



An
Bord
Pleanála

S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report ABP-307089-20

Strategic Housing Development

164 no. residential units (104 no. houses, 60 no. apartments), creche and associated works.

Location

Cookstown, Cookstown Road,
Enniskerry

Planning Authority

Wicklow County Council

Perspective Applicant

Cairn Homes Properties Limited

Date of Consultation Meeting

09th July 2020

Date of Site Inspection

03rd June 2020

Inspector

Rónán O'Connor

Contents

1.0 Introduction	3
2.0 Site Location and Description	3
3.0 Proposed Strategic Housing Development	3
4.0 Planning History.....	4
5.0 National and Local Planning Policy.....	4
6.0 Forming of the Opinion	7
7.0 Conclusion and Recommendation	11
8.0 Recommended Opinion	12

1.0 Introduction

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

2.0 Site Location and Description

- 2.1.1. The subject lands are located on the south eastern side of Enniskerry, approximately 1km from the village centre. The lands are situated to southern side of the L1020 and to the east of the R760.
- 2.1.2. The lands are currently in agricultural use and are bounded to the north by existing residential development in Enniskerry Demesne. The Powerscourt National School is to the west of the site. A number of standalone houses also exist in the vicinity, to the east and south. The Dargle River runs approximately 130m to the south of the site at its closest point.

3.0 Proposed Strategic Housing Development

- 3.1. The construction of 164 no. dwellings consisting of:
 - A) 104 no. 2 storey houses (47 no. 3 bedroom houses [House Types B,B1, & C] and 57 no. 4 bedroom houses [House Types A,A1,D, E & E1]);
 - B) 56 no. apartments/duplex apartments in 4 no. 3 storey blocks – (28 no. 2 bedroom dwellings and 28 no. 3 bedroom dwellings) all apartment units to have balcony or terrace;
 - C) 4 no. 1 bedroom Maisonette dwellings in a 2 storey building;
 - D) Single storey creche with a 2 storey element of c. 500 sq. m;

- E) Open space along southern boundary of c. 0.92 hectares [with connections to 'Lover's Lane' to the south and to boundary to the east], hard and soft landscaping (including public lighting) and open space (including boundary treatment), communal open space for duplex apartments; regrading/re-profiling of site where required [including import/export of soil as required] along with bicycle/bin stores;
- F) Vehicular access from the Cookstown Road;
- G) Surface water attenuation measures and underground attenuation systems as well as connection to water supply, drainage and provision of local pumping station to Irish Water specifications;
- H) All ancillary site development/construction works all on a site of c. 6.27 hectares.

4.0 Planning History

Subject Lands

Planning Reg. Ref. 14/1704 (An Bord Pleanála Ref: PL 27.246401)

Grant permission for 26 no. dwelling units on a site of c. 2.75 hectares.

Adjoining Site

Planning Reg. Ref. 19/871

Grant permission 27 no. dwellings, with access from the R760.

5.0 National and Local Planning Policy

5.1. National Planning Framework

5.2. The NPF Chapter 6 is entitled 'People, Homes and Communities'. A number of key policy objectives are noted as follows:

- National Policy Objective 33 seeks to "prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location".
- National Policy Objective 35 seeks "to increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing

buildings, infill development schemes, area or site-based regeneration and increased building heights”.

- National Planning Objective 13 provides that “in urban areas, planning and related standards, including, in particular, 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”.

5.3. Section 28 Ministerial Guidelines

The following is a list of section 28 Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

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

5.4. Development Plan

Wicklow County Development Plan 2016-2022

- 5.4.1. The core strategy designates Enniskerry as a small growth town with a projected population of 2,302 persons in 2022, with an increase in its housing stock from 642 in 2011 to 887 in 2022. The plan includes a town plan for Enniskerry which has now been superseded by the Bray Municipal District Plan 2018-2014.

- 5.4.2. Schedule 10.14 of the CDP outlines the Views of Special Amenity Value or Special Interest, which includes view no. 7 “From Cookstown Road” described as “View towards the Great Sugarloaf Mountain.” The views are illustrated on Map no. 10.14.

Bray Municipal District Plan 2018-2024

- 5.4.3. This plan includes Enniskerry within its area. Chapter 3 deals with residential development with Policy R1 requiring all housing development accord with County Plan requirements. Enniskerry specific housing objectives are R6 and R7 which state that maximum size of any single housing estate should be 60 units and that a full range of unit sizes including 1- and 2-bedroom units shall be provided in all new housing areas with no more than 50% of the units in any development having more than 3 bedrooms or 125m² of floor area.
- 5.4.4. The subject lands are zoned, R10 New Residential, R20 New Residential, OS1 Open Space and CE Community and Education. A density of 10 and 20 dwellings-per-hectare (dph) is noted for the R10 and R20 residential-zoned lands.
- 5.4.5. The R20 zoning in the LAP seeks:
“To protect, provide and improve residential amenities at a density up to 20 units/ha.”
- 5.4.6. The R10 zoning in the LAP seeks:
“To protect, provide and improve residential amenities at a lower density not exceeding 10 units/ha.”
- 5.4.7. OS1: Open Space To protect and enhance existing and provide for recreational open space.
“To facilitate the further development and improvement of existing parks and casual play areas, to facilitate opportunities for the development of new high quality amenity open areas and to restrict developments / activities (such as the use or development of such lands for formal sports grounds for organisations that are not available for a broad range of the public) that would reduce the opportunities for use by the wider public.”
- 5.4.8. CE: Community & Education To provide for civic, community and educational facilities.
“To facilitate the development of necessary community, health, religious, educational, social and civic infrastructure.”

5.4.9. The site comprises approximately half of the Area Action Plan 3 (AA3) area. This Action Area Plan is located south of the town centre, in the townland of Cookstown. This action area plan measures c. 9.4ha. This action area plan shall be developed as a residential, open space and community space in accordance with the following criteria:

- A maximum of 105 housing units may be provided in this action area, with density not exceeding 10/ha on the lands zoned R10, and the remainder may be developed at a higher density but not exceeding 20/ha.
- A minimum area of 0.4ha shall be provided for voluntary / sheltered housing, of a type to be agreed with the Local Authority, as part of any Part V obligations under the Wicklow Housing Strategy. Permission will not be considered for private housing until sufficient progress has been made on this element.
- Access to the site shall be from local road LP-1020.
- A public park of a minimum of 2ha shall be established along the full southern and western boundaries of the action area, which shall comprise an amenity walk area along the existing tree lined field boundaries connecting through the development to regional road R760 (Enniskerry – Kilmacanogue) and to the existing pedestrian route along the Dargle. In light of the provision of such an amenity space, the incidental open space required to be interspersed throughout the residential area may be reduced to 7.5% of the total zoned residential area.
- Any development shall be so designed to maintain maximum views of the Sugarloaf from Cookstown Road.

6.0 Forming of the Opinion

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.

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. I have had regard to same.

6.3. Statement of Consistency

- 6.3.1. 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 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. Section 5(6) states that where the proposed strategic housing development would materially contravene the development plan or local area plan, as the case may be, other than in relation to the zoning of the land, then the statement provided for the purposes of subsection (5)(b)(i) shall indicate why, in the prospective applicant's opinion, permission should nonetheless be granted, having regard to a consideration specified in section 37(2)(b) of the Act of 2000. These statements have been submitted, as required, and I have had regard to same.

6.4. Planning Authority Submission

- 6.4.1. A response was received from the planning authority which is summarised as follows:
- No Action Area Plan has been agreed for Action Area 3 Cookstown.
 - Lack of an Agreed Action Area Plan does not prohibit the applicant from making an application for permission for a SHD development.
 - It should be demonstrated that the proposal would not undermine the achievement of the overall objectives for that Action Area and would contribute to its 'pro-rata' share of the public infrastructure and facilities.
 - Proposed development, in conjunction with the development approved under PRR19/871 deliver a total of 191 units within the action area. This would equate to c40.5% of the required housing stock for the settlement.
 - The quantum of residential development proposed would be in line with the future needs of the settlement.

- The 191 units proposed on both sites is 86 units in excess of what is envisaged for the lands.
- To fulfill the requirements of the Action Area, a minimum of 0.4ha is to be provided for voluntary/sheltered housing.
- Applications proposal of 16 no. units, on an estimated land take of 0.13ha is not sufficient to fulfill criteria.
- The quantum of development proposed would exceed the permitted density and would therefore contravene the zoning objectives for the area.
- PA is not satisfied that the provision of a privately owned commercial crèche facility on the lands zoned Community and Education would accord with the zoning objective.
- Lands zoned Community and Education should be retained to facilitate the future expansion of the adjoining school or for other uses under the zoning objective.
- Proposed development would materially contravene the zoning objectives for the area.
- The proposed scheme should be designed to ensure a high level of connectivity and permeability.
- A layout plan showing the proposed development in context with the development permitted on the adjoining lands to the west should be submitted with any application.
- The scheme should be revised to include for the provision of bungalows in accordance with objective HD15.
- Public park should tie in with the permitted park lands to the west.
- Public open space exceeds standards.
- All open spaces should be suitably designed/landscaped to ensure usability, having regard to gradient/cross-sections should be provided/suitable boundary treatment should be provided.
- An assessment of the development on the junction of the Cookstown Road and R760 should be undertaken.

- Concerns raised by the Municipal District Engineer in his report dated 14/04/20 should be addressed.
- Concerns regarding the provision of an additional pumping station/rising main to serve this development should be addressed.
- Applicant should demonstrate that the pumping of effluent as proposed is the optimum solution for this development in terms of practicality of sustainability.
- Where the pumping station is shown to be required it should be designed to cater for the catchment area and not just the proposed development.
- Applicants should ensure that the Part V proposal is in line with Wicklow's County Council Part V policy and the units offered meet the guidelines in terms of floor area as set out in Quality Housing for Sustainable Communities.

6.5. **Response from Prescribed Bodies**

Irish Water

- Irish Water had issued a Confirmation of Feasibility for this development for 312 residential units.
- In respect of wastewater it is noted that connection to the wastewater network is feasible. The proposed decommissioning of the existing pump station and connection to the new proposed pump station is acceptable. Delivery of the pump station will be by Irish Water and funded by the developer. Details of the pump station shall be finalised at connection stage.
- In respect of water it is noted that connection to the water network is feasible.

6.6. **Consultation Meeting**

- 6.6.1. A Section 5 Consultation meeting took place via Microsoft Teams on the 03rd July 2020, commencing at 09:30. 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.
- 6.6.2. 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. Principle of Development (incl zoning//Action Area Plan 3 Criteria)

2. Design (inc layout/site topography/impact on views/units types etc)
3. Residential Standards/Residential Amenity
4. Transport including compliance with DMURS/required upgrades/permeability
5. Trees/Ecology/Ecological Screening
6. 6. Site services
7. Any Other Matters

6.6.3. 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 307089-20' which is on file.

6.6.4. 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

7.1.1. 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.

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

7.1.3. Having regard to all of the above and to the preliminary nature of the submitted documentation, I recommend that further consideration and/or possible amendment of the documents submitted are required at application stage in respect of the following elements – Local Development Plan Policy; Vehicular/Cyclist/Pedestrian Movements; Interface with Cookstown Road.

7.1.4. 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.

- 7.1.5. 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 will need to be addressed in the documents submitted to which section 5 (5) of the Act of 2016 relates that could result in the constituting a reasonable basis for an application for strategic housing.

Vehicular/Cyclist/Pedestrian Movements

Further consideration of movement (pedestrian, cyclist and vehicular) within and through the development site, and to Enniskerry, and in particular the need for

additional/upgraded pedestrian links, and how pedestrian movements will be facilitated in a safe manner across the Cookstown Road, as well as the potential need for road widening to facilitate the development.

Internally, further consideration of the provisions of the Design Manual for Urban Roads and Streets (DMURS) is required, and how the proposed layout and urban design response, including the arrangement of parking spaces, will contribute to the creation of attractive and safe streetscapes. Consideration should be given to the ease of pedestrian movements through the site, in particularly at key crossing points. Connections and permeability to the adjoining to the west and to the public park to the south should also be detailed.

Particular regard should be had to the comments contained within the Engineer's Report dated 14/04/2020, and to comments contained with the Transport Report dated 01/05/2020, as submitted with the Planning Authority's Opinion.

Further consideration of these issues may require amendment to the documents and/or design proposals submitted.

Interface with the Cookstown Road

The prospective applicant should provide further justification and/or detail in relation to the proposed interface with the Cookstown Road, having regard to the apparent level differences from the road to the site, and the potential need for retaining walls. The applicant should provide detailed elevations/cross-sections/photomontages and CGI's showing this interface.

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

Specific Information

- 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. Additional details and/or revised proposals in relation to site services, having regard to comments contained within the Engineer's Report dated 14/02/2020, as

submitted with the Planning Authority's Opinion, as relates to surface and foul water proposals.

2. A report that addresses issues of residential amenity (both existing residents of nearby development and future occupants), specifically with regards to daylight/sunlight analysis, overlooking, overshadowing, overbearing and noise. The report shall include full and complete drawings including levels and cross-sections showing the relationship between the proposed development and nearby residential development.
3. Additional CGIs/visualisations/3D modelling.
4. A report that specifically addresses the proposed materials and finishes of buildings, landscaped areas and any screening/boundary treatment. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinct character for the development
5. A plan of the proposed open space within the site clearly delineating public, communal and private spaces.
6. Waste Management Details.
7. Site Specific Construction and Demolition Waste Management Plan.

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. The Department of Culture, Heritage and the Gaeltacht
3. The Heritage Council
4. An Taisce
5. Inland Fisheries Ireland
6. Transport Infrastructure Ireland
7. National Transport Authority

8. The Wicklow 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.

Rónán O'Connor

Senior Planning Inspector

01st September 2020