



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-305074-19

Strategic Housing Development	108 apartments and associated site works.
Location	Love Lane, Dargle Road, Bray, Co. Dublin.
Planning Authority	Dun Laoghaire Rathdown County Council and Wicklow County Council
Prospective Applicant	Visdon Limited
Date of Consultation Meeting	19 th September 2019
Date of Site Inspection	9th September 2019
Inspector	Erika Casey

1.0 Introduction

- 1.1. Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the Planning Authority, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

2.0 Site Location and Description

- 2.1 The subject site with a stated area of 2.298ha is located on an elevated site above the Dargle River Valley to the south. It currently accommodates a derelict dwelling. The site is located c. 1.2 km from Bray Town Centre and c. 18km south of Dublin City Centre. The M11 is located to the west of the site. To the north, is the residential estate Ard Chualann. To the south, are residential dwellings which front onto the Upper Dargle Road. The Diamond Valley apartment scheme is located to the east of the site on the opposite side to Love Lane. The Egan Business Centre is located further to the east.
- 2.2 A steep embankment runs along the eastern side of the site down to Love Lane/Blind Lane. The embankment continues around the southern side of the site terminating at the County Brook Stream which defines the county boundary. To the west of the site, there is a dense row of trees and vegetation separating the site from the M11. The County Brook Stream, a salmonid tributary of the Dargle River flows through the south of the site. There is a significant gradient level change on the site with a gradient incline of +21m from Dargle Road to the plateau of the site where it is proposed to site the development.
- 2.3 The nearest public transport route is the no. 185 bus which is located c. 80 to 100 metres from the site. Bray DART station is located c. 2km away from the site.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development comprises the demolition of a derelict dwelling on the site (98.6 sq. m.) and the construction of an apartment development in 3 no. blocks ranging in height from 4 to 6 storeys to accommodate 108 no. units consisting of 28 no. 1 beds, 67 no. 2 beds and 12 no. 3 beds (penthouse/duplex). The development also includes the provision of open spaces, car parking, cycle parking, bin stores, ESB substation and all site development works. The development provides for new vehicular and pedestrian access to Love Lane/Blind Lane and a pedestrian access to the south east of the site, linking onto Love Lane near the intersection with Dargle Road.
- 3.2. It is proposed that Love Lane will be widened along the development side of the Lane to include a 2m wide footway from the proposed access to the development running southwards until it meets the existing footway at the opposite side of Love Lane on the approach to Upper Dargle Road.

Key Development Parameters

Site Area	2.29ha
No. of Units	108 units
Housing Mix	
1 bed	28 (26%)
2 bed	67 (62%)
3 bed	13 (12%)
Dual Aspect Units	54%
Bicycle Parking	112 spaces
Car Parking	135 spaces (42 basement and 93 surface)
Net density	82.89 units per ha
Open Space	1.2ha
Part V	On Site – Block 2 – 11 units

4.0 Planning History

Planning Authority Reference D07A/0480

4.1 Permission refused in June 2007 for 91 no. dwelling units (18 no. 1 bed, 49 no. 2 bed and 24 no. 3 bed) in 9 no. 3 - 4 storey blocks; 138 car parking spaces. Reasons for refusal related to:

- the failure of the applicant to demonstrate how the noise environment would be mitigated to provide an acceptable standard of residential amenity for future occupants of the proposed apartment scheme and
- that the development would endanger public safety by reason of a traffic hazard because of the additional traffic movements the development would generate on a road with an unacceptably severe gradient and restricted width where sightlines were severely restricted at the proposed entrance onto Love Lane and at the junction of Love Lane and Dargle Road.

Planning Authority Reference D07A/1471

4.2 Permission granted in August 2008 for 96 no. dwelling units (18 no. 1 bed, 48 no. 2 bed and 30 no. 3 bed) in 10 no. 3 - 4 storey blocks; 150 no. car parking spaces, 100 no. bicycle parking spaces and the demolition of two habitable dwellings and associated buildings.

Planning Authority Reference D09A/0004

4.3 Permission granted in April 2009 for revisions to permitted development D07A/1471 comprising an additional 29 no. residential units bringing the total to 120 no. residential units (25 no. 1 bed, 68 no. 2 bed and 27 no. 3 bed), lowering the site by c. 3m, a new total of 191 no. car parking spaces and 144 no. bicycle spaces and additional floorspace for the crèche facility. The height of the development ranged from 3 to 6 storeys.

Part 8 Consent PRR 16/1448

4.4 Part 8 approval granted in March 2017 to carry out minor realignment of the County Brook in the townlands of Killarney and Bray Commons and construct a new overflow arrangement at the Dargle Road, in the townlands of Bray Commons.

An Bord Pleanála Reference ABP 303239-18

4.5 In March 2019, the Board confirmed entry of the subject site onto the Vacant Site Register.

5.0 National and Local Planning Policy

5.1 Section 28 Ministerial Guidelines

5.1.1 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 section 28 Ministerial Guidelines are:

- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual').
- 'Design Standards for New Apartments – Guidelines for Planning Authorities', as updated March 2018.
- 'Design Manual for Urban Roads and Streets'.
- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices').
- 'Childcare Facilities Guidelines for Planning Authorities'.
- 'Urban Development and Building Heights – Guidelines for Planning Authorities', 2018.

5.2 County Development Plan/Local Area Plan

5.2.1 The subject site is located in the administrative areas of both Dun Laoghaire Rathdown County Council and Wicklow County Council.

Dun Laoghaire Rathdown County Development Plan 2015-2022

5.2.2 Under the plan, the majority of the site is zoned Objective A: *To protect and or improve residential amenity.*

5.2.3 **Policy RES 3** promotes higher residential densities and a minimum of 50 units per ha are encouraged within 1km of a Town/District Centre, a rail station, Luas line, BRT and Priority 1 QBC and within 500 metres of a Bus Priority Route.

5.2.4 **Policy RES7** encourages 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.

Wicklow County Development Plan 2016-2022

5.2.5 Under the County Plan, Bray is identified as a Level 1: Metropolitan Area Consolidation Town.

5.2.6 Under objective **TR18**, it is an objective to *“support major road improvements by reserving corridors as and when these are identified, of any such proposed routes free of development, which would interfere with the provision of such proposals.”*

Bray Municipal District Local Area Plan 2018

5.2.7 Under the LAP, a small part of the site to the south is zoned OS2 Open Space. The objective of this zoning is to *“protect and enhance existing open, undeveloped lands”*. The description is: *“To protect and manage existing open, undeveloped lands that comprise flood plains, buffer zones along watercourse and rivers, steep banks, green breaks between built up areas, green corridors and areas of natural biodiversity.”*

6.0 Forming of the Opinion

6.1 Introduction

6.1.1 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 submissions and the discussions which took place during the tripartite consultation meeting. I shall provide a brief detail on each of these elements hereunder.

6.2 Documentation Submitted

6.2.1 The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. This information included, inter alia, the following:

Application Form, Part V Submission, Irish Water Pre-Connection Enquiry, Statement of Consistency, Planning Report, EIA Screening Report, Childcare Assessment Report, Response to Issues raised at S247 Meeting, Architectural Design Statement, Building Lifecycle Report; Site Statistics, Schedule of Accommodation and Housing Quality Assessment, Architectural Drawings, Photomontages, Daylight and Sunlight Assessment, Landscape Design Rational, Landscape Drawings, Statement of Screening for Appropriate Assessment, Ecological Impact Assessment, Construction Waste Management Plan, Noise Assessment, Operational Waste and Recycling Management Plan, Traffic and Transport Assessment and Travel Plan, Archaeological Impact Assessment Report, Arboricultural Assessment Report and Drawings, Drainage and Water Infrastructure Engineering Report, Site Specific Flood Assessment Report and Engineering Drawings.

6.2.2 Section 5(5)(b) of the Act of 2016 requires the submission of a statement that, in the prospective applicant's opinion, the proposal is consistent with both the relevant objectives of the development plan or local area plan concerned, and the relevant guidelines issued by the Minister under section 28 of the Act of 2000. This statement has been submitted, as required.

6.2.3 I have reviewed and considered all of the above-mentioned documents and drawings.

6.3 Planning Authority Submission

Dun Laoghaire Rathdown County Council

6.3.1 In compliance with section 6(4)(b) of the 2016 Act, the Planning Authority for the area in which the proposed development is located, Dun Laoghaire Rathdown County Council, submitted a copy of their section 247 consultations with the prospective applicant and also their opinion in relation to the proposal. These were received by An Bord Pleanála on the 2nd of September 2019. The Planning Authority's 'opinion' included the following matters.

Planning Department

- Note no objections to the principle of the development but that concerns remain in relation to the quantum of communal useable open space being provided, a lack of sufficient car parking, the potential for adverse impacts upon the County Brook Stream and connected ecological and hydrological sensitivities, particularly during the construction period and the omission of a crèche facility.
- Notes that a development of apartment blocks ranging from 4 to 6 storeys in height was previously permitted by Dun Laoghaire Rathdown Co. Co. on the site. Refer to the Building Heights Strategy and that section 3.3 'Public Transport Corridors' identifies the potential for allowing taller apartment schemes along the N11/M11 route. Considering the sites context and specifically its location along the M11 in conjunction with previously approved development, it is considered that a 4 storey development with upward modifiers of 2 storeys could be accommodated.
- The site is located 1.3km from Bray Town Centre and 5 minutes walk from two local bus stops. Having regard to the size of the site and its proximity to the urban centre of Bray, a higher density proposal is acceptable at this location. A density of 70.5 units per ha was previously granted on the site under Application Reference D09A/0004.
- Concerns regarding the delivery of amenity to residents, particularly accessibility (pedestrian and cycle routes on steep slopes) and the quantum of useable communal open space considering the sensitivities of the riparian habitat along the County Brook Scheme, including a lack of future planned use or management of this area. Concern regarding permeability through the site.
- Documentation regarding open space is unclear. It is stated that the southern portion of the lands adjacent to the river are proposed to be public open space and will be taken in charge by Wicklow County Council. However, a significant section of this land is within the administrative area of Dun Laoghaire Rathdown County Council and there are no agreements between the applicant and the Council in relation to the future use or management of this parcel of land. The areas identified for the purposes of communal open space are not practicably

usable for residential amenity due to site constraints and steep gradients. Also concerns regarding impact of human activity on the protected Salmonid waters.

- The proposed residential mix appears to accord with the Sustainable Urban Housing – Design Standards for New Apartments. The proposed apartments meet the minimum standards with regard to minimum floor areas and private open space in the form of balconies.
- It is not considered that the development will unduly impact existing residential amenity in terms of overlooking, overshadowing or overbearing.
- Concern regarding lack of crèche and advise that applicant consult with the Dun Laoghaire Rathdown Childcare Committee.
- Details of the areas of the site to be taken in charge and details of areas to be managed by a management company should be submitted at full application stage.
- Further clarity required in relation to finishes and design details.

Transportation Department

- Recommend a Quality Audit. Availability of continuous accessible routes for all users to be demonstrated.
- Consider an increase in car parking is necessary to meet the minimum requirements set out in the County Development Plan (154 spaces). Visitor parking to be indicated.
- Disabled parking to be provided and E parking spaces for 10 residential units.
- Insufficient cycle parking – 130 spaces to be provided. Double stacking cycle parking is not favoured.
- Provision of designated surface level visitor/drop off/collection and load/unloading parking spaces for the residential development are recommended.
- Shadow/glare analysis affecting the traffic on the M11 to be provided.

Drainage Department

- Request further detail on a number of specific technical issues.

Waste Management

- Notes general satisfaction with the Construction Waste Management Plan and the Operational Waste and Recycling Management Plan submitted but require some additional information on waste management, the waste compound, waste re-use and recycling management, hazardous waste, environmental management and waste storage areas design.

Parks and Landscape Services

- The application is absent of a detailed feasibility ground investigations report and survey from an experienced chartered GEO technical engineering firm to assess the safety risk factor level of development on this site.
- Confirmation required regarding soil stability and quality for dwelling construction and landscaping proposals along with any remedial soil works required, soil stability/slippage risk, soil volumes of cut and fill and removal off site, soil resettlement and displacement risk factors completed with qualified conclusions and recommendations from an experienced chartered GEO technical engineering firm.
- The application lacks detail in implications of any bird and animal life that use this site.
- Accuracy of topographical survey questioned.
- Communal open space falls short on play provision details for various age groups.

Supplementary Report

6.3.2 A supplementary report was received from Dun Laoghaire Rathdown County Council on the 3rd of September 2019. This specifically assesses the proposed SHD planning application in conjunction with the developing N11/M11 Scheme to ascertain if the proposed development may act as a constraint on the design or performance of the scheme. It is noted that the N11/M11 Scheme is currently at Phase 2 (Option Selection) and while the preferred option has not yet been determined, several feasible options have been identified which may impact on the site in question.

- 6.3.3 It is stated that the site of the proposed SHD coincides with one of the most deficient sections of the N11/M11 corridor, with traffic volumes significantly exceeding capacity and an existing alignment which is not compliant with current Transport Infrastructure Ireland (TII) Publications. Consequently, there is a demonstrable need to provide a solution and as one of the few remaining greenfield sites within this congested area of the N11/M11 corridor, the site has the potential to provide space for the consideration of options during Phase 2.
- 6.3.4 The lands contained within the proposed Love Lane SHD site may present a suitable location for a wide range of scheme related purposes. Lands bordering the existing M11 that are currently undeveloped, present viable locations for essential scheme elements such as new junctions, link and service roads, drainage attenuation and pollution control facilities, maintenance facilities, layby areas, construction site depot's, etc. The imposition on the N11/M11 Scheme of further constraints such as the proposed development, whilst options are still being investigated would be significant.
- 6.3.5 Any potential realignment of the existing M11 to the south, or the inclusion of any new side roads or service roads, may also impact on the proposed SHD site. Until all N11/M11 Scheme feasible options are developed and appraised and a final option is selected and designed in detail, the full extent of lands required by the N11/M11 Scheme cannot be fully defined and established.
- 6.3.6 The site's proximity to Junction 6 (Bray / Fassaroe) is significant, as the existing merges and diverges at this junction are substandard and have a direct impact on the capacity and operation of the mainline. The SHD site may be impacted by potential improvements associated with the existing operational issues at Junction 6.
- 6.3.7 Until such a time as the full extents and impacts of the N11/M11 Scheme are known and the potential for the N11/M11 Scheme to impact upon the Love Lane SHD site is understood, it is considered that any proposed development within this site is premature.

Wicklow County Council

6.3.8 In compliance with section 6(4)(b) of the 2016 Act the Planning Authority for the area in which the proposed development is located, Wicklow County Council, submitted a copy of their section 247 consultations with the prospective applicant and also their opinion in relation to the proposal. These were received by An Bord Pleanála on the 10th September 2019. The Planning Authority's 'opinion' included the following matters.

- The area within the administrative area of Wicklow County Council is to be used for open space which would accord with the zoning objective for the lands.
- Having regard to the location of the development within the Metropolitan Area, the provision of housing within this area would not be at variance with the settlement level identified for Bray.
- Childcare Capacity assessment would need to be updated. The comments of the Wicklow County Childcare Committee should be sought.
- Consider that the proposed development by virtue of its mass, scale and height will have a significant visual impact. The development will form a strident feature in the area and is likely to have impacts to a wider area. The PA is concerned that the development will have a negative visual impact on this approach road to Bray Town Centre. It is considered that the submitted visual assessment is limited in the number of views assessed.
- It is indicated that the public open space will be offered to be taken in charge by WCC. The PA does not consider this piece of land appropriate for taking in charge.
- Development in proximity to the N11/M11 is considered premature until such time as options for the upgrade of the route are finalised. The opinion of TII should be sought.
- Notwithstanding recent flood relief works, flooding has arisen to rear of the Eden Gate Centre and impacted on properties in this centre. There would be a requirement to show that the existing stream is suitable to cater for any proposed surface water discharges, and that the development itself will not

alter the existing surface water regime such that impacts are identified downstream.

Roads Section

- Love Lane is seriously deficient in terms of width, gradient, alignment and lighting. A new road alignment is required that would provide a minimum 5.5m wide road carriageway, a footpath and cycle track for the entire length along the western side of the road to ensure adequate sight lines along the road and at all entrances. Improvements to the junction of Love Lane and Upper Dargle Road are required.
- Concern regarding trip generation data. Supporting information required to demonstrate trip distribution split. Traffic counts should be undertaken to determine if the distributions are appropriate and realistic. A review of other junctions in the vicinity is required to demonstrate impact. In particular, no analysis was provided for the junction of Upper Dargle Road/Fassaroe. Stage 2 Road Safety Audit should be submitted.
- Consider that footpath facilities should be provided from the proposed uncontrolled crossing point on Love/Blind Lane to Upper Dargle Road on the west side of the road and along the Upper Dargle Road from the junction of Love /Blind Lane in a westerly direction to meet the existing footpaths in the area. Pedestrian facilities and improvement to footpaths in the area from the entrance heading northward to Hazelwood should be included to improve connectivity and safety.
- Lands should be made available if required to make provision of cycle facilities along the Upper Dargle Road to provide cycle facilities from Fassaroe to Bray.
- Appropriate public lighting should be provided on Love/Blind Lane and the junction of this lane with the Upper Dargle Road.

Municipal District Engineer

- A full geotechnical assessment is required to determine the stability of the bank over the County Brook and measures should be undertaken as part of the development to ensure that there is no increased risk of bank slippage, flood risk or damage to water quality of the County Brook during or post

development. A management plan shall be required for the maintenance of the County Brook to address flood risk.

- Any discharges should ensure that the status of the County Brook as a salmonid stream is protected.
- Measures for the management and control of invasive species should be implemented on the site.

6.4 Prescribed Bodies

Irish Water (19.08.2019)

- IW 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.

DAU (28.08.2019)

- The site is located in an area of high archaeological potential. Recommend that an Archaeological Impact Assessment is carried out. This should assess if any, the potential impact of the development on archaeological remains in the area.

6.5 Consultation Meeting

6.5.1 A section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 19th of September 2019. Representatives of the prospective applicant, the Planning Authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

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

1. Prematurity of the scheme having regard to the developing N11/M11 Scheme.
2. Density having regard to the location of the site and proximity to public transport connectivity.
3. Height, visual impact and finishes and materials.

4. Open space, landscaping and biodiversity.
5. Parking and access.
6. Crèche.
7. Drainage and flood risk.
8. Any other matters.

6.5.3 In relation to **prematurity of the scheme having regard to the developing**

N11/M11 scheme, An Bord Pleanála sought further elaboration/discussion/consideration of the following: the detailed report prepared by ARUP consulting engineers regarding the potential prematurity of the development pending the finalisation of the N11/M11 Junction 4 to Junction 14 Improvement Scheme.

6.5.4 In relation to **density** An Bord Pleanála sought further

elaboration/discussion/consideration of the following: the density proposed for the subject site having regard to its location removed from the town centre and relatively limited public transport connectivity in the vicinity.

6.5.5 In relation to **height, visual impact, finishes and materials**, An Bord Pleanála

sought further elaboration/discussion/consideration of the following: the architectural approach to the development and quality of the design having regard to the elevated nature of the site and its visibility; material and finishes including the appropriateness of render; the requirement for a visual impact assessment including more detailed photomontages from a variety of locations, landscape treatment and car parking layout, scale and bulk of development and the requirement for a site specific design response.

6.5.6 In relation to **open space, landscaping and biodiversity**, An Bord Pleanála sought

further elaboration/discussion/consideration of the following: the extent of public open space to serve the development and usability of same having regard to the topographical variation across the site; design of pedestrian links through the site and universal access; landscape strategy and treatment of public realm/car parking; extent of lands (if any) to be taken in charge; potential impacts to the County Brook Stream and the need for clarity regarding treatment of site/landscaping adjacent to

the County Brook Stream; concerns raised by Parks and Landscape Services Dun Laoghaire Rathdown Co. Co. and Wicklow Co. Co. regarding geotechnical analysis undertaken; design and treatment of noise attenuation wall; treatment of wall/boundary treatment along Love Lane/Blind Lane.

6.5.7 In relation to **parking and access**, An Bord Pleanála sought further elaboration/discussion/consideration of the following: the quantum of car parking proposed and the need to ensure a sustainable development; the concerns of Dun Laoghaire Rathdown County Council regarding the bicycle parking; the concerns of Wicklow Co. Co. regarding Love Lane/Blind Lane due to its deficiency in width, gradient, alignment and lighting and lack of appropriate footpaths and cycle facilities; the extent of works required to upgrade Love Lane/Blind Lane to a satisfactory standard and who would be responsible for the implementation and completion of such works; access arrangements to the site; the adequacy of the TIA and the need to address the specific concerns raised by WCC regarding trip generation and trip distribution figures and junction assessments.

6.5.8 In relation to the **crèche** An Bord Pleanála sought further elaboration/discussion/consideration of the following: the need for an accurate demand survey having regard to the comments from Dun Laoghaire Rathdown County Council and Wicklow Co. Co. including updated surveys. Dun Laoghaire Rathdown Childcare Committee and Wicklow County Council Childcare Committee to be consulted further.

6.5.9 In relation to **drainage and flood risk**, ABP representatives sought further elaboration/discussion/consideration regarding: the technical issues raised by Dun Laoghaire Rathdown County Council. The concerns of WCC regarding potential impacts to the County Brook from slope slippage.

6.5.10 In relation to **Any Other Matters**, ABP representatives sought further elaboration/discussion/consideration regarding: noise impacts; boundary treatment including the appropriateness of wooden post panels and long term maintenance.

6.5.11 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-305074-19'

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.

7.0 Conclusion and Recommendation

7.1 Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

7.2 I have examined all of the information and submissions before me including the documentation submitted by the prospective applicant, the submissions of the Planning Authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the s.28 Ministerial Guidelines, and local policy, via the statutory plans for the area.

7.3 Having regard to all of the above, I recommend that **further consideration and/or possible amendment** of the documents submitted are required at application stage in respect of the following elements:

- How the proposed development would be consistent with the delivery of the N11/M11 Junction 4 to Junction 14 Improvement Scheme;
- Architectural approach and visual impact;
- Layout of open space and landscaping treatment of lands adjacent to the County Brook Stream;
- Works to Love Lane/Blind Lane,

which are set out in the Recommended Opinion below.

7.4 Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **requires further consideration and amendment in order to constitute a reasonable basis for an application** under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

7.5 I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

8.0 Recommended Opinion

8.1 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.

8.2 Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála is of the opinion that the documentation submitted requires **further consideration and amendment** to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.

8.3 In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development:

1: N11/M11 Junction 4 to Junction 14 Improvement Scheme

Further consideration of documents as they relate to the compatibility of the development with the delivery of the N11/M11 Junction 4 to Junction 14 Improvement Scheme having regard to the detailed technical note submitted by Arup Consulting Engineers to An Bord Pleanála on the 3rd of September 2019. The applicant is advised to consult further with the Planning Authority/TII on this matter. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

2: Architectural Approach and Visual Impact

Further consideration of the documents as they relate to the development strategy for the site, in particular the architectural approach and the quality of the design. In this regard, the prospective applicant should satisfy themselves that the development strategy for the site as it relates to height, density, design, elevational treatment and materials and finishes provides the optimal architectural solution for this elevated and visible site. The proposed development shall have regard to inter alia, national policy including the National Planning Framework and Sustainable Urban Housing: Design Standards for New Apartments March 2018 and local planning policy, the sites context and locational attributes.

3: Open Space and Landscaping

Further consideration of the documents as they relate to the open space including the configuration of the layout as it relates to the creation of high quality, functional and amenable public open spaces with maximum surveillance, amenity and pedestrian connectivity should be given further consideration, particularly having regard to the topography of the site, the need to provide universal access and the need to have an inviting public realm that is not dominated by car parking. The need to appropriately address the area of the site adjacent to the County Brook Stream and protect the biodiversity of the site should also be given further consideration. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

4: Works to Love Lane/Blind Lane

Further consideration of the documents as they relate to provision of safe vehicular, pedestrian and cycle access from Blind Lane/Love Lane. The submitted documentation should clarify the extent of works to that road that would be part of the proposed development and specify whether any other works would be required to provide for safe vehicular, pedestrian and cyclist access along this road and who would be responsible for their implementation. Clarity should in particular be provided regarding how appropriate pedestrian connections to the wider area will be facilitated.

- 8.4 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 arising from this notification:

1. A detailed landscape plan to address the provision of appropriate communal open space within the development having regard to the topographical variation across the site. The plan should demonstrate:
 - (i) How pedestrian permeability and connectivity through the site will be achieved having regard to the principles of universal access;
 - (ii) Details of all proposed boundary treatments particularly along Love Lane/Blind Lane and the Upper Dargle Road;
 - (iii) Internal boundary treatment;
 - (iv) Proposals for hard and soft landscaping;
 - (v) Details of proposed cycle parking provision and design;
 - (vi) Trees to be retained and proposed protection measures;
 - (vii) Provision of appropriate play facilities for a range of age groups;
 - (viii) Areas to be taken in charge;
 - (ix) Details of any proposed pedestrian footpaths and connections and public lighting.

The landscape drawing and associated report should also detail measures to protect the County Brook Stream during the implementation of landscaping works.

2. A full geotechnical assessment to include a detailed assessment of the stability of the bank over the County Brook and measures to be undertaken to ensure no increase risk of bank slippage, flood risk or damage to the water quality of the County Brook during or post development.
3. A report that specifically addresses the proposed materials and finishes to the scheme including specific detailing of finishes, the treatment of balconies in the apartment buildings, landscaped areas, pathways, entrances and boundary treatment/s. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the development. The use of render is considered inappropriate at this location.

4. Landscape and Visual Impact Assessment with photomontages and 3D modelling. Photomontages/CGI's to include additional views from the M11, the Upper Dargle Road and Love Lane/Blind Lane.
 5. A detailed Quality Audit to include Road Safety Audit, Access Audit, Cycle Audit and Walking Audit.
 6. A Mobility Management Plan.
 7. A detailed schedule of accommodation which shall indicate compliance with relevant standards in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' 2018.
 8. Additional drainage details having regard to the report of the Drainage Division of the Planning Authority, as contained in submission received by An Bord Pleanála on the 2nd of September 2019 from Dun Laoghaire Rathdown County Council.
 9. Daylight and Sunlight Analysis.
 10. Childcare demand analysis and the likely demand for childcare places resulting from the proposed development.
 11. Archaeological Impact Assessment.
 12. A life cycle report shall be submitted in accordance with section 6.3 of the Sustainable Urban housing: Design Standards for New Apartments (2018). The report should have regard to the long term management and maintenance of the proposed development.
- 8.5 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. Minister for Culture, Heritage and the Gaeltacht
 5. Inland Fisheries Ireland

6. Dun Laoghaire Rathdown County 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.

Erika Casey

Senior Planning Inspector

23rd September 2019