



An  
Bord  
Pleanála

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

**Inspector's Report on  
Recommended Opinion  
TC0028**

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**Strategic Housing Development**

<b>Location</b>	Glenamuck Road and Enniskerry Road, Kilternan, Co. Dublin
<b>Planning Authority</b>	Dun Laoghaire - Rathdown County Council
<b>Prospective Applicant</b>	Declan Taite and Anne O' Dwyer
<b>Date of Consultation Meeting</b>	17 <sup>th</sup> November 2017
<b>Date of Site Inspection</b>	10 <sup>th</sup> November 2017
<b>Inspector</b>	L. Dockery

## 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 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 approximately 4.5 hectares, is located to the east of the built-up area of Kilternan, Co. Dublin. It is quite irregular in shape with the majority of its frontage onto Glenamuck Road. It is currently under grass, apart from the area of the two houses proposed for demolition. The land is sloping in nature with a stated 20 metre rise from north-eastern corner to the south-western portion. The site is bound to the west by Enniskerry Road and by the rear gardens of a group of mostly semi-detached bungalows fronting onto Glenamuck Road; to the

east are agricultural lands; to the south by the Glenamuck Road and to the north by three detached houses.

### 3.0 Proposed Strategic Housing Development

3.1 The proposed development comprises the demolition of two habitable dwellings, the construction of 141 residential units (98 houses, 43 apartments), crèche and link access road between Enniskerry Road and Glenamuck Road.

3.2 The breakdown of the 141 units are as follows:

	1 bed	2 bed	3 bed	4 bed	5 bed	Total
Houses	-	-	40	29	29	98
Apartments	8	24	-	-	-	32
Duplex	2	5	4	-	-	11
<b>Total</b>	<b>10</b>	<b>29</b>	<b>44</b>	<b>29</b>	<b>29</b>	<b>141</b>

3.3 The proposed crèche has a stated area of 242.1 square metres and is located towards the north-eastern portion of the site. A link road is included through the proposed scheme between the Enniskerry Road and Glenamuck Road, as required in the Kiltiernan Glenamuck LAP. The proposed development also provides for the implementation of the entire of the Enniskerry Road/Glenamuck Road Junction Upgrade scheme, as approved under Part 8 by the local authority in September 2017.

### 4.0 Development Plan

4.1 The Dun Laoghaire - Rathdown County Development Plan 2016 applies. The subject site is zoned 'Objective A' in the operative Dun Laoghaire - Rathdown

County Development Plan, which seeks 'to protect and/or improve residential amenity'. Residential development is 'permitted in principle' under this zoning objective while childcare service is 'open for consideration'.

The Kiltiernan Glenamuck LAP 2013 applies

The subject site is zoned as part of a larger Development Parcel 6B, designated for 'medium/higher density' residential development.

Density: 40-45 du/ha

Height: 2-4 storeys. Any four-storey element to be concentrated along the proposed main and link distributor roads, and/or at key entrances to the sites

Comments: Is constrained by 22kv overhead powerlines

Access to be provided off existing Glenamuck and Enniskerry Roads

Requirement for local access loop road within the site- provisions to prevent rat-running

Presence of Protected Structure (Shaldon Lodge) to be acknowledged

Section 10.6 deals with Interim Proposal to Accommodate Development

The subject site is located within Phase 1(a)

(B) Node at junction of Enniskerry and Glenamuck Roads (c.150 dwellings units)

This area includes the lands designated as 'medium density residential' to the east of the Enniskerry Road. Any proposed developments must include the improvement of Glenamuck Road.

Part 8 approval for the upgrade of the Glenamuck Road/Enniskerry Road and removal of pinch point was approved by the Council in September 2017.

## 5.0 **Planning History**

There are a number of applications relating to the site and its environs. However, the most recent and relevant application is as follows:

### D16A/0054 (PL06D.247097)

Permission REFUSED on appeal for construction of 139 residential units on the subject lands for that reason that the proposal would be premature by reference to the existing deficiencies in the road network serving the area of the proposed development and the period within which the constraints involved may reasonably be expected to cease, resulting in significant intensification of vehicular traffic on Glenamuck Road where deficiencies in capacity, width, alignment and structural condition of the road prevail.

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

6.1 The planning authority states that one pre-application consultations took place with them on 29/08/2017.

## 7.0 **Forming of Opinion**

7.0.1 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 submissions and the discussions which took place during the tripartite consultation meeting. I shall provide brief detail on each of these elements below.

## 7.1 **Documentation Submitted**

7.1.1. 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, scaled drawings (plans, sections and elevations), a completed pre-connection enquiry feedback form from Irish Water, Cover Letter, letters of consent, technical notes relating to traffic and transportation issues, technical notes relating to DMURS, flood risk assessment,

Appropriate Assessment Screening Report and Statement of Consistency with Planning Policy.

7.1.2. In addition, 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.

7.1.3. I have considered all of the documentation submitted by the prospective applicant, relating to this case.

## **7.2 Planning Authority Submission**

7.2.1 In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Dun Laoghaire - Rathdown County Council, submitted a note of their section 247 consultations with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on November 3<sup>rd</sup> 2017.

7.2.2 The planning authority's 'opinion' included the following matters: planning history; site and surrounding area; general observations; pre-planning consultations, policy context; local policy documents; Part V; building heights; density; residential accommodation/standards;; elevations/external finishes; permeability/pedestrian flow; active frontage to Glenamuck Road; flooding/drainage/wayleaves; open space; protection of adjoining residential amenity; transportation issues; phasing of development on LAP lands; other issues. Report concludes that whilst the proposed development accords with the zoning objective for the site and the planning authority welcome the provision of residential units and the crèche, there are a number of items that may require further consideration. Internal reports from the Transportation; Housing and Drainage Planning Departments have been appended to the report.

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

### 7.3 Consultation Meeting

7.3.1 A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 17<sup>th</sup> day of November 2017, commencing at 10.00am. 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.

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

- Infrastructural constraints/details
- Development strategy to include phasing, masterplan/connectivity to adjoining lands, layout, building heights, open space provision, residential amenity, Part V
- Any other matters

7.3.3 In relation to the infrastructural constraints, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following

- Planning history on the site and previous An Bord Pleanála refusal (PL06D.247097)
- Proposed upgrade of the Glenamuck Road/Enniskerry Road junction and removal of pinch point on the Glenamuck Road including, inter alia, details of arrangements with local authority in this regard, timescale for proposed works, phasing of works and requirement for appropriate letters of consent from affected landowners at application stage
- Surface water drainage- as per report of Drainage Division, Planning Authority dated October 25<sup>th</sup> 2017
- Location of proposed ESB 22kv power line exclusion corridor and any subsequent impacts on proposed layout

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

- Masterplan for the overall lands within Parcel 6B outlining indicative layouts, as per the requirements of the operative LAP

- Discussions with adjoining landholders in the context of agreeing connectivity to adjoining lands to facilitate future development
- Layout in the context of DMURS in relation to roads and parking layouts; proposed finishes
- Density proposed in the context of the Sustainable Residential Development Guidelines
- Open space provision and the desire to ensure the proposed layout is such that it will facilitate the logical future extension of open space into adjoining lands- the appropriateness of the location of the detached dwelling at the northern end of the site was discussed in this context
- Building heights/location of proposed apartment block in the context of the provisions of the operative LAP
- Residential amenity in the context of impacts on existing residential properties, setbacks, site slope, landscaping and boundary treatments;
- Further details required in relation to Part V in terms of, inter alia, location of proposed units, mix and type of units proposed and indicative costs

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

- Clarification of exact location of proposed crèche and the proposed use of upper floors of this building
- Clarification in relation to areas to be taken in charge
- Tree and hedgerow surveys
- Report of Biodiversity Officer of planning authority discussed

## 7.4 Conclusion

7.4.1 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.



- 7.4.2 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. Having regard to all of the above, I recommend that further consideration and/or possible amendment of the documents submitted are required at application stage in respect of the following elements: infrastructure details, accessibility/connectivity with adjoining lands, road and parking layout, density and Part V, details of which are set out in the Recommended Opinion below.
- 7.4.3 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.

## 8.0 **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. Further consideration of the documents as they relate to the Enniskerry and Glenamuck road upgrades proposed as part of the subject development. This consideration should include documentation showing, inter alia, timelines relating to design and construction stages of the road relative to the construction of the overall residential development; any proposed phasing arrangements and relevant letters of consent from landowners. The submitted documents should clearly outline that the road upgrade stage of development will be delivered in a timely and orderly manner. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted.
2. Further consideration/justification of the documents as they relate to the density proposed in the proposed development. This consideration and justification should have regard to, inter alia, the minimum densities provided for in the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (May 2009) in relation to such sites. The inclusion, or otherwise, of open space within these calculations should be clearly justified at application stage.
3. Further consideration of the documents as they relate to Part V provision proposed in the subject development. This consideration and justification should address the location of the proposed Part V units, the mix and type of units proposed, indicative costs and all further details as required under article 297(2) of the Regulations of 2017. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

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. Ecological Impact Assessment (as referred to in the report of the Biodiversity Officer, attached to the Opinion of the Planning Authority)
2. Drainage details, having regard to the Drainage Planning report, attached to the Opinion of the Planning Authority dated 27/10/17 and consultation with Irish Water.
3. Indicative masterplan for the site and adjoining lands within Parcel 6B, having regard to the provisions of the Kiltiernan Glenamuck Local Area Plan 2013 and DMURS which clearly shows proposed pedestrian, cycle and vehicular linkages.
4. A site layout plan showing which areas are to be taken in charge by the planning authority
5. Cross-sections, photomontages and any other information deemed relevant, showing proposed development relative to existing residential development in the vicinity
6. Traffic Impact Assessment
7. Site Specific Construction and Environment Management Plan (CEMP)

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. Department of Culture, Heritage and the Gaeltacht (National Parks and Wildlife Service)
3. Transport Infrastructure Ireland
4. National Transport Authority

**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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Lorraine Dockery  
Senior Planning Inspector

30<sup>th</sup> November 2017