



RESPONSE TO AN BORD PLEANÁLA OPINION

PROPOSED RESIDENTIAL DEVELOPMENT AT STRADBROOK ROAD, MOUNTASHTON, BLACKROCK, CO. DUBLIN



PREPARED FOR:

**Tetrarch Residential
Limited**

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1.0 INTRODUCTION

This Response document addresses issues raised by An Bord Pleanála (ABP) in the Opinion issued subsequent to the Pre-Application Consultation stage of the subject SHD Application (See Appendix A of this Response document).

Specifically, it outlines how the Applicant has addressed the issues highlighted in the ABP Opinion of Wednesday, 23 March 2022¹.

¹ We note that the Opinion itself is dated 'March 2022' – however, the ABP website notes that the Opinion was determined on Wednesday, 23 March 2022.

2.0 RESPONSE TO ISSUES RAISED BY AN BORD PLEANÁLA

In its *Notice of Pre-Application Consultation Opinion* of Wednesday, 23 March 2022 (Ref. ABP- 311879-21), the Board stated that 2 No. issues needed to be addressed as part of the proposed planning application in order to present a reasonable basis for an application for a strategic housing development.

The issues raised in ABP's Opinion are as follows:

2.1 ABP Issue No. 1 – Principle of Development

The Board states that:

*“Further consideration of the documents as they relate to the use **zoning objective** that applies to the site.*

The documents must demonstrate that the proposed development would not materially contravene the zoning of the site.

*Further consideration of the documents as they relate to **Policy E8** of the Dun Laoghaire-Rathdown County Development Plan 2016-2022, or Dun Laoghaire-Rathdown County Development Plan 2022-2028, whichever is relevant.*

The applicant shall ensure the further consideration/justification includes the following detailed information:

- a) **Justification for a Senior Living Build To Rent scheme** having regard to the requirement for assisted living, the parameters of the proposal and the need to support employment uses within the immediate catchment area.
- b) **Justification for any Material Contravention** of the development plan (other than in relation to the zoning of the site) having regard to the location and the circumstances of the surrounding area, including those relating to the availability or otherwise of infrastructure, employment, retail, commercial or social services. These should be based on verifiable facts.”

[Our emphasis.]

2.1.1 Applicant Response

This SHD Planning Application includes, *inter alia*, both a *Statement of Consistency* and a *Material Contravention Statement*, both prepared by Tom Phillips + Associates and dated July 2022.

The documents submitted clearly demonstrate that the Subject Proposal would not materially contravene *Development Plan* policy as it relates to the zoning of the Subject Site.

We note that, while ‘Residential’ development is an open for consideration land use for Objective E-zoned lands, such lands are also subject to Policy E15 of the *Development Plan* (Securing Employment Growth) which states:



*“It is a Policy Objective to ensure that employment zoned land **facilitates its primary objective which is to provide for economic development and employment.** The Council will apply a restrictive approach to residential development on employment zoned lands.”*

The proposed development seeks permission to demolish a vacant commercial office block measuring some 1,210 sqm. A mixed-use scheme, incorporating, *inter alia*, 2 No. employment-generating uses including a Build-to-Rent residential scheme incorporating c. 86 sqm of non-residential staff spaces, and a c. 175 sqm commercial office space, is proposed.

We consider that Policy E15, which seeks that employment-zoned lands facilitate economic development and employment, is fulfilled through the proposed development.

This SHD Planning Application provides ample justification for the proposed Senior Living Build to Rent (BTR) scheme, having regard to the requirement of senior-living developments and similar housing formats in the local area, the specific parameters of the development proposed, and the need to support employment uses in the area.

Section 2.0 of the *Apartment Design Guidelines* notes that, in order to meet housing demand, it is necessary to “*significantly increase supply*”, which will in turn require a “*dramatic increase in the provision of apartment development.*”

Section 2.11 of the Guidelines notes that:

“Ongoing demographic and societal changes mean that in addition to families with children, the expanding categories of household that may wish to be accommodated in apartments include [inter alia]:

- **Older people, in both independent and assisted living settings.”**

Section 2.6.4 of the 2022 Dún Laoghaire-Rathdown *Housing Demand Needs Assessment* (HDNA) considers the provision of specific housing for older persons. Difficulties encountered by older people within the County relating to housing supply have encouraged:

*“DLR Housing Department [to be] **currently proactively promoting downsizing where appropriate, also referred to as ‘Rightsizing at the Right Time’ as part of its ongoing efforts to ensure the best use of the Council’s social housing stock.**”*

The HDNA also notes that the provision of accommodation for older persons is beneficial for meeting social housing needs and Part V purposes, and is therefore encouraged.

While not sought in relation to the proposed development, the HDNA includes a policy that Part V obligations be reduced where it is proposed that any site be developed for, *inter alia*, ‘**supported housing for older persons**’. The HDNA expressly notes that this is:

“to encourage the development of these types of units.”

Some 30 No. social housing residential units are proposed within this Planning Application.

The Planning Authority notes that the provision of specific housing options for older people is likely to have a wider positive effect on the local market.



The HDNA states that such housing provision, as included within the proposed development:

“may also result in older people vacating larger units for units more appropriate to their current needs and in turn returning family sized accommodation to the market.”

As such, the HDNA highlights the wider *Development Plan* Policy Objective PHP30: ‘Housing for All’:

“It is a policy objective to:

- ***Support housing options for older people and persons with disabilities/mental health issues consistent with NPO 30 in the NPF, RPO 9.1 and 9.12 of the RSES.***
- ***Support the provision of specific purpose-built accommodation, including assisted living units and lifetime housing, and adaptation of existing properties.***
- ***Promote ‘aging in place’ opportunities for ‘downsizing’ or ‘right sizing’ within their community.”***

The proposed development includes for a serviced residential (BTR) development comprising 108 No. senior-living apartments intended to cater for members of the local community intending to ‘down-size’ but who wish to remain at home in Dún Laoghaire-Rathdown.

BTR schemes are not expressly facilitated in areas zoned ‘E’: Economic Development and Employment. However, ‘Residential’ uses are open for consideration and ‘Assisted Living’ developments are permitted in principle on employment-zoned lands.

However, on foot of legal advice, we consider that BTR accommodation is merely “residential accommodation” of a specific kind and “subsumed” within Residential, so that reference to Residential use in Table 13.1.13 of the *Development Plan* incorporates, as “Open for Consideration”, use of buildings designed for human habitation, whether purpose built for long-term rental, management and servicing in an institutional manner or not.

We refer to the submitted *Legal Opinion on Zoning*, dated 11 May 2022, prepared by McCann FitzGerald LLP and submitted as part of this Planning Application.

The Subject Proposal will comply with Policy E15 of the *Development Plan*, in that the proposed development will facilitate economic development and employment. We refer to the *Stradbrook Road Extra Care Economic Benefits Assessment*, prepared by Savills and submitted as part of this Planning Application.

The accompanying *Material Contravention Statement* provides acceptable justification for some 4 No. material contraventions of the *Dún Laoghaire-Rathdown Development Plan 2022-2028*. The material conventions of local planning policy relate to car parking provision, public open space provision, proposed unit mix, and employment policy.

We wish to highlight that the Subject Proposal does not materially contravene the *Development Plan* with regards to the land use zoning of the Subject Site.

We trust that this SHD Planning Application has addressed this issue.

2.2 ABP's Issue No. 2 – Development Strategy

The Board states that:

*“Further consideration and/or justification of the documents as they relate to the **overall design, scale and mass**, the **proposed interface with Stradbrook Road**, the **transition with existing dwellings** and the **justification for any material contravention of the height strategy** in the development plan **and compliance with Section 3.2 of the Urban Development and Building Heights: Guidelines for Planning Authorities (2018).**”*

[Our emphasis.]

2.2.1 Applicant's Response

The Design Team has reviewed the Subject Proposal with regards to the issues noted above by An Bórd Pleanála. The proposed development has been altered in order to address some of these considerations. Where certain aspects of the proposed development have not been substantially altered or removed in response to ABP's recommendation, additional justification has been provided. We refer to MCA's *Architectural Design Statement*, submitted as part of this SHD Planning Application. Please see below for an overview of the response:

Overall Design:

The Subject Proposal has been amended in light of the Board's concerns.

We refer to Figure 2.1 and 2.2, below, which depict the proposed development in its previous and current forms, respectively. Changes to the design are specified below in some detail.

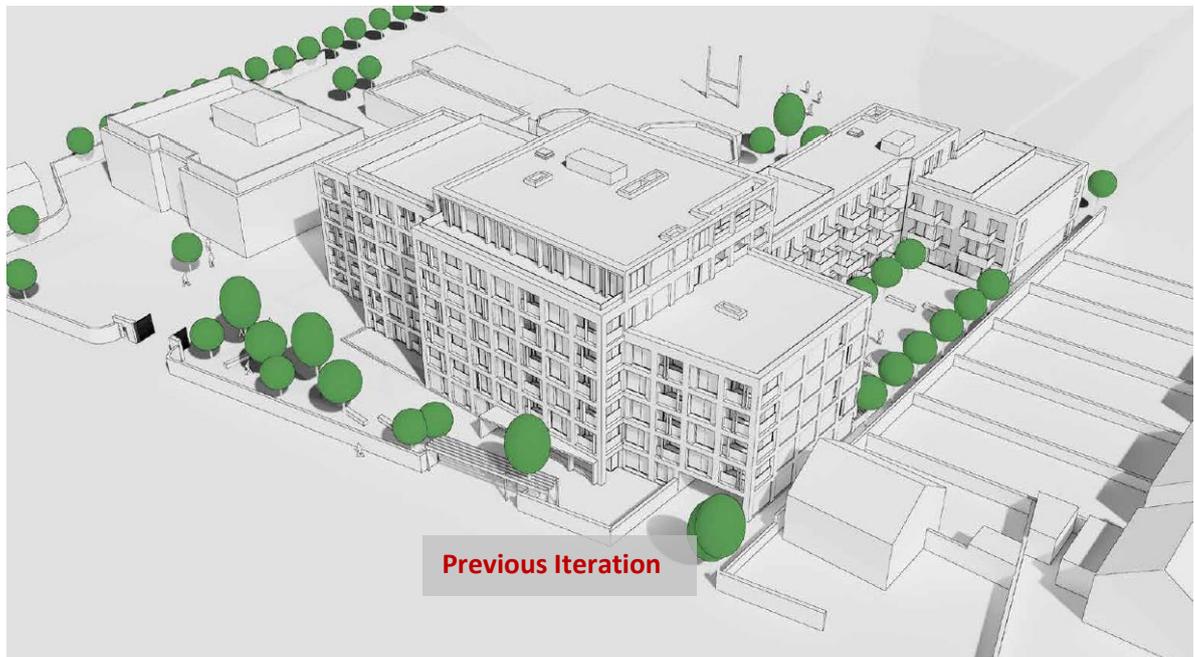


Figure 2.1: Aerial view of 3D model of previous iteration of development scheme, submitted as part of the Pre-Application Consultation to ABP. (Source: MCA. Cropped by TPA, July 2022.)

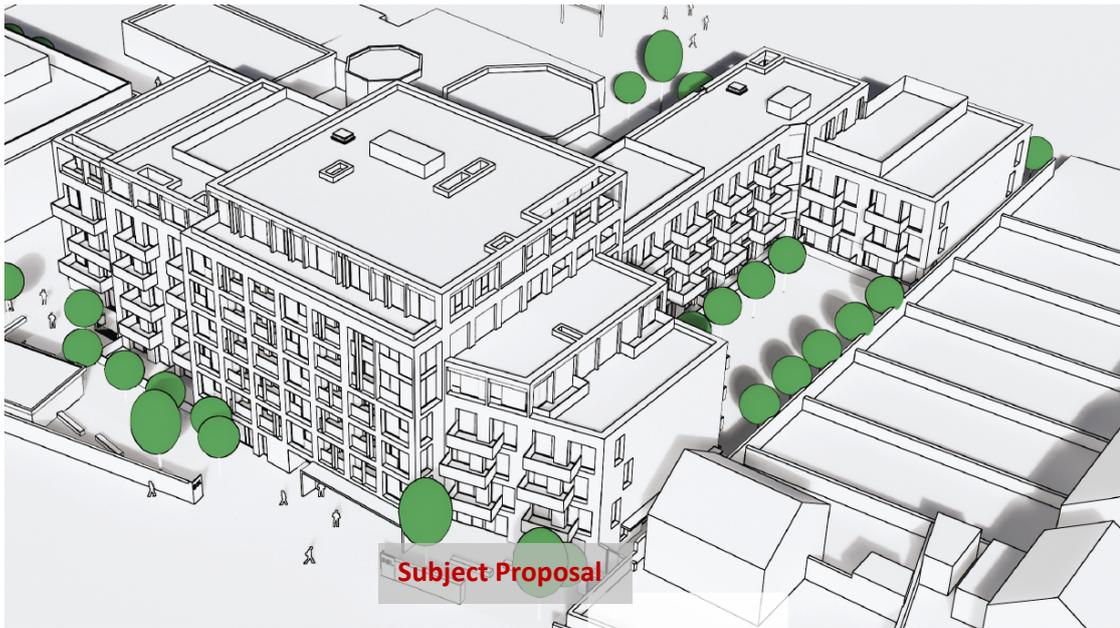


Figure 2.2: Aerial view of 3D sketch / approximation of Subject Proposal, submitted as part of this SHD Planning Application. (Source: MCA. Cropped by TPA, July 2022.)

Scale and Mass:

The proposed height and massing strategy has been formulated to reduce any perceived potential overbearing impacts associated with the proposed development. The height of the proposed building has been tapered towards the site boundaries. The considered use of fenestration and high-quality materials has worked to break up the façade of the proposed blocks and to introduce a human scale to the development.

Notwithstanding this, we note that a sense or experience of ‘overbearingness’ is subjective and therefore difficult to quantify for assessment purposes. Nevertheless, in our view, the proposed separation distances and height strategy mitigate concerns in this regard. This is further evidenced by the positive daylight, sunlight and overshadowing assessment in respect of the impact of the proposed development upon surrounding neighbouring development.



Figure 2.3: Image showing the proposed western elevation. (Source: MCA. Cropped by TPA, July 2022.)

The conclusions of the TVIA are also considered to support this.



The TVIA concludes that:

“Based on the assessment contained herein, it is not considered that there will be any significant townscape or visual impacts resulting from the proposed development.”

In terms of daylight, sunlight and overshadowing impact upon neighbouring development, the proposed development has undergone detailed daylight, sunlight and overshadowing assessment in respect of its potential impact upon surrounding residential amenity in this regard. Refer to *Sunlight & Daylight Analysis* by IN2, submitted as part of this Planning Application.

In summary, the assessment has been undertaken strictly in accordance with the BRE Guidelines, as required by the relevant policy provisions. From a daylight perspective, IN2 assessed all 34 No. windows across 13 No. properties. When assessed against the Vertical Sky Component (VSC), there is predicted to be no impact from the proposed development. From a sunlight perspective, GIA tested 12 No. windows that face within 90 degrees due south of the development site in line with the Guidelines. When assessed against Annual Probably Sunlight Hours (APSH), all of the windows satisfy the BRE target values.

We submit that the Subject Proposal has satisfactorily addressed the issues of scale and massing identified by the Board in its Opinion. We consider that the proposed development balances the need to provide housing solutions at comparably higher densities at suitable locations with the protection of existing residential amenities.

Proposed Stradbroke Road Interface:

The proposed interface with Stradbroke Road has been modified significantly since Pre-Application Consultation stage. Most importantly, the cyclist and vehicular access from the basement car park level to Stradbroke Road has been eliminated, and relocated to the north of the Subject Site.

This has allowed for an improved pedestrian experience at Stradbroke Road, with a primary, streamlined and safe pedestrian access provided alongside high-quality landscaped open spaces contributing positively to the surrounding public realm.

An additional pedestrian entrance to the development, at the southern boundary, will provide own-door access to a number of units.

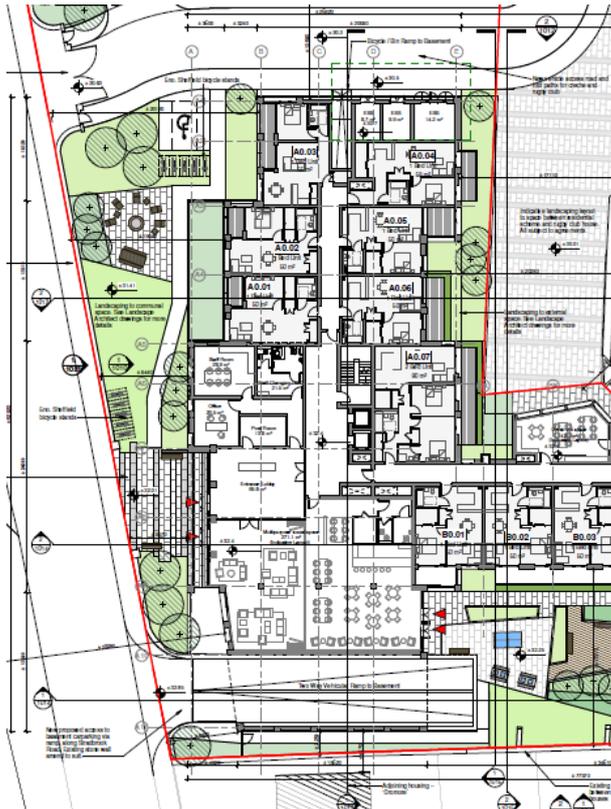


Figure 2.4: Image showing the ground floor plan of previous iteration of development scheme, submitted as part of the Pre-Application Consultation to ABP. (Source: MCA. Cropped by TPA, July 2022.)

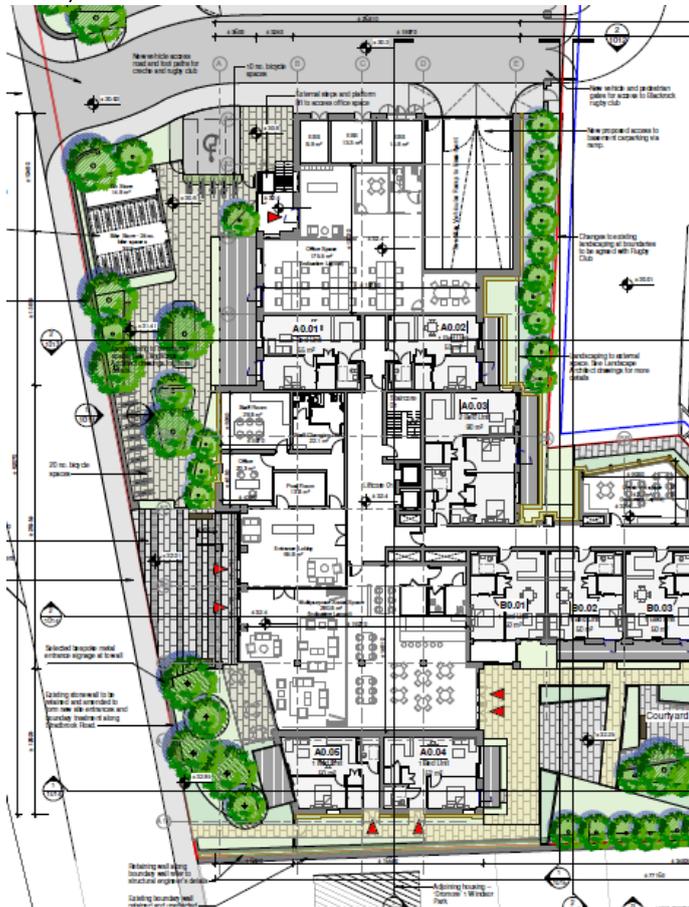


Figure 2.5: Image showing the proposed ground floor plan. (Source: MCA. Cropped by TPA, July 2022.)

Transition with Existing Dwellings:

The proposed building has been tapered at the site boundaries in response to the height of existing neighbouring structures. At 3 storeys, the Subject Proposal matches the height of the closest building at the southern edge of the site, and extends this precedent to the back of the site, while the tallest elements (7 storeys) of the proposed building are located centrally.

The southern element of the proposed building is arranged around a landscaped courtyard, with high-quality hard and soft landscape elements integrated. This communal courtyard further breaks up the mass of the building.

In response to the Board's concerns, the facade line of the proposed design has been amended to be in line with adjacent house to the south of the Subject Site, with recess balconies omitted and replaced with projecting balconies to help reduce scale and mass on gable block.

Landscaping interventions, including the planting of trees at the southern edge, will further soften the transition of the proposed development with existing dwellings.

We note that the existing boundary wall to the south is proposed to be retained and reinforced concrete wall shall be constructed on the development lands. Please refer to CS Consulting's *Structural Statement* for further details.

Height Justification:

In relation to sustainable urban development and apartment development, and in the absence of finite land supply, increased building height is an essential component of achieving the required higher densities whilst maintaining a high standard of living accommodation and achieving sustainable communities.

The proposed development, including 2 No. blocks ranging between 3 and 7 storeys complies with the *Building Height Guidelines* and the performance-based criteria contained at Appendix 5 of the *Development Plan*, as demonstrated by the full suite of site-specific assessment enclosed with this submission. We refer to Section 4.9 of the *Statement of Consistency* submitted in this regard.

The proposed development provides for an appropriate residential density and has been designed to provide a good level of residential amenity of future residents of the scheme, in addition to preserving the existing residential amenity of adjoining residents.

Compliance with Section 3.2 of Building Height Guidelines (2018):

We refer to Section 4.9 of the *Statement of Consistency*, prepared by Tom Phillips + Associates and submitted as part of this SHD Planning Application. That document details the Subject Proposal's compliance with Section 3.2 of the *Building Height Guidelines*.

3.0 ADDITIONAL SPECIFIC INFORMATION REQUIRED

In addition to the above issues, the Opinion provided by An Bord Pleanála also stated the following:

“Furthermore, 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.”

The Board has requested specific information to be provided in relation to 10 No. items. We set out below how each of the requirements has been addressed.

3.1 ABP’s Requirement No. 1 – Proposed Materials and Finishes and Building Life Cycle Report

ABP request:

“A report that specifically addresses the proposed materials and finishes to the scheme including specific detailing of finishes, the treatment of balconies in the apartment buildings, landscaped areas, pathways, entrances, boundary treatment/ etc.

Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the development.

The documents should also have regard to the long-term management and maintenance of the proposed development and a life cycle report for the apartments in accordance with section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2020).”

3.1.1 Applicant’s Response

MCA has prepared a *Materials and Finishes Report* (dated July 2022) that specifically addresses the proposed materials and finishes of the scheme, including specific detailing of elevational finishes, landscaping and paving, pathways and entrances.

Specific details on boundary treatments are also included in that report.

Examples of the wide palette of high-quality materials and finishes proposed include, *inter alia*, a selection of buff and grey bricks, brick reveal recesses, metal cladding, bronze anodised aluminium fins, and high quality aluminium balconies.

The chosen high-quality materials were selected due to their robustness and other inherent characteristics – including a timeless aesthetic, which is considered appropriate for the mixed use scheme.

Careful detailing and designs have been developed to ensure low-maintenance and longevity. Consideration was had for the relationship between the proposed development



and the existing townscape.

As such, the Design Team has had particular regard to the requirement to provide high-quality, durable and sustainable finishes that have regard to the context of the site.

A *Building Lifecycle Report* (in accordance with Section 6 of the *Sustainable Urban Housing – Design Standards for New Apartments – Guidelines for Planning Authorities* (December 2020), prepared by Renaissance Consulting Engineers and dated July 2022, is submitted as part of this SHD Planning Application.

3.2 ABP’s Requirement No. 2 – Waste Management Plan

ABP request:

“Submission of a Waste Management Plan.”

3.2.1 Applicant’s Response

We refer to AWN Environmental Consulting’s *Operational Waste Management Plan*, dated June 2022, and submitted as part of this Planning Application.

That Plan details the waste management strategy for the operational stage of the development, which will be segregated into 3 No. separate bin stores, 2 No. for residential uses located at basement floor level, and 1 No. for the proposed office uses located at ground floor level.

The OWMP notes that:

“Bins from the proposed development will be brought to a staging / collection point inside the vehicular entrance to the development, adjacent to the office space, by the waste contractor or facilities management prior to collection. The basement level car park is insufficient in height for a waste truck to access, therefore all waste will be collected at grade from the curtilage. Bins will be returned to the bin stores immediately following collection.

The staging area is such that it will not obstruct traffic or pedestrians (allowing a footway path of at least 1.8m, the space needed for two wheelchairs to pass each other) as is recommended in the Design Manual for Urban Roads and Streets (2019).”

We trust that this submission sufficiently addresses this issue.

3.3 ABP’s Requirement No. 3 – BTR Management & Building Lifecycle Report

ABP request:

“Proposals for the management and operation of the proposed development as a ‘Build-to-Rent’ scheme in accordance with Specific Planning Policy Requirement No. 7 of the Guidelines on Design Standards for New Apartments, including detailed proposals for the occupation of the development by a particular category of person incorporated into a draft section 47 agreement, and the provision and management of support facilities, services and amenities for those residents.



A Building Lifecycle Report in accordance with section 6.13 of the guidelines should also be submitted and shall detail the appropriate use of external materials on all elevations. The plan shall also address the management and maintenance of public spaces and access to the development.”

3.3.1 Applicant’s Response

The Subject Proposal includes details on the management and operation of the proposed development as a Build to Rent, senior-living development. These details are included in the *Integrated Retirement Community Management Strategy Report*, prepared by Aramark, as well as the *Planning Report*, prepared by Tom Phillips + Associates.

A provision for the occupation of the development by a particular category of persons has been incorporated into the draft section 47 agreement, submitted.

A Building Lifecycle Report (in accordance with Section 6 of the *Sustainable Urban Housing – Design Standards for New Apartments – Guidelines for Planning Authorities* (December 2020), prepared by Renaissance Consulting Engineers and dated July 2022, is submitted as part of this SHD Planning Application.

We trust that this submission sufficiently addresses this issue.

3.4 ABP’s Requirement No. 4 – Traffic & Transport Assessment

ABP request:

“A Traffic and Transport Assessment including, inter alia, a rationale for the proposed car parking ratio should be prepared, to include details of car parking management, car share schemes and a mobility management plan.”

3.4.1 Applicant’s Response

We refer to the submitted *Traffic and Transport Assessment*, prepared by NRB Consulting and dated July 2022. That assessment includes a rationale for the proposed car parking ratio (0.51) and provides details of car sharing schemes and a mobility management / travel plan.

An *Integrated Residential Communities – Property Management Report*, prepared by Aramark and dated July 2022, is submitted as part of this SHD Planning Application. This includes details on car parking management.

We trust that this submission sufficiently addresses this issue.

3.5 ABP’s Requirement No. 5 – Surface Water Management System

ABP request:

“Design of the proposed surface water management system including attenuation features and cross sections of all SuDS features proposed on site in the context of surface water management on the site, discharge rates equal to greenfield sites and



issues raised in the Drainage Dept report.”

3.5.1 Applicant’s Response

We refer to the CS Drawings (including Dwg. No. 0003, ‘Drainage Plan Layout’, Dwg. No. 0004, ‘Basement Drainage Plan Layout’, Dwg. No. 0013 ‘SuDS Layout’, and Dwg. No. 0023, ‘Storm Longsections’). We also refer to the CS Consulting *Engineering Services Report*, all submitted as part of this Planning Application.

We trust that this submission sufficiently addresses this issue.

3.6 ABP’s Requirement No. 6 – Communal / Public Open Space Provision

ABP request:

“A quantitative and qualitative assessment which provides a breakdown of the communal and / or any public open space provision. The assessment shall detail the functionality of the public space and shall disregard any areas required for circulation space such as footpaths between buildings etc.”

3.6.1 Applicant’s Response

We refer to the *Landscape Design Report* prepared by Murray & Associates Landscape Architecture, which provides a qualitative analysis of the communal open space proposed as part of the development.

Rooftop Gardens

Landscaped roof gardens and terraces are provided at Third Floor Level (c. 45.2 sqm and 119 sqm, respectively), Fourth Floor Level (c. 154.6 sqm) and Sixth Floor Level (c. 131.5 sqm)). The rooftop garden will include screens (c. 1200 mm – 1800 mm) to reduce the perception of overlooking, shelter the space, improving functionality and usability of this central communal open space.

These rooftop gardens will also incorporate ‘Intensive Green Roofs’, enhancing SuDS measures on the site and improving biodiversity

Ground Floor Communal Open Space

Communal open space at ground floor level (880 sqm) is provided. This open space is well-equipped to meet the needs of residents and visitors alike, with ample space for sitting, socialising and catching some sun in a landscaped setting. The central courtyard space will also feature games areas.

There is an element of communal open space proposed at the boundary of the subject Site and Stradbrook Road, which will be landscaped to a high grade. It is considered that this space will activate and upgrade this frontage to Stradbrook Road, thereby improving the public realm in this area.

Public Open Space

We wish to emphasise that no public open space is provided as part of this Planning Application. It is submitted that the Applicant will accept a Development Contribution in lieu



of providing public open space. We refer to MCA's Dwg. No. 1023, 'Taken in Charge'.

Please also refer to the *Material Contravention Statement* submitted in this regard.

We trust that this submission sufficiently addresses this issue.

3.7 ABP's Requirement No. 7 – Sunlight / Daylight / Overshadowing Analyses

ABP request:

“Submission of a Sunlight/Daylight/Overshadowing analysis including all relevant plans / documentation showing an acceptable level of residential amenity, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development and in adjacent properties. This report should address the full extent of requirements of BRE209/BS2011, as applicable.”

3.7.1 Applicant's Response

A *Sunlight and Daylight Report* was prepared by IN2, with regard to The Building Research Establishment's (BRE) *Site Layout Planning for Daylight and Sunlight: A guide to good practice* (BRE 209) (3rd edition, 2022).

In relation to Spatial Daylight Autonomy (SDA), across the proposed development, 98% of the tested rooms achieve the relevant Lux targets (100 Lux for bedrooms and 200 Lux for kitchen / living / dining rooms) as per the . Those that fall below the targets have been provided with extra-large private open spaces (c. 8 sqm each). Further, the affected rooms have also been assessed for exposure to sunlight as per the BRE Guide. The results determined that all windows would receive greater than the minimum direct sunlight (1.5 hours) with windows on the second, third and fourth floors, achieving the medium level of recommendations at more than three hours.

In terms of daylight, sunlight and overshadowing impact upon neighbouring development, the proposed development has undergone detailed daylight, sunlight and overshadowing assessment in respect of its potential impact upon surrounding residential amenity in this regard. Refer to *Sunlight & Daylight Analysis* by IN2, submitted as part of this Planning Application.

In summary, the assessment has been undertaken strictly in accordance with the BRE Guidelines, as required by the relevant policy provisions. From a daylight perspective, IN2 assessed all 34 No. windows across 13 No. properties. When assessed against the Vertical Sky Component (VSC), there is predicted to be no impact from the proposed development. From a sunlight perspective, GIA tested 12 No. windows that face within 90 degrees due south of the development site in line with the Guidelines. When assessed against Annual Probably Sunlight Hours (APSH), all of the windows satisfy the BRE target values.

Communal open space proposed has also been assessed within IN2's report, which concludes that the proposed open spaces achieve compliance with the standards.

We trust that this submission sufficiently addresses this issue.



3.8 ABP's Requirement No. 8 – Material Contravention

“Where the 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. The notice and statement should clearly indicate which Planning Authority statutory plan it is proposed to materially contravene.”

3.8.1 Applicant's Response

We refer the Board to the *Material Contravention Statement*, prepared by Tom Phillips + Associates, dated July 2022 and submitted as part of this Planning Application.

The accompanying *Material Contravention Statement* provides acceptable justification for some 4 No. material contraventions of the *Dún Laoghaire-Rathdown Development Plan 2022-2028*.

The material conventions of local planning policy relate to car parking provision, public open space provision, proposed unit mix, and employment policy.

In relation to car parking provision, we submit that the Subject Proposal meets the requirements for reduced car parking standard as set out in the *Development Plan*, including the site's proximity to public transport services, walking and cycling accessibility, the need to safeguard investment in sustainable transport and encourage a modal shift, the availability of car sharing facilities, the availability of existing parking and its potential for dual use, the particular nature and characteristics of the proposed development, the range of services in the area, impact on traffic safety and the amenities of the area, the capacity of the surrounding road network, urban design and regeneration considerations, the provisions of the submitted Residential Travel Plan and the street parking controls available in the immediate vicinity.

We also submit that there are conflicting policies within the *Development Plan*. We consider that the simultaneous categorisation of the Subject Site as within Parking Zone 3, as per the Parking Zones Map within the *Development Plan*, is inconsistent with the location of the Subject Site, less than 1,000 m from a Core Bus Corridor and less than 500 m from an existing, reasonably frequent bus service.

National planning policy and section 28 Guidelines, including the *Design Standards for New Apartments – Guidelines for Planning Authorities (2020)* (the '*Apartment Design Guidelines*'), support a reduced car parking provision, and emphasises a need to move away from universal parking standards to a more tailored performance-based approach.

In relation to public open space provision, we note that the *Development Plan* allows for deviation from the public open space requirement in certain cases. Additionally, the *Apartment Design Guidelines* do not differentiate between outdoor and indoor communal spaces, and do not include public open space requirements. We submit that the Subject Proposal includes for some 1,327 sqm of communal open space. This quantum exceeds the minimum standards as set by the *Apartment Design Guidelines* by some 737 sqm. Further,



the communal open spaces are of a high-quality design specification and will contribute significantly to residents' quality of life.

In relation to the proposed unit mix, we note that the *Apartment Design Guidelines* include policies that excludes Build to Rent developments from any restrictions on dwelling mix.

Further, Dún Laoghaire-Rathdown County Council notes in its *Housing Needs Demand Assessment* (included within Appendix 2 of the *Development Plan*), *inter alia*, the older age profile and the declining average household sizes observed across the County, the need to promote the provision of specific housing for older people in both independent and assisting-living settings, and the need to facilitate downsizing or 'rightsizing'.

The Subject Proposal, in providing purpose-built senior living accommodation within a mature residential area, seeks to facilitate these objectives. We submit that the provision of a 3-bed apartment within a professionally-managed senior living scheme would be contrary to the objectives of promoting rightsizing in this context.

In relation to employment uses on the Subject Site, we submit that the proposed development does provide for a sufficient level of employment-related activity on site, notwithstanding that the 'office' floorspace on the site will be reduced from current levels.

By providing a dedicated office space, as well as a quantum of permanent employment-related floor space for the use of management and maintenance personnel, the Subject Proposal will provide for a level of activity and animation that is not currently offered by the existing vacant commercial block on the Subject Site.

Further, the Subject Proposal will contribute to the alleviation of the housing crisis, in line with local, regional and national policy, and will also provide for an improved level of residential amenity for the site specifically, and for the neighbourhood generally.

We trust that this submission sufficiently addresses this issue.

3.9 ABP's Requirement No. 9 – Statement of Compliance

ABP request:

"In accordance with section 5(5)(b) of the Act of 2016, as amended, any application made on foot of this opinion should be accompanied by a statement that in the prospective applicant's opinion the proposal is consistent with the relevant objectives of the development plan for the area. Such a statement should have regard to the development plan in place at the time of the application and that likely to be in place at the date of the decision of the Board in respect of the application."

3.9.1 Applicant's Response

We refer the Board to the *Statement of Consistency*, prepared by Tom Phillips + Associates, dated July 2022 and submitted as part of this Planning Application.

We trust that this submission sufficiently addresses this issue.



3.10 ABP's Requirement No. 10 – 299(B) Statement

“Information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 (if an Environmental Impact Assessment report is not being submitted).”

3.10.1 Applicant's Response

An Environmental Impact Assessment Report has not been prepared in relation to the Subject Proposal, as the need for such an Assessment was screened out. We refer the Board to the *Environmental Impact Assessment Screening Report*, prepared by TPA and dated February 2022, for further detail.

Altamar has prepared a *Statement in accordance with Article 299(B)(1)(b)(ii)(II)(C) of the Planning and Development Regulations 2001*, dated July 2022, which includes information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the *Planning and Development Regulations 2001-2022*.

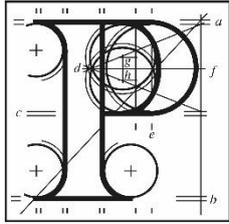
We trust that this submission sufficiently addresses this issue.

4.0 CONCLUSION

We consider that all issues that have been raised during the Pre-Application Consultation have been successfully addressed in the final Application now before the Board.



Appendix A: Notice of Pre-Application Consultation Opinion – ABP REF. 311879-21



An
Bord
Pleanála

**Case Reference:
ABP-311879-21**

Planning and Development (Housing) and Residential Tenancies Act 2016

Notice of Pre-Application Consultation Opinion

**Proposed Development: Demolition of existing buildings, construction of 115 no. Build to Rent apartments, creche and associated site works.
Stradbroom House, Stradbroom Road, Mountashon, Blackrock, Co. Dublin.**

An Bord Pleanála has considered the issues raised in the pre-application consultation process and, having regard to the consultation meeting and the submission of the planning authority, is of the opinion that the documents submitted with the request to enter into consultations require further consideration and amendment to constitute a reasonable basis for an application for strategic housing development.

An Bord Pleanála considers that the following issues need to be addressed in the documents submitted that could result in them constituting a reasonable basis for an application for strategic housing development.

1. Principle of Development

Further consideration of the documents as they relate to the use zoning objective that applies to the site. The documents must demonstrate that the proposed development would not materially contravene the zoning of the site.

Further consideration of the documents as they relate to Policy E8 of the Dun Laoghaire-Rathdown County Development Plan 2016-2022, or Dun Laoghaire-Rathdown County Development Plan 2022-2028, whichever is relevant. The applicant shall ensure the further consideration/justification includes the following detailed information:

- a) Justification for a Senior Living Build To Rent scheme having regard to the requirement for assisted living, the parameters of the proposal and the need to support employment uses within the immediate catchment area.
- b) Justification for any Material Contravention of the development plan (other than in relation to the zoning of the site) having regard to the location and the circumstances of the surrounding area, including those relating to the availability or otherwise of infrastructure, employment, retail, commercial or social services. These should be based on verifiable facts.

2. Development Strategy

Further consideration and/or justification of the documents as they relate to the overall design, scale and mass, the proposed interface with Stradbroke Road, the transition with existing dwellings and the justification for any material contravention of the height strategy in the development plan and compliance with Section 3.2 of the Urban Development and Building Heights: Guidelines for Planning Authorities (2018).

Furthermore, 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 report that specifically addresses the proposed materials and finishes to the scheme including specific detailing of finishes, the treatment of balconies in the apartment buildings, landscaped areas, pathways, entrances, boundary treatment/etc. Particular regard should be had to the requirement to provide high

quality and sustainable finishes and details which seek to create a distinctive character for the development. The documents should also have regard to the long-term management and maintenance of the proposed development and a life cycle report for the apartments in accordance with section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2020).

2. Submission of a Waste Management Plan.
3. Proposals for the management and operation of the proposed development as a 'Build-to-Rent' scheme in accordance with Specific Planning Policy Requirement No. 7 of the Guidelines on Design Standards for New Apartments, including detailed proposals for the occupation of the development by a particular category of person incorporated into a draft section 47 agreement, and the provision and management of support facilities, services and amenities for those residents. A Building Lifecycle Report in accordance with section 6.13 of the guidelines should also be submitted and shall detail the appropriate use of external materials on all elevations. The plan shall also address the management and maintenance of public spaces and access to the development.
4. A Traffic and Transport Assessment including, inter alia, a rationale for the proposed car parking ratio should be prepared, to include details of car parking management, car share schemes and a mobility management plan.
5. Design of the proposed surface water management system including attenuation features and cross sections of all SuDS features proposed on site in the context of surface water management on the site, discharge rates equal to greenfield sites and issues raised in the Drainage Dept report.
6. A quantitative and qualitative assessment which provides a breakdown of the communal and/ or any public open space provision. The assessment shall detail the functionality of the public space and shall disregard any areas required for circulation space such as footpaths between buildings etc.
7. Submission of a Sunlight/Daylight/Overshadowing analysis including all relevant plans/ documentation showing an acceptable level of residential amenity, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development and in adjacent properties. This report should address the full extent of requirements of BRE209/BS2011, as applicable.

8. Where the 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. The notice and statement should clearly indicate which Planning Authority statutory plan it is proposed to materially contravene.
9. In accordance with section 5(5)(b) of the Act of 2016, as amended, any application made on foot of this opinion should be accompanied by a statement that in the prospective applicant's opinion the proposal is consistent with the relevant objectives of the development plan for the area. Such a statement should have regard to the development plan in place at the time of the application and that likely to be in place at the date of the decision of the Board in respect of the application.
10. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018, unless it is proposed to submit an EIAR at application stage.

Also, 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, as amended:

1. **Irish Water**
2. **The relevant Childcare Committee**

PLEASE NOTE:

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended, 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 2020 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

Stephen O'Sullivan
Assistant Director of Planning
March, 2022