



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-309371-21

Strategic Housing Development

Demolition of existing buildings and southern boundary wall and construction of 311 Build to Rent apartments and associated site works.

Location

Cross Avenue, Blackrock, Co. Dublin.

Planning Authority

Dun Laoghaire Rathdown County Council.

Prospective Applicant

1 Players Land Limited

Date of Consultation Meeting

24th March 2021

Date of Site Inspection

4th & 8th March 2021

Inspector

Daire McDevitt

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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

The site is located on the northern side of Cross Avenue in Blackrock, c.7.5km from Dublin City centre and is c.3km from Dun Laoghaire centre. The site was formerly part of the larger Blackrock College Campus which occupies lands to the north and east of the site. Blackrock College lands include a number of school buildings, open space/playing fields and parking.

An access road to Blackrock College forms the northern and eastern boundaries of the site. To the west the site is bounded by St. Margaret's, a small residential development accessed off Cross Avenue. To the east is the grounds of Sion Hill College with Blackrock Hospital and Clinic further to the north-east. Cross Avenue runs along the southern boundary. The site is set behind a large mixed rubble wall along Cross Avenue. St. Philip and St. James' Church is located opposite the site on the southern side of Cross Avenue.

The northern and eastern portion of Cross Avenue is characterised by educational uses. To the south and west/ north west of the site it is predominantly residential. Building height in this area are generally 2 to 4 storeys in height.

The site, with a stated area of c.1.21 hectares, is occupied at present by two existing buildings. Tower Green is a residential property with its own separate access to Cross Avenue. Clareville comprises two residences within the former grounds of Blackrock College. These will be demolished as part of the proposed development. There are a number of mature trees along the site boundaries which contribute to the character of the site and Cross Avenue.

3.0 Proposed Strategic Housing Development

The proposed development consists of the demolition of the existing buildings on site (Tower Green and Clareville) and southern boundary wall and the development of 311 no. Build to Rent residential apartments in 3 no. blocks.

Development parameters:

Site Area	1.21 hectares
Proposal	Demolition of two residences and construction 311 BTR apartments in 3 no. Blocks.
Density	256 uph
Height	3 no. blocks, ranging from 1 to 12 storeys
Dual Aspect	51% (160 units)
Support Facilities	<p>Provided in Block A & C</p> <ul style="list-style-type: none"> Concierge Desk × Management Area (42.2sqm) × Parcel Store (52.4sqm) × Parcel Locker (40.8sqm) × Lobby and Café (96.7sqm) × Multipurpose Room (39.8sqm) × Meeting Rooms (57.4sqm) × Co-working Area (98sqm) × Pet Wash (12.5sqm) × Multi-purpose studio (46.2sqm) × Fitness Area (217.4sqm) × Residents Lounge/Private Dining (109.9sqm).
Open Space	<p>Public (58%) c.7083.16sq.m</p> <p>External Communal Amenity Space c.2710sq.m</p>
Parking	<p>Car: 98 spaces (97 basement, 1 surface) (0.3 spaces per unit)</p> <p>Bicycle: 412 (1.32 spaces per unit)</p> <p>Motorcycle: 7</p>

Access	<p>Tower View has a vehicular access off Cross Avenue. Access to site at present is via Blackrock College access road and entrance off Cross Avenue.</p> <p>The proposed access is from Cross Avenue at western end of development frontage furthest from adjoining Blackrock College Schools entrance.</p>
Part V	31 apartments (1 no. studio, 15 no. 1 bed, 13 no. 2 bed & 2 no. 3 bed units)

Unit Mix:

Unit Type	No. of Units	% of total
Studio	12	4%
1 Bed	150	48%
2 Bed	128	41%
3 Bed	21	7%
Total	311	100%

4.0 Planning History

There is no recent planning history pertaining to the site which is the subject of this consultation.

There are a number of applications relating to the overall Blackrock College Campus.

SHD applications in the Blackrock/Monkstown area:

ABP 308046-20 refers to a 2020 grant of permission for alterations to Phase 1 to include the provision of an additional 57 apartments as an extension to Phase 1, bring the total to 102 apartments at the Frascati Centre, Blackrock.

ABP 303804-19 refers to a 2019 grant of permission for 294 apartments, conversion of St. Teresa's House, relation of St. Teresa's Lodge at St. Teresa's. Temple Hill, Blackrock.

ABP 306949-19 refers to a 2020 grant of permission for 276 units (houses, apartments and conversion of structures) in the ground of Dalguise House, Monkstown Rd, Monkstown. Case is currently the subject of JR.

ABP 308432-20 refers to a 2021 decision to refuse permission for 122 apartments on lands formerly known as Richmond Cheshire Home, Richmond Park, Monkstown for the following reasons:

- 1. The Board considered that the proposed development would seriously injure the residential and visual amenities of adjoining properties by reason of its design, scale and mass in particular in respect of the increased levels of overshadowing, overlooking and visual impact and represented overdevelopment of a restricted site, relative to the existing and permitted development on site. The proposed development is considered contrary to the criteria set out in Section 3.2 and Specific Planning Policy Requirement 3 of the Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018 and to the policies and guidelines of Appendix 9 (Building Height Strategy) of the Dún Laoghaire-Rathdown County Development Plan 2016-2022. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

2. *The Board considered that the proposed development by reason of the extent of north facing apartments, and restricted outlook of a significant number of the south and west facing apartments, as well as the layout, location and the sub optimal quality of the proposed public and communal open space and the extent of the retaining wall to the south and west of the site would seriously injure the residential amenities of future occupants of the proposed development. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

ABP 308877-20 refers to a 2021 grant of permission for 101 apartments at the former Europa Garage Site, Newtown Avenue, Blackrock.

ABP 308946-20 refers to a grant of permission for 140 units (apartments and duplex) at lands adjacent to Cluain Mhuire, Newtownpark Avenue, Blackrock.

ABP 301097-18 refers to an application for 217 residential units at Chesterfield, Cross Avenue. Decision quashed.

5.0 Policy Context

5.1. National

Project Ireland 2040 - National Planning Framework

National Policy Objective 4: 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.

National Planning Objective 13: In urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

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:

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) and the accompanying Urban Design Manual: A Best Practice Guide (2009)
- Sustainable Urban Housing: Design Standards for New Apartments (2020)

- Urban Development and Building Heights, Guidelines for Planning Authorities (2018)
- Design Manual for Urban Roads and Streets (2013) (updated May 2020)
- The Planning System and Flood Risk Management (including the associated ‘Technical Appendices’) (2009)
- Childcare Facilities – Guidelines for Planning Authorities (2001)
- Architectural Heritage Protection Guidelines for Planning Authorities’ (2011).

5.2 Regional

Eastern and Midland Regional Assembly - Regional Spatial and Economic Strategy 2019-2031 (EMRA-RSES)

The RSES provides a development framework for the region through the provision of a Spatial Strategy, Economic Strategy, Metropolitan Area Strategic Plan (MASP), Investment Framework and Climate Action Strategy.

The Dublin MASP is an integrated land use and transportation strategy for the Dublin Metropolitan Area, which seeks to manage the sustainable and compact growth of the Dublin Metropolitan Area.

The strategy for the sequential development of the metropolitan area is focussed on the achievement of ambitious compact development targets of at least 50% of all new homes within or contiguous to the existing built up area in Dublin and 30% in other settlements, the MASP identifies strategic residential, employment and regeneration development opportunities on the corridors along with the requisite infrastructure investment needed to ensure a steady supply of sites in tandem with the delivery of key public transport projects as set out in the NDP.

5.3 Local

The Dun Laoghaire Rathdown Development Plan 2016 – 2022 is the operative development plan.

- The site is zoned under Land Use Zoning objective ‘A’ with an objective ‘to protect and / or improve residential amenity’.
- The lands associated with Blackrock College have ‘Institutional Lands’ designation with ‘an objective “to protect and / or provide for institutional use in open lands”’.
- To the northeast there is an objective to protect and preserve Trees and Woodlands

Chapter 2 Sustainable Communities Strategy, includes inter alia policies which seek to increase housing supply and density (RES3), ensure an appropriate mix, type and range of housing (RES7) and promote the development of balanced sustainable communities.

These include **Policy RES5 Institutional Lands:**

“Where distinct parcels of land are in institutional use (such as education, residential or other such uses) and are proposed for redevelopment, it is Council policy to retain the open character and/or recreational amenity of these lands wherever possible, subject to the context of the quantity of provision of existing open space in the general environs”.

Section 2.1.3.5 states that protecting and facilitating the open and landscaped ‘parkland’ settings and the activities of these institutions is encouraged. Where a well-established institution plans to close, rationalise or relocate, the Council will endeavour to reserve the use of the lands for other institutional uses, especially if the site has an open and landscaped setting and recreational amenities are provided. Where no demand for an alternative institutional use is evident or foreseen, the Council may permit alternative uses subject to the zoning objectives of the area and the open character of the lands being retained. A minimum open space provision of 25% of the total site area (or a population based provision in accordance with Section 8.2.8.2 whichever is the greater) will be required on Institutional Lands. This provision must be sufficient to maintain the open character of the site with development proposals structured around existing features and layout, particularly by reference to retention of trees, boundary walls and other features as considered necessary by the Council (Refer also to Section 8.2.3.4(xi) and 8.2.8). In the development of such lands, average net densities should be in the region of 35 - 50 units p/ha. In certain instances, higher densities will be allowed where it is demonstrated that they can contribute towards the objective of retaining the open character and/or recreational amenities of the lands. In cases of rationalisation of an existing institutional use, as opposed to the complete cessation of that use, the possible need for the future provision of additional facilities related to the residual retained institutional use retained on site may require to be taken into account. (This particularly applies to schools where a portion of the site has been disposed of, but a school use remains on the residual part of the site).

Section 8.2.3.4 (xi) sets out principles / standards for the development of Institutional Lands.

The Plan states that where no demand for an alternative institutional use is evident or foreseen, the Council may permit alternative uses subject to the area’s zoning objectives and the open character of the lands being retained. The principal aims of any redevelopment will be to achieve a sustainable amount of development while ensuring the essential setting of the lands and the integrity of the main buildings are retained. A comprehensive masterplan should accompany a planning application for institutional sites. The masterplan must take account of the built heritage and natural assets of a site and established recreational use patterns. Public access to all or some of the lands may be required. Should any proposed development deviate from

the agreed masterplan then a revised masterplan shall be agreed with the Planning Authority. A minimum open space provision of 25% of the total site area (or a population based provision in accordance with Section 8.2.8.2 whichever is the greater) will be required on Institutional Lands. This provision must be sufficient to maintain the open character of the site - with development proposals built around existing features and layout, particularly by reference to retention of trees, boundary walls and other features as considered necessary by the Council. In addition to the provision of adequate open space, on Institutional Lands where existing school uses will be retained, any proposed residential development shall have regard to the future needs of the school and allow sufficient space to be retained adjacent to the school for possible future school expansion/ redevelopment.

Chapter 8 Policy UD6 Building Height: “It is council policy to adhere to the recommendations and guidance set out within the Building Height Strategy for the County”.

The **Building Height Strategy** is contained in Appendix 9. The site is located within a ‘residual urban area’ where a maximum of 3-4 storeys may be permitted. In certain circumstances upward modifiers can be applied to allow for an additional 1-2 storeys, including in situations where the site is larger enough (i.e. >0.5ha) to set its own context.

Other relevant sections include inter alia:

Chapter 22 - Sustainable Travel and Transportation.

Policy UD1: Urban Design Principles - all development is of high quality design that assists in promoting a ‘sense of place’.

Policy UD3 Public Realm Design

Chapter 6 Built Heritage

Policy AR1 Record of Protected Structures

Development Management standards of note (but not limited to):

Section 8.2.3.5 Residential Development- General Requirements.

Section 8.2.3.1 Quality Residential Design

Section 8.2.3.2 Quantitative Standards.

Section 8.2.3.3- Apartment Development

Section 8.2.4 – Sustainable Travel and Transport

Table 8.2.3: Residential Land Use - Car Parking Standards

Section 8.2.8 – Open Space and Recreation

Section 8.2.11 Archaeological and Architectural Heritage (including ACAs)

Section 8.2.11.2 Architectural Heritage – Protected Structures.

6.0 Section 247 Consultation(s) with Planning Authority

It is stated by the prospective applicant that a pre-application consultation meeting took place with the Planning Authority on 10th December 2020.

7.0 Forming of the Opinion

7.1 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 submission and the discussion which took place during the tripartite consultation meeting. I shall provide a brief detail on each of these elements hereunder.

7.2 Documentation submitted

7.2.1 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.

The information inter alia included: completed application form, Part V pack, Irish Water Confirmation of Feasibility, Planning Report (includes Statement of Consistency, Material Contravention Statement & s.247 Meeting Minutes and response), Creche Assessment, EIA Screening report, Cover Letter to ABP, Cover Letter to DLRCC, Appropriate Assessment Screening Report and Natura Impact Statement, Ecological Note, Build to Rent Operations and Amenity and Lifecycle Overview, Environmental Noise Survey, Operational Waste & Recycling Management Plan, Outlines Architectural Heritage Impact Assessment, Desktop Pedestrian Comfort Analysis, Arboricultural Assessment, Arboricultural Impact and Tree Protection Strategy Report, Housing Quality Assessment, Schedule of Accommodation, Design Statements, Architectural drawings and maps, Site Specific Flood Risk Assessment, Engineering Planning Report, Mobility Management Plan, outline Construction and Demolition Waste Management Plan, Outline Construction Management Plan, Car Parking management Plan, Traffic and Transport Assessment, Engineering drawings, Daylight & Sunlight Report, Daylighting Report, NZEB Compliance and DEAP Assessment Report, Utility and lighting drawings, Landscape Design Proposals Report and drawings,

7.2.2 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.

7.2.3 I have reviewed and considered all of the documents and drawings submitted.

7.3 Planning Authority Submission

7.3.1 In compliance with section 6(4)(b) of the Act of 2016 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 2nd March 2021.

The report included planning history, issues relating to the proposal and issues that may be considered by An Bord Pleanála.

The issues raised relate to:

Principle of Development:

- The site is located in an area zoned objective 'A' which seeks 'To protect and/or improve residential amenity'. It is also noted that all adjoining lands are subject to zoning objective 'A'. In this regard, it is considered that the proposed development should be assessed in terms of the impact of the proposal on the residential amenities of neighbouring properties and the visual amenity of the surrounding area.
- Residential development is indicated to be a 'permitted in principle' use, subject to compliance with the relevant policies, local objectives, standards and requirements of the current County Development Plan. Given the nature of the proposed use, the principle of the proposal at this location is therefore considered to be generally acceptable.
- Given the overall size and location of the application site, the Planning Authority is generally satisfied that a higher density of development may be absorbed at this location. However, the site is located in an established residential area, with a number of properties directly abutting the application site. The proposal, therefore, should have due regard to the context of the site and surrounds and ensure that the residential amenity of established residences is preserved.
- The proposed development should respond to the architectural character of the surrounding area and ensure that the proposal is sympathetic to its receiving environment.
- The Planning Authority has significant concerns regarding certain elements of the proposed development, particularly the visual impact of the proposal and its impact on the residential amenity of surrounding residences.

Institutional Lands:

- The Planning Authority acknowledge that the Blackrock College Campus grounds are extensive, its future redevelopment to facilitate the future needs of the school (including Willow Park School) will be directly influenced by the

existing built heritage and natural assets on the site, including Protected Structures and the stands of mature specimen trees found throughout the site.

- Given the proximity of the campus grounds to the South Dublin Bay and River Tolka Estuary SPA & South Dublin Bay SAC, it is also likely that the existing playing pitches are utilised as breeding grounds for wintering birds. Combined, this can have a significant influence on how the campus grounds can be developed to meet the school's future needs.
- The Planning Authority has an obligation to consider the educational needs of the wider area, irrespective of ownership patterns. This falls under the Planning Authority's wider obligation to consider the objective under this zoning to 'protect and/or improve residential amenity'.
- The provision and support of sufficient and viable schools in appropriate locations is an integral part of delivering successful residential neighbourhoods. It is therefore considered that the potential impact of the proposed development on the existing educational use on the adjoining lands and preparation of a Masterplan for the subject site and adjacent Blackrock College Campus lands in line with the provisions of Section 8.2.3.4(xi) of the Dun Laoghaire Rathdown County Development Plan 2016-2022 should be considered in advance of the lodgement of a planning application. In preparing a Masterplan for the subject site and adjacent Blackrock College Campus lands, the Applicant shall have regard to Section 8.2.12.4 (School Development) of the current County Development Plan and Technical Guidance Document TGD-027 from the DoES.
- Given the objective 'to protect and preserve trees and woodlands' on site, it is fundamental to ensure that the ongoing viability of these trees is not compromised by the proposed development.

BTR:

- Having regard to the location of the subject site in the context of Blackrock Village, the existing and proposed public transport options within its vicinity and the range of existing services, social and community facilities within its wider surrounds, the Planning Authority is generally satisfied that the subject site represents a suitable location for a BTR housing development of this nature.

Density:

- The overall density of the proposed scheme is c. 250 units per hectares based on an application site area of c. 1.241ha. Although the Planning Authority is satisfied that a higher density of development may be acceptable at this location given the characteristics of the site, its location in the context of Blackrock Village and various mode of public transport, the site has a number of sensitive interfaces which require due consideration. The Planning Authority has concerns that the proposed development does not respond appropriately to its surrounding context.

Height:

- The Planning Authority acknowledged that the development is designed to a high standard with the scheme displaying many positive design attributes such as the articulation of the building facades, the utilisation of high quality materials and finishes and the conceptual landscaping rationale. However, the Planning Authority raised fundamental concerns with the scale and height of the proposed development. It is noted that the site is not located on a prominent corner nor is it located on site which would warrant a key landmark building of this scale to signify a gateway to a town or village. The site is located in a suburban area on institutional lands and any development must respond to the specific character of the site and surrounds
- The Planning Authority concur that the principle of providing a graduation in height through the site is an appropriate approach given the sensitive residential interfaces to the west of the application site. Given the characteristics of the site and the surrounding land uses, it is considered that a case may be put forward for additional height within the eastern portion of the site which may exceed the height limits set out under the current county development plan. However, fundamental concerns are raised with regard to the proposal in its current form and the associated visual impact of the proposal when viewed from Cross Avenue and the potential impact of the proposal on the residential amenity of the properties to the west.
- The Planning Authority acknowledge the Applicant's analysis of the proposal against the various development management standards of the Building Height Guidelines. Notwithstanding this, it is reiterated that the Planning Authority has significant concerns regarding the scale and height of the proposal and its impact on the residential amenity of properties within the immediate vicinity of the site. The Planning Authority is not satisfied that the proposal can meet each of the development management criteria contained within the Building Height Guidelines. From a review of the 'Daylighting Report' which has been submitted, it is also evident that many of the apartments on lower levels across the 3 no. buildings do not appear to comply with the minimum recommended Average Daylight Factor (ADF) for bedrooms and kitchens/dining rooms. This is likely due to the overall height of the proposed apartment buildings and the separation distances between each of the buildings, particularly within the northern portion of the site. The Applicant shall be requested to submit additional verified photomontages of the proposed development from various vantage points along Cross Avenue which include a 'no-leaf' scenario. Verified photomontages should also be provided from St. Margaret's to the north-west. The Planning Authority note that a refusal of planning permission would be recommended should the proposal proceed in its current form.

Layout & Urban Form:

- Generally acceptable subject to a suggested reduction in heights.

Design & Massing:

- Notwithstanding the concerns regarding the overall height of the blocks, the Planning Authority is generally satisfied that the buildings are designed to a high standard and are innovative in terms of the composition of the facades and the quality of the materials and finishes.
- The facades incorporate low profile planters to support a variety of climbing and spreading plants. Further detail regarding the maintenance and management of these planters should be provided given the extent of coverage on the facades of all buildings. The Applicant shall also be requested to submit elevations and photomontages of the buildings without the proposed planting to allow for a full evaluation of the proposal to be undertaken.
- The ground floor level of each building is elevated relative to the surrounding communal amenity areas and in some parts of the site projects above by up to 1.8m. This is particularly evident within the northern portion of the site. As a consequence, there is a lack of integration between the ground floor of the buildings and the communal amenity areas.
- The Planning Authority is satisfied that the palette of materials and finishes is generally considered to be acceptable. However, the proposal appears to incorporate extensive timber cladding on the building facades. Given the height of the buildings and the location relative to the coastline, there are some concerns associated with the maintenance and weathering of the materials

Architectural Heritage:

- The Architectural Heritage Impact Assessment notes that the southern and northern boundary walls of 'Tower Green' are 18th century structures, possibly dating back to the former Clareville Demesne. The Planning Authority has some concerns regarding the loss of this historical architectural fabric. Further detail regarding these features need to be provided in a revised Architectural Heritage Impact Assessment and the Applicant is requested to consider the opportunities for retaining these elements and incorporating them in as features of the design.

Residential Amenities:

- The communal facilities and amenities associated with the development are provided on the western side of Building A and set back c. 4.4m from the western site boundary with 'Goleen'. This element of the building has a double height space with a maximum height of c. 5.5m above natural ground level. The Planning Authority has significant concerns associated with the visual impact of the proposal when viewed from the principal amenity areas of the properties to the west. This is particularly evident within the northern portion of the site where the setback is significantly reduced from these boundaries. The Applicant shall therefore be requested to modify the design of the building to address this concern. At a minimum, a reduction in height should be provided within the

northern portion of the site so the scale of the building is graduated adjacent the more sensitive interfaces. The Applicant is requested to submit section diagrams which clearly illustrates the relationship between the proposed development and the nearby dwellings and their associated amenity spaces.

- Incomplete daylight analysis of adjoining properties.
- The proposal will result in significant overshadowing of the principal amenity areas of each dwelling to the west in the morning period.
- The Planning Authority has also concerns regarding the potential for overlooking from the west facing apartments within Building A. This is particularly evident within the northern portion of the site, whereby the setback of the building to the western boundary is reduced.

Apartment Guidelines & Amenity:

- Proposal complies with standards set out in Guidelines.

Separation Distances:

- A separation distance of c. 22m is generally achieved between Building A & B and Building B & C of the proposed scheme.
- However, there are pinch points on the northern ends each building, whereby the separation distance between the buildings are significantly reduced to between c. 15m and 17m.
- The Planning Authority has concerns regarding the amenity of the lower level apartments within scheme in terms of daylight and sunlight access
- Concerns also raised with regard to the potential for overlooking between directly opposing apartments within the development which is likely to compromise the residential amenity for future occupants.

Communal Open Space & Landscaping:

- The quantum of communal/public open space is considered generally acceptable.
- The Planning Authority have concerns in relation to the potential impact of the proposal on the existing trees within the site. The existing trees provide an invaluable contribution to the sylvan character of the site and surrounds and it is critical that any proposals for the redevelopment of the site ensure that the long term viability of these trees is safeguarded.
- The Planning Authority has also significant concerns regarding the loss of the mature specimen tree centrally located within the site.
- Detailed requirements are set out in the Report from Parks & Landscape Services which the Planning Authority recommend are addressed prior to the formulation of an application.

Childcare Provision:

- The Planning Authority is cognisant of the increased strain on childcare service providers recently due to the Covid 19 pandemic and how the potential restructuring of this sector may impact on availability in the future. The Planning Authority do not accept the justification put forward by the Applicant and the proposal is considered to be contrary Section 7.1.3.6 (Policy SIC1: Childcare Facilities) of the current County Development Plan.

Drainage:

- Detailed requirements are set out in the Report from Drainage Division.
- Issues raised include inter alia surface water drainage, requirement to address overland flow in the SSFRA.

Transportation:

- Detailed requirements are set out in the Report from Transportation Planning Section.
- Issues raised include inter alia continuous universal access ground level routes within the developemtn and universal access connections to Blackrock College Road and Cross Avenue, consider car parking provision too low, preferred parking stand is a Sheffield cycle stand.

Other:

- Details on waste management required.
- Part V
- Issues raised by Public Lighting Section.

Appropriate Assessment/Environmental Impact Assessment:

- The Planning Authority again notes that the Board is the competent authority in relation to Environmental Impact Assessment (EIA) Screening/Scoping and the consideration of Stage 1/Stage 2 Natura Impact Statement prepared by the applicant and the carrying out of an Appropriate Assessment Screening or Appropriate Assessment for the proposed application.

Full details of the Council's Technical Reports are included in Appendix B of the Planning Authority's Opinion.

7.4 Other submissions

Irish Water (22nd February 2021)

Irish Water has assessed and has issued the applicant a Confirmation of Feasibility for connection(s) to the Irish Water network(s) subject to the following: In respect of **Water:**

Approx. 140m of a new 150mm ID pipe main is required in Cross Avenue to connect the Development to the existing 9" CI main in Mount Merrion Avenue. The applicant will be responsible for the costs of delivering this upgrade and will be responsible for obtaining any consents/permissions which may be required.

Wastewater:

Separate storm and foul water connection services must be provided for the Development. The storm water from the Site must be discharged only into the existing storm water network in Mount Merrion Avenue. The connection arrangement should be agreed with the Local Authority Drainage Division.

Planning Observations:

All development is to be carried out in compliance with Irish Waters Standards Codes and Practices and that design layouts for the development proposal have been submitted to Irish Water and that a Statement of Design Acceptance has been issued to the applicant by Irish Water ahead of any SHD Application.

Irish Water does not permit build over of its assets and the separation distances as per Irish Waters Standards Codes and Practices which must be achieved. Where any proposals by the applicant to build over or divert existing water or wastewater services the applicant is required to submit details to Irish Water for assessment of feasibility and have written confirmation of feasibility of diversion(s) from Irish Water ahead of any SHD Application to the board

8.0 The Consultation Meeting

8.1 A Section 5 Consultation meeting took place online via Microsoft Teams on the 24th March 2021, commencing at 10 am. Representatives of the prospective applicant, the Planning Authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

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. Compliance with local planning policy- Institutional Lands.
2. Design Strategy, including inter alia building height and scale, layout, permeability and architectural response to the site context.
3. Architectural Heritage.
4. Services, facilities and amenity areas for future occupants.
5. Residential Amenities (impact on adjoining properties and within the proposed scheme)
6. Access and Car Parking Strategy.
7. Any Other Business.

In relation to **Compliance with local planning policy- Institutional Lands** ABP representatives sought further elaboration/discussion/consideration of:

- Clarification from the Planning Authority in relation to the concerns raised regarding institutional lands at this location.
- Justification/rationale for the development of the lands.
- If material contravention arises this needs to be addressed.

In relation to **Design Strategy, including inter alia building height and scale, layout, permeability and architectural response to the site context** ABP representatives sought further elaboration/discussion/consideration of:

- Justification/rationale for height strategy.
- Relationship/interface with school, access road, Cross Avenue and boundary treatment.
- Permeability and connectivity.
- Drawings should clearly show elevations and the detailing.

In relation to **Architectural Heritage** ABP representatives sought further elaboration/discussion/consideration of:

- Relationship with protected structures in the immediate vicinity (school, along Cross Avenue and adjoining lands)
- Justification/rationale for demolition of wall. Clarify its status.
- Address views and potential impacts on setting of protected structures.
- Architectural Impact Assessment should include Church opposite the site (St. Philip and St. James')

In relation to **Services, facilities and amenity areas for future occupants** ABP representatives sought further elaboration/discussion/consideration of:

- Further details on the management, access and location of the communal services and facilities.

In relation to **Residential Amenities (impact on adjoining properties and within the proposed scheme)** ABP representatives sought further elaboration/discussion/consideration of

- Potential Impact on existing residential properties to the west (access to daylight/sunlight, overshadowing, overlooking, overbearance)
- Residential amenities within the scheme (units, quality of open space, communal areas)

- light pollution and noise to also be included in any assessment.

In relation to **Access and Car Parking Strategy** ABP representatives sought further elaboration/discussion/consideration of:

- Justification/rationale for parking provision.
- Issues raised by Transportation Planning.

In relation to **Any Other Business** ABP representatives sought further elaboration/discussion/consideration of:

- DLR Parks & Landscape Services outlined issues that should be addressed at application stage.
- ABP representatives highlighted that the prospective applicant at application stage needs to consider the PAs comments in relation to the removal of trees and any potential material contravention arising from their removal.
- ABP representatives highlighted to the requirement to address all technical issues prior to lodging an application as no recourse to further information under SHD.
- Address any material contraventions if they arise.
- Ensure all documentation correlates.

The prospective applicant and the planning authority were given the 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 309371.' 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.

9.0 Conclusion and Recommendation

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 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.

Having regard to all of the above, I recommend that further consideration and/or possible amendment of the documents submitted is required at application stage in respect of the following elements: compliance with local planning policy and development strategy, as sets out in the Recommended Opinion below.

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 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.

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

10.0 Recommended Opinion

An Bord Pleanála 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. Institutional Lands Objective

Further consideration and / or justification of the documents as they relate to compliance with local planning policy. The further consideration and / or

justification should address the objectives “to protect and / or provide for institutional use in open lands” that pertain to the site having regard to the provisions of the Dun Laoghaire Rathdown Development Plan 2016-2022.

2. Design Strategy

Further consideration and/or justification of the documents as they relate to the design strategy for the site in respect of:

- a) The interface with Blackrock College campus, interface with Cross Avenue and the interface with the access road to Blackrock College as they relate to the design and layout of the proposed development and the desire to ensure that the proposal provides a high quality, positive intervention at this location. This should include a contextual layout plan which indicates the layout of adjoining developments, photomontages and cross sections at appropriate levels.
- b) In addition to the consideration of local statutory policy and national policy and guidelines, particular regard should be had to demonstrating that the proposal satisfies the criteria set out inter alia in section 3.2 and SPPR3 of the Urban Development and Building Heights, Guidelines for Planning Authorities (December 2018). The applicant should satisfy themselves that the design strategy for the site, as outlined in red, provides the optimal outcome for the subject lands.
- c) The quantum and quality of public and communal open space provision. The response should include a detailed landscaping plan for the site which includes a schedule of open space and address the design and function of open spaces within the development. This should also clearly set out proposals for hard and soft landscaping including street furniture, where proposed, which ensures that areas of open space are accessible, usable and available for all. Additional cross sections, CGIs and visualisations should be included in this regard.
- d) The layout of the development, hierarchy of open space, compliance with DMURS and provision of connections with adjoining lands and surrounding area.

The response should also include a report that specifically addresses the proposed materials and finishes and the requirement to provide high quality and sustainable finishes and details. Particular attention is required in the context of the visibility of the site and to the long-term management and maintenance of the proposed development. A Building Life Cycle report shall also be submitted in accordance with section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2018).

The further consideration / justification should have regard to, inter alia, the guidance contained in the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2020, the Urban Development

and Building Height Guidelines for Planning Authorities 2018; the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) and the accompanying Urban Design Manual; the Design Manual for Urban Roads and Streets 2013; and the Dun Laoghaire Rathdown Development Plan 2016-2022.

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

3. Residential Amenities

Further consideration and / or justification of the documents as they relate to residential amenity, having particular regard to the potential for overlooking, overshadowing, access to daylight and sunlight and overbearing impacts on existing adjoining residential properties and proposed residential units within the scheme. The response should include a Sunlight, Daylight and Shadow Analysis of inter alia units proposed, communal open spaces, public open spaces and adjoining lands and properties. Noise impacts should also be assessed and considered.

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

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:

1. A housing quality assessment which provides the specific information regarding the proposed apartments required by the 2020 Guidelines on Design Standards for New Apartments. The assessment should also demonstrate how the proposed apartments comply with the various requirements of those guidelines, including its specific planning policy requirements.
2. A Report that addresses the quantum and quality of services, facilities and amenities proposed having regard to the future needs of the occupants of the proposed development. Where there is a reliance on off-site services, facilities and amenities the report should include details of the location and the nature and extent of offsite provision (including details of walking and cycling routes).
3. A Site Specific Management Plan which includes details on management of the communal areas, public space, residential amenity and apartments.
4. a) An Architectural Impact Assessment having regard to the impact on structures within Blackrock Educational campus ,structures to the south east and St. Peter and St. James' Church, their character and setting. This should also include a

detailed survey, assessment and justification for all structures which are proposed to be demolished or rebuilt.

b) A response to the issues raised in the Report of the Conservation Division of Dun Laoghaire Rathdown County Council, as contained in the Planning Authority's Opinion received by An Bord Pleanála on 2nd March 2021.

5. A Justification/rationale for approach to Childcare provision.
6. (a) The Car Parking Strategy for the proposed development, having particular regard to the quantum of residential parking proposed, how it is intended to be assigned and managed.
(b) A response to the issues raised in the report of the Transportation Planning Section of Dun Laoghaire Rathdown County Council, as contained in the Planning Authority's Opinion received by An Bord Pleanála on 2nd March 2021.
7. Wind micro-climate study, including analysis of roof terraces, balconies, pedestrian areas and amenity areas.
8. An Ecological Impact Assessment.
9. An Archaeological Impact Assessment.
10. A Tree survey and Arboricultural Assessment.
11. A Landscape Impact Assessment and a Visual Impact Assessment including CGIs and details of proposed materials and finishes that would address the impact of the proposed development on Cross Avenue and neighbouring residential areas, as well as the environment provided within the scheme. The assessment should include long views of the site from all approaches.
12. A response to the issues raised in the Report of the Parks and Landscape Service of Dun Laoghaire Rathdown County Council, as contained in the Planning Authority's Opinion received by An Bord Pleanála on 2nd March 2021.
13. A response to the issues raised in the Report of the Drainage Division of Dun Laoghaire Rathdown County Council, as contained in the Planning Authority's Opinion received by An Bord Pleanála on 2nd March 2021.
14. A draft Construction Waste Management Plan, draft Construction and Environmental Management Plan and a draft Operational Waste Management Plan.
15. The information referred to in article 299B (1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 should be submitted as a standalone document.
16. Where the prospective 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.

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. The Minister for Housing, Local Government and Heritage.
3. Heritage Council.
4. An Taisce.
5. Failte Ireland.
6. DLR 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.

Dáire McDevitt

Planning Inspector,

19th April 2021