



An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion**

ABP-305801-19

Strategic Housing Development	256 no. Build to Rent apartments and associated site works.
Location	Lands at Palmerstown Retail Park, Kennelsfort Road Lower, Palmerstown, Dublin 20.
Planning Authority	South Dublin County Council
Prospective Applicant	Randelswood Holdings Ltd.
Date of Consultation Meeting	11th December 2019
Date of Site Inspection	29th November 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 development site with a stated area of 1.2708 ha is located approximately 6 km from the city centre. The site is located at the junction of Kennelsfort Road Lower and the Chapelizod Bypass (R148), with extensive frontage onto this road. There are existing units such as furniture and car sales units on the site which are visible from the R-148 that it is proposed to demolish. To the west of the site, is a Circle K petrol filling station and to the north west are further commercial and light industrial units, including a steel works unit. To the north and east is residential development accessed off the Old Lucan Road and Rose View. Access to the site is currently via the Kennelsfort Road Lower in close proximity to the junction with the R-148.

2.2. Palmerstown village itself is typically low rise with buildings generally two storey in height. The main concentration of commercial uses is along Kennelsfort Road where the site is accessed from. Aldi is also accessed off the Old Lucan Road, to the west of the site. There is a turning circle at the western end of the Lucan Road (cul-de-sac). Waterstown Park, which is has been subject to a Special Amenity Area Order, is located c. 500m north of the development site.

2.3 There is a notable absence of pedestrian crossings in Palmerstown Village with a single crossing at the junction of Kennelstown Road and the R-148. There is a foot bridge immediately adjacent the B & B which provides a crossing route to the other side of the R-148. Bus stops are located along Old Kennelsfort Road and in close proximity to either side of the footbridge along the R-148. There is a QBC located along the Chapelizod Bypass, c. 100 metres from the site. This QBC forms part of the BusConnects proposals.

3.0 Proposed Strategic Housing Development

3.1 The proposed SHD development which comprises the following:

- Demolition of all existing structures on site.
- Construction of 256 no. build to rent residential apartments in 4 no. apartment blocks ranging from 3 to 8 storeys over basement in height consisting of 118 no. 1 bed units (46%) and 137 no. 2 bed units (54%) with private terraces/balconies.
- 4 no. communal roof gardens.
- Ancillary residential amenity facilities including a gym (120 sq. m.), a meeting room (60 sq. m.), a concierge/management office (58 sq. m.), a games rooms 54 sq. m, a meeting room (35 sq. m.), cinema (40 sq. m.) and residents lounge (59 sq. m.).
- A basement consisting of a plant room, bin stores, car parking spaces, motorcycle spaces, bicycle spaces, car parking spaces and bicycle spaces at surface level.
- 1 no. ESB substation.
- Upgrades and modifications to existing vehicular and pedestrian access onto Kennelsfort Road Lower; utilisation of existing vehicular and pedestrian access via Palmerstown Business Park onto Old Lucan Road.
- Landscaping including upgrades to public realm; public lighting; boundary treatments and all associated engineering and site works necessary to facilitate development.

Development Parameters

Parameter	Site Proposal
Site Area	1.2708ha
No. of Residential Units	256 (25 Part V)
Residential Amenity/Support Facilities	Meeting Room: 60 sq. m. Gym: 120 sq. m. Reception: 58 sq. m. Residential Lobby: 59 sq. m.

	Meeting Room: 35 sq. m. Cinema: 40 sq. m. Games: 54 sq. m. Total: 426 sq. m.
Public and Semi Private Open Space	2,101 sq. m.
Car Parking	172 plus 2 car share (167 basement and 5 surface)
Bike Parking	270
Density	201 units per ha
Plot Ratio	1.6
Site Coverage	30%
Dual Aspect	94%

4.0 **Planning History**

4.1 There have been a number of previous applications pertaining to the site which can be summarised as follows:

Application Ref. No. SD09A/0021 / PL.06S.234178

4.2 There is an extant permission for a mixed-use development including retail, offices, 102 residential units, 220 bed aparthotel, café/restaurant, library and health centre and on the site. Permission extended until May 2020 under reg. ref. SD09A/0021/EP.

An Bord Pleanála Reference ABP 302521-18

4.3 Permission refused by the Board in December 2018 for a Strategic Housing Development comprising the construction of a residential mixed use development of 303 no. apartments (26 no. studios, 125 no. 1 beds, 133 no. 2 beds and 19 no. 3 beds) with a crèche facility, a gym, a community/sports hall, a concierge office and a community room in 2 no. blocks. The reasons for refusal were as follows:

1. *It is considered that the proposed design strategy as it relates to scale, mass and orientation of structures on the site does not provide an appropriate design solution having regard to the site's locational context along the R-148 regional road and to the established character and pattern of residential development along the northern boundary which is located within an existing traditional village setting. It is considered that the arrangement and overall design of the scheme is monolithic and repetitive with unsympathetic proportions relative to the character of the properties located to the north, and would represent over-development of this site. Furthermore, the proposed development would have an overbearing and overshadowing impact on the existing residential amenities of the properties to the northern boundary, particularly numbers 4 and 5 Roseview. The proposed development would be contrary to the National Planning Framework and Ministerial Guidelines, which promote innovative and qualitative design solutions, and would seriously injure the amenities of property in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*
2. *The proposed development would be self-contained with a single access and egress point onto Kennelsfort Road Lower. It is considered that the layout of the proposed development provides limited opportunities to facilitate potential future access to the rear gardens of the houses to the north, or for future connectivity (pedestrian, cyclist and vehicular) to the lands to the west of the application site. The proposed development is, therefore, premature pending the preparation of a master plan for the subject site and adjoining industrial sites that addresses connectivity and permeability for all road users, and to permit the development of this site, as proposed, would prejudice the future redevelopment of adjoining lands in a comprehensive fashion.*
3. *It is considered that the traffic generated by the proposed development of 303 residential units and the provision of a single vehicular access/egress point at the junction of Kennelsfort Road Lower and the R-148 regional road, would endanger public safety by reason of traffic hazard from increased traffic movements and would lead to conflict between road users, that is, pedestrians, cyclists and vehicular traffic. Furthermore, the proposal for a pedestrian and cycle route through an existing industrial/commercial area, which appears to be*

in private ownership, is inappropriate and would militate against the creation of an attractive pedestrian environment. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

4. *The location of the public and semi-private open space along the frontage of the R-148 regional road, which is heavily trafficked, would compromise the use and enjoyment of this area by future residents. It is also considered that, by reason of the design, bulk and massing of Block A, a number of the single aspect one-bed units within this block would have a poor aspect, with limited penetration of daylight and sunlight. The proposed development would, therefore, seriously injure the residential amenities of future occupants and would be contrary to the proper planning and sustainable development of the area.*
5. *The Board is not satisfied that adequate information has been provided to demonstrate that there is adequate capacity in the existing surface water network to cater for the proposed development. In the absence of the required information, the Board is not satisfied that the storm water outflow arising from the development can be limited such that it would be in accordance with the requirements of Greater Dublin Regional Code of Practice for Drainage Work (Volume 2 New Development version 6.0) or that the site, when developed, can be adequately and sustainably drained so as not to result in any significant environmental effects on the quality of the receiving water, the River Liffey, as a result of the potential increased discharges or such as to give rise to a risk of flooding. The proposed development would, therefore, be contrary to the proper planning and sustainable development.*

- 4.4 There were a number of notes attached to the Boards Direction as follows:

Note 1. *In making its decision, the Board had regard to the Urban Development and Building Heights Guidelines for Planning Authorities, issued on 7th December 2018. In this context, the Board decided not to include refusal reason number 1, as recommended in the South Dublin County Council Chief Executive's Report, as this relates to objectives of the South Dublin County Development Plan which set specific limitations on building height on the subject site (and adjoining lands).*

Note 2. *In including reason number 2, the Board had regard to the Urban Development and Building Heights Guidelines for Planning Authorities, and in particular paragraph 2.11 of these Guidelines, which refer to the need to prepare master plans for areas that have the potential for comprehensive urban development or redevelopment, and where assessment of movement, public realm, design and other issues are best addressed at a neighbourhood level rather than at an individual site scale.*

Note 3. *In including reason number 3, the Board did not consider that the trip generation predictions for the development were convincing, and was of the view that the selection parameters and filtering selection chosen for the model used in the submitted Traffic and Transport Assessment were inappropriate, and were not properly representative of the location and circumstances of the site. In addition, the Board noted the planning history of this site, which provided for entry only at the location of the proposed access, with exit for vehicular traffic onto the old Lucan Road, and considered that the proposed traffic arrangements, with the sole egress as well as access adjoining the junction of Kennelsfort Road Lower and the R-148, would be unacceptable.*

5.0 National and Local Planning Policy

Section 28 Ministerial Guidelines

5.1 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 S.28 Ministerial Guidelines are:

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

National Planning Framework

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

South Dublin County Development Plan 2016-2022

5.3 The relevant statutory plan for the area is the South Dublin County Development Plan 2016-2022. The site is zoned Objective VC: *To protect, improve and provide for the future development of Village Centres*. The site is also subject to Specific Local Objective UC6 SLO:1 and a non-specific junction proposal at the junction of Kennelsfort Road Lower/Upper with the New Lucan Road.

5.4 Specific Local Objective UC6 SLO:1 states:

‘To preserve the character of Palmerstown Village by limiting any future development on the former Vincent Byrne site to three storeys in height, and two storeys where it backs or sides onto adjoining two storey housing.’

5.5 Table 1.1 of the CDP sets out the settlement hierarchy for South Dublin. Palmerstown is identified as an area for “consolidation within the gateway”. The plan sets out that there is no significant road, water supply or drainage constraints. Proposed high capacity transport projects would increase capacity of zoned lands.

5.6 Core Strategy Policy 1 Consolidation Areas within the Gateway sets out that “*it is the policy of the Council to promote the consolidation and sustainable intensification of development to the east of the M50 and south of the River Dodder*”.

5.7 Housing (H) Policy 7 Urban Design in Residential Developments sets out broad design policies for new development. H7 Objective 4 states: “*that any future development of both residential and/or commercial developments in Palmerstown Village and the greater Palmerstown Area shall not be higher than or in excess of three stories in height.*”

5.8 The Liffey Valley Special Amenity Area Order 1990 (SAAO) and proposed Natural Heritage Area associated with the Liffey Valley are located to the north of the site.

5.9 There is a six-year cycle network programme, the Liffey Valley Greenway seeks a link between Lucan and Palmerstown (from Leixlip to Heuston Station).

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 submission 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: Application Form, Cover Letter, Photomontages, Sunlight and Daylight Analysis Report, Archaeology Report, Natura 2000 Appropriate Assessment Screening Report, Part V Calculations and Indicative Costings, Confirmation of Feasibility, Planning Report, Material Contravention Statement, Statement of Consistency with Planning Policy, Childcare Provision Assessment Report, Community and Social Infrastructure Report, Architectural Drawings, Architectural/Urban Design Statement, Landscape Drawings, Landscape Report Housing Quality Assessment, Engineering Drawings Traffic and Transport Assessment Report, Flood Risk Assessment Report, Infrastructure Report, Correspondence to South Dublin Co. Co. including SDCC Pre Planning Minutes.

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. These

statements have been submitted, as required. The applicant's case is summarised as follows:

- National Policy and Guidelines – reference is made to key national policy and guidelines including inter alia, Project Ireland 2040: The National Planning Framework, Rebuilding Ireland, An Action Plan for Housing and Homelessness 2016. The development is in accordance with the principles of the NPF and in line with Government guidance and evolving trends for sustainable development in urban areas. The development is located in a strategic location in close proximity to Dublin's City Centre. It involves the redevelopment of a brownfield site, will support the rejuvenation of the area and will provide the population needed to facilitate economic growth of the surrounding environs. The development provides high density, sustainable residential development which will promote compact urban growth.
- It is submitted that the apartments on the subject site will help Government to achieve the objectives of the Housing Action Plan. 10% of the total units are also proposed for social housing
- With regard to the Sustainable Residential Development in Urban Areas and Best Practice Urban Design Guidelines 2009, the design of the proposed development has placed considerable emphasis on the context of the site and location as well as the surrounding built environment. The proposal successfully incorporates the criteria of the 'Urban Design Manual'. The development has been carefully and appropriately designed, giving full consideration to its neighbouring properties and would integrate successfully with its environs.
- The planning application is accompanied by an Architectural/Urban Design Statement and a Housing Quality Assessment document which demonstrate the consistency of the proposal with the relevant standards in the Quality Housing for Sustainable Communities document and the SDCC Development Plan 2016-2022.
- The proposed development complies with the Special Planning Policy Requirements (SPPRs) of the recently adopted Sustainable Urban Housing: Design Standards for New Apartments. The proposal will help meet the current demand for apartment type developments.

- With regard to the Childcare Guidelines, the BTR nature of the scheme does not generate the same childcare requirements as a standard apartment scheme. A Childcare Provision Assessment Report is submitted which demonstrates that there is sufficient capacity within the area to cater for the development.
- The transport drawings and documentation provide further details in respect of the compliance of the proposed development with the provision of DMURS. A specific statement of compliance with regard to DMURS has been included with the Traffic and Transportation Assessment.
- The proposed development is considered consistent with the requirements of the 'Urban Development and Building Heights Guidelines for Planning Authorities' 2018. It is considered that the site is well served by public transport and is suitable for increased density and height.
- It is considered that the proposed development complies with Smarter Travel: A Sustainable Transport Future. The subject site is strategically located within 100 metres walking distance of a bus stop which is located on a QBC from Lucan into Dublin City Centre i.e. Bus Stop No. 2241 on R148 (old N4) Chapelizod Bypass.
- With regard to EIA Directive, it is submitted that there will be no likely significant effects on the environment arising from the proposed development. It is considered that EIA is not required for the project.
- With regard to AA the proposed development has been screened and a report for Screening for Appropriate Assessment has been prepared. It is concluded that there will be no negative impact on the qualifying interests or species of any Natura 2000 sites within a 15km radius of the proposed development.
- In accordance with the Flood Risk Guidelines, consulting engineers carried out a flood risk assessment. Records and flood mapping show the site is not subject to coastal or fluvial flooding. The site is located in Flood Zone C. There is a risk of pluvial flooding due to the high percentage of site being hardstanding and, therefore, generating a large volume of runoff which cannot enter the sewers. However, the site will be developed and carefully managed for surface water runoff and attenuation will be in place to cater for the 1 in 100

year rainfall event. Residual food risk will be managed through the use of emergency plans and evacuation procedures.

- The development has taken into consideration the Climate Action Plan 2019 and the measures included within the design of the development to reduce carbon emissions in line with the requirements of the Action Plan.
- Regional Planning Guidelines for the GDA – The site is located within the Metropolitan Area of the GDA which is targeted for increased development particularly lands that are readily accessible by public transport and roads infrastructure. The site is strategically located within 100m of a bus stop which is located on a QBC from Lucan into Dublin City Centre.
- With regard to the Transport Strategy for the GDA, it is submitted that the proposal seeks to redevelop an underutilised brownfield site within walking distance of a QBC and is considered an appropriate form of development.
- With regard to local policy, reference is made to the overarching considerations of the South Dublin County Development Plan 2016-2022. It is set out that a key consideration for the site is the recent Census data which identifies an aging population and stagnant/falling population which presents a serious risk for the viability of services and facilities into the future. Palmerstown has a stagnant, declining population and the proposal will provide an injection of population into the area ensuring the viability and vitality of services and facilities within Palmerstown into the future.
- The proposed development will provide for a high-quality residential development with complementary land uses on what is an underutilised brownfield site in a highly accessible location which is well served by public transport and within the M50 ring and as such, is consistent with the core strategy objectives and the housing strategy objectives of the development plan.
- With regard to the Sustainable Neighbourhood Objectives contained in the CDP, it is set out that the proposal will promote higher density development that is immediately adjacent to a QBC. The proposed density of the site is 201 units per hectare in excess of the 50 units advocated in national guidelines. The proposed blocks range in height from 3 to 8 storeys and provides a gradual change in height fronting onto Kennelsfort Road Lower in order to respect the

surrounding established character. The site represents a strategic, landmark location which has the capacity to provide a high-quality architecturally designed gateway development on one's approach into Dublin City. It is, therefore, concluded that the proposed development is consistent with the policies and objectives of the Development Plan.

- The design and layout of the development is such that it provides a high-quality living environment for residents and visitors to the scheme. The proposal includes the use of high quality, durable external materials and finishes for the development and the proposed landscaping for the development has been designed to ensure high-quality amenity spaces for the residents. The proposal provides for additional complementary uses such as playground, gym etc.
- It is submitted that the proposed amenity spaces benefit from passive surveillance from the proposed units. Private amenity space such as balconies and terraces have also been designed in accordance with quantitative and qualitative standards and have appropriate privacy and security. The development will be fitted with CCTV systems for the security and safety of residents. Appropriate separation distances have been provided between apartment buildings to ensure privacy without compromising internal residential amenity of the apartments.
- With regard to Urban Centres and Village Centres and the relevant policies and objectives, it is stated that the proposal will create a new, sustainable community which will integrate with Palmerstown Village centre and revitalise the area through the introduction of residential units with associated complementary land-uses.
- With regard to the land use objective the proposal is considered permitted in principle and is considered consistent with the objectives of the village centre zoning designation. Details of compliance with Chapter 11 Implementation are outlined in a table format.
- With regard to the Specific Objectives, namely UC6 SLO1, Housing Policy 7 and H7 Objective 4, regarding the preservation of the character of the area and limitation of development on the site to three storeys in height, it is submitted that these objectives are a direct contravention of national policy which

promotes increased densities at well served urban sites and discourages general blanket height standards in certain urban areas such as the subject site.

- It is submitted that the proposed building heights ranging from 3 to 8 storeys is in line with Government guidance and evolving trends for sustainable residential developments in urban areas. The proposal is considered to be in accordance with SPPR 1 and 3 of the Urban Development and Building Height Guidelines.

6.2.3 Having regard to the planning history of the site and previous reasons for refusal pertaining to application reference PL06S.302521, the applicants have set out how the previous reasons for refusal have been overcome. These can be summarised as follows:

- 4 distinct buildings have now been designed which complement each other through the use of contemporary architectural features and high quality materials and finishes. It is submitted that the scale, mass and orientation of the proposed buildings now provide an appropriate design solution for the site having regard to the site's locational context along the R148 regional road and to the established character and pattern of residential development along the northern boundary which is located within the existing traditional village setting of Palmerstown.
- The newly designed scheme is respectful of adjoining properties such that there will be no adverse overbearing or overshadowing impacts. The scheme also addresses the issues surrounding the landscape of the previous SHD application in that the design and orientation of the apartment blocks now provides the opportunity to create larger pockets of high quality, useable and enjoyable open space areas for residents which are sheltered from the road yet receive sufficient natural light throughout the day.
- The layout provides for future connectivity opportunities, particularly to the northern side of the subject site at the back of the existing residential dwellings and the adjoining lands. The accessibility and permeability of the site has been improved. The existing vehicular access from Kennelsfort Road is to be

modified and upgraded. The secondary entrance from the Old Lucan Road will also allow residents to enter and exit from this junction.

- The issue regarding adequate capacity in the existing surface water network has been resolved.

6.3 Planning Authority Submission

6.3.1 A submission was received by An Bord Pleanála on the 26th of November 2019 from South Dublin Council. The 'opinion' of the Planning Authority included, inter alia, the following:

- It is the opinion of the PA that the principle of residential development on the proposed lands accords with the zoning and settlement strategy in the Development Plan subject to meeting the detailed policies and objectives relating to proper planning and sustainable development. Given the site's location within a consolidation area, an increased density at this location is acceptable but subject to the quality, layout and design of the overall proposal.
- The indicative masterplan and revised site layout facilitates future connectivity to the adjoining back gardens to the north and to the commercial and retail areas to the north and west.
- Consider the proposal in the context of the criteria set out in the Building Height Guidelines and notes that the 3 storey element does have regard to the site context and proximity to 2 storey housing, building lines and associated rear gardens and that this element is an improvement on the current site and on the previous refusal. While the blocks have been broken up, the spaces between them are limited and when travelling along the R148, the visual assessment would suggest a monolithic appearance on approach. The full length of built form from Block A to Block D is c. 185 m. This is exacerbated by the proposed heights across the blocks at this prominent location.
- The proposed heights, particularly the 3 blocks of 7 and 8 storeys, in close spaced alignment are monolithic and not considered to enhance or integrate into the existing village context of the site. Furthermore, the heights would set a precedent for further development to the west, potentially negatively increasing the visual impact and massing of the development along the R148.

Further consideration needs to be given to the blocks particularly as the proposed layout and design impacts on future residential amenity.

- Proposed 1 and 2 bed apartments contribute to a wider mix of housing types within the Palmerstown area. There is no mixed use proposed, this may be acceptable having regard to the proximity to the village mixed uses adjacent.
- The applicant must address the issues of noise and air pollution through design. A noise impact and air quality assessment should be submitted as part of any planning application and it should be demonstrated how the layout has been informed by the results of the assessment.
- It is noted that the applicant has indicated that 94% of the units are dual aspect. The proposed development contains what are considered single aspect units that are north facing and a number that are east facing only and in relatively close proximity, approximately 11m, to another element of the block in the case of Block A. The ratio of single aspect/north facing units must clearly demonstrate that the requirements of the Apartment Guidelines have been met.
- In terms of the location of both terraces and various open spaces provided, greater clarity needs to be provided on how the orientation and height of the blocks vis a vis the open space would not have a negative impact on the amenity of those spaces which are all to the north of the blocks. Relatively narrow spaces between the blocks also appears to put these spaces in shadow even in summer after 4pm when more residents are likely to be home to use them. It must be sufficiently demonstrated that the spaces as proposed would afford good quality. There is potential for windy and dark tunnel effects through a microclimate created by the proximity of the blocks to each other.
- Some overshadowing impact still occurs to internal space at houses on Rose View and this should be taken into consideration as part of the analysis of appropriate heights.
- It is noted that some units, while stated to be within acceptable limits, are impacted by being in close proximity to opposing blocks due to their orientation or both. This needs to be reconsidered, in particular the 11m distance between elements of Block A which would have particular impact on east facing units. It is noted that some balconies are accessed from a bedroom, this is not

considered optimal except where other balconies are provided. The apartments need to be designed to ensure adequate sunlight and daylight and improve visual outlook.

- The use of high quality materials and colours will be critical to the success of the proposed development. The partial insertion of balconies within the blocks along the R148 is welcomed and will avoid a visually jarring protrusion of balconies at this location as well as improving their amenity. Detailed consideration should be given to balcony design. A more solid detail should be considered for the balcony railings such as opaque glass.
- The location of the communal facilities is quiet remote from the blocks to the west. Further consideration should be given to the layout and location of the communal facilities. Further analysis regarding the need for a crèche facility should be provided.
- Further clarity required regarding waste management, particularly to Block C. An Operational Waste Management Plan is required. Clarity required as whether bin lorries are expected to collect within the basement area or on the public road.
- 2 access points are welcomed but concern is expressed at the lack of a footpath on the Old Lucan Road access given its narrow carriageway (5m wide) and its use by HGV's accessing the industrial estate. Public lighting provision is also a concern given that this access is part of a right of way and not in the ownership of the applicants. Clarity needs to be provided as to how road maintenance will be carried out. A Taking in Charge drawing is required to show how future access to the spine road from surrounding lands will be facilitated.
- From a masterplanning perspective, it would be helpful to understand any further impacts on the Kennelsfort Road/Old Lucan Road junction should further development arise as a result of the access afforded by this development. It is not clear if the current wayleave would facilitate use by other development.

- There is car parking on both sides of the access road to the Old Lucan Road. It is not clear how the proposed access route would impact on existing parking provision.
- The parking provision of 172 spaces equating to 0.67 spaces/unit is considered acceptable given the proximity to a high capacity and regular bus service along a proposed BusConnects route.
- Boundary treatment along the N4 needs to be carefully considered. Along the northern boundary, proposed trees should be integrated into the wide footpath to the south of the internal road to break up the hard landscape.
- Concerns regarding the layout of the buildings and the impact on the public realm and the quality of the open space given their orientation in relation to the buildings.
- A clear definition of the interface between the curtilage of private, semi private and public open space is required and defensive strips should be clearly defined at the interface with private amenity space. Consider that public plaza at Kennelsfort Road would be better as a semi private area attached to the communal facilities on Block A. Given its location and size, it is insufficiently functional as a public plaza.
- Concern regarding the microclimatic effects by the tall buildings. Layout should be reviewed to create wider gaps between the buildings and reduce tunnelling effect and allow for more light from the south. Overshadowing of the proposed terraces is also raised as an issue.
- Detailed comments regarding play facilities, planting, SuDS, public lighting etc.
- Greater detail required regarding SuDS as proposals appear quiet generic. Applicant should provide drawings showing a cross sectional detail of each SuDS feature as part of a fully considered SuDS strategy.
- Applicant indicates that further investigation will be undertaken regarding the stream flowing through the site. Prior to any application, this investigation should have been undertaken and inform the layout and strategy for the site.
- A number of pipes are required to be relocated through the site. The landscape/planting plan should be overlaid with the proposed or existing

underground infrastructure and these two plans should relate to each other to ensure viability.

- The applicant has not submitted a detailed breakdown of each surface area type and their corresponding run off coefficients. The applicant should submit a report that shows a detailed breakdown of each surface area type such as roads, paths, building roofs, green roofs, permeable paving and grassed area for the proposed site. Site specific soil tests should be carried out to verify the soil type for the site and to determine whether the SuDS features can be designed to promote infiltration of surface water run off to ground. Detailed comments re: surface water drainage measures.
- Construction Management Plan and Waste Management Plan should clearly outline the quantum of truck movements proposed, the quantum of excavation for the basement and the location for the extracted solid and demolition waste. Traffic impact of proposed truck movements and mitigation measures to avoid excessive movement at peak hours on the R148 should be provided.
- Regarding bats, best practice measures should be implemented given the potential of three of the buildings to support roosting bats.

6.4 Prescribed Bodies

Response from Irish Water

- Irish Water issued a Confirmation of Feasibility for the development of 303 residential units in August 2018 subject to the following:
 - In advance of submitting a full application to An Bord Pleanála for assessment, the applicant is required to have reviewed this development with Irish Water and received a Statement of Design Acceptance in relation to the layout of water and wastewater services.
 - The applicant was also advised that the development will require the diversion of an existing Irish Water owned Foul Water sewer. Entering into a diversion agreement to complete these works will form one of the conditions of any connection offer issued. To facilitate the timely issue and execution of a diversion agreement the applicant has been advised to engage with Irish Water as soon as possible.

6.5 Consultation Meeting

6.5.1 A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 11th December 2019, commencing at 2.30 PM. 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 advance and contained the following issues:

1. **Development Strategy and Architectural Approach:** including height, massing and scale of development; open space, landscaping and public realm; materials and finishes.
2. **Residential Amenity:** quality of residential units; daylight/sunlight and overshadowing; community facilities.
3. **Traffic, Access and Pedestrian/Cycle Permeability**
4. **Drainage**
5. **Any other matters.**

6.5.3 In relation to **Development Strategy** for the site: An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- The planning history of the site and how previous reasons for refusal particularly in relation to the scale, mass and design of the development had been overcome.
- The concerns of the PA regarding the height, modulation and separation distances between blocks and their monolithic appearance when viewed along the R148.
- The quality of the proposed open spaces and public realm particularly in terms of overshadowing, wind tunnel effects and the standard of amenity.
- The configuration of Block A particularly in relation to its interface with the public realm and access to basement car park.
- Landscaping proposals, boundary treatment and detailed comments from the Parks Department.

- Functionality and treatment of public plaza at Kennelsfort Road.
- Finishes and materials and importance of durable and quality materials at such a prominent location along a main road and close to the village centre.

6.5.4 In relation to **Residential Amenity** for the site: An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- The sunlight and daylight assessment and residential amenity of the apartments, particularly in Block A.
- The separation distances between blocks; extent of dual aspect units; single aspect and north facing units.
- The quality of internal courtyard in Block A.
- The amenity of units fronting onto terraces.
- Balconies located off bedrooms as opposed to principle living area.
- Noise impacts from R148.
- The impact of the apartment blocks in terms of overshadowing, daylight and sunlight to properties at Rose View, particularly Block C.

6.5.5 In relation to **Traffic and Access and Pedestrian/Cycle Permeability**: ABP sought further elaboration/discussion/consideration of the following:

- Revised access arrangements to the site.
- The deliverability of the link through the site to the Old Lucan Road for vehicles, pedestrians and cyclists.
- The lack of ownership over right of way and implications for provision of appropriate, high quality pedestrian and cyclist facilities including footpaths and public lighting.
- The assumptions underpinning the TIA assessment.
- Car parking provision in the context of the apartment guidelines and SPPR 8.

6.5.6 In relation to **Drainage**: ABP sought further elaboration/discussion/consideration on:

- The previous reason for refusal by the Board regarding the capacity of the existing surface water drainage system and how this would be addressed.

- Presence of stream on the site and update on investigation works carried out.
- Detailed design of SuDS measures.
- Technical comments from the Drainage Department particular with regard to surface water calculation and soil tests.

6.5.7 In relation to **Other Matters**: ABP representatives suggested:

- That there should be consistency between all documents/information submitted with any application.
- Noted procedural requirements of build-to-rent scheme etc. in respect of public notices and draft legal agreements/covenants.
- Waste management arrangements and the need for clarity regarding storage and collection of bins.
- Lack of a childcare facility on site and further justification of same.
- Quality and location of residential support facilities and amenities.

6.5.8 Both the prospective applicant and the Planning Authority were given an opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting 305801' 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 I have examined all of the information and submissions before me including the documentation submitted by the prospective applicant, the submissions of the Planning Authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the s.28 Ministerial Guidelines, and local policy, via the statutory plan for the area.

7.2 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:

- Development strategy.
- Residential amenity.

- Pedestrian/ cyclist permeability and car parking.
- Drainage.

details of which are set out in the Recommended Opinion below.

- 7.3 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.
- 7.4 I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.
- 8.0 **Recommended Opinion**
- 8.1 An Bord Pleanála refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.
- 8.2 Following consideration of the issues raised during the consultation process, and having regard to the opinion of the Planning Authority, An Bord Pleanála is of the opinion that the documentation submitted requires **further consideration and amendment** to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.
- 8.3 In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could

result in them constituting a reasonable basis for an application for strategic housing development:

1. Development Strategy

Further consideration and/or justification of the documents as they relate to:

- The alignment, scale, massing and articulation of blocks, particularly when viewed along the R148. In this regard, the prospective applicant should satisfy themselves that the design strategy provides for the optimal architectural response to the site. The proposed development shall have regard to inter alia, national policy including the 12 criteria set out in the Urban Design Manual which accompanies the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009.
- The design, depth, and disposition of the blocks, particularly of Block A and in its interface with the public realm, proximity to the basement ramp and the amenity of internal units.
- Block C in terms of its impacts to the residential properties to the north and interface with public open space.
- The quality of the proposed open spaces and public realm particularly in terms of overshadowing, wind tunnel effects and the standard of amenity.
 - The landscaping proposals; details of boundary treatment; treatment of public plaza at Kennelsfort Road.
 - Finishes and materials and treatment of balconies along the R148.

The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage.

2. Residential Amenity

Further consideration and/or justification of the documents as they relate to:

- Clarity regarding the extent of dual aspect units and extent of north facing single aspect units.
- The internal amenity of apartments in terms of sunlight and daylight penetration, particularly Block A.
- The potential impact of the development on the residential amenities of properties to the north, notably 4 and 5 Roseview.

- Amenity of residential units fronting onto terraces and units not served by balconies from the principle living area.
- Quality and location of residential support facilities and amenities having regard to the fact that it is a proposed BTR development;

The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage.

3. Pedestrian/Cyclist Permeability and Car Parking

Further consideration and/or justification of the documents as they relate to:

- Quality of public realm and particularly future pedestrian and cyclist connections through to the Lucan Road. Clarity should be provided regarding any upgrade works proposed to the right of way including public lighting. In the absence of appropriate pedestrian and cyclist connections, full justification for the proposed through route should be provided including an assessment of traffic safety.
- Extent of car parking having regard to the guidance set out under SPPR 8.

The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage.

4. Drainage

Further consideration and/or justification of the documents as they relate to:

- Clarity regarding presence of culverted stream on the site and whether this requires diversion to facilitate the development.
- Detailed assessment of the surface water attenuation volumes required to facilitate the development.
- Site specific soil tests and whether SuDs measures can be designed to promote infiltration and surface water run off to ground.
- Detailed SuDS design.
- Response to the technical requirements of the Water Services Department of South Dublin County Council as detailed in their report dated the 14th of November 2019.

The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage.

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:

1. Full and complete analysis and drawings that detail the impact of the proposed development on the residential amenity of existing residents in relation to daylighting, overshadowing and overlooking. Specific attention should be paid to proposed accommodation and interactions with existing development to the north along Rose View.
2. An architectural report accompanied by photomontages of the proposed development should outline the design rationale for the proposed building height, scale and massing including detail on the design iterations considered. Photomontage images from a number of key approach roads to the development site and from the Liffey Valley Special Amenity Area Order should be provided.
3. A phasing plan for the proposed development.
4. A site layout plan showing which, if any, areas are to be taken in charge by the Planning Authority.
5. A report that specifically addresses the proposed materials and finishes of the proposed structures including specific detailing of finishes and frontages including the maintenance of same. The treatment/screening of exposed areas of basement ramps should also be addressed. 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 overall development. The documents should also have regard to the long term management and maintenance of the proposed development.
6. Landscaping proposals including an overall landscaping masterplan for the development site. Details pertaining to the quantity, type and location of all proposed hard and soft landscaping including details of play equipment, street

furniture including public lighting and boundary treatments should be submitted. The plan should provide full clarity regarding the areas of private, semi-private and public open space and should indicate clearly how the interface between the curtilage of private and public open space is defined. Where apartment units front onto public open space/terraces, appropriate screening and planting should be provided.

7. A report which addresses the provision, both qualitative and quantitative, of resident support facilities and resident service and amenity areas within the overall scheme and on a block by block basis, having regard to both Section 5 (sections 5.1-5.12) and SPPR 7 & SPPR 8 of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, March 2018.
8. Proposals for the management and operation of the proposed development as a 'Build-to-Rent' scheme in accordance with Specific Planning Policy Requirement No. 7 of the 2018 Guidelines on Design Standards for New Apartments, including detailed proposals for the provision and management of support facilities, services and amenities for residents. A Building Lifecycle Report in accordance with section 6.13 of the guidelines should also be submitted. The plan shall also address the management and maintenance of public spaces and access to the development.
9. A proposed covenant or legal agreement further to which appropriate planning conditions may be attached to any grant of permission to ensure that the development remains in use as Build- to-Rent accommodation, and which imposes a requirement that the development remains owned and operated by an institutional entity and that similarly no individual units are sold or rented separately. The proposed agreement shall be suitable to form the basis for an agreement under section 47 of the Planning Act between the Planning Authority and the owner of the site and it shall bind the owner and any successors in title for a minimum period of at least 15 years.
10. A Housing Quality Assessment which provides the details regarding the proposed apartments set out in the schedule of accommodation, as well as the calculations and tables required to demonstrate the compliance of those details

with the various requirements of the 2018 Guidelines on Design Standards for New Apartments including its specific planning policy requirements. Full clarity on the extent of actual dual aspect units and number of north facing single aspect units should be provided.

11. Childcare demand analysis and likely demand for childcare places resulting from the proposed development, if any.
12. A detailed Quality Audit to include Road Safety Audit, Access Audit, Cycle Audit and Walking Audit. A Mobility Management Plan.
13. Noise Impact Assessment.
14. Operational Waste Management Plan.
15. Microclimate Study.

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. Transport Infrastructure Ireland
2. National Transport Authority
3. Irish Water
4. Irish Aviation Authority and Department of Defence (Casement Aerodrome)
5. Dublin Airport Authority
6. South Dublin County Council Childcare Committee.

PLEASE NOTE:

8.6 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

19th December 2019