



An  
Bord  
Pleanála

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

### **Inspector's Report on Recommended Opinion ABP-307181-20**

---

|                                      |   |
|--------------------------------------|---|
| <b>Strategic Housing Development</b> | 101 no. apartments and associated site works.                     |
| <b>Location</b>                      | Former Europa Garage Site, Newtown Avenue, Blackrock, Co. Dublin. |
| <b>Planning Authority</b>            | Dun Laoghaire Rathdown County Council                             |
| <b>Prospective Applicant</b>         | Seabren Development Limited.                                      |
| <b>Date of Consultation Meeting</b>  | 30 <sup>th</sup> September 2020.                                  |
| <b>Date of Site Inspection</b>       | 27 <sup>th</sup> September 2020.                                  |
| <b>Inspector</b>                     | Karen Kenny   |



## Contents

|   |    |
|---|----|
| 1.0 Introduction .....  | 3  |
| 2.0 Site Location and Description.....                              | 3  |
| 3.0 Proposed Strategic Housing Development.....                     | 4  |
| 4.0 Planning History.....   | 5  |
| 5.0 Section 247 Consultation(s) with Planning Authority.....        | 5  |
| 6.0 National and Local Planning Policy.....                         | 5  |
| 6.1. Project Ireland 2040 – National Planning Framework .....       | 5  |
| 6.2. Section 28 Ministerial Guidelines .....                        | 6  |
| 6.3. Dún Laoghaire-Rathdown County Development Plan 2016-2022 ..... | 7  |
| 7.0 Forming of the Opinion .....                                    | 8  |
| 7.1. Documentation Submitted .....                                  | 8  |
| 7.2. Statement of Consistency.....                                  | 8  |
| 7.3. Planning Authority Submission.....                             | 10 |
| 7.4. Other Submissions.....   | 12 |
| 7.5. Consultation Meeting .....                                     | 12 |
| 8.0 Conclusion and Recommendation .....                             | 13 |
| 9.0 Recommended Opinion.....  | 14 |



## **1.0 Introduction**

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

## **2.0 Site Location and Description**

- 2.1. The site is located in Blackrock, Co. Dublin, c. 300 metres east of Blackrock Village. It is bound to the north and east by Newtown Avenue and is adjacent to the junction of Newtown Avenue and Seapoint Avenue.
- 2.2. The site, with a stated area of 0.49 ha, was previously used as a garage. It is currently vacant, and structures associated with former uses have been cleared. There is a palisade fence along the northern and eastern boundary to Newtown Avenue and a single sycamore tree close to the northern boundary.
- 2.3. The site is bounded to the south and west by residential development. Newtown Villas to the west comprises a short cul-de-sac of single storey cottages and is designated as an Architectural Conservation Area. There is a historic stone wall of c. 6 metres in height (brick/granite) along the western site boundary to Newtown Villas. To the south, the site is bounded by single storey dwellings in Craigmore Gardens and two storey dwellings that front onto Newtown Avenue. The site's southern boundary comprises a high wall. Blackrock House, Newtown House and Seapoint Manor, detached structures to the north east and east of the site, are Protected Structures.
- 2.4. Newtown Avenue is one-way in the vicinity of the site with traffic travelling north and west from the N31. A contra flow cycle track lies on the northern side of the road and there is on street parking along Newtown Avenue along the northern site frontage.



### 3.0 Proposed Strategic Housing Development

3.1. The proposed development relates to the construction of 101 no. apartments contained in two blocks over basement level. Block A (1-4 storeys) in the western section of the site contains 47 no. apartments. Block B (3-7 storeys) in the eastern section of the site contains 54 no. apartments.

3.2. Key Details:

| Detail        | Proposal   |
|---------------|--|
| No. of Units  | 101 no. apartments in 2 no. blocks of 1-7 storeys. |
| Site Area     | 0.49 ha  |
| Density       | 206 no. units per ha (net)                         |
| Plot Ratio    | 1.99   |
| Site Coverage | 47.1%  |
| Plot Ratio    | 1.92   |
| Dual Aspect   | 41%  |
| Parking       | 73 no. car parking spaces; 226 no. bicycle spaces. |
| Open Space    | 1,162 sq.m communal; 302 sq.m public.              |

3.22. Housing Mix

|       | No. | %   |
|-------|-----|-----|
| 1-Bed | 51  | 50  |
| 2-Bed | 42  | 42  |
| 3-Bed | 8   | 8   |
| Total | 101 | 100 |

3.37. Communal open space is proposed centrally within the site and to the west of Block A. A public open space is proposed at the north east corner of the site. A ramp to



basement level is proposed from Network Avenue along the western site boundary. The existing western boundary, comprising a 6 m high historic brick / stone wall is to be altered and retained. The southern boundary wall to residential properties is also to be altered and retained.

## **4.0 Planning History**

### **4.1. Subject Site:**

**PA Ref. D17A/0137 / ABP Ref. PL06D.248456:** Permission granted for demolition of garage buildings and construction of 51 no. residential units comprising 9 no. houses and 42 no. apartments in 3 no. blocks of 2-4 storeys. The PA's decision to grant permission was upheld on appeal.

**PA Ref. 15A/0620 / ABP Ref. PL06D.245914:** Permission refused for demolition of garage buildings and construction of 53 no. residential units comprising 44 no. apartments and 9 no. houses in 3 no. blocks of 1-4 storeys plus a fifth set back level. The PA's decision to refuse permission was upheld on appeal. The reason for refusal related to overdevelopment of the site, the response to neighbouring buildings in terms of height and use of materials, the impact on the Newtown Villas ACA and the quality of communal and private open spaces.

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

5.1. The applicant's representatives met the PA for a consultation under Section 247 of the Planning and Development Act 2000 (as amended) on 22<sup>nd</sup> November 2019 and 4<sup>th</sup> March 2020.

## **6.0 National and Local Planning Policy**

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

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



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

## 6.2. Section 28 Ministerial Guidelines

- Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submission from the Planning Authority, I am of the opinion that the directly relevant section 28 Ministerial Guidelines are:
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual').
- Design Manual for Urban Roads and Streets.
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018).
- Urban Development and Building Heights – Guidelines for Planning Authorities, (2018).



- Childcare Facilities – Guidelines for Planning Authorities.
- Architectural Heritage Protection Guidelines for Planning Authorities.
- Flood Risk Management Guidelines, 2009.

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

6.4. The Dun Laoghaire Rathdown Development Plan 2016 – 2022 is the operative development plan. Blackrock is designated as a Secondary Centre in the county settlement hierarchy. The site is zoned A *‘to protect and-or improve residential amenity’*. It is situated to the east of the Newtown Villas Architectural Conservation Area and to the south east of a zone of archaeological potential associated with Recorded Monument DU 023-008. There are protected structures to the north-east and east of the site, namely Blackrock House, Blackrock House gates, Newtown House and The Courtyard/Seapoint Manor. Chapter 2 Sustainable Communities promotes: higher residential densities whilst ensuring the reasonable protection of residential amenities and established character (RES3); the densification of existing housing stock to retain population levels (RES4); and the provision of a variety of housing and apartment types (RES7). Chapter 6 relates to heritage and includes policies relating to Protected Structures and ACA's. Chapter 8 refers to principles of development and sets out general requirements for residential development and infill development.

### 6.5. **Blackrock Local Area Plan 2015 – 2021**

The site is identified for residential development at a density of 50+ units per hectare. The plan contains a Site Framework Strategy for the site. Policy BK06 of the plan seeks to ensure that any development proposals are in accordance with the Strategy and Chapter 4 includes specific objectives in relation not the development strategy for the site. The LAP looks for an innovative design response, a minimum density of 50 units per ha and a maximum building height of 4 storeys with 2 storeys maximum along the western site boundary. The framework seeks to retain the sycamore tree along the northern boundary. Objective ES5 states that the design of any residential development on the site shall ensure no undue overlooking or overshadowing either within the scheme or of adjoining properties. A shadow analysis shall be required to be submitted with any application for redevelopment of the site.



## **7.0 Forming of the Opinion**

Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the planning authority submission and the discussions which took place during the tripartite consultation meeting. I shall provide a brief detail on each of these elements hereunder.

### **7.1. Documentation Submitted**

The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. This information included, inter alia, a Completed Application Form, Cover Letter, Architectural Drawings, Design Statement, A3 Booklet of Drawings, Schedule of Accommodation, Housing Quality Assessment, Statement of Consistency, EIA Screening Report, Transportation Assessment Report, Water Services and Flood Risk Assessment, Letter of Feasibility from Irish Water, Preliminary Construction and Waste Management Plan, Landscape Report and Landscape Plan, Landscape and Visual Impact Assessment (inc. verified views), AA Screening Report, External Lighting Plan, Energy Statement and Daylight, Sunlight and Overshadowing Study.

### **7.2. Statement of Consistency**

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. The applicant's case in relation to the proposed development is summarised as follows:

- Consistent with Rebuilding Ireland Action Plan for Housing and Homelessness – Pillar 3.



- Consistent with NPF and RSES policy on use of brownfield sites and consolidation, with increased densities and building height, close to public transport and services.
- Consistent with Quality Housing for Sustainable Communities (2007) which promotes high standards of urban design and access to infrastructure and facilities.
- Consistent with criteria in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and with the 12 criteria in the accompanying Urban Design Manual.
- Consistent with guidance and standards in the Sustainable Urban Housing: Design Standards for New Apartments, 2018. Some minor shortfalls in respect of storage and private open space.
- Urban Development and Building Height Guidelines support increased density and building height in urban areas. Proposed development meets the development management criteria for taller buildings set out under Section 3.2 of the Guidelines. ABP can grant permission under SPPR3, notwithstanding any conflict with building height provisions in the CDP / LAP.
- The provisions of the Childcare Facilities Guidelines have been updated by the Sustainable Urban Housing: Design Standards for New Apartments Guidelines, 2018. In accordance with the updated guidance, it is not appropriate to provide a childcare facility in this instance, given the number of 1 bed units, provision of childcare facilities in the area and the relatively stable demographic of the area.
- The proposed development would not conflict with the provisions of the Architectural Heritage Protection Guidelines, 2011.
- Site Specific Flood Risk Assessment addresses flood risk in accordance with Planning System and Flood Risk Management Guidelines.
- Complies with the Design Manual for Urban Roads and Streets.
- In response to National Adaption Framework: Planning for a Climate Resilient Ireland, the development is designed to be resilient in relation to climate change.



- The proposed development is generally consistent with the provisions of the DLR County Development Plan 2016-2022 and the Blackrock LAP 2015, save for provisions relating to building height. The proposed site is zoned residential and higher density is supported along public transport corridors. In relation to CDP objective RES3, the development is designed to ensure a balance between density and the reasonable protection of residential amenity and character.
- The Blackrock LAP 2015 sets out detailed policy objectives for the site. The proposed development meets objectives relating to density and quality of development. It does not meet provisions in relation to building height.
- The development is designed to limit impact on the adjoining ACA. The existing high wall that forms the boundary will be retained to restrict visibility between the ACA and the proposed development. Protected structures to the east are at a distance from the site.
- The site is within a zone of archaeological protection. It is considered unlikely that significant remains exist on the site, however, it is proposed to engage a suitably qualified archaeologist to supervise works at appropriate times.
- In relation to visual impact the submitted details include a Landscape and Visual Impact Assessment and verified views.
- Open space provision exceeds the minimum on site requirements of the Development Plan.

### **7.3. Planning Authority Submission**

A submission was received by An Bord Pleanála from Dun Laoghaire Rathdown County Council. The 'opinion' of the planning authority included, inter alia, the following:

- Acceptable in principle.
- Density in accordance with the CDP and Blackrock LAP.
- The Blackrock LAP includes objectives in relation to building height. Objective SH1 and ES1 include building height limits on the site of 2 storeys within the western portion of the site along the boundary to Newtown Villas and 4 storeys



overall. PA cognisant of policy in Urban Development and Building Height Guidelines and of recent SHD decisions in the area. Having regard to the layout, form and design of the scheme and the material supporting the pre-application submission the PA is satisfied that additional height can be absorbed within the north-eastern corner of the site. Concerns regarding the visual impact of the southern roof slope when viewed from properties on Newtown Avenue. It is suggested that unit no. B-48 be omitted.

- In relation to the framework plan for the area there is generally no concerns in relation to deviations. Own door houses have not been provided along the western boundary (as per framework). However, PA consider the set back from the western site boundary to provide an appropriate transition in scale to Newtown Villas and the highly articulated design to provide an acceptable design response. Concern raised in relation to potential for overlooking of properties to the south. Welcome proposal to retain historic wall along western boundary – suitable transition to ACA. Senior Architect expressed concern in relation to proposed darker coloured brick on the higher section of Block B.
- Generally acceptable with reference to the standards contained in the Apartment Guidelines. PA consider the site to be within an intermediate suburban location and that a minimum of 50% of units should be designed as dual aspect.
- Creche Demand and Needs Assessment required to ensure that there is an adequate supply of childcare facilities in the area to cater for the increase in population arising from the proposed development.
- Further detail sought in relation to Part V, surface water drainage and flood risk from surcharge.
- In relation to transportation, concerns raised in relation to rate of car parking provision and further detail sought in relation to car sharing, electric vehicle charging points, cycle parking and refuse collection and other detailed matters.



#### **7.4. Other Submissions**

Irish Water: IW issued confirmation of feasibility for 104 residential units. No network or treatment plant upgrades are required. The proposal is required to incorporate Sustainable Drainage Systems / Attenuation to manage stormwater and reduce inflow to the receiving combined sewer. Any proposals to build over or divert existing water or wastewater services to be submitted for written agreement of IW.

#### **7.5. Consultation Meeting**

A Section 5 Consultation meeting took place Remotely Via Microsoft Teams on the 30<sup>th</sup> September 2020, commencing at 10.00. Representatives of the prospective applicant, the planning authority and An Bord Pleanála participated in the meeting. An agenda was issued by An Bord Pleanála prior to the meeting.

The main topics raised for discussion at the tripartite meeting were based on the agenda that issued in advance and contained the following issues:

1. Development Strategy – building height, architectural form and materiality.
2. Water & Drainage – matters raised in PA and IW submissions.
3. Transportation - items raised in PA opinion.
4. Any Other Business.

In relation to development strategy, An Bord Pleanála sought further elaboration / discussion in relation to building height, architectural form, materiality, aspect of units, potential for overlooking and landscaping details.

In relation to water and drainage, An Bord Pleanála sought further elaboration / discussion / consideration in relation to the issues raised in the submission received from the PA's Drainage Section and Irish Water.

In relation to transportation, An Bord Pleanála sought further elaboration / discussion / consideration in relation to car parking provision, refuse collection and cycle parking.

In relation to any other business, An Bord Pleanála advised that further detail is required in relation to Childcare Provision and that details in relation to Part V should be agreed with the PA prior to making an application.



Both the prospective applicant and the planning authority were given an opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting 307181' which is on file.

I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

## **8.0 Conclusion and Recommendation**

- 8.2.1 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.
- 8.2.2 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.
- 8.1 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.
- 8.2 I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.



## 9.0 Recommended Opinion

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:

1. Notwithstanding that the proposal constitutes a reasonable basis for an application the prospective applicant is advised to address the following in the documents submitted:
  - (a) Provide additional drainage details. The details should address the matters raised in the Report of the Drainage Division of Dun Laoghaire Rathdown County Council, as contained in the PA's submission dated June 2020 and the matters raised in the submission received from Irish Water.
  - (b) Details of Part V provision. The details should address the matters raised in the Report of the Housing Division of Dun Laoghaire Rathdown County Council, as contained in the PA's submission dated March 2020.
2. CGIs of primary elevations to public roads and communal open spaces within the site including the northern and eastern elevations to Newtown Avenue.



3. A Materials Strategy that details all materials proposed for buildings, open spaces, paved areas and boundaries. This strategy shall include details of the colour, tone and texture of materials on each block. The statement should present a justification for the materials having regard to the need for high quality and sustainable finishes that respond to the character of the area.
4. A landscaping plan that addresses the design and function of open spaces within the development. The plan should address issues raised in the Report of the Parks Department of Dun Laoghaire Rathdown County Council, as contained in the PA's submission dated March 2020.
5. A Housing Quality Assessment that sets out a schedule of accommodation, with the calculations and tables required to demonstrate compliance of the various requirements of the 2018 Guidelines on Design Standards for New Apartments.
6. Details of cycle parking provision to include design details for secure cycle storage areas and visitor cycle parking spaces.
7. A Building Life Cycle Report that includes an assessment of the long term running and maintenance costs associated with the development in accordance with Section 6.13 of the 2018 Guidelines on Design Standards for New Apartments.
8. An operational waste management plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste.
9. Taking in charge layout.
10. Details of public lighting.

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. National Transport Authority
3. Minister for Culture, Heritage and the Gaeltacht



4. Heritage Council
5. An Taisce — the National Trust for Ireland
6. 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.

---

Karen Kenny

Senior Planning Inspector

14<sup>th</sup> May 2020