



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-308759-20

Strategic Housing Development	200 residential units consisting of 68 no. houses, 28 no. duplex units and 104 no. apartments, together with childcare facility and associated site works.
Location	Port Road, Killarney, Co. Kerry
Planning Authority	Kerry County Council
Prospective Applicant	Portal Asset Holdings Ltd
Date of Consultation Meeting	25 th March 2021
Date of Site Inspection	18 th February 2021
Inspector	L. Dockery

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 and the documentation received from the prospective applicant, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

2.0 Site Location and Description

- 2.1 The subject site, which has a stated area of circa 5 hectares, is located in the townlands of Coollegrean and Inch, Killarney, Co. Kerry, approximately 350 metres north-west of High Street. The area is generally characterised by existing residential, social, institutional and recreational uses. The site is irregular in shape and is bounded to the north by mature residential development in the form of the Millwood and Coolegrean Estates; to the east by Killarney Nursing Home/Retirement Village, including associated Community Hospital and a new 4 storey, assisted living apartment building; to the south by Kerry Education and Training Board (ETB) lands, as well as Presentation Monastery National School; and to the west by a row of residential properties fronting Port Road and Knockreer Park which forms part of Killarney National Park.
- 2.2 The Folly Stream, a tributary of the River Deenagh, runs along the south and south-western boundary of the site. The site is currently in agricultural use and the site slopes generally towards this watercourse. It is stated in the documentation that there is an active badger sett on the site.
- 2.3 The subject site is within 100m and located to the east of the Killarney National Park SPA and Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC.

3.0 Proposed Strategic Housing Development

- 3.1 The proposed development comprises the construction of 200 residential units, a childcare facility and associated site works, which include for a pumping station and underground surface water attenuation tanks.

The following details are noted:

Parameter	Site Proposal
Application Site	5.3 ha (gross)/4.46ha (nett)(stated)
No. of Units	200 units
Other Uses	Childcare Facility-392 m ² (accommodate 40 children)
Car Parking	248 spaces (res)/9 spaces (crèche)= 257 spaces
Cycle Parking	344 spaces
Access	Via existing entrance off Port Road New pedestrian access into Millwood Estate
Part V	20 units
Density	37.7 units/ha/ 44.8units/ha (developable area)(stated)
Site Coverage	12% (of overall site area); 14.2% of developable area
Open Space Provision	23% stated (13% public; 10% semi-private)

3.2 The breakdown of unit types is as follows:

Unit Type	1 bed	2 bed	3 bed	4 bed	
Apt	9	95	-	-	104
Duplex		14	14	-	28
House	-	-	15	53	68
Total	9	109	29	53	200
% Total	4.5%	54.5%	14.5%	26.5%	100%

4.0 National and Local Planning Policy

4.1 National

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- 'Sustainable Urban Housing: Design Standards for New Apartments' (2020)
- 'Design Manual for Urban Roads and Streets' (2013)
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018)

- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’) (2009)
- Climate Action Plan

Other documents of note:

National Planning Framework

In the Southern Region, the NPF envisages population growth of 155,000 - 170,000 additional people by 2026. County Kerry has no settlements specifically identified for growth in Policy 2a and 2b, however, National Policy Objective 9 notes that other settlements may be identified for significant growth (i.e. 30% or more above 2016 levels) at regional and local planning stages, subject to certain conditions relating to agreement, balanced growth and regional co-ordination.

Southern Regional Assembly: Regional Spatial and Economic Strategy

Killarney as one of 4 key towns in the south-west Strategic Planning Area.

Killarney is specifically identified as having a significant sub-regional role and is acknowledged as a key national tourism town with a job to resident workers ratio higher than the regional average. It is a key economic driver in the Kerry Hub Knowledge Triangle, ideally located on the strategic road network linked with the Atlantic Corridor and via the rail network linked with Tralee, Cork, Dublin and Limerick via Mallow.

4.2 Local

The Kerry County Development Plan 2015-2021 is the operative County Development Plan.

Killarney is identified as a ‘Hub Town’ in the operative County Development Plan.

The Core Strategy of the CDP sets a growth target for the entire county of 8,108 persons and 1,781 persons in Killarney town itself, the latter represents a growth of approximately 22% between 2011 and 2021. The CDP calculates the housing

requirement to meet this population growth target for Killarney town as 685 units based on an average household size of 2.6 persons per unit.

Section 12.10 of the Town Development Plan states that “in general, the density of housing development shall range between 30 – 40 per hectare”. Within the town centre higher densities may “be considered where it is felt that such an infill development would integrate with the streetscape”.

Zoning:

In the Fourth Variation to the Killarney Town Development Plan 2009 – 2015 (as extended) the zoning of the subject lands was revised from Residential to R1 – New/Proposed Residential, Phase 1.

Port Cottages, designated as Protected Structures (Ref.21400804-21400806) are located on Port Road.

The Killarney Municipal District Local Area Plan 2018 - 2024 (MD LAP) applies. It acknowledges that Killarney “is influenced by a unique set of circumstances which require the additional zoning of lands other than that indicated in the Core Strategy of the County Plan”. These circumstances include the towns:

- role as an international tourist destination, which places pressure on local accommodation in terms of supply and cost;
- accommodation requirements to cater for a significant number of seasonal workers;
- significant areas of available zoned and service lands which are not being released onto the market.

The MD LAP sets a target that 30% of new housing in Killarney will be on infill and brownfield sites. It specifies that new residential development should be “in proportion to the pattern and grain of existing traditional settlements”, with a mix of housing types to accommodate changing demographic trends and household profiles in the county.

5.0 Planning History

There are no extant permissions on the site.

It is noted that there are a number of applications in the vicinity of the site and Planning & Design Statement (Appendix 1) is referred to in this regard.

6.0 Section 247 Consultation(s) with Planning Authority

- 6.1 It is stated by the prospective applicant that a pre-application consultation took place with the planning authority in relation to this current scheme on 17th December 2018.

7.0 Submissions Received

Irish Water

Confirmation of Feasibility issued for this site for 200 no. residential units, subject to the following:

Wastewater:

In order to accommodate the proposed connection at the premises, upgrade works are required to increase the capacity of the Irish Water wastewater network. It is necessary to upsize approximately 1.2km of 450mm diameter combined sewer. Alternatively, storm water separation from the existing 450mm diameter combined sewer for an area of 0.2ha is necessary to accommodate the proposed connection at the premises. Irish Water does not currently have any plans to carry out the works required to provide the necessary upgrade and capacity. Should the applicant wish to progress with works Irish Water will require them to provide a contribution of a relevant portion of the costs for the required upgrades. Any consents required will be the responsibility of the applicant to obtain.

8.0 Forming of 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 submissions and the discussions which took place during the tripartite

consultation meeting. I shall provide brief detail on each of these elements hereunder.

8.1 Documentation Submitted

- 8.1.1 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, completed application form, a completed pre-connection enquiry feedback form from Irish Water, Statement of Consistency, Planning and Design Statement, Part V details, architectural drawings; Statement of Rationale for Childcare Provision; photomontages; Archaeological Impact Assessment; Ecology Report; Traffic and Transport Assessment; engineering drawings; Engineering Design Report; AA Screening Report and Flood Risk Assessment.
- 8.1.2 I have considered all of the documentation submitted by the prospective applicant, relating to this case.

8.2 Planning Authority Submission

- 8.2.1 In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Kerry County Council, submitted a note of their section 247 consultations with the prospective applicant and also submitted some limited details of their opinion in relation to the proposal. These were received by An Bord Pleanála on 24th December 2020.
- 8.2.2 The planning authority's 'opinion' set out the following points:
- Proposed development would be consistent with zoning of site and would be consistent with/contribute to the achievement of the objectives of the Killarney Town Development Plan
 - Would provide a wide mix of dwelling units on residentially zoned lands
 - Complies with national and regional population targets
 - Facilitate the development of 200 residential units within the Killarney town development boundary

- Proposal includes for transfer of 20 Part V to KCC to comply with provisions of Part V of P&D Act 2000 (as amended)
- Layout of proposed development provide for higher density apartment blocks on eastern portion of the site closer to the town centre and adjacent to existing high density residential development. Proposed semi-detached and detached dwellings located at W end of site where pattern of adjoining residential development has a lower density, reflecting its location further from the town centre
- No existing permitted development on site

8.2.3 I have reviewed and considered all of the documentation submitted by the planning authority relating to this case.

8.3 Consultation Meeting

8.3.1 A Section 5 Consultation meeting took place via Microsoft Teams due to Covid-19 restrictions on the 25th day of March 2021, commencing at 10.00 am.

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.

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

- Development strategy for the site to include development area, layout, elevational treatment, materials/finishes, open space
- Residential Amenity
- Drainage Matters
- Ecology
- Any other matters

8.3.3 In relation to development strategy, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- Calculation of developable area re: net density figures; refer to Appendix A of Sustainable Residential Development in Urban Areas

- Layout in the context of DMURS and Sustainable Residential Development in Urban Areas with associated Design Manual, given the location of the site within the key town of Killarney; 12 criteria as set out in Urban Design Manual; lack of identifiable street hierarchy; extent of cul-de-sacs; lack of identifiable character areas; crèche location; rear gardens backing onto streets; level differences; location of waste area/cycle parking
- Density proposed in the context of the Sustainable Residential Development Guidelines and the need to provide for a more urban layout at this location
- Any matters of material contravention need to be addressed within Material Contravention Statement at application stage, and advertised within public notices
- Elevational treatments, in particular to apartment blocks; materials/finishes and extensive use of render; need to provide for a quality development that will become a positive addition to the town of Killarney
- Lack of identifiable open space hierarchy; open space provision and the desire to ensure that it is passively supervised, functional and usable; much appears residual in nature; lack of appropriate supervision of open space to south; interface between public/private and communal open space areas

8.3.4 In relation to residential amenity, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- Level differences/ excavations across the site and implications for residential amenity; importance of cross-sections in any future application
- Compliance with Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2020); schedule of floor areas; impacts on daylight for ground floor units from grassed ramp
- Potential impacts on nearby residential properties development

8.3.5 In relation to drainage matters, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Wastewater network constraints as detailed in Irish Water report to An Bord Pleanála (dated 04/01/2021)

- Surface water drainage proposals

8.3.6 In relation to ecology, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Ecological importance of site, which includes for proximity to nearby designated sites (SPA and SAC) associated with Killarney National Park
- Active badger sett on site/invasive species/trees and hedgerow/commuting bats/ Folly Stream
- Need for appropriate, up-to-date surveys/information and to ensure consistency between documents submitted; liaise with planning authority and NPWS where necessary

8.3.7 In relation to other matters, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Submission of schedule of floor areas; areas to be taken in charge; archaeological details; submission of CGIS/visualisations/cross sections, Building Lifecycle Report; School Demand Report; Universal Access Plan
- Connectivity achievable in the surrounding area; cycle and pedestrian links; road upgrade works

8.4 Conclusion and Recommendation

8.4.1 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.

8.4.2 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.

- 8.4.3 Having regard to all of 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.
- 8.4.4 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.

9 Recommended Opinion

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.

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. Design and Layout

Further consideration/justification of the documents as they relate to the layout of the proposed development particularly in relation to the 12 criteria set out in the Urban Design Manual which accompanies the above mentioned Guidelines and the Design Manual for Urban Roads and Streets. The matters of arrangement and hierarchy of streets; connectivity with adjoining lands; hierarchy of open space and provision of quality, usable open space, together with the creation of character areas within a high quality scheme should be given further consideration. Cross-sections, visualisations and CGIs should be submitted, as necessary, in this regard.

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

2. Elevational Treatment/Finishes

Further consideration and/or justification of the documents as they relate to the elevational treatment/expression and finishes of the proposed development, in particular the apartment/duplex units, having regard to the context of the site within an established area and the desire to ensure that the proposed development makes a positive contribution to the character of the area over the long term. An architectural report and urban design statement should be submitted with the application. In addition, a report that specifically addresses the materials and finishes of the proposed structures including specific detailing of finishes, openings, the treatment of balconies, railings, landscaped areas and boundary treatments, having regard to the long term management and maintenance of the proposed development should be submitted. The extensive use of render on apartment and duplex units should be avoided. A Building Life Cycle Report in respect of the proposed apartments as per section 6.13 of Sustainable Urban Housing: Design Standards for New Apartments- Guidelines for Planning Authorities (2020) should be submitted. Furthermore, particular regard should also be had to proposals for the treatment of the interface between the proposed buildings and public realm/areas of communal open space.

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

3. Infrastructural Constraints

Further consideration/clarification of the documents as they relate to wastewater infrastructure constraints in the network serving the proposed development, as raised in the Irish Water report to An Bord Pleanála (dated 04/01/2021). The documentation at application stage should clearly indicate the nature of the constraints, the proposals to address the constraints and the timelines involved in addressing these constraints relative to the construction and completion of the proposed development. (The prospective applicant may wish to satisfy themselves that an application is not premature having regard to the information sought above).

Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission arising from this notification:

1. A report, including CGIs, visualisations and cross sections, as necessary, which clearly show the relationship between the proposed development and existing development in the immediate and wider area. Details should also include interactions with nearby residential development, boundary treatments and public realm.
2. A Daylight/Sunlight analysis, showing an acceptable level of residential amenity for future occupiers and neighbours of the proposed development, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development and in adjacent properties. A month-by-month assessment of average daylight hours within the public open space should be provided within the Daylight and Sunlight Analysis document to allow for a full understanding of the year round level of overshadowing of the primary outdoor recreation area for the development should be submitted.
3. A detailed landscaping plan for the site which clearly sets out proposals for hard and soft landscaping including street furniture, where proposed, which ensures that areas of open space are accessible, usable and available for all. Details

relating to the materiality of the proposed entrance should be also submitted. Additional cross sections, CGIs and visualisations should be included in this regard.

4. Additional details in relation to surface water management for the site. Any surface water management proposals should be considered in tandem with a Flood Risk Assessment specifically relating to appropriate flood risk assessment that demonstrates the development proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk. A Flood Risk Assessment should be prepared in accordance with 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices'). Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.
5. A detailed phasing plan for the proposed development
6. Ecological Surveys
7. Waste management details
8. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority. Streets should be shown up to the boundary to facilitate future access
9. School Demand Report
10. Universal Access Plan
11. A housing quality assessment which provides specific information regarding the proposed apartments and which demonstrates compliance with the various requirements of the 2020 Guidelines on Design Standards for New Apartments, including its specific planning policy requirements. This should also include a schedule of floor areas for all proposed units, clearly setting out the aspect (single, dual, triple) of each unit

Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

1. Irish Water
2. Transport Infrastructure Ireland

3. Minister for Housing, Local Government and Heritage
4. An Taisce-the National Trust for Ireland
5. Heritage Council
6. Failte Ireland
7. An Comhairle Ealaíonn
8. Inland Fisheries Ireland
9. Kerry 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.

Lorraine Dockery
Senior Planning Inspector

30th March 2021