



An  
Bord  
Pleanála

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

### **Inspector's Report on Recommended Opinion ABP-307348-20**

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<b>Strategic Housing Development</b>	Construction of 100 residential units (31 no. houses and 69 no. apartments) and associated site works.
<b>Location</b>	Blackglen Road, Sandyford, Dublin 18.
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Prospective Applicant</b>	Heronbrook Properties Ltd.
<b>Date of Consultation Meeting</b>	27 <sup>h</sup> October 2020.
<b>Date of Site Inspection</b>	14 <sup>th</sup> October 2020.
<b>Inspector</b>	Daire McDevitt

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## **1.0 Introduction**

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

## **2.0 Site Location and Description**

- 2.1.** The site is located on the southern side of Blackglen road c. 260m west of Lambs Corner. It is c.1.4km from Sandyford village, c.2.5km from Sandyford Business Park which is located on the eastern side of the M50. J14 (M50) is c.1.4km east of the site. Lambs corner is the intersection of Blackglen Road, Sandyford Road and the Enniskerry Road. The National Sports and Science Centre and Fitzsimons Woods (a proposed Natural Heritage Area) are located to the north of the site, across Blackglen Road.
- 2.2.** The site is at a transitional location within the urban area of Dublin at the foothills of the Dublin mountains. Blackglen Road at present while retaining a rural character has been earmarked for road improvements (Part 8) and zoned residential. It is characterised by single storey cottages to the west of the site and single and storey and a half dwellings to the east. Slate Cabin Lane, a minor road, forms the southern boundary and is characterised by larger dwellings on individual plots.
- 2.3.** Lands to the east of Lambs Cross are characterised by low density suburban housing. There is recent medium density housing to the south east (Atkin's Village and Belarmine) that forms part of the Stepside growth node.
- 2.4.** The site, with a stated area of 1.918 hectares, is overgrown and contains an uninhabited house in a state of disrepair. A stream runs along the southern boundary parallel to Slate Cabin Lane. The site has c.111m of road frontage along Blackglen

Road where the vehicular access is proposed and c. 59m of road frontage along Slate Cabin Lane where a pedestrian/cyclist access is proposed.

- 2.5. There is no cycle or pedestrian infrastructure along this section of Blackglen Road or Slate Cabin Lane. Blackglen Road improvements (Part 8) include pedestrian and cycle infrastructure. Lands to the south are zoned 'B' rural amenity and agriculture.

### 3.0 Proposed Strategic Housing Development

- 3.1. Construction of 100 residential units (31 no. houses and 69 no. apartments) and associated site works.

- 3.2. Key Details:

Site Area	1.918 hectares
Proposed Development	69 no. apartments (of which 15 are Duplex) 31 no. houses TOTAL: 100 units.
Density	52 uph (Gross). 64 uph if the area of open space under the powerlines is excluded.
Height	Apartment blocks (4 storeys)
Public Open Space	Area No. 1 (618sq.m) Area No. 2 (2092sq.m) Area No. 3 (864sq.m) TOTAL: 3574sq.m (c.19%)
Communal Open Space	Podium (1409sq.m)
Dual Aspect (apartments)	37 units (54%)
Parking	162 no. car parking spaces (0.5 spaces per unit) 131 no. bicycle spaces (111 long stay & 20 short stay) 6 no. motorcycle spaces
Part V	11 units (4 no. 2 bed Aprt, 1 no. 1 bed Aprt, 1 no. 2 bed Duplex & 1 no. 3 bed Duplex)
Access	Off Blackglen Road

- 3.3. Housing Mix

Type	1 bed	2 bed	3 bed	4 bed
Apartment (54)	8	38	8	-
Duplex (15)	-	5	10	-
House (31)	-	9	5	17

Unit Size	No. of Units	% of total No. of Units
1 Bed	8	8
2 Bed	52	52
3 Bed	23	23
4 Bed	17	17
TOTAL	100	100

3.4. Vehicular access is proposed from Blackglen Road and a pedestrian connection to Slate Cabin Lane.

## 4.0 Planning History

### Site

**PA Ref. D05A/1029 (ABP PI.06D.216070)** refers to a decision to refuse permission for the demolition of derelict house and construction of 75 residential units (mix of houses and apartments) for reasons relating to 1) deficiency of road network, in particular lack of continuous public footpath along Blackglen Road and 2) the apartment block would be out of character with the pattern of development in the vicinity.

### To the East:

**PA Ref. D17A/1003 / ABP-302954-18:** Permission granted for residential development consisting of the demolition of an existing dwelling and sheds and for the construction of 67 no. apartments in 3 no. blocks of three storeys plus penthouse level on a 1.09 ha site.

### Lambs Cross:

**PA Ref. D10A/0302:** Permission refused for demolition of existing dwelling and garage and construction of a housing scheme containing 13 dwellings (12 no. 4 bed semi-

detached 3 storey units and 1 no. 4 bed detached 3 storey unit). The site relates to the residential property at the northern section of the SHD pre-application site. The reasons for refusal related to (1) design quality and (2) deficiencies in the road network.

**PA Ref. D08A/0325 / ABP Ref. PL06D.229526:** Permission refused for demolition of existing dwelling and garage and construction of an apartment scheme containing 48 dwellings over 3 no. blocks of 3-4 storeys. The site relates to the residential property at the northern section of the SHD pre-application site. The reasons for refusal related to (1) the design, scale, bulk, height, density and massing of the development, (2) deficiencies in the road network (3) deficiencies in the foul sewerage network, and (4) the standard of amenity for future occupants.

**PA Ref. D06A/0988:** Permission granted for a dwelling on the southern section of the site.

**PA Ref. D04A/0325 / ABP Ref. PL06D.207769:** Permission refused for 32 no. apartments and 4 no. retail units on the southern section of the site. The reasons for refusal related to (1) contravention of open space zoning, (2) access and parking layout, (3) design.

#### SHD Applications:

**ABP 306471-20** Sector 3, Aiken's Village. Townland of Woodside, Stepside, D18. This refers to a n April 2020 decision to refuse permission for 444 residential units and childcare facility in 9 no. blocks (2 to 8 storeys) and associated site works for the following reason:

- 1. Having regard to the existing deficiency in the provision of adequate wastewater infrastructure serving the subject site and the lack of certainty in relation to the wastewater network capacity to accommodate the proposed development without increasing the risk of flooding, it is considered that the proposed development would be premature by reference to the existing deficiencies in the provision of wastewater facilities and the period within which this constraint may reasonably be expected to cease. The proposed development would, therefore, be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.*

2. *The “Urban Design Manual – a Best Practice Guide” issued by the Department of the Environment, Heritage and Local Government in 2009, to accompany the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas includes key criteria such as connections and inclusivity. At the neighbourhood level it is considered that the proposed development has failed to successfully address the criteria of connections and inclusivity. The arrangement of apartment blocks and the position of Blocks E and K, in particular, decreases the availability of attractive routes in and out of the development for pedestrians and cyclists. The main central area described as public open space is not readily accessible with Blocks E and K presenting an unnecessary physical and visual barrier to the space, which is considered would be seriously injurious to the residential amenities of future occupants and contrary to the provisions of the “Urban Design Manual – a Best Practice Guide” and to Policy UD 1 – Urban Design Principles of the Dún Laoghaire Rathdown County Development Plan 2016-2022.*

*The positioning of apartment blocks also results in sub-optimal separation distances between some blocks and fails to ensure high quality living environments for some apartment units that rely on single aspect and, as such, would be contrary to the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of the Housing, Planning and Local Government in March 2018 with regard to living spaces that should provide for direct sunlight for some part of the day has not been met satisfactorily.*

*The proposed development would, therefore, seriously injure the residential amenities of future occupants, would be contrary to these Ministerial Guidelines and would be contrary to the proper planning and sustainable development of the area.*

## **5.0 Section 247 Consultation(s) with Planning Authority**

5.1. The applicant’s representatives met the PA for a consultation under Section 247 of the Planning and Development Act 2000 (as amended) on 10<sup>th</sup> September 2019. Details of the meeting are included with the submitted documentation.

## **6.0 Policy Context**

### **6.1. National**

#### **Project Ireland 2040 – National Planning Framework**

The National Planning Framework is a high-level strategic plan shaping the future growth and development of Ireland to 2040. The NPF includes 75 no. National Policy Objectives. The following objectives are of note:

- Objective 3a: To deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.
- Objective 3b: To deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.
- Objective 4: To ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- Objective 27: To ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages.
- Objective 33: To prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- Objective 35: To increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

#### **Section 28 Ministerial Guidelines**

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submission 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 Manual for Urban Roads and Streets.
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018).
- Urban Development and Building Heights – Guidelines for Planning Authorities, (2018).
- Childcare Facilities – Guidelines for Planning Authorities.

## 6.2. Regional

### **Regional Spatial Economic Strategy for the Eastern and Midland Region 2019-2031 (RSES).**

This identifies regional assets, opportunities and pressures and provides appropriate policy responses in the form of Regional Policy Objectives. It provides a framework for investment to better manage spatial planning and economic development throughout the region.

The RSES including the Dublin Metropolitan Area Strategic Plan (MASP) was adopted on the 3<sup>rd</sup> of May 2019.

## 6.3. Local

### **Dún Laoghaire-Rathdown County Development Plan 2016-2022**

The Dun Laoghaire Rathdown Development Plan 2016 – 2022 is the operative development plan.

- The site is zoned 'A' with an objective 'to protect and / or improve residential amenity'.
- Development Plan Map 5 indicates a proposed Quality Bus Corridor along the Enniskerry Road (R117) to the east of the site. Blackglen Road is listed as a Six Year Road Objective in Table 2.2.5 of the CDP. Fitzsimons Wood to the north is identified as a proposed NHA.

- Barnacullia Landscape Character Area
- Chapter 2 Sustainable Communities Strategy, includes policies which seek to increase housing supply, ensure an appropriate mix, type and range of housing and promote the development of balanced sustainable communities. Relevant policies include RES3 promoting higher residential densities in line with national policy whilst ensuring a balance between density and the reasonable protection of residential amenities and established character. Section 2.1.3.3 states that densities of greater than 50 units per hectare will be encouraged within c. 1 km of public transport nodes. RES7 encourages the provision of a wide variety of housing and apartment types and RES8 seeks provision of social housing. RES14 seeks to ensure that community and neighbourhood facilities are provided in conjunction with, and as an integral component of, major new residential development. RES15 promotes an 'urban village' design approach in new development growth nodes. Section 2.2 sets out policies in relation to sustainable land use and travel. ST2 and ST11 relate to the integration of land use and transportation, ST19/20 relate to travel demand management and travel plans and ST27 relates to traffic and transport assessment and road safety audits.
- Chapter 4 'Green Infrastructure' sets out policy in relation to open space and recreation including OSR5 in relation to public open space provision and OSR14 in relation to play facilities.
- Chapter 5 'Physical Infrastructure Strategy' sets out policy in relation to (inter alia) water supply and wastewater, waste management, pollution, climate change, energy efficiency, renewable energy and flood risk.
- Chapter 8 'Principles of Development' contains the urban design policies and principles for development including public realm design, building heights strategy, car parking. Section 8.2 sets out Development Management Standards for (inter alia) Residential Development (8.2.3), Sustainable Travel and Transport (Section 8.2.4); Open Space and Recreation (Section 8.2.8), Environmental Management (8.2.9), Climate Change Adaption and Energy (8.2.10) and Community Support Facilities (Section 8.2.12).

## **7.0 Forming of the Opinion**

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.

### **7.1. Documentation Submitted**

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, completed Pre-Application application form, letter to DLR, Confirmation of Feasibility from Irish Water, Confirmation of Design Acceptance form Irish Water (November 2019), Part V proposals, Correspondence form DLRCC regarding Part V, Pre-Planning Application report which included Statement of Consistency, Description of Possible Effects on the Environment and EIAR Screening, Architectural Drawings & drawing register, Housing Quality Assessment, Schedule of Accommodation, Architectural Design Statement, CAD file of redline boundary, Transport Statement, Infrastructure Design Report, Site Specific Flood Risk Assessment, Statement of Consistency with DMURS, Engineering Drawings and drawing register, Landscape Report & Outline Landscape Specifications, Landscape Masterplan, Boundary Treatment Plan, Arboricultural Assessment, Tree Survey-Constraints Plan, Tree Removal-Retention, Screening for Appropriate Assessment, Ecological Impact Assessment, Draft Landscape and Visual Impact Assessment, Solar Analysis Report.

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.

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

## 7.2. Planning Authority Submission

A submission was received by An Bord Pleanála from Dun Laoghaire Rathdown County Council on 18<sup>th</sup> August 2020. The ‘opinion’ of the planning authority included, inter alia, the following:

- The subject site is in an area zoned ‘A’, where the objective is ‘To protect and or improve residential amenity’. Under this zoning, residential development is permitted in principle. The site adjoins, to the south, across Slate Cabin Lane, lands with the zoning objectives ‘B’: ‘To protect and improve rural amenity and to provide for the development of agriculture.’ Therefore, the relevant considerations set out in Section 8.3.2 of the 2016-2022 Development Plan regarding Transitional Zone Areas are applicable. In particular, regard must be had to ensure that the rural character and amenity of B lands is protected.
- The existing Blackglen Road is sub-standard in width and alignment and has no footpaths or cycle tracks. Similarly, Slate Cabin Lane to the south is a substandard rural road with no cycling or pedestrian infrastructure.
- Whilst the Blackglen Road Improvement Scheme benefits from a live Part 8 permission and is included in the current Council’s Capital Programme 2019-2021, at this point in time there is no clarity as to when construction will commence. Previous indicative timeframes published by DLRCC outlined the objective to publish the tendering process in summer 2020 and commence construction in autumn, winter 2020. However, those plans are currently under revision. On mid-July the Council’s Corporate Governance Board gave approval for notices to treat to be served. Approval is still needed from the CGB for the budget to proceed to construction stage. At this stage there is no clarity when construction will commence. It is the Planning Authority’s position to consider development along Blackglen Road premature pending the construction of the Roads Improvement Scheme on grounds of public safety by reason of traffic hazard, in particular for vulnerable users. Thus, the proposed development is not considered to be in accordance with the proper planning and sustainable development of the area.
- The Planning Authority concurs with the Applicant in that the landscape buffer underneath the ESB lines, which forms part of the Public Open Space 2; and

3, should be excluded. However, the Planning Authority considers that the balance public open space areas comprise incidental open space and landscape and, therefore, should be included when calculating the net density of the subject scheme.

- The Planning Authority has serious concerns about the residential amenity of the houses that encroach on the ESB wayleave. All residential buildings should be removed from the ESB wayleave.
- A further connection with lands to the west from the south portion of the site would be desirable.
- Slate Cabin Lane to the south is a substandard rural road with no cycling or pedestrian infrastructure. It is considered that as part of the proposed development pedestrian infrastructure along Slate Cabin Lane should be provided.
- More detail is also required relating to the interface between the proposed houses fronting onto Slate Cabin Lane and the existing stream / ditch at this location.
- The Planning Authority has serious concerns about the potential impacts on the residential amenity and the development potential of No. 146 to the west. In accordance with the Development Plan, the Applicant is requested to provide a distance of at least 11m between Block A and the site boundary to the west in order to protect the amenity of dwellings in the vicinity.
- Concerns raised in relation to the private amenity space for a number of units, the proposed podium and the quality of open space proposed.
- Lack of evidence to justify not providing a childcare facility.
- A reduction in car parking provision is not justified given the location and context of the site.
- Need to address issues raised by the Transportation Planning Division and the Drainage Division.

- Reference to ABP refusal for SHD at Aiken’s Village in 2020 and the reasons for refusal which apply here relating to the deficiencies in the receiving foul sewer system.
- A Bat Survey is required.

PA Conclusion:

Currently there exists a serious deficiency in the road network serving the area, in particular the lack of a continuous footpath along Blackglen Road, between the site and Lamb’s Cross. The development is considered premature pending the construction of the Roads Improvement Scheme on grounds of public safety by reason of traffic hazard, in particular for vulnerable users.

The following requires further consideration and should be addressed:

Removal of residential buildings from the ESB wayleave, Taking in charge details, linkages to adjoining lands Pedestrian and cyclist infrastructure, Additional CGIs and impact on Barnacullia Landscape Character Area. , Set back form boundaries, Clarify if balconies proposed to western elevation of the apartment block, Layout and set back of communal open space, Private open space provision, Provision of at least 50% dual aspect, Clarify Floor to ceiling heights, Public Open Space (quantum and quality), Provide Childcare, Justify tree removal on site, clarify if trees are to be removed outside the red line boundary, justify the proposed Car Parking Strategy, bicycle parking to comply with the Development Plan and s.28 Guidelines, address the issues raised in the report from the Transportation Section, Address the issues raised in the report from the Drainage Section,

### **7.3. Other Submissions**

#### **Irish Water (16<sup>th</sup> July 2020)**

Irish Water issued a Confirmation of Feasibility for ta development for 120 residential units for connection tot eh public water and wastewater infrastructure subject to:

Wastewater:

In order to complete the connection, the Irish Water network will have to be extended for approximately 340 m. Irish Water currently does not have any plans to extend or commence upgrade works to its network in this area. Should the applicant wish to

progress with the connection, the extension works fee will be calculated and be a part of Irish Water connection offer for the Development. The upgrade will be delivered by Irish Water understands that the extension will be within the public realm, however any potential third party consent which maybe required is the responsibility of the applicant to ensure the permissions are in obtained.

The applicant has been advised of a 150 mm ID concrete sewer in close proximity North of site boundary. The applicant is required to engage with Irish Waters Diversions section in respect of a survey of the site to determine the exact location of the infrastructure. Any trial investigations should be carried out with the agreement and in the presence of an IW and or LA Inspector.

In order to ensure appropriate access, maintenance and protection of this asset evidence of adherence to separation distances in accordance with the Irish Water Codes of Practice and Standard Details and evidence of confirmation of diversion feasibility where any diversion is required should be in place with Irish Water in advance of progressing to SHD application. A wayleave maybe required in favour of Irish Water over any infrastructure that is not within the public lands.

Water:

Connection to the public water network can be facilitated without upgrade.

All development is to be carried out in compliance with Irish Waters Standards Codes and Practices and any proposals by the applicant to build over or divert existing water or wastewater services shall be submitted to Irish Water for written approval prior to works commencing.

#### **7.4. Consultation Meeting**

A Section 5 Consultation meeting took place Remotely Via Microsoft Teams on the 27<sup>th</sup> October 2020, commencing at 14:30. Representatives of the prospective applicant, the planning authority and An Bord Pleanála participated in the meeting. An agenda was issued by An Bord Pleanála prior to the meeting.

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. Traffic & Transportation (Access, Connectivity, Car Parking Strategy)
2. Drainage (PA & Irish Water Submission)
3. Design Strategy (design and layout)
4. Residential Amenities (existing and proposed)
5. Childcare
6. Any Other Business.

In relation to **Traffic & Transportation** An Bord Pleanála sought further elaboration / discussion in relation to:

- the capacity of the existing road network
- the status of the Blackglen Road improvements
- Rationale for car parking provision and strategy
- Connectivity and access to public transport.

In relation to **drainage**, An Bord Pleanála sought further elaboration / discussion in relation to:

- the issues raised in the submission received from the PA Drainage Section
- the issues raised in the submission received from the Irish Water.
- Flood Risk Assessment.

In relation to the **Design Strategy**, An Bord Pleanála sought further elaboration / discussion / consideration in relation to:

- Clarify if houses are impinging on ESB wayleave.
- Review the south east corner rear gardens, houses appear to be missing private amenity space.
- Issues raised by the PAs Parks and Landscaping Services.
- Cottages to the west, clarify if there are balconies on the western elevation facing the cottages.
- links to adjoining lands.
- Connections to the wider area
- treatment of the link to Slate Cabin Lane.



- Interface with Slate Cabin Lane and Blackglen Road
- treatment of the stream along the southern boundary

In relation to **Residential Amenities**, An Bord Pleanála sought further elaboration / discussion in relation:

- the impacts on the amenity of the existing / residential units on adjacent sites (potential for overlooking and overshadowing)
- the quality of residential amenities within the proposed scheme for future occupiers.

In relation to **Childcare**, An Bord Pleanála sought further elaboration / discussion in relation to childcare provision.

- Justification/rationale lack of childcare within the scheme.
- Social infrastructure demands assessment and school audit will need to be supplied at application stage.

In relation to **any other business**, An Bord Pleanála advised that:

- where works are proposed on lands outside the prospective applicant's control the relevant consents, where required, should be included and this may require changes to the redline boundary;
- ensure that all documentation from the various experts dovetails
- a full suite of information should be submitted at the application stage as there is no provision for further information.
- Reference to the requirement for a bat survey.

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 307348' 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.

## 8.0 Conclusion and Recommendation

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

I have examined all of the information and submissions before me including the documentation submitted by the prospective 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.

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

- capacity of the road network;
- development strategy;
- residential amenity,

as sets out in the Recommended Opinion below.

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

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

## 9.0 Recommended Opinion

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.

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

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

1. Further consideration and / or justification of the documents as they relate to the capacity of the road network in the area to cater for the proposed development. The further consideration and / or justification should address the matters raised in the submissions received from the Planning Authority dated 18<sup>th</sup> August 2020 in relation to prematurity pending the completion of the Blackglen Road Improvement Scheme.
2. Further consideration and / or justification of the documents as they relate to the development strategy for the site. The further consideration and / or justification should address the following matters:
  - (i) Interface with Blackglen Road and Slate Cabin Lane.
  - (ii) The quantum and quality of public and communal open space provision.
  - (iii) Treatment of the stream along the southern boundary

- (iv) The layout of the development, hierarchy of open space, compliance with DMURS and provision of connections with adjoining lands and surrounding area

These should also include a Materials Strategy that details all materials proposed for buildings, open spaces, paved areas and boundaries. The statement should present a justification for the materials being used having regard to the need for high quality and sustainable finishes that create a distinctive character for the development overall, whilst also responding to the character of the area. The documents should also have regard to the durability of materials and the long-term management and maintenance of the proposed development.

The further consideration / justification should have regard to, inter alia, the guidance contained in the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2018 (including the locational criteria in Chapter 2 and the guidance on car parking provision in Chapter 4), the Urban Development and Building Height Guidelines for Planning Authorities 2018; the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) and the accompanying Urban Design Manual; the Design Manual for Urban Roads and Streets 2013; and the Dun Laoghaire Rathdown Development Plan 2016-2022.

3. Further consideration and / or justification of the documents as they relate to residential amenity, having particular regard to the potential for overlooking, overshadowing and overbearing impacts on existing adjoining residential properties and proposed residential units within the scheme, and daylight and sunlight access to units and amenity areas within the development.

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

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. The prospective applicant is advised to address the following in the documents submitted:
  - a) Provide additional details in relation to the wastewater connection. The details should address the matters set out in the submission received from Irish Water, dated 16<sup>th</sup> July 2020 in relation to the need for network upgrades.
  - b) Provide additional drainage details. The details should address the matters raised in the Report of the Drainage Division of Dun Laoghaire Rathdown County Council, as contained in the Planning Authority's Opinion dated 18<sup>th</sup> August 2020.
  - c) Provide a justification for the level of car parking proposed. The justification should include an analysis of car parking demand taking account of the site's location and the level of connectivity (by all modes) to services and employment.
  - d) Provide additional traffic and transportation details. The details should address the matters raised in the Report of the Transportation Planning Division of Dun Laoghaire Rathdown County Council, as contained in the Planning Authority's Opinion dated 18<sup>th</sup> August 2020.
2. A Housing Quality Assessment that sets out as a schedule of accommodation, with the calculations and tables required to demonstrate compliance of the various requirements of the 2018 Guidelines on Design Standards for New Apartments.
3. A Building Life Cycle Report for the apartment block that includes an assessment of the long term running and maintenance costs associated with the development in accordance with Section 6.13 of the 2018 Guidelines on Design Standards for New Apartments.
4. a) A Landscaping Plan. This should include a schedule of open space and address the design and function of open spaces within the development. The plan should also address matters raised in the Planning Authority's Opinion dated

18<sup>th</sup> August 2020, relating inter alia to the ESB wayleave, to boundary treatments and the interface with the stream along the southern boundary and access to Slate Cabin Lane.

b) Response to issues raised in the Parks & Landscape Services Report included in the Planning Authority Opinion received by An Bord Pleanála on 18<sup>th</sup> August 2020.

5. Contextual plans and contiguous elevations, sections and computer generated images that details the relationship between the proposed apartment block, Duplex and houses and the relationship between the proposed development and existing and permitted (if any) contiguous development in the area.
6. A Visual Impact Assessment that is supported by Verified Imaged / Photomontages from key vantage points given the location of the site within the Barnacullia Landscape Character Area.
7. An Ecological Impact Assessment. The assessment should address the potential impact on Badgers and Bats and include relevant surveys.
8. Social Infrastructure Capacity Assessment including School Demand Assessment and Childcare Assessment.
9. A draft Construction Management Plan, draft Construction and Demolition Waste Management Plan and a draft Waste Management Plan.
10. Where the applicant considers that the proposed strategic housing development would materially contravene the relevant development plan or local area plan, other than in relation to the zoning of the land, a statement indicating the plan objective (s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format.

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. Dun Laoghaire Rathdown 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.

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Dáire McDevitt

Planning Inspector

13<sup>th</sup> November 2020