



An  
Bord  
Pleanála

**Case Reference:**  
**ABP-310751-21**

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**Planning and Development (Housing) and Residential Tenancies Act 2016**

**Notice of Pre-Application Consultation Opinion**

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**Proposed Development: 574 no. Build to Rent apartments, creche and associated site works. Marmalade Lane, Gort Mhuire, Dundrum, Dublin 14**

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.

**Scale and Massing**

Further consideration/justification of the documents as they relate to the scale, form, and visual impact of the proposed buildings, in particular Block B. The further consideration / justification should address the proposed scale and massing of the proposed blocks and the potential visual impact of same from surrounding residential areas. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

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. 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 statement should have regard to the development plan or local area plan in place or, likely to be in place, at the date of the decision of the Board in respect of any application for permission under section 4 of the Act. In this regard the implications of the likely adoption of the Dun Laoghaire-Rathdown Development Plan 2022-2028 on the acceptability, or otherwise, of all aspects of the proposed development should be clearly set out in the submitted documentation.
2. Justification, and where appropriate amendment, to demonstrate that the proposed car parking quantity is appropriate, having regard to local, regional and national policy on same. To this end, matters raised in at the Tri-Partite Meeting and as set out in the Planning Authority's submission on this proposal, including that as set out within the Transportation report should be addressed in any report/justification relating to the outlined transport issues.
3. A Sunlight/Daylight/Overshadowing analysis showing an acceptable level of residential amenity for future occupiers and existing residents, 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.
4. Justification, and where appropriate amendment, to demonstrate that the proposed residential amenities and residential support facilities are sufficient to serve the proposed development, in accordance with SPPR 7 of the Apartment Guidelines.

5. A Housing Quality Assessment (HQA) which provides the specific information regarding the proposed apartments units as required by the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (December, 2020). The assessment should also demonstrate how the proposed apartments comply with the various requirements of those guidelines, including its specific planning policy requirements. In relation to same, the concerns raised by the Planning Authority in relation to the quantum and nature of the proposed dual aspect units should be addressed in any application.
6. Additional CGIs/visualisations/3D modelling including visuals showing the relationship between the proposed development and the Protected Structures on the site, including the Water Tower.
7. A report that specifically addresses the proposed materials and finishes to the scheme including specific detailing of external finishes, the treatment of balconies and boundary treatments.
8. Drainage details such as would clearly address and respond to comments within the internal report from the Drainage Division of the Planning Authority, namely additional details as relates to surface water proposals and additional details as relates to Flood Risk.
9. All supporting technical/environmental reports to be updated as required.
10. A plan of the proposed open spaces within the site clearly delineating public, communal and private spaces.
11. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority.
12. 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.

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:

- 1. Irish Water**
- 2. Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media.**
- 3. An Taisce**
- 4. Heritage Council**
- 5. Transport Infrastructure Ireland**
- 6. National Transport Authority**
- 7. Dún Laoghaire Rathdown County Childcare Committee**

**PLEASE NOTE:**

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic

housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

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Stephen O'Sullivan  
Assistant Director of Planning  
November, 2021

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<sup>1</sup> *The Board has amended the opinion issued on 30<sup>th</sup> November 2021 to correct clerical errors, in accordance with Section 146A (1)(b)(i) of the Planning and Development Act 2000, as amended. The opinion set out above incorporates the amendments.*