relation to storm water proposals (3) substandard level of pedestrian/cycle connections (4) impact on adjoining residential amenity.

In this instance the Board concluded that the density of the proposed scheme was 37.38 units/ha.

Location: Site to South-East of Glenamuck Road South, Kilternan, Dublin 18 (c900m to the south-east of the site)

PL06D.303324 (D18A/0940) Refuse permission for construction of apartment block comprising of 57 residential units, gym and parking area for 1 no. reason. The Board considered that the proposed development would be premature pending the determination by the planning authority of the road layout for the area.

5.0 National and Local Policy

5.1. National Planning Framework

The recently published National Planning Framework includes a specific Chapter, No. 6, entitled 'People Homes and Communities'. It includes 12 objectives among which Objective 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages.

- Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- Objective 35 seeks to increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

5.2. 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 (2019).
- Sustainable Urban Housing: Design Standards for New Apartments (2018).
- Childcare Facilities – Guidelines for Planning Authorities (2001).
- Urban Development and Building Heights – Guidelines for Planning Authorities 2018.
- The Planning System and Flood Risk Management' (including the associated 'Technical Appendices') (2009).

Other relevant national guidelines include:

- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.

5.3. **Dun Laoghaire Rathdown County Development Plan 2016-2022**

Zoning

The site is zoned Objective A 'To protect and/or improve residential amenity'.

Specific Local Policies and Objectives:

The zoning map includes an objective to 'Preserve Trees and Woodlands' on this site.

The map also indicates a proposed Quality Bus Corridor running along Glenamuck Road past the site.

General

There are a number of policies and objectives within the operative County Development Plan in relation to residential development which include *inter alia*: Development Plan policy RES 3 "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."

Development Plan section 2.1.3.3 states:

“Where a site is located within circa 1 kilometre pedestrian catchment of a rail station, Luas line, BRT, Priority 1 Quality Bus Corridor and/or 500 metres of a Bus Priority Route, and/or 1 kilometre of a Town or District Centre, higher densities at a minimum of 50 units per hectare will be encouraged.”

5.4. Kiltiernan/Glenamuck Local Area Plan

The site is located within the boundary of the Kiltiernan/Glenamuck Local Area Plan 2013. The life of the LAP has been extended to 2023.

The site is designated as Parcel 31B in the LAP with a zoning for Medium/Higher Density Residential where a density of 45-55 units/ha is envisaged.

A building height of 2-4 storeys is envisaged for this site.

An archaeological site (Fulacht Fia) is shown intersecting part of the site and an overhead line restriction corridor runs to the south of the site.

Section 10 of the Plan notes that future development in the LAP area is dependent on the construction of new roads including the Glenamuck District Distributor Road (GDDR). The road reservation for the GDDR is located to the north of the site. It is acknowledged that in the interim period, pending approval and construction of the GDDR, some development will be facilitated to meet the central objectives of the LAP and up to 700 dwellings could be accommodated within this first phase. The subject site is identified as Phase 1(a) – Glenamuck Road Upper/North Portion.

The LAP sets out in section 10.6 criteria to apply to development in the first phase of development on the LAP lands, in advance of the GDDR. These include:

- Demonstrate a high level of architectural quality and urban design and are sympathetic to the special character of Kiltiernan/Glenamuck.
- Achievement of local road/footpath improvement and traffic management measures.
- Planned within the context of an overall outline Masterplan Plan for individual and affiliated land holdings (in order to prevent piecemeal development).
- Facilitation of the orderly development of adjoining property/landholdings.

- Compatibility with later phases of development.
- Availability of environmental services and incorporation of SUDS measures.
- Likelihood of early construction.

5.5. Nature Heritage Designations

The nearest Natura 2000 sites are Knocksink Wood SAC (site code 000725) located c.4.3 km to the south of the site, Ballyman Glen SAC (site code 000713) located 4.6km to the south of the site, South Dublin Bay SAC (site code 000210) located c.5.6km to the north-east of the site, South Dublin Bay and River Tolka Estuary SPA (site code 004024) located c5.6km to the north-east of the site, Wicklow Mountains SPA (site code 004040) located c5.8km to the south-west of the site and Wicklow Mountains SAC (site code 002122) located c5.8km to the south-west of the site.

6.0 Section 247 Consultation(s) with Planning Authority

The Local Authority submitted there were two formal S 247 meetings held between the applicant and the planning authority and the issues raised are summarised below:

Pre-247 Meeting (25/10/18)

Proposal

- 165 residential units.
- Blocks 4-5 storeys in height with basement car parking.
- Density 111 units per hectare.

General/Policy

- Need to comply with provisions of LAP including height and density.
- Current proposal is at variance with LAP.
- S.28 may permit the additional height in due course.
- Residential amenity impacts.
- Welcome own door units along Springfield Lane/Glenamuck Road/contemporary design approach.

- Phasing issue in the LAP will need to be addressed.

Transportation and Movement

- Access points have not yet been confirmed.
- Springfield Lane has not yet been taken in charge/limited width/surface water issues.
- Seek as many connections as possible through adjoining sites to maximise permeability.
- Any access off the Glenamuck Road need to have regard to adjoining sites/bus stops etc
- Footpath along Glenmuck Road would need to be provided to comply with the LAP.
- Car parking of 1.1 per unit is the requirement of DLR.

Trees

- Numerous fine specimens on site.
- More work needed in terms of an appropriate arboricultural approach for the site.

Other

- Existing stream considered to add potential to the site if used as an appropriate design feature.
- Open Space/Play – Full suite of landscape documents needed including sections.
- Ecology – Appoint ecologist/bat survey and aquatic survey required.
- Drainage – No drainage details provided/need to develop surface water drainage proposal/flood risk assessment in terms of the stream.
- Archaeology – expand survey done in connection with previous application.
(D17A/0520)

Pre-247 Meeting (05/03/2019)

Proposal

- As per previous meeting.

General/Policy

- New Height Guidelines 2018 – regard should be had to quantitative approach to daylight provision- A Daylight Sunlight Analysis shall be submitted.
- Otherwise comments as per previous meeting.

Transportation/Permeability

- Two accesses proposed/two basements necessary due to the watercourse
- LA wants to minimise accesses onto Springfield Road – would prefer if the lane could be brought up to taking in charge standard.
- Car parking at 1.0 per unit is the DLR requirements.
- Applicants asked to look at connections to land to the north and west of site.
- Otherwise comments as per previous meeting.

Drainage

- Re open ditch outside the site, drainage do not have an issue with this being culverted as it is not a watercourse as long as capacity is maintained.
- Comments re stream as per previous meeting.

Trees

- Serious concerns raised in relation to the realistic retention of the trees indicated on the submitted drawings/needs an appropriate arboricultural approach for the site.

Other

- Open Space/Play – As per previous meeting.
- Part V – Advised to contact Housing Department

7.0 Prospective Applicant's Case

7.1. The application was accompanied by the following:

- Cover Letter and SHD Application Form for Section 5 Consultation
- Planning Report

- Childcare Capacity Assessment
- EIA Screening Report
- Statement of Consistency Planning Report
- Response to Issues Raised in SHD Stage 1 S247 Meeting with DLRCC
- Screening for Appropriate Assessment
- Ecological Impact Assessment
- DMURS Design Statement
- Climate Change Impact Assessment
- Cultural Heritage Assessment Report
- Construction and Demolition Waste Management Plan
- Arboricultural Assessment
- Construction Management Plan
- Transportation Assessment Report/Preliminary Mobility Management Plan/Stage 1 Road Safety/Quality Audit
- Site Specific Flood Risk Assessment
- Mechanical & Electrical Sustainability & Energy Report
- Utility Report, Mechanical and Electrical
- Daylighting Study
- Building Lifecycle Report
- Part V Schedule of Accommodation
- Engineering Services Report
- Landscape Design Report
- Photomontages and CGI
- Design Statement

7.2. Planning Report and Statement of Consistency

The applicant's case is set out in in general terms within the Statement of Consistency and can be summarised as follows:

National Planning Framework

- The site is located within the metropolitan area of Dublin City which is identified for growth.
- Approx 1km from the Luas, multiple bus routes directly north of the site
- The Park Carrickmines within a 7 min walk of the site.
- Future neighbourhood centre also planned.
- High quality scheme.
- Proposed height in line with guidance.

Rebuilding Ireland – Action Plan for Housing and Homelessness

- Proposed development of 165 units will add to the housing stock and cater for existing demand.

Regional Spatial and Economic Strategy 2019-2031

- Seeks to provide residential development on an infill site with increased densities and heights/will result in urban consolidation.

Urban Development and Building Height Guidelines (2018)

- Subject site an appropriate site for buildings ranging in height up to 5 storeys as proposed.
- Respects the prevailing heights of surrounding developments.
- Materials and finishes will be of a high standards
- Provides a large amount of open space within the application site

Sustainable Residential Development in Urban Areas (2009)/Urban Design Manual – A Best Practice Guide (2009)

- Site is served by high quality walking and cycling links/Only 169 car parking spaces are being provided/413 cycle spaces.
- Residential Standards comply with National and Local requirements.

- Will have outside play areas and a variety of open spaces.
- Well located in relation to existing and planned social infrastructure.
- Layout of development will provide a unique sense of place.
- Links provide permeability through the site.
- Will maximise energy capacity and minimise impacts of climate change.
- Range of unit types will be provided.
- Existing trees and hedgerows will be retained as part of the application.
- Will result in an improvement in the green landscaping and biodiversity of the area.
- Site is not proximate to any Protected Structure or ACA/National monument identified on Map 9 of the Development plan is mis-located and is in fact much further from the site.
- Compliant with the 12 criteria as outlined in the Urban Design Manual – A Best Practice Guide (2009) including establishing a building line along Glenamuck Road and increase in density on the site which is similar to neighbouring developments.

Quality Housing for Sustainable Communities (2007)

- Proposal will provide an appropriate mix
- Creates a liveable and visually pleasing residential environment
- All floor and facilities are accessible via a lift.
- Development is predominantly car free with only 2 vehicular access providing access to the basement park
- Good segregation of vehicles and pedestrians/cyclists
- Scheme will be managed at a reasonable cost.

Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2018)

- Proposed apartments are designed to be in compliance with relevant SPPRs within the Apartment Guidelines (2018).

- Is located within an Accessible Urban Location suitable for higher density development.
- Accessibility of the site to public transport has enabled a reduced parking level.
- Private, communal and public open space is provided in excess of requirements.

Design Manual for Urban Roads and Streets (2013)

- Proposal achieves the appropriate balance between the functional requirements of different users whilst enhancing a sense of place.
- Scheme prioritises pedestrians and cyclists throughout the development.

Childcare Facilities – Guidelines for Planning Authorities.

- A Childcare Capacity Assessment has been submitted/concludes a demand of c. 10 childcare spaces is likely to be generated/it is considered a childcare facility is not required at this site, due to the existing and planned provision in the area.

Smarter Travel – A Sustainable Transport Future 2009-2020

- The reduced car parking provision and increased cycle parking provision, along with the proximity to public transport ensures that there will be a modal shift to alternative modes of transport.

Transport Strategy for the Greater Dublin Area 2016-2035

- Is within Corridor F in the inner metropolitan area
- Multiple upgrades to this area to both the Luas, Dart and through Bus Connects

The Planning System and Flood Risk Management

- Subject site is not within a Flood Risk Zone.
- Record of flooding adjacent to the site as a result of ditch blocking.
- Attenuation systems can accommodate such events.

Dun Laoghaire Rathdown County Development Plan 2016-2022

- The proposals complies with the provisions of the Dun Laoghaire Rathdown County Development Plan 2016-2022
- Is acceptable in principle on the site.

- Development is not expected to have any impacts on archaeology, architectural or cultural heritage.

Residential

- Is compliant with the relevant policies relating to residential development including, those relating to density, mix, social housing, design principles, quantitative standards and sustainable communities.
- Density is in line Development Plan policy.

Height

- Proposed development is considered suitable for an 'upward modifier' to 5 storeys, as set out in the Building Height Strategy for the County, including creating a higher density development in an area with exceptional public transport availability.
- Strategy also refers to Carrickmines as an exceptional location where additional height can be considered.
- Refer to ABP Ref PL06D.302336 – 6 storey residential development was refused as the site had capacity to accommodate a building of much greater height than was proposed.

Parking

- Note that DLR Development Plan requirements of 1:1 parking spaces has been superseded by Section 4.19 of the Sustainable Urban Housing Design Guidelines for New Apartments.

Kiltiernan/Glenamuck Local Area Plan 2013

Density

- Notes that a density range of 45-55 unit/ha is set out for Parcel 31b, of which this site forms a part of.
- Site can be defined as an 'Accessible Urban Location' as defined within the Apartment Guidelines (2018) where a higher density is appropriate.
- Similar schemes granted in the Glenamuck/Carrickmines area including

- D18/1175/ABP 304641-19 (Currently on appeal) DLR granted permission for 4-5 storey apartment block – density 102 unit/ha
- ABP 302336-18 – Golf Lane – ABP refused permission on the grounds the height was too low – density of 100 units/ha was considered acceptable.

Height

- LAP sets a height limit of 2-4 storeys on this site.
- Building Height Guidelines note that building heights must generally be increased in appropriate urban areas
- SPPR3 states that LA's can approve developments even where a specific objective of the Development Plan or LAP may indicate otherwise

Other

- Complies with other relevant objectives of the LAP including those relating to residential development, sustainable transport, open spaces and ecology.

8.0 Planning Authority Submission

A response was received from the planning authority which is summarised as follows:

Principle

- No objection to the principle of the provision of residential units at this location. However, overall scale and height of the built form proposed results in an inappropriate design response (see below).

Density

- Proposed density of 111 unit/ha is considered excessive.
- PA's view that a maximum density in the range of 55 units/ha would more fully align with planning policy objectives.

Height

- Concerns in relation to the proposed 5 storey height of Block B and setback from Boundary

- Also concerns in relation to the limited setback of Block 1A from the north-east boundary.
- Would result in lack of sufficient space to provide planting/screening or soften the development impact.
- Existing 110kv traversing the site/details should be included on the plans.

Residential Accommodation and Residential Mix

- Mix does not comply with the CDP but complies with the Apartment Guidelines (2018).
- Appears than proposed apartments meet the standards with regard to minimum floor areas and private open space in the form of balconies.

Elevations/External Finishes and design

- Location of Blocks A1, A2, A3 and A4 in close proximity to adjoining boundaries is considered excessive/concern in relation to visual impact.
- Concern in relation to impacts on residential amenity/detailed analysis will be required with regard to daylight and sunlight.
- Quality finish and a break up of the elevations is required.
- Level of planting shown on CGI's will not be possible to deliver given the minimal setback proposed.

Permeability/Pedestrian Flow

- Links through the site are welcomed/recommend a width of 4m for the cycle and pedestrian routes.

Creche

- PA has concern in relation to the omission of the crèche.
- Advised that the application consult with the County Childcare Committee at full application stage, notwithstanding the number of 1 bed units.

Other

- Open Space –complies with standards
- Taking in charge – details required

- Drainage – advised to consult Drainage
- Archaeology – pre-development testing is recommended.

8.1. Interdepartmental Reports

Transportation

- Proposed upgraded junction layout at the Golden Ball junction will allow an additional 50% number of units over and above the 700 units allowed for in Phase 1 – therefore total number of units allowed in Phase 1 is 1050
- Development is dependant on the full implementation of the Glenamuck District Road Scheme (GDRS) comprising the GDDR (Glenamuck District Distributor Road) and the GLDR (Glenamuck Link Distributor Road)
- Development will need to be justified based on the existing permissions and the level of available capacity within the LAP
- Condition should be imposed restricting the occupancy until the Junction Upgrade Scheme is fully implemented.
- Car Parking to be in line with DLRCC Standards/Details of cycle parking required
- Quality Audit/Travel Plan/Traffic Impact Assessment/Details of street lighting/Construction Management Plan required.
- Development should meet relevant standards as related to areas taken in charge/underground services/taking in charge drawing to show rights of way and future links/full details of proposed and future links required.

Drainage

- Applicant required to confirm attenuation volume/details of tanks required. .
- Unclear if site specific rainfall data has been used for microdrainage design.
- Required details as follows; technical details of surface water pump system/site investigation report; review and provide details of SUDS measures; minimum green roof coverage of 60% is required; utilities clash check required; stormwater Audit required.

- Flood Risk – additional details in relation to the watercourse traversing the site; test results of failure of attenuation system; FFL levels lower than Springfield Lane – issues with overland flow during some rain events on this Lane.

Housing Department

- Applicant proposed to comply with Part V by way of transfer of 16 units on site.

Waste Management

- Satisfied with the Construction and Demolition Waste Management Plan.
- Operational Waste Management Plan required addressing general waste management, storage area design, domestic waste management.
- Additional details required in relation to the submitted Construction and Environmental Waste Management and specific requirements are set out.

9.0 The Consultation Meeting

A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 11th Day of September 2019, commencing at 14:15pm. 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.

The main topics raised for discussion at the tripartite meeting were as follows:

1. Residential Density
2. Design, Layout and Landscaping (including height, boundary treatment, relationship to street, internal layout and public realm, impact on existing mature trees).
3. Transport (including car parking provision, cycle and pedestrian links, required infrastructure upgrades).
4. Residential and Visual Amenity
5. Surface Water Management and Flood Risk
6. Childcare Provision
7. Any other matters

In relation to *Residential Density*, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- An Bord Pleanála (ABP) noted the need to justify of the proposed density of 111 units/ha, having regard to the proximity of the site to the Ballyogan Wood Luas Stop.
- The Planning Authority (PA) considered that 45- 50 units per ha was an acceptable density for this site/Noted that LA are bound by the Local Area Plan (LAP).
- PA noted that this site will be more car dependent than other sites within the vicinity/No QBC proposed along the front of this site – to their knowledge –Bus Connects route not extending to this proposed development.
- The prospective applicant noted proposed development is within 10-15 minutes' walk to the LUAS. They will provide robust justification in relation to the density at application stage.

In relation to *Design, Layout and Landscaping*, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- ABP sought further clarification with regards to the site layout, in particular the relationship to the street frontage. Stated that justification for the design approach taken would be required.
- ABP sought clarification in relation to the site ownership, in particular the portion of the site to the western end of Springfield Lane.
- ABP sought clarification in relation to the impact on the existing trees on the site, having particular regard to the impact of the basement construction.
- PA noted that the LAP outlines a height of 2-4 storeys on this site. However are cognitive of the Building Height Guidelines.
- PA considered that the removal of trees is excessive and noted that keeping the trees would protect the character of the road. PA noted that the north/eastern corner of the site will have all the trees removed.

- PA suggested it would be beneficial for both parties (PA and the prospective applicant) to visit the site and discuss the biodiversity of the area, with particular attention to the trees. Noted that the maturity of trees is of value to the area. They are aware of the ecology assessment. A detailed ecological assessment should include details of tree and detail what trees/hedgerows are to be removed.
- The prospective applicant noted that the height of the proposed development is five storeys maximum, stepping down to four storeys, which is appropriate for the local area. The proposed development will have an urban feel to it.
- A portion of Springfield lane is controlled by NAMA, the prospective applicant is in discussions to reach an agreement to improve the visual aesthetic of the laneway. It is intended to upgrade the area of the Springfield lane that they have ownership of.
- The prospective applicant noted a tree survey was conducted on the proposed site. There was evidence of trees under category 'U' (dead/diseased) and category 'C' (shorter time expectancy). It is hoped to plant 200 trees and to reintroduce native trees and nursery trees into the proposed development, to keep the character of the green area. The public open space will be expanded upon, with the aim of having a river walkway at application stage.
- Noted the previous permission on a portion of the site allowed for the removal of trees.
- Will meet with LA to walk the area regarding their plans for culling trees and planting 200 new trees.
- ABP noted that further work is necessary in relation to the proposed elevations, as the visual appearance does not tallying with the CGIs.
- ABP noted that if the applicant considers any aspect of the proposal would constitute a Material contravention under Section 37(2), the prospective applicant must advertise this fact.
- It was encouraged that the proposed applicant meet with the LA ecologist for further discussion and to ensure that the proposed development has a realistic biodiversity plan when submitting the proposed development.

- Ensure all details of legal entitlements to make application be included at application stage.

In relation to *Transport*, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- ABP sought further clarification regarding permeability, connectivity, identify possible pedestrian links to other sites and services, as well as proposed upgrades to footpaths and roads in the vicinity of the site.
- ABP noted the need to provide justification for the level of car parking proposed - Is argued in other documents that the site is highly accessible - may not tally with levels of car parking proposed.
- Also sought clarification on the timescale of the approved Part 8 Scheme.
- The PA recommend a condition restricting occupancy prior to the completion of the Part 8 Scheme/Estimated timeline is 2020/2021. Noted that the Glenamuck District Distributor Road (GDDR) Scheme will have an impact regarding timing.
- Welcome permeability if it delivers what is outlined at application stage/Upgrade of road infrastructure welcomed as it will make Springfield Lane safer.
- The prospective applicant stated it was their aim to provide permeability though the site.
- Also noted that a reduction in car parking may negate the need to provide two separate basements/will look into this issue further.
- Was noted that links to the between the northern and southern half the site curtailed due to ownership issues (Springfield Lane). Note existing footpath between this site and the Luas station.
- ABP noted the need to ensure links to the other surrounding developments are outlined in detail at application stage. ABO stated the application may benefit from a Masterplan showing linkages to other sites.
- ABP noted that there are no footpaths or on the opposite side of the Glenamuck road. Potential provision for upgrades/development contributions as part of the proposed development.

- Was noted that the accessibility of the site may well be improved if the Carrickmines District Centre is granted permission, which is currently being considered by the Board.
- The PA confirmed that the site fell within the 1km catchment area for the Luas Line B1 (Sandyford to Cherrywood) – Section 49 Development Contribution Scheme.

In relation to *Residential and Visual Amenity*, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- ABP noted detailed assessments required in relation to impacts on surrounding residential amenity to include issues such as loss of daylight/sunlight/overshadowing, loss of privacy/overlooking, visual impact
- The PA welcomed the contemporary vision of the proposed development. However, had concerns in relation to the visual impact of the development and the proximity to the boundary.
- The prospective applicant stated that five storey apartment blocks, with 200/300 trees and a stream running through the development, with a car free development would not be out of touch of the LAP guidelines, and noted that the proposed development is a good distance away from other developments north and south of the proposed development so it will not impact on these residents.
- ABP noted the need to ensure that impacts on all windows are considered, including those ground floor units to the east of the site.
- Outline the window to window distance on the drawings.
- Include CGIs with a no leaf scenario (winter scenario).

In relation to *Surface Water Management and Flood Risk*, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- ABP sought further clarification regarding the stream running through the site and its potential to flood. Further details required in relation to the stream.
- Ensure technical requirements of the PA are met, as relates to surface water proposals.

- PA stated that a ground water analysis would be required that identified the source/characteristics of the waterflow/impacts of the development on the waterflow/groundwater. The analysis should consider nearby houses which have septic tanks and wells.
- PA further stated Springfield road is an area where there are a lot of water springs, and that the proposed development should be cognitive of this when submitting the proposed application, as there is no mention of it in the pre-application documents.
- The prospective applicant stated that the submitted reports will be reviewed and figures/technical details clarified. The soil excavation information at present will be reviewed to ensure the information is accurate and in line with the current figures.
- In relation to surface water flooding on Springfield Lane, the prospective applicant noted that Springfield Road is not for them to manage.
- ABP noted the need to ensure other issues relating to surface water are dealt with including the variation in levels between Springfield Lane and the development site.
- If reports are amended at various stages, ensure that it is reflected in all other reports which will be submitted.

In relation to *Childcare Provision*, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following

- ABP sought further clarification regarding the non-provision of childcare facilities on the site.
- ABP raised a concern in relation to reliance on permitted developments not yet operation. Noted the Board would require certainty in relation to the need or otherwise for childcare facilities.
- Noted the calculation of a demand of 10 childcare spaces is based on Dublin wide data. May need data that is more specific to the area/socio-economic and demographic data

- PA expect that there will be a demand for childcare resulting from this development.
- The prospective applicant stated that it is expected that there will be approximately 25% of residents that will be availing of childcare, based on figures from the census.
- Noted that there are crèches in other areas which are accessible via public transport.
- Stat that it will prove difficult for small developments to employ a management company.
- ABP noted that if the proposed development will not have child care facilities, it must be justified at application stage.

In relation to Any Other Matters, all parties were invited to add any further comments that they would like to discuss at the meeting.

- PA stated that they would like to see the proposed development designate zones for rubbish collection. There are guidelines on the LA website for the prospective applicant to consult for their information.
- The prospective applicants stated that they will try and organise a meeting with the LA regarding some of the issues raised at this meeting.

10.0 Consultation

Irish Water

Confirmation of Feasibility issued for this site for 158 residential units. The proposed development, as assessed for the Confirmation of Feasibility, is a standard connection, requiring no network or treatment plant upgrades for water or wastewater by either the customer or Irish Water. No third party consents are required for these connections to take place. Therefore, based upon the CoF, Irish Water confirms that subject to a compliant water and wastewater layout and a valid connection agreement being put in place between Irish Water and the developer, the proposed connections to the Irish Water networks can be facilitated.

The Department considers that there is sufficient information included in the archaeological report to allow for an informed planning decision to be made with regard to archaeological impacts and likely impacts.

11.0 Assessment

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 prospective applicants, 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.

Conclusion

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 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.

12.0 Recommended Opinion

- 12.1. 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.
- 12.2. 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.

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 the constituting a reasonable basis for an application for strategic housing.

Car Parking Provision

1. Further consideration and/or justification of the documents as they relate to the level of car parking provision proposed. A total of 169 no. car parking spaces are proposed, all of which save for 4 no. visitor spaces are accommodated in two separate basements on site, and this represents a 1:1 provision of car parking. Given the proximity of the site to Ballyogan Wood Luas Station, which is approximately 1km to the north-west of the site, the site is considered to be within a public transport corridor as defined within the Section 5.8 of the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009). Access to the Luas station may be further improved should permission be granted for the proposed Carrickmines District Centre (currently under appeal – ABP Ref PL06D.304396). It is national policy to seek higher densities on sites that are accessible to high quality, frequent public transport services, and seeks to minimise reliance on the private car. Further justification should be put forward in relation to the level of car parking proposed and/or the level of car parking should be

reduced. Further consideration of this issue may require an amendment to the documents and/or design proposals submitted.

Impacts on Existing Trees

2. Further consideration and/or justification of the documents as they relate to the existing tree coverage on site. It is of note that there is a specific local objective to protect and preserve trees and woodlands on this site. There is extensive tree removal proposed (302 of the 376 trees on the site are proposed to be removed). Regard should be had to the detailed comments of the Planning Authority, both in their opinion and at the pre-application meeting, and if possible, agreement in relation to the level of felling required, and in relation to appropriate replacement planting, should be sought. The impacts of the proposed basements on the trees to be retained should be further explored and details provided in relation to same. Further consideration of this issue may require an amendment to the documents and/or design proposals submitted.

Flood Risk/Ground Water

3. Further consideration and/or justification of the documents as they relate to flood risk and ground water. In relation to flood risk, the risk of flooding arising from the stream running through the site should be explored in greater detail, and regard should had to the comments of the Drainage Division of the Planning Authority, both in their opinion and at the pre-application meeting. Relating to this issue, a groundwater analysis may be required which examines the source of the stream and the impacts of the development on same. The risk of pluvial flooding arising from run off from Springfield Lane should be considered in greater detail, and the change in levels from Springfield Lane should be considered and any protective measures necessary set out in detail, both in the relevant documents and on the application drawings. A revised Flood Risk Assessment should be prepared in accordance with 'The Planning System and Flood Risk Management' (including associated 'Technical Appendices') (2009). Further consideration of this issue may require an amendment to the documents and/or design proposals submitted.

Childcare Provision

4. Further consideration and/or justification of the documents as they relate to the provision of Childcare Facilities. The submitted Childcare Capacity Assessments states that there will be a demand of 10 childcare spaces arising from the development. It is noted that the calculation of 10 childcare spaces is based on Dublin wide data and it is considered that the calculated demand would require socio-economic and demographic data that is more specific to the area. In addition to this, a concern in relation to reliance on permitted creches not yet operational. This approach would not be acceptable to the Board, and certainty is required in relation to how the childcare demand generated by the scheme would be accommodated. Therefore, additional justification is required for the non-provision of childcare facilities. If justification is not possible, a childcare facility should be provided on the site. Particular regard should be had to the criteria as set out in Childcare Facilities – Guidelines for Planning Authorities (2001). Further consideration of this issue may require an amendment to the documents and/or design proposals submitted.

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. Additional CGIs/visualisations/3D modelling showing the proposed development relative to existing development, including the surrounding residential development. CGIs showing a winter scenario (no-leaf) scenario should be provided.
2. A report that addresses issues of residential amenity (both existing residents of nearby development and future occupants), specifically with regards to daylight/sunlight analysis, overlooking, overshadowing, overbearing and noise. The report shall include full and complete drawings including levels and cross-sections showing the relationship between the proposed development and nearby residential development.

3. A report that specifically addresses the proposed materials and finishes of buildings, landscaped areas and any screening/boundary treatment. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinct character for the development.
4. A plan of the proposed open space within the site clearly delineating public, semi-private and private spaces.
5. Revised proposals in relation to surface water proposals having regard to the report of the Water Services Division of the Planning Authority, namely the need to more detail/clarification in attenuation volumes, details of attenuation tanks, details of SUDs measures, details of green roofs and the need to provide a stormwater audit.
6. Additional details in relation to Transport, having regard to the report of the Transportation Planning Department, namely to provide justification for the number of units proposed, based on the existing permissions and the level of available capacity within the LAP. Other required documents include a Quality Audit, a Travel Plan, a Traffic Impact Assessment, and a Site Specific Construction and Demolition Waste Management Plan.
7. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority.
8. Waste Management Details having regard to the report of the Waste Management Section of the Planning 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. The Minister for Culture, Heritage and the Gaeltacht
2. The Heritage Council
3. An Taisce
4. An Comhairle Ealaíonn

5. Failte Ireland
6. Irish Water
7. National Transport Authority
8. Transport Infrastructure Ireland
9. Dun Laoghaire Rathdown County Council 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.

Rónán O'Connor
Planning Inspector

18th September 2019