



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-309696-21

Strategic Housing Development

Demolition of 'Carmond' and construction of 500 apartments, childcare facility and associated site works.

Location

Lands at 'St. Teresa's House/Centre', 'St. Teresa's Lodge', 'Alzheimer's Society of Ireland'. 'Carmond' and 'St. Vincent's Park'. Temple Hill, Monkstown, Blackrock, Co. Dublin.

Planning Authority

Dun Laoghaire Rathdown County Council.

Prospective Applicant

Oval Target Limited

Date of Consultation Meeting

30th April 2021

Date of Site Inspection

26th April 2020

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 development site, with a stated site area of 4.63 hectares is located on zoned lands within the development boundary of the Blackrock LAP 2015, approximately 1.5km south of Blackrock Village centre, within the jurisdiction of Dun Laoghaire Rathdown County Council. The site would appear to have once formed part of the Rockfield Estate; Rockfield Public Park is located south of the development lands. Access to the site is via the N31 directly in front of a gate lodge, a protected structure, which sits perpendicular to the N31 beyond the location of the current access gates and avenue to the site. The existing gate and avenue serves St. Teresa's, a Victorian, two storey over basement protected structure and also St. Catherine's (Daughters of Charity) and all associated structures including a Quaker cemetery located to the south of the development lands. Carmond, a single storey dwelling located on the southern side of the access avenue also forms part of the development site.

There are existing institutional structures located within the site which it is proposed to demolish. The Alzheimer Ireland Unit is located west of the Victorian structure and is located within the walled garden area. Access to this unit which offers respite care is via entrance gates along the N31 that are also a protected structure located to the northern section of the site serving St. Louise's Park also, a small development of traveller accommodation. The entrance gates at this location were re-located in the 1980's from the southern section of the site where the gate lodge is located to this area following works to upgrade the dual carriageway.

3.0 Proposed Strategic Housing Development

There is an extant 10 year permission for a strategic housing development proposal of 291 residential units and a crèche facility under 303804-19. The subject site is occupied by the Daughters of Charity, who will remain in residence until December 2022 as per the contract of sale for the lands.

The prospective applicant has outlined in the documentation that it is intended to deliver the residential units permitted at this site in an expedient manner once the lands become available for development. In the interim, significant work is underway to ensure that development can immediately commence on site following the vacating of the Daughters of Charity from the buildings on site. An enabling works package is currently being prepared.

The prospective application has outlined that the following elements of the permitted SHD remain unaltered by the current revision application:

- Works permitted to St. Teresa's House which provided for 6 apartment units (5 no. 2 beds and 1 no. 3 bed).
- The dismantling / deconstruction of the existing St. Teresa's Lodge (67.1 sq m) and demolition of a lean to extension (28.5 sq m). The current proposal simply seeks permission to reconstruct the St. Teresa's Lodge in a new location (40m south) with the further extension of this building and change of use from residential to café.
- Primary Access to the development remains as permitted, which provides for works to the existing entrance of the overall site to deliver the realignment and upgrade of the existing signalised junction and associated footpaths to provide for improved and safer vehicular access/egress to the site and to/from St Vincent's Park. The current pre-application seeks a minor alteration to the geometry at the vehicular access to St. Vincent's Park to provide for an improved alignment.
- Emergency vehicular access and pedestrian/cycle access also remains as permitted via a secondary long established existing access point along Temple Hill.

The current proposal is seeking revisions to development previously permitted under 303804-19 ('The Parent Permission') to now provide for 500 residential units.

Parameters of permitted and proposed developments:

	Permitted (303804-19) (10 year permission)	Proposed
Site Area	4.56 hectares	4.63ha (4.08ha in applicant's control)
Development	<ul style="list-style-type: none"> • 291 residential units in 13 blocks (applied for 294 in 14 blocks) • Creche (286sq.m) • Residential club house. • Dismantling and relocation of Gate Lodge • Conversion of St. Teresa's House to apartments • Demolition of other structures 	<p>500 Build to Sell units as follows:</p> <ul style="list-style-type: none"> • 6 units as permitted under 303804 at St. Teresa's House. • 494 units in 11 no. blocks. • Demolition of Carmond (single storey - 170sq.m) • New location of Gate Lodge (protected structure)and extension (permission for its demolition and relocation granted under 303804) • Creche (392sq.m) in Block C2 • Café/retail in Gate Lodge.
Density	74uph	122uph (based on 500 units on a site area of 4.08ha)
Dual Aspect	68%	53% (265 units)
Height	<p>Range from 2 to 8 storeys:</p> <p>Block A1 (4 storeys) Block B1 (7/8 storeys) Block B2 (5-6 storeys) Block B3 (5/6 storeys) Block B4 (5 storeys) Block C1 (3 storeys) Block C2 (3 storeys) Block C3 (omitted by condition) Block D1 (5 storeys) Block E1 (2-5 storeys) Block E2 (2-5 storeys) Block E3 (2-5 storeys) Block E4 (4 storeys) Block E5 (4 storeys)</p>	<p>Range from 2 to 10 storeys:</p> <p>Block A1 (5 storeys) (37 no. units) Block B1 (10 storeys) (57 no. units) Block B2 (8 storeys) (42 no. units) Block B3 (8 storeys) (42 no. units) Block B4 (5 storeys) (44 no. units) Block C1 (3 storeys) (10 no. units) Block C2 (3 storeys) (6 no. units) Block C3 (2 storeys + basement) (residential amenity space) Block D1 (6 storeys) (135 no. units)</p>

		Block E1 (6 storeys) (71 no. units) Block E2 (6 storeys) (50 no. units)
Open Space	Public open space: 14887 (37.5%)	Public open space: 1225sq.m (c.30%) Communal open space: 3419sq.m (8.3%) Private: all have balconies Total: 15644 sq.m (38%)
Parking	Car: 272 (163 at basement & 109 surface). Bicycle: 666 no. spaces	Car: 262no. Spaces. (8 designated to creche) Bicycle: 1064 no. spaces
Part V	29 units (26 no. 1 bed & 3 no. 2 bed).	50 in Block E2 (1 no. studio, 29 no. 1bed, 18 no. 2 bed & 2 no. 3 bed)

Proposed 500 units includes 6 no. apartments in St. Teresa's House (mix as per 303804-19 permission).

New build unit mix proposed is as follows:

	A1	B1	B2	B3	B4	C1	C2	C3	D1	E1	E2	Total
studio	---	---	---	---	---	1	---	---	12	1	1	15
1 bed	32	38	28	28	13	3	2	---	21	31	29	225
2 bed	5	10	9	9	27	6	4	---	92	30	18	210
3 bed		9	5	5	4	---	---	---	10	9	2	44
total	37	57	42	42	44	10	6	---	135	71	50	494

4.0 Planning History

Applications by prospective application on the site:

303804-19 refers to a 2019 grant of permission under SHD for 291 residential units and childcare facility. It included the conversion of St. Teresa's House (protected structure) to 6 no. apartments. And the dismantling, relocation and reconstruction of The Gate Lodge, a protected structure.

Block C3 was omitted by condition. This resulted in the scheme reducing from 294 to 291 units.

PA file Ref. D18A/ 0954 refers to a grant of permission for the construction of a new entrance gateway at the entrance, consisting of 2 no. 2.1m high granite clad piers, each with the words 'Daughters of Charity' engraved thereon, a pair of 1.8m high single painted steel pedestrian gate and matching painted steel railings over a granite clad plinth wall, all with ancillary controls. The gateway will be across the existing entrance drive, inside the boundary with the adjoining property, St Teresa's House (also a Protected Structure).

Adjoining Site to the west

PA File Ref. No. 05A/1596 refers to a grant of permission revisions and amendments to previously planning application reg. ref. D03A/1047 for the development of the grounds within the walled garden. The development will consist of a new day care and respite centre for people with Alzheimer's disease and new headquarters facilities for the Alzheimer Society of Ireland. The walls of the walled garden are a Protected Structure and are therefore to be retained. The building is to be contained within the walls of the walled garden and a new opening for access is to be formed in the elevation facing Temple Hill Road. The building is single storey with some rooms being double height and with clerestory windows. A large area of the existing garden is to be retained as smaller gardens for use by the Alzheimer patients and staff at the centre. A strip of the existing hard standing directly in-front of the wall is to be used for car parking and drop off. The proposal includes the demolition of the small greenhouse, the shed and out-building contained within the garden walls.

Applications by Frank Keane Motors on the northwestern portion of the site:

There are 3 recent permissions of relevance to the subject site, which relate temporary retention permission for the storage of cars on site. The references are identified as follows:

PA Reg Ref. D19A/0398, D20A/0199 and D21A/0043 (currently with the Planning Authority). The temporary nature of car parking proposed for retention will cease when the new Frank Keane motor show room at Brookfield Terrace is constructed (D20A/0086). Equally, the temporary storage of cars on site will cease when development works for the permitted SHD commence on site.

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 southern portion of the site is zoned under Land Use Zoning Objective ‘F’ with an objective to preserve and provide for open space with ancillary active recreational amenities.
- The lands associated St. Teresa’s have ‘Institutional Lands’ designation with ‘an objective “to protect and / or provide for institutional use in open lands”’.
- There is an objective to protect and preserve Trees and Woodlands
- St. Teresa’s House, St. Teresa’s Gate Lodge and entrance gates are protected structures (Ref. 398).

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 also 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.

Blackrock Local Area Plan 2015-2021 (extended to 2025)

Chapter 3 of the LAP deals with Urban Structure and Character and section 3.5.1 in particular provides a 'Site Framework Strategy: St. Teresa's and Dunardagh'. There are a number of specific objectives i.e. **DS5-DS17** and design principles pertaining to the site. The strategy also provides guidance on inter alia height, density and housing mix objectives.

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 4th 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, planning Report (including pre-planning minutes and notes), Statement of Consistency, Preliminary Environmental Impact Assessment, Material Contravention Statement, Letter of consent from Alzheimer's Society, Architectural Masterplanning Design Statement, ESRI shapefile, Maps and plans, Architectural drawings, Set of Schedules (including Housing Quality Assessment), Part V Booklet (including proposals, costings and Part V validation letter from Housing), Gate Lodge Strategy Report, Conservation: St. Teresa's House and Curtilage Pre-Planning Application Document, Landscape Design Report, Outline Softworks Specifications, Engineering drawings and register, Pre-Planning Submission Drainage and Water Supply Report Volumes 1 and 2 (including Site Specific Flood Risk Assessment and Confirmation of Feasibility correspondence form Irish Water), Construction Management Plan, Basis of Design, Ground Investigation Report 2018, Ground Investigation Report 2020, Transportation Assessment Report (including Preliminary Mobility management Plan, DMURS Statement of Consistency, and Stage 1 Quality/Safety Audit), Ecological Technical Note, Arboricultural Report/Drawings and Drawing Register, Electrical Site Lighting Layout Drawing, Public Lighting Report, Sustainability & Energy Report, Verified Photomontages, Visual Impact Assessment Report, Daylight, Sunlight & Overshadowing Report, Technical Note-Operational Waste Management Plan, Technical Note- Construction and Demolition Waste Management Plan, Technical Note- Noise and Vibration Pre-Application Assessment, Technical Note- Hydrological and Hydrogeological Risk Assessment, Wind Desktop Study and Preliminary CFD Study.

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 9th April 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 principle of developemtn is acceptable at this location subject Block E2, which encroaches on lands zoned under Land use objective 'F' being moved to lands zoned under land use objective 'A'.
- While the Planning Authority is of the view that the principle of accommodating a higher density development at this location has been established and is generally encouraged at this location. This would be subject to compliance with the relevant objectives, requirements and design principles of the Site Framework Strategy for the site as set out in the Blackrock LAP.
- Given the nature and scale of the proposed modifications and the overall increase in unit number on site, the Planning Authority question the suitability of describing the proposed development as an amendment application or whether this should be addressed as a standalone application which is not linked to the extant permission on the site.

Childcare Provision:

- The applicant should clearly demonstrate that the proposed creche is of an appropriate size to cater for the increase in population as a consequent of the amendments to the extant permission.
- The applicant should have regard to s.7.1.3.6 of the County Developemtn Plan and consider the demand for creche facilities within the surrounds of the subject site.

Residential Density:

- Given the planning history of the subject site and its location in close proximity to Blackrock village and excellent public transport infrastructure including bus and DART, the Planning Authority is generally satisfied that a higher density of development is acceptable at this location. However the Planning Authority has significant concerns regarding the height and form of a number of blocks within the proposed scheme which area considered to be contrary to the policies of the Blackrock LAP, have the potential to adversely impact the residential amenity of residence within the surrounds and will negatively impact on the architectural character of the site and surrounds.

Residential Mix:

- The extant permission on site caters for the elderly through the provision of own door ground floor and smaller units within the scheme.
- The Planning Authority has concerns that the revised proposal fails to have regard to Objective DS4 of the Blackrock LAP, given the omission of the own door residents which formed an integral element of the extant permission. It is recommended that the prospective applicant should be requested to demonstrate how they comply with this policy.

Building Heights:

- The Planning Authority note that the building heights, ranging from 3 to 10 storeys exceed the maximum building heights as prescribed in Map 12 of the Blackrock LAP.
- The Planning Authority has concerns regarding the increased in the height of Block A1 and modifications to its design and potential impacts on residences at Barclay Court.
- The Planning Authority consider that Block B1-B4 reached an optimum balance in meeting the Site framework Objectives in the LAP in the previous iteration (303804-19). It is considered that the proposal before the Board has lost this balance and will be unduly overbearing relative to the width of Temple Hill and the 2 storey houses opposite. The increase in height of these Blocks also has the potential to impact on the setting of St, Teresa's House when viewed from the south. Significant concerns area raised regarding height and medication to design of the 3 Blocks.
- Give the increase in height proposed across the Blocks, the Planning Authority has significant concerns regarding the impact of the proposal on 'significant views' as identified in the Newtown Villas ABA 'Character Appraisal'.
- Given the topography, Block B4 will be elevated relative to the lands along Temple Hill Road which will further compound the overall visual impact when viewed from the south east. The form, design and overall footprint of the building is considered to be contrary to the design objectives o the Blackrock LAP and the requirement to provide non-orthogonal layout to Temple Road.

- Block C3 was omitted by condition under 303804. And although it is acknowledged that the current proposal represents a significant improvement on what was presented at the s.247 meeting, the Planning Authority's Conservation Officer has raised concerns with this element of the proposal.
- Block D1 fails to provide a gradation in height and is contrary to the Blackrock Lap in terms of acceptable building heights.
- The Planning Authority has significant concerns regarding Block E1-E2 and its impact on the residential amenities of properties to the north by reason of overshadowing, loss of daylight and by being visually overbearing.
- Overall the Planning Authority is not satisfied that the current proposal complies with section 3.2 of the Building Height Guidelines and SPPR3.

Urban Form:

- The proposal needs to be assessed on the basis of the specific objectives and design principles include within the Site Framework Plan contained in the LAP.
- In line with the extant permission, the current proposal provides for the removal of the existing boundary wall to Rockfield Park which will allow connectivity and permeability through the site providing a beneficial link to the adjacent park.
- The extant permission includes a boundary railing with a height of c.1.2m between the woodland park and Blocks E1-E5, this should be provided in the current proposal.
- The Planning Authority recommend that all south and east facing ground floor apartments in Blocks E1, E2 and D1 should have direct access from the communal open space areas.
- The separation distance generally align with the extant permission and act to frame views of St. Teresa's from Rockfield Park.

- The Planning Authority is satisfied that the principle for dismantling and relocating the Gate Lodge has been established by the extant permission. However, given the scale of the revision proposed the application should be assessed as a stand alone application and therefore the dismantling of the Gate Lodge should be considered de novo and a suitable justification put forward for its alternative location.
- Tree belt to be retained.

Residential Amenities:

- The Planning Authority has concerns regarding Block E1 and E2 regarding the visual impact when viewed from St. Louise's Park and adverse impact on access to daylight and undue overlooking for properties at St. Louise's Park.
- Visual impact and potential overshadowing from Block A1 on properties in Barclay Court.
- Overshadowing from Block B1-B3 on properties fronting onto Temple Hill Road is mainly to front (south facing) gardens.
- An appropriate transition in height should be provided between Block B4 with residences at St. Vincent's.
- Visual impact of Block D1 when viewed from St. Vincent's should be addressed.

Apartment Guidelines & Amenity:

- Compliance with Apartment Guidelines:
- Complies with SPPR3 (floor areas), SPPR4 (dual aspect)
- Private amenity space meets or exceeds requirements.

- The Planning Authority has significant concerns regarding the separation distances between a number of blocks within the scheme. In particular distances 6-8m between Block B3 and B4, between Block E1 and E2. This would result in a substandard level of amenity for future occupants. Given the height and separation distance, ADF is a concern, in particular on the lower levels and a more detailed Daylight Sunlight and Overshadowing Study would be required.

Communal Open Space & Landscaping:

- Parks and Landscaping Services have raised concerns in relation to the open space provided in the current proposal.
- Refer to report from Parks and Landscape Services for more detail.

Drainage:

Refer to report from Drainage Planning. Issues raised include inter alia:

- Issues raised under 303804 have not been addressed.
- Discrepancies in figures submitted.
- Part of the site is Flood Zone B. Further details required in the SSFRA at application stage set out by Drainage Planning.

Transportation:

Refer to report from Transportation Planning. Issues raised include inter alia:

- The proposed level of car parking (254 no. spaces) is not acceptable. Parking should be provided at a rate of 1.1 per apartment which would result in 550 car parking spaces.
- Further details on boundary treatment for pedestrian access to Rockfield Park is required

Other:

Commentary has also been provided in relation to

- Waste management
- Part V

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 (16th April 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:

Wastewater:

Diversion(s) of the infrastructure may be required subject to layout proposal of the development and separation distances being achieved. Therefore, the applicant must engage with Irish Waters Diversion Team in order to assess feasibility of any potential build over/diversion(s) which may be required ahead of the applicant progressing to SHD application. Please note, any structures or works over or in close proximity to IW infrastructure that will inhibit access for maintenance or endanger structural or functional integrity of the infrastructure are not permitted.

The applicant has been advised that there is existing Irish Water infrastructure(s) within the site boundaries. The developer is required to survey the site to determine the exact location of any pipes and trial investigations that may need to be carried out with the agreement of and in the presence of the Irish Water and/or Local Authority Inspector.

Water:

New connection to the existing network is feasible without upgrade Connection should be via a new 200mm ID pipe main to be laid to connect the site development to the existing 400mm DI main and a bulk meter to be installed on the connection main.

A secondary connection main of 200mm ID pipe main may be laid to connect the site development to the existing 150mm DI main.

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. In order to ensure appropriate and access to existing infrastructure(s) the applicants are required to engage with Irish Water Diversions to agree to assess feasibility of any potential build over/diversion(s) which may be required, separation distances, appropriate wayleaves and or access ahead of any SHD application

8.0 The Consultation Meeting

8.1 A Section 5 Consultation meeting took place online via Microsoft Teams on the 30th April 2021, commencing at 10am. 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- Land Use Zoning 'F', Institutional Lands, Tree Objective, Blackrock Local Area Plan (Site Framework Strategy).
2. Design Strategy, including inter alia building height and scale, permeability and architectural response to the site context.
3. Architectural Heritage.
4. Residential Amenities (impact on adjoining properties and within the proposed scheme)
5. Issues raised by Transportation Planning Section.
6. Issues raised by Drainage Division
7. Any Other Business.

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

- Land Use Zoning 'F'
- Institutional Lands Objective
- Tree Objective.
- Blackrock Local Area Plan including inter alia density, Site Framework Strategy.

- If material contravention arises, each incident where it occurs needs to be addressed.

In relation to **Design Strategy** ABP representatives sought further elaboration/discussion/consideration of:

- Extent of modifications proposed and reference to 'amendment' of 303804.
- Justification/rationale for height strategy.
- Architectural response to the site.
- Relationship/interface with St. Teresa's, Temple Hill Road, Alzheimer Society, Rockfield Park and boundary treatment.
- Permeability and connectivity.

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

- Relationship with protected structures on site.
- Justification/rationale for Block C3 (location, design, height) how this has addressed reasons for its omission by condition under 303804-19.
- Impact on Newtown Villas ACA.
- Justification/rationale for dismantling, relocation and extension to Gate Lodge
- Address views and potential impacts on setting of protected structures.
- Issues raised by Conservation Officer.

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 at St. Louise's Park, St. Vincent's and Barclay Court (access to daylight/sunlight, overshadowing, overlooking, overbearance)
- Residential amenities within the scheme (units, quality of open space, communal areas).

In relation to **issues raised by Transportation Planning** ABP representatives sought further elaboration/discussion/consideration of:

- Justification/rationale for parking provision.

In relation to **issues raised by Drainage Division** ABP representatives sought further elaboration/discussion/consideration of:

- Issues raised by Drainage Planning.

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

- 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/drawings correlate.

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 309696.' 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. 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 The Alzheimer Society, interface with Temple Hill Road, interface with Rockfield Park and interface with St. Teresa's House as they relate to the design, scale 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 SP3 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 (2020).

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.

2. Residential Amenities

- a) 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, the Alzheimer Society 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, and in any event should address the full extent of requirements of BRE209/BS2011, as applicable.
- b) Further consideration of the details and mitigation proposed, to ensure that the proposed development has been designed to avoid direct overlooking of

adjacent residential properties and units within the scheme. The response should include a report that addresses issues of residential amenity (both of adjoining developments and future occupants), specifically with regards to overlooking, overshadowing, visual dominance and noise. The report shall include full and complete drawings including levels and cross-sections showing the relationship between the proposed development and adjoining residential development (permitted or built).

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

3. Architectural, Cultural Heritage and Conservation Considerations

- a) Further consideration and/or justification of the documents as they relate to the architectural, heritage and cultural value of existing structures on site. Details should provide reference to all former historical and contemporary uses of structures on the site. A photographic record of all existing structures on site including those proposed for demolition should be provided. Consideration of the inter-connectivity of former and current land-uses both within the site and surrounding area, in particular lands at Dunardagh, should also be considered in the context of heritage and cultural assessment.
- b) Further consideration for the rationale for the deconstruction, relocation and extension of the Gate Lodge, a protected structure. A detailed method statement for such is also required. Further consideration should also be given to the new proposed location of the Gate Lodge having regard to the original function and association of the lodge with St. Teresa's House and the original entrance gates and avenue that serve the house.
- c) Further consideration and / or justification of the documents as they relate to architectural heritage, having particular regard to Block C3 and its impact on St. Teresa's House. And further consideration of the potential impact of the proposed development on Newtown Villas ACA.
- d) Further consideration should also be given to the Planning Authority's opinion and concerns raised therein with regard to the potential impact on protected structures and consideration of an appropriate response to such matters having regard to the overall design strategy proposed by the prospective applicant.

The response shall include a detailed Architectural Impact Assessment and a Historical Landscape Impact Assessment.

Further consideration of this issue may require an amendment to the documents and/or design proposal submitted.

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) 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 9th April 2021.
3. Wind micro-climate study, including analysis of roof terraces, balconies, pedestrian areas and amenity areas.
4. An Ecological Impact Assessment.
5. An Archaeological Impact Assessment.
6. A Tree Survey and Arboricultural Assessment.
7. 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 Temple Hill Road 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.
8. A site layout plan clearly indicating what areas are to be taken in charge by the Local Authority.
9. A response to the issues raised in the Planning Authority's Opinion received by An Bord Pleanála on 9th April 2021.
10. A draft Construction Waste Management Plan, draft Construction and Environmental Management Plan and a draft Operational Waste Management Plan.
11. 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. Transport Infrastructure Ireland
3. The Minister for Housing, Local Government and Heritage.
4. Heritage Council.
5. An Taisce.
6. Failte Ireland.
7. An Comhairle Ealaíon.
8. 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

4th May 2021