



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-311871-21

Strategic Housing Development	280 no. residential units (16 no. houses, 264 no. Build to Rent apartments), creche and associated site works.
Location	Ashwood Farm, Glenamuck Road South, Carrickmines, Dublin 18.
Planning Authority	Dun Laoghaire Rathdown County Council
Prospective Applicant	Cairn Homes Properties Ltd.
Date of Consultation Meeting	08 th of March 2022.
Date of Site Inspection	24 th of February 2022.

Inspector

Karen Hamilton

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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 subject site is c. 2.8ha and comprises of lands known as Ashwood Farm, Glenamuck Road South, Dublin 18. The site includes a dwelling, large glasshouse and other ancillary structures. The Willow Glen Housing Estate bounds the site to the east and the permitted Glenamuck District Distributor Road (GDDR) bounds the site to the north and west (including the road reservation areas). The preparation of tender documentation for the GDDR is currently underway with construction expected to commence in Q2-Q3 of 2022. The site is currently accessed from the Glenamuck Road.

3.0 Proposed Strategic Housing Development

3.1. The proposed development would comprise of the construction of 280 no units including 264 no. Build To Rent (BTR) apartments and 16 no. houses which are build to sell.

3.2. Development Parameters

Parameter	Development
Units	280 (264 BTR apartments & 16 no. houses)
Area	2.8ha
Density	100 uph

Creche	413 m ²
Building Height	Blocks ranging from 5 to 7 storeys
Dual Aspect	50%
Car parking	247 no. spaces (6 no. spaces for the crèche) Ratio 0.9 spaces per unit In addition, on curtilage parking of 2 no spaces per dwelling.
Bicycle parking	382 no spaces (318 no. long stay and 58 no. short stay)
Part V	28 no units
Communal open space	6, 144 m ²

3.3. Dwelling Mix

Type	Units	Percentage
1 bed apartment	94	c. 33%
2 bed apartments	153	c. 56%
3 bed apartments	17	c. 6%
4 bed houses	16	c. 5%
Total	20	100%

4.0 Planning History

Subject site

Reg Ref D21A/0143

Permission granted for development consisting of the demolition of the existing dwelling unit and associated outbuildings, including the removal of the existing spoil, tanks, walls and timber fences.

PL06D.236475 (Reg Ref D10A/0026)

Permission granted on appeal for the development of c. 2.4 ha for the demolition of a dwelling and construction of 31 no dwellings, 110 apartments and a 2 storey creche. The site is linked to a laneway associated with Bective Rugby Club and lands associated with Ashwood Farm.

5.0 Relevant Planning Policy

5.1. Dún Laoghaire-Rathdown County Development Plan 2016-2022

Zoning

The site is zoned as, Residential, where it is an objective “to protect and/or improve residential amenity”.

Settlement Hierarchy

Kiltiernan is designated as a “Future Development Area” in the Core Strategy as outlined in Figure 1.1 of the Plan (Core Strategy Map) and is located within the Metropolitan Area of the county.

Section 1.3.4.2 sets out the basis for the Kiltiernan – Glenamuck LAP.

It is anticipated that the plan area will ultimately accommodate c. 2,500-3,000 residential units, a neighbourhood centre, two tranches of public open space and a large employment node adjacent to the established mixed-use development at The Park, Carrickmines.

The key elements of the overall planning framework for the area include the proposal to provide a bypass road of the Village Core of Kiltiernan, the implementation of a Neighbourhood Framework Plan to consolidate the Village Core, the graduation of residential densities from higher densities adjacent to the Luas line to lower densities further removed from this main public transport artery and the implementation of a centrally located major public open space / school site.

Transport

- **Policy ST25:** It is Council policy, in conjunction and co-operation with other transport bodies and authorities such as the TII and the NTA, to secure

improvements to the County Road network – including improved pedestrian and cycle facilities.

- Table 2.2.5 of the plan confirms that the Glenamuck District Distributor Road and the Glenamuck Link Distributor Road (including Ballycorus Link) are 6-year road objectives of the Plan.
- Map T2 of the plan confirms that a Bus Priority Route is proposed along Glenamuck Road, extending southwards from the junction with the Enniskerry Road.

5.2. Kiltiernan / Glenamuck LAP 2013 (as extended to 2023)

The zoning map illustrates the site as within Land Parcel 2 and designated for Medium/ Higher Density residential development.

The overall strategy for the LAP lands reflects that of the County Development Plan, based on the roads improvement objectives for the Glenamuck District Distributor Road (GDDR) and Glenamuck Local Distributor Road (GLDR) to bypass Kiltiernan village, facilitating the development of the village centre and a new civic node.

The LAP also provides for some upgrading of the existing Glenamuck Road to provide pedestrian and cycle facilities and the upgrading of the Enniskerry Road to a traffic calmed street.

Phasing

- The LAP states that the Local Authority's Transportation Department considers that up to 700 no. dwelling units can be accommodated on an existing upgraded road network in advance of the GDDR scheme as Phase 1 development.
- The Council's Transportation Department subsequently revised the total number of units permissible in Phase 1 to 1050 units on foot of the approval of the Enniskerry Road / Glenamuck Road Part 8 junction improvement scheme.

Section 10.6 of the LAP sets out 13 criteria which are recommended to be used in the assessment of planning applications for development in the interim until the road network is upgraded.

These criteria can be summarised as follows:

1. Conformity with the LAP which promote and facilitate the achievement of its vision and objectives.
2. High level of architectural quality and urban design.
3. Achievement of local road /footpath improvement and traffic management measures.
4. Consolidation of the existing development node at Glenamuck Road (northern section), including “The Park” development at Carrickmines.
5. Consolidation of Kiltiernan village.
6. Planned within the context of an overall outline Masterplan for individual and affiliated land holdings.
7. Compatibility with later phases of development.
8. Facilitate the orderly development of adjoining property/land holdings.
9. Proximity to Luas Line B1 and within the catchment area for the Section 49 Supplementary Development Contribution Scheme for same.
10. Availability of environmental services, specifically the capacity of the Shanganagh Wastewater Treatment Works.
11. Incorporation of SUDS measures.
12. Likelihood of early construction.
13. Provision of an appropriate level of active and passive open space and community facilities. The Council will have regard to the capacity of local schools to accommodate development.

Land Parcel 2

Chapter 11 includes the planning guidelines for the development land parcels.

Development Parcel 2:

- Max 45-55 uph
- 2-5 storeys with selective 5 storeys focused on the distributor road and corner elements of the road’s junctions
- Northern and southern portion constrained by 110kv overhead powerline.

- Part of parcel has planning permission for residential schemes – D09A/0315 and D09A/0316, incorporating both apartments and traditional housing.
- Subject to Luas Line ‘Special Development Contribution’ (Section 49 Scheme)
- Access to land parcel to be provided at an access point on the GDD

6.0 Section 247 Consultation(s) with Planning Authority

6.1. The PA submission includes a record of the meeting notes from a S. 247 meeting held on the 30th of September 2021 as summarised below:

- Connectivity between the subject site and Willow Glen estate
- Ground levels, constraints etc to be detailed.
- Interface with GDDR and all links to be detailed.
- Applicant confirmed drainage works would rely on the delivery of the GDDR.
- Drainage works to be within the red line.
- Density is in excess of LAP parameters.
- Site location is not deemed an appropriate distance from public transport.
- Clarity on communal space.
- Pending the construction of the GDDR the proposal is premature.
- The façade treatment alongside a reduction in height would break up the massing of the apartments and prevent them looking monolithic and bulky.
- Impacts on trees and arboriculture assessment etc. should be supplied.
- Sunlight & Daylight analysis.
- Surface car parking reduced.

7.0 Prospective Applicant’s Case

Statement of Consistency

7.1. The applicant’s Statement of Consistency notes the national, regional and local planning polices relevant to the development of the site.

8.0 Planning Authority Submission

8.1. In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Dun Laoghaire Rathdown, submitted their opinions in relation to the proposal on the 02nd of December 2022. The opinion noted the S. 247 meetings in relation to the proposed SHD development, the planning history on the site and surrounding area, and the policy background. This opinion has been summarised below:

8.1.1. Key Issues arising

GDDR

- The tender documents for the GDDR should be complete Q2/Q3 of 2022. There is no certainty as to the delivery of this infrastructure. The phasing in the LAP, the exceedance of the 700 cap and the requirement for the drainage integrated into the GDDR infrastructure would mean the proposed development is premature.

Design

- There is poor frontage onto the GDDR. The EIAR of the GDDR requires that there is a robust activated built form from street level upwards and aligned with open spaces.

Density

- The site cannot accommodate densities of 110 uph without negatively affecting the adjoining lands.
- The distance of the site from the LUAS (1.7km) exceeds the 1.5km threshold for intermediate locations (density 45 uph apply). There does not appear to be any high frequency bus services in the proximity.

Greenway

- The proposed layout does not appear to offer any possible integration with the greenway and associated greenway/walkway to the west with limited overlooking from the elevation of Block A.
- No ransom strips should be included.

Height

- A maximum of 5 storeys is established in the LAP. The proposed apartments range from 5 - 7 and the height would be deemed as a Material Contravention of the LAP.
- A visual impact of the winter views should be included.

Standards

- The apartment guidelines should be complied with.
- The dual aspect proposal of 50% is not acceptable.
- The daylight / sunlight assessment should be included in any application.
- There should be more 3-bedroom units.
- Clarity is required in relation to the public/communal open space.

Other

- A wind and pedestrian comfort study should be provided as part of any application.
- An ecological assessment by a Bat specialist

Transport

- Taking in charge map.
- Connectivity with the Willow Glen estate.
- Compliance with DMURS
- Submission of an independent quality audit.
- Submission of a Mobility Management Plan
- Submission of a Car Park Management Strategy.
- Ramp design having regard to the cyclist movement.
- Parking for creche and provision of electric charging spaces.

8.1.2. Interdepartmental reports

Transport Report: Recommendation for refusal pending the construction of the GDDR.

Drainage Planning: Additional Information requested in relation to surface water drainage design, wayleaves, green roofs, runoff reduction rates etc

Housing Department: Clarification on the provision of social and affordable either at 10% or 20% in accordance with the provision of the Affordable Housing Act, 2021.

9.0 Irish Water (IW)

9.1. A submission from IW was received on the 21st of February 2022 confirming that a Confirmation of Feasibility for 250 units was issued to the applicant subject to the following:

In respect of **Water**:

- The Development can be supplied from the existing 200mm DI main in Glenamuck Road.
- A bulk meter will be required for the connection.

In respect of **Wastewater**:

- The proposed Development connects via private land/s.
- At connection application stage, all relevant wayleave and permissions would need to be obtained from the owner/s of the land/s by the Developer.
- While capacity exists in the 450mm sewer to cater for the Development, the sewer (at the proposed connection point) is to be diverted as part of Glenamuck District Roads Scheme.
- The Project has been managed by the Local Authority and coordination is required between the Developer and the Project Manager.

10.0 The Consultation Meeting

10.1. A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 08th of March 2022, commencing at 14.00, via Microsoft Teams.

Representatives of the prospective applicant, Dun Laoghaire Rathdown County Council and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting as detailed below:

1. Core Strategy and Residential Density,
2. Traffic and Transport, *inter alia*, GDDR (programme and phasing),

3. Design and Layout, inter alia, open space strategy, elevations of the apartments,
4. Daylight and Sunlight Analysis,
5. Any Other Business.

10.2. In relation to the **Core Strategy and Residential**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The quantum of development allowed under the core strategy (700 units) and the increase (1,050 units) on completion of the Glenamuck District Distributor Road (GDDR).
- The timescale for the delivery of the GDDR.
- The proposed density (c. 100 uph), the density prescribed in the Kiltiernan Glenamuck Local Area Plan (2013) and the potential for any Material Contravention of the LAP.

10.3. In relation to the **Traffic and Transport**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The planned role out and delivery of the GDDR, the preparation of tender documentation and the expectation of a construction start in Q2-Q3 of 2022.
- The timelines for the delivery of the proposed development and the expected phasing of the GDDR.
- The availability of public transport to the site and the surrounding area.

10.4. In relation to the **Design and Layout**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The design and layout and elevational treatment of Blocks 1-3.
- The visual relationship of the proposed development with the GDDR.
- The qualitative and quantitative standards for the communal and public open space.

10.5. In relation to the **Daylight and Sunlight Analysis**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The information submitted in the daylight/ sunlight analysis and need to ensure the apartments are designed to ensure a high standard of residential amenity for the future occupants of the units.

10.6. In relation to the **Any Other Business**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The treatment of surface water and the provision of SuDS features.
- The issues raised in the Irish Water submission.

11.0 **Assessment**

11.1. 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.

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.

Conclusion

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.

12.0 **Recommended Opinion**

12.1. 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.

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

Design and Layout

1. Further consideration and/or justification of the documents as they relate to design, layout and elevational treatment of Blocks 1-3 having regard to, *inter alia*, the location of the apartment blocks adjacent to the route of the Glenamuck District Distributor Road (GDDR), the need for high quality urban design and the potential for a negative impact on the visual amenity of the surrounding area. Additional Computer-Generated Images (CGIs) and visualisation/cross section drawings should elaborate on the visual impact of the proposed development in the context of the impact of the proposed apartment blocks on the surrounding area and GDDR route. This further consideration will require a Sunlight/Daylight/Overshadowing analysis including all relevant plans/ documentation showing an acceptable level of residential amenity, 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. This report should address the full extent of requirements of BRE209/BS2011, as applicable.

- 12.2. Pursuant to article 285(5)(b)(i) and (ii) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that the following specific information should be submitted with any application for permission

1. A Phasing Plan clearly indicating the proposed development of the residential units, in conjunction with the necessary infrastructure, including the Glenamuck District Distributor Road (GDDR), water and wastewater.
2. A report that specifically addresses the proposed materials and finishes to the scheme including specific detailing of finishes, the treatment of balconies in the apartment buildings, landscaped areas, pathways, entrances, boundary treatment/s and retail/ crèche area. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the development. The documents should also have regard to the long-term management and maintenance of the proposed development and a life cycle report for the apartments in accordance with section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2020).
3. A Traffic and Transport Assessment including, inter alia, a rationale for the proposed car parking provision should be prepared, to include details of car parking management, car share schemes and a mobility management plan.
4. A quantitative and qualitative assessment which provides a breakdown of the communal and public open space. The assessment shall detail the functionality of the public space and shall disregard any areas required for circulation space such as footpaths between buildings etc.
5. Design of the proposed surface water management system including attenuation features and cross sections of all SuDS features proposed on site in the context of surface water management on the site, discharge rates equal to greenfield sites, integration of appropriate phased works
6. Submission of a Taking in Charge Map.
7. Submission of Wind and Pedestrian Comfort Study.
8. Submission of a Construction Management Plan.
9. A response to the Drainage Department issues raised in the Galway County Council submission in relation to the delivery of SuDS on the site.
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. The notice and statement should clearly indicate which Planning Authority statutory plan it is proposed to materially contravene.

11. In accordance with section 5(5)(b) of the Act of 2016, as amended, any application made on foot of this opinion should be accompanied by a statement that in the prospective applicant's opinion the proposal is consistent with the relevant objectives of the development plan for the area. Such statement should have regard to the development plan or local area plan in place or, likely to be in place, at the date of the decision of the Board in respect of any application for permission under section 4 of the Act.

12. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018, unless it is proposed to submit an EIAR at application stage

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

1. Irish Water.
2. Transport Infrastructure Ireland.
3. National Transport Authority
4. The relevant 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.

Karen Hamilton
Senior Planning Inspector

14th of March 2022