



An  
Bord  
Pleanála

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

**Inspector's Report on  
Recommended Opinion  
ABP-307088-20**

---

**Strategic Housing Development**

<b>Location</b>	Lands at Cluain Mhuire, Newtownpark Avenue, Blackrock, Co. Dublin
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Prospective Applicant</b>	Glenveagh Homes Ltd
<b>Date of Consultation Meeting</b>	1 <sup>st</sup> July 2020
<b>Date of Site Inspection</b>	24 <sup>th</sup> June 2020
<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 1.29 hectares, is L-shaped and is located at Newtownpark Avenue, Blackrock, Co. Dublin. The site is currently undeveloped. The site formed part of the original grounds of Cluain Mhuire, which is now a HSE run care centre. It is bound to the west by Daughters of Charity Convent and associated lands, the Guardian Angels National School to the south, Cluain Mhuire building complex to the east, together with rear gardens of residential properties fronting onto Newtownpark Avenue. It is accessed to the west from Newtownpark Avenue.

2.2 The site has significant tree cover and rises from south to north.

## 3.0 Proposed Strategic Housing Development

3.1 The proposed development comprises the demolition of the existing shed (38.6 m<sup>2</sup>) and construction of a residential development comprising 140 no. apartment/duplex units and ancillary amenity space across 5 no. 2-5 storey buildings, provision of communal amenity space and associated site works.

3.2 The following details are noted:

<b>Parameter</b>	<b>Site Proposal</b>
Application Site	1.29 ha
No. of Units	140 apartments/duplex in 5 blocks
Density	109 units/ha
Height	2-5 storeys
Other Uses	Internal communal amenity space- 330m <sup>2</sup> ESB substation
Parking	98 car parking spaces (33 at surface & 65 at basement level)  218 bicycle parking spaces (50 at surface & 168 at basement level)
Vehicular Access	From upgraded existing access onto Newtownpark Avenue
Part V	14 units (10 x 1 bed; 4 x 2 bed)

3.3 The breakdown of the 140 residential units are as follows:

	1 bed	2 bed	3 bed	4+ bed	Total
Apartments	57	65	9	-	131
Duplex	4	5	-	-	9
Total	61	70	9	-	140

#### 4.0 National and Local Planning Policy

##### 4.1 Section 28 Ministerial Guidelines

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 (2018)
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018)
- Design Manual for Urban Roads and Streets (2013)
- The Planning System and Flood Risk Management (including the associated 'Technical Appendices') (2009)
- Childcare Facilities – Guidelines for Planning Authorities
- Appropriate Assessment of Plans and Projects in Ireland- Guidance for Planning Authorities
- Architectural Heritage Protection

Other documents of note are:

- National Planning Framework, 2018
- Regional Spatial and Economic Strategy for the Eastern and Midland Region, 2019

#### 4.2 **Local Planning Policy**

The Dun Laoghaire Rathdown County Development Plan 2016 is the operative County Development Plan for the area.

##### Zoning:

'Objective A' which seeks 'to protect and/or improve residential amenity'. Residential development is 'permitted in principle' under this zoning objective.

Cluain Mhuire House, east façade only & Gate Piers, with pineapple finials and metalwork gates is designated as a Protected Structure (RPS No. 776).

Other nearby Protected Structures include:

- Dunardagh (Convent of the Daughters of Charity of St. Vincent de Paul) House (RPS No. 756)
- Formal Gardens of Dunardagh House (RPS No. 1897)

Section 2.1.3.3 Policy RES3: Residential Density

Chapter 6- Built Heritage Strategy

Chapter 8- Principle of Development

Appendix 9: Building Height Strategy

Appendix 13: Flood Risk Assessment

Blackrock Local Area Plan 2015-2021 applies

Site is identified as 'Potential Development Area' - located within Cluain Mhuire Character Area 2

Section 2.1.3 (ii)- Cluain Mhuire

Section 3.5.2- Site Framework Strategy: Cluain Mhuire

(i) Context:

Cluain Mhuire is a 1.65 hectare parcel of land located off Newtownpark Avenue (identified on Map 6 and Drawing 2). The western boundary of this site adjoins the St. Teresa's and Dunardagh lands. The site is currently occupied by the HSE Cluain Mhuire Family Centre, a community-based adult mental health service. Guardian Angels National School adjoins the southern boundary of the site while the eastern boundary is defined by Newtownpark Avenue. The northern boundary abuts a private residential property.

The east façade of Cluain Mhuire (formerly Rockfield House) is a Protected Structure, as are the entrance piers and gates. Accordingly, the guiding principles

set out in the Site Framework Strategy for Cluain Mhuire have been informed in some part by the existing character and heritage that exists on site (see also Character Area Objectives set out in Chapter 2, Section 2.1.3).

(ii) Vision

The Site Framework Strategy envisages a high quality residential development that seeks to maximise the latent potential of the site while respecting its architectural heritage. The Site Framework Strategy envisages that any redevelopment of the Cluain Mhuire site would actively promote pedestrian and cycle permeability between St.Teresa's & Dunardagh landholding. Vehicular permeability, however, will not be permitted.

(iii) Objectives

Height:

**CS1**

It is an objective of the Council that any redevelopment of the Cluain Mhuire site shall incorporate a range of building heights in accordance with the limits set out on Map 12 and the specific Character Area Objectives detailed in Section 2.1.3.

Notwithstanding the maximum height limits identified, the Planning Authority would have to be satisfied that any proposed development for the entire land parcel will provide for a range of building height that respects the topography, natural and built heritage of the site and that would enhance the overall visual character of the wider environs and would afford adequate protection of the residential amenity of existing adjoining properties, in particular those which are in either close proximity to or abut the site boundary.

**CS2**

It is an objective of the Council that proposed building heights within the area identified on Map 12 as a Height Sensitive Area shall take particular cognisance of the setting of the Protected Structures and shall have no adverse impacts in terms of scale, height and massing.

Density:

The Cluain Mhuire site is considered suitable for higher residential densities in accordance with Policy RES3: 'Residential Density' of the current County Development Plan - having regard to its proximity to Blackrock District Centre and high quality public transport links including the Stradbroom Road QBC. In determining an appropriate density for the site however, cognisance needs to be taken of the site's specific characteristics - most notably the Protected Structures on site and on the adjacent site including entrance gates and piers - and the need to protect their character and setting. Accordingly, it is considered that the Cluain Mhuire Character Area 1 identified on Map 6 and referenced in Chapter 2, Section 2.1.3 and illustrated on Drawing 2 Site Framework Strategy, should be excluded from the total site area in any calculation of residential density.

### **CS3**

It is an objective of the Council that any redevelopment of the Cluain Mhuire site shall incorporate a high quality residential development with a minimum density range of 35 - 45 units per hectare. Density calculations shall exclude Cluain Mhuire Character Area 1 identified on Map 6 and in Chapter 2, Section 2.1.3 and illustrated on Drawing 2 Site Framework Strategy from the total site area.

### Open Space

### **CS4**

It is an objective of the Council that any redevelopment of the Cluain Mhuire site shall provide open space in accordance with the requirements of the current County Development Plan. Where possible existing mature trees shall be retained, subject to an Arboricultural assessment.

### Housing Mix:

### **CS5**

It is an objective of the Council that any proposals for new residential development on the Cluain Mhuire site shall incorporate a residential mix that complements and enhances the existing residential mix within the wider Plan area and in accordance with Section 5.2 of this Plan and Section 16.3: 'Residential Development' of the current County Development Plan.

### Heritage:

Refer to:

- Chapter 2 Heritage and Conservation, Section 2.1.3 'Sites of Protected Structures with Development Potential'
- Cluain Mhuire Character Areas 1 and 2 (Map 6 Chp 2)

The specific Character Area Objectives CM1 – CM3 detailed in Section 2.1.3 form an integral part of this Site Framework Strategy. Cognisance of these heritage objectives will require to be incorporated in any redevelopment proposals advanced for the Cluain Mhuire site.

#### Movement:

##### **CS6**

It is an objective of the Council to ensure that a pedestrian and cycle connection is provided between the sites of Cluain Mhuire and St Teresa's and Dunardagh. Vehicular through traffic shall not be permitted.

Map 12 indicates that the site is identified as a Height Sensitive Area with proposed building height limits of 4 storeys in the southern part and of 3 storeys in the northern section of the site

## **5.0 Planning History**

#### Subject Site

D15A/0036 (PL06D.245945)

Permission GRANTED for development consisting of the construction of a residential scheme comprising 48 residential units, accessed via a new vehicular access off Newtownpark Avenue. A total of 81 number car parking spaces at basement and surface level will be provided and other ancillary works. The proposed development is within the curtilage of protected structures on a site of circa 1.27 hectares.

#### Nearby Lands

There are noted to be a number of relatively minor applications on lands in the vicinity of the site. One application of relevance is:



Permission GRANTED under SHD legislation at St. Teresa's House and St. Teresa's Lodge (Protected Structures), Temple Hill, Monkstown for 291 apartments, conversion of St. Teresa's House, dismantling and relocation of St. Teresa's Lodge and associated site works.

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

6.1 It is stated by the planning authority that a section 247 pre-application consultation took place with them on 20/03/2020.

## 7.0 **Submissions Received**

### Irish Water

Confirmation of Feasibility issued for this site for 145 no. residential units.

This is a standard connection, requiring no network or treatment plant upgrades for water or wastewater by either the applicant or Irish Water.

With respect to wastewater, applicant is advised to note that the connection should be made to the 375mm combined sewer on Newtownpark Avenue. Surface (storm) water connection is not permitted into this sewer. Pre-development surface and storm water inflow from the site into the sewer should be removed and separate storm and foul water connection services have to be provided for the Development. The storm water connection needs to be made to a storm water network that does not discharge to an Irish Water combined/foul sewer. As stated in the confirmation of feasibility issued to the applicant, the details of storm water management for the Development are to be agreed with Dún Laoghaire-Rathdown Drainage Division. The confirmation of feasibility does not extend to the applicants' fire flow requirements. Irish Water cannot guarantee a flow to meet fire requirements and in order to guarantee a flow to meet the Fire Authorities requirements the applicant may need to provide adequate fire storage capacity within the development. In order

to determine the potential flow that could be delivered during normal operational conditions, an on-site assessment of the existing network is required.

## **8.0 Forming of Opinion**

8.0.1 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.

### **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, scaled drawings (plans, sections and elevations) including completed application form, completed pre-connection enquiry feedback form from Irish Water, Cover Letter, Planning Report, Statement of Consistency, AA Screening Report, Environmental Screening Report, Design Statement, Ecological Impact Assessment, Initial Childcare Demand Review, Part V details, Bat Survey, Energy Statement, Architectural Heritage Impact Assessment, Landscape Masterplan, Landscape Design Statement, Tree Report, Infrastructure Design Report, SSFRA, DMURS Compliance Statement, Mobility Management Plan; Construction and Environmental Management Plan; Ecological Impact Assessment; Daylight, Sunlight and Overshadowing Study and engineering drawings.
- 8.1.2 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.
- 8.1.3 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, 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 May 25<sup>th</sup> 2020.

8.2.2 The planning authority's 'opinion' included, inter alia, the following matters: internal reports; planning history; site and surrounding area; general observations; pre-planning consultations, policy context; proposal; principle of proposed development; Part V; height; density; mix; design and massing; apartment standards; permeability/pedestrian & cycle flow; external finishes and elevation; impact on adjoining amenities; separation distances; built heritage; sunlight/daylight; private/public open space; landscape design; childcare facilities; taking in charge; drainage planning; conservation planning; transportation planning; public lighting; Parks and Landscape Services; appropriate assessment and EIA Screening; other issues. Internal reports from the Transportation; Housing, Parks and Landscape Services, Conservation, Environment and Drainage Planning Departments have been appended to the report.

8.2.3 A detailed and comprehensive report was submitted and it concludes with the following concerns:

- Height of proposal- not satisfied that the principle of a five storey building at this location is acceptable and in accordance with local and national policy; extent of tree removal from site
- Satisfied that the site is ideally suited to accommodating a higher density of development however concerns are raised that higher residential densities may be constrained by the potential impact of the proposed development on the adjacent Protected Structures and Blackrock LAP guidance
- Internal apartment storage areas do not adhere to requirements of Sustainable Urban Housing- Design Standards for New Apartment

- Block D provides for 43% dual aspect and does not adhere to SPPR 4 of Sustainable Urban Housing, which has an objective that there be generally a minimum of 50% dual aspect apartments in suburban and intermediate areas
- Detrimental to character and setting of a number of Protected Structures in vicinity of site due to its mass, scale and bulk- would not accord with the principle of UD1 of the CDP or section 3.5.2 Site Framework Strategy: Cluain Mhuire of the Blackrock LAP
- Repetitive design of blocks which fail to create a sense of place or adequate levels of typologies within the site- satisfied with general footprint
- Level and location of excavation works required to construct the proposed car parking areas, given its proximity with the site's eastern boundary with Cluain Mhuire
- Separation distances between Blocks B and C
- Non-provision of childcare facility

Additional details should also be submitted in relation to:

- Improved pedestrian and cycle access through the site to St. Catherine's and lands to the north as identified in Framework Strategy
- Design of proposed boundary access points; proposed finishes; areas to be taken-in-charge, public lighting; issues raised in internal reports

8.2.4 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 Team due to Covid-19 restrictions on the 1<sup>st</sup> day of July 2020, commencing at 9.30am. 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 height, massing, form and density in context of PA concerns; aspect; permeability, childcare facility, materials/finishes
- Architectural heritage
- Biodiversity
- Residential amenity
- Transportation matters
- Drainage matters
- Any other matters

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

- Height/massing/form/density of proposed development in the context of PA concerns, the existing pattern of development in the area, locational context and in the context of existing local and national policy
- Proposal in context of tree loss and possible, potential impacts on character and setting of nearby Protected Structures; also tree loss in the context of possible impacts on ecology
- Relationship between proposed development and any possible future development on adjacent lands; landscaping and public realm
- Connectivity to adjoining lands to facilitate access through neighbouring developments; accessibility due to level differences across site
- Discussions regarding the non-provision of a childcare facility
- Clarity regarding aspect of proposed units
- Materials/finishes

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

- Interactions with, and possible, potential impacts on character and setting of nearby Protected Structures
- Report of Conservation Officer, as contained in Appendix B of PA Opinion
- Submission of CGIs/visualisation and cross-sections in this regard

8.3.5 In relation to biodiversity, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- Potential ecological impacts, having regard to extent of tree loss
- Report of Parks and Landscaping Division of PA
- Tree removal; root protection measures; removal of invasive species

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

- Residential amenity in the context of possible/perceived impacts on existing residential properties
- Compliance with Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018); daylight/sunlight analysis; aspect of proposed units

8.3.7 In relation to transportation matters, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following

- Transport and parking as per report of Transportation Planning Division, Planning Authority, as contained in Appendix B of PA Opinion, dated May 7<sup>th</sup> 2020

8.3.8 In relation to drainage matters, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following

- Surface water drainage and flood risk- as per report of Drainage Division, Planning Authority, as contained in Appendix B of PA Opinion, undated
- Report of IW in relation to wastewater connection

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

- Waste management and location of bin stores
- Building Lifecycle report

## 8.4 Conclusion

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 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: **constitutes 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 would constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**

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:

Notwithstanding that the documentation submitted constitutes a reasonable basis for an application for strategic housing development to An Bord Pleanála, the applicant is advised to address the following:

1. Further consideration and/or justification of the documents as they relate to the height and design strategy. In this regard, the prospective applicant should satisfy themselves that the design strategy for the site as it relates to height provides the optimal architectural solution for this site and should submit a rationale/justification for the heights/setbacks proposed. CGIs, visualisations and cross sections, as necessary, should be submitted which clearly show the relationship between the proposed development and existing development in the immediate and wider area and which illustrates the topography of the area. Details should also include interactions with nearby Protected Structures, Cluain Mhuire and St. Catherine's, and their associated lands; boundary treatments and public realm.

The proposed development shall have regard to inter alia, national policy including the National Planning Framework and Sustainable Urban Housing:



Design Standards for New Apartments (March 2018) and local planning policy, the site's context and locational attributes.

Furthermore, the applicant is advised that an appropriate statement in relation to section 8(1)(iv) of the Planning and Development (Housing) and Residential Tenancies Act 2016, that outlines consistency with the relevant development plan and that specifically addresses any matter that maybe considered to materially contravene the said plan, if applicable, should be submitted.

2. Further consideration of cycle and pedestrian connections including legibility and permeability through the development site to lands at Dunardagh and other surrounding areas. A layout plan highlighting such connections should be provided. Landscaping proposals including an overall landscaping masterplan for the development site and a site layout plan indicating the full extent of tree retention and removal. Details of proposed tree protection measures during construction. Details pertaining to the quantity, type and location of all proposed hard and soft landscaping including details of play equipment, street furniture including public lighting and boundary treatments should be submitted.
3. Additional transportation details for the site having regard to the requirements of the Transportation Planning Division as indicated in their report, dated 07<sup>th</sup> May 2020, contained in Appendix B of the Planning Authority's Opinion
4. Additional drainage details for the site having regard to the requirements of the Drainage Division as indicated in their report contained in Appendix B of the Planning Authority's Opinion. Any surface water management proposals should be considered in tandem with any Flood Risk Assessment, which should in turn accord with the requirements of 'The Planning System and Flood Risk Management' (including associated 'Technical Appendices').
5. A site layout plan showing which, if any, areas are to be taken in charge by the planning authority
6. Further justification for non-provision of childcare facility, including childcare demand analysis and likely demand for childcare places resulting from the proposed development

7. 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 (2018).
8. A housing quality assessment which provides specific information regarding the proposed apartments and which demonstrates compliance with the various requirements of the 2018 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. Department of Culture, Heritage and the Gaeltacht
3. Transport Infrastructure Ireland
4. National Transport Authority
5. An Taisce-the National Trust for Ireland
6. Heritage Council
7. Failte Ireland
8. An Comhairle Ealaíonn
9. Dun Laoghaire Rathdown 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

07<sup>th</sup> July 2020