



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-311879-21

Strategic Housing Development

Demolition of existing buildings,
construction of 115 no. Build to Rent
apartments, creche and associated
site works.

Location

Stradbrook House, Stradbrook Road,
Mountashton, Blackrock, Co. Dublin.

Planning Authority

Dun Laoghaire Rathdown County
Council

Prospective Applicant

Tetrarch Residential Ltd.

Date of Consultation Meeting

10th of March 2022.

Date of Site Inspection

28th of February 2022.

Inspector

Karen Hamilton

Contents

1.0 Introduction	4
2.0 Site Location and Description	4
3.0 Proposed Strategic Housing Development	4
4.0 Planning History.....	5
5.0 Relevant Planning Policy	6
6.0 Section 247 Consultation(s) with Planning Authority	7
7.0 Prospective Applicant’s Case	7
8.0 Planning Authority Submission	9
9.0 The Consultation Meeting.....	11
10.0 Assessment.....	13
11.0 Recommended Opinion	14

1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The subject site (0.4831 ha) is located along the eastern side of Stradbrook Road, Mountashton, Blackrock, Co. Dublin. The site contains a four storey building which faces onto the Stradbrook Road and a carpark associated with a rugby pitch and club house. Somerset House, is a commercial buildings beside the side, includes the Links childcare (an identical building) and Stradbrook House, the subject site, includes an office use. A row of two storey dwellings is located along the south of the site (Windsor Park row) and the rear gardens abut the site. A large detached two storey dwelling (No. 1 Oranmore) is located directly south of the site and fronts onto Stradbrook Road.
- 2.2. There are a number of Protected Structures in proximity to the Subject Site, including Rockhouse Manor and associated entrance gates (both RPS No. 1163). These are located on the opposite side of Stradbrook Road.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development comprises of the demolition of an existing building, Stradbrook House (c. 1,210m²) and surface car park, and the construction of 115 No. Build-to-Rent serviced residential senior living apartments (92 No. 1-bed apartments and 23 No. 2-bed apartments), with balconies / winter gardens at all elevations, across 2 No. blocks ranging between 3 to 7-storeys with set back at sixth-floor level

and additional basement (max height 24.4 m, measured from street level (plus lift overrun (0.8 m)

3.2. Development Parameters

Parameter	Description
Area	0.48ha
Units	115 BTR units “Serviced residential senior living”
Density	249 uph
Blocks	A & B
Car parking	70 car park spaces (57 basement & 13 no surface) 12 spaces for the adjoining creche
Bicycle spaces	196 no. spaces
Access	New revised entrance with shared access for the crèche and rugby club
Communal Amenity Space	Block B – ground floor (271m ²)
Communal Open space	Ground level courtyard and roof gardens terraces on the /3 rd , 4 th & 5 th floors (532m ²)

3.3. Unit mix

Unit	No	Percentage
One bedroom	92	80%
Two bedroom	23	20%
Total	115	100

4.0 Planning History

4.1. Subject site- Area outlined in Blue

Reg Ref D17A/0876

Permission granted for Somerset House and a portion of the Blackrock Rugby Club for Links Childcare and modifications to D12A/0142. Revisions to the internal and external layout for the permitted crèche.

Reg Ref D12A/0142

Permission granted for the modification to D11A/0247 change of use of Somerset House from office to use as a creche.

Reg Ref D11A/0247

Permission granted for change of use from office to creche on the ground floor of Somerset House.

5.0 Relevant Planning Policy

5.1. Dun Laoghaire-Rathdown County Development Plan 2016-2022

Zoning

The site is located on lands zoned as E, economic, where it is an objective “*To provide for economic development and employment*”.

- Residential is open for consideration

Policy E8: Residential Use in Employment Zoned Land

“It is Council policy to achieve a satisfactory balance with regard to the residential component of development on lands zoned Objective ‘E’ to ensure that such lands remain available to facilitate their primary objective for the lands which is the encouragement of enterprise and the creation of employment. Generally, any residential development proposals on ‘E’ zoned lands should ensure that the employment element on site in terms of floor space should be no less than that on site prior to redevelopment and must ensure that the employment element on site in terms of overall floor space remains the primary land use”

- Policy UD1: Urban Design principles
- Policy UD6: Building Height Strategy

Height

Appendix 9- Building Height guidelines

- Upward and downward modifiers to assess the impact of building height on the surrounding areas.
- Downward modifier at locations 500m from the edge of the coastal fringe.

6.0 **Section 247 Consultation(s) with Planning Authority**

6.1. The report of the PA notes a S247 pre planning meeting held on the 24th of March 2020 (PAC/SHD/6/20) as summarised below:

- The specialisation of the units for dependant living/ OAP's was discussed.
- General advice for the drainage design including was provided including the need for 60% green roofs, soft landscaping, SuDS etc
- Policy E8 and the employment zoning on the site which requires the retention of any economic floorspace where the site is being redeveloped to include residential.
- Concern was raised in relation to the height and massing and the need for balance having regard to the employment zoning on the site.
- Concern was raised in relation to the residential amenity and the distance between the adjoining dwellings.
- Question over the open space.
- Need to discuss the use with the Housing Section.

7.0 **Prospective Applicant's Case**

Statement of Consistency

7.1. The applicant's Statement of Consistency notes the national, regional and local planning polices relevant to the development of the site.

7.2. Statement of Material Contravention

7.3. The applicant proposes to materially contravene the development plan for the following reasons:

- **Building Height**

The 3-7 storeys are above the max 3-4 storeys permissible in the development plan. Having regard to the building height guidance the proposed 3-7 storeys is considered justified.

- **Car parking provision**

126 spaces are required to comply with the development plan. The proposal includes 57 no. underground parking spaces. The proposal is justified having regard to the national apartment guidelines and the fact that there are conflicting policies in the development plan.

- **Public Open Space**

2,587.5m² of public/ communal open space is required for elderly/assisted living accommodation. 1,360m² of communal open space has been provided. The proposal is justified having regard to the apartment guidelines the quantum of communal open space provided and the potential for a contribution for a shortfall in the public open space.

- **Unit mix**

Policy RES7 of the development plan requires a wide range of residential mixes. The proposal contains 115 No. units in total comprising a mixture of 92 No. one bed and 23 No. two-bed units. The proposal is considered a material contravention of the development plan.

- **Employment Use- Land use zoning**

The site is located on lands zoned *“To provide for economic development and employment.”* The objectives of the plan require the floorspace of the commercial to be retained and integrated into the proposed development. The proposal is justified having regard to amount of employment lands in Sandyford, the integration of the senior living BTR scheme, and the contribution to the housing crisis.

8.0 Planning Authority Submission

8.1. In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Dun Laoghaire Rathdown County Council, submitted their opinions in relation to the proposal on the 03rd of December 2021. The opinion noted the S. 247 meetings in relation to the proposed SHD development, the planning history on the site and surrounding area, and the policy background. This opinion has been summarised below:

8.2. Planning Assessment

Employment zoned lands

- Residential is open for consideration of the employment zoned lands.
- It is noted that there is a substantial amount of employment zoned lands at Sandyford.
- Section 3.1.2. 8 of the development plan provides guidance for residential development on employment zoned lands. It states that the floorspace should remain the same as prior to any proposal (Policy E8).
- The proposed development does not retain the same floorspace of commercial as previously.
- The principle of residential development at this location is not acceptable and reduces the availability of compliment on lands at this location.

Density

- The subject site is not located within easy walking distance to the DART (1.6km).
- The density on the site of 239 uph would not be acceptable at this location

Building Height

- The site is not within the 500m coastal zone. There are no upward modifiers that are applicable on the site.
- There are concerns in relation to the height of the building beside a relatively low density 2 storey dwellings.

Dwelling mix

- The SPPRs are noted although there remain concerns that there are no 3 or 4-bedroom units proposed.

Residential Standards.

- The dual aspect should be 50% (only 39%).
- The standard of communal amenity facilities is questioned.

Design & Layout

- The bulk, scale and massing are not appropriate having regard to the low rise in the vicinity.

Visual Impact

- There are concerns in relation to the visual impact of the proposal when viewed from the adjoining dwellings (Windsor Park).

Public & Communal Open Space

- The development plan requires a minimum of 10% of public open space.
- The submitted documentation note the open space as communal on the plans (1,361m²).
- The documentation notes non-compliance with the public open space requirements.
- The distinguishment between communal and public open space should be made clear on the documentation.

Daylight & Sunlight

- The information in the sunlight and daylight analysis is noted.
- The open space layout in the daylight and sunlight does not appear to correspond with the masterplan layouts.
- 94% of the units can achieve the BRE standards while 6% ca not, there are concerns in relation to the number of units with a Minor fail and a fail result.

Drainage Planning (Surface water)

- The issues raised in the drainage report include the recalculation of the attenuation volume, SAAR values (possible underestimation) SuDS, differing green roof coverage, trees beside attenuation systems. Limited permeable paving. The drainage report also highlighted inconsistencies throughout the documentation.
- In relation to the flooding, it is requested that a surcharge analysis of the surface water drainage system will be required.

Transport Planning

- 57 car parking spaces are located in the underground car park and 1 no disabled on ground level. 13 car parking spaces are listed for the creche.
- There is concern the ratio of 0.5 would be too low and reflect overdevelopment of the site.

Parks and Landscaping

- The level of communal open space should be clarified to allow a full assessment of the open space provision (including public open space) under the development plan.

Waste Management

- Further details of the operational waste management on-site should be submitted.

9.0 The Consultation Meeting

9.1. A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 10th of March 2022, commencing at 10.00am, via Microsoft Teams.

Representatives of the prospective applicant, Dun Laoghaire Rathdown County Council and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting as detailed below:

1. Compliance with the Land Use Zoning- Objective E
2. Design and Layout, *inter alia*, height, scale and mass, development potential of adjoining sites

3. Impact on Residential Amenity, *inter alia*, potential future occupants and existing residential properties
4. Drainage
5. Traffic & Transport
6. Any Other Business

9.2. In relation to the **Compliance with the land use zoning**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The employment and enterprise land use zoning on the site, Policy E8 which requires the retention of the commercial floorspace in any proposed development and the proposal which mainly includes residential.
- The current economic use in Stradbrook House and the need for employment uses within the surrounding area.
- The parameters of the Senior Living proposal, the facilities provided to support the senior residents and the benefits for the wider area.

9.3. In relation to the **Design and Layout**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The scale, bulk and mass of the proposal along Stradbrook Road and to the rear of Windsor Park.
- The potential impact of the proposal on the development potential of the rugby club site and the need to elaborate the appropriate integration with the existing buildings.
- The quantitative and qualitative communal open space provision and the absence of any public open space on the site.

9.4. In relation to the **Impact on the Residential Amenity**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The impact of the building to the rear of Windsor Park.
- The potential for overlooking onto the adjoining residential properties.
- The integration of residential amenity facilities for the future occupants of the units.

- 9.5. In relation to the **Drainage**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:
- The treatment of surface water and the calculations used for the Q Bar.
- 9.6. In relation to the **Traffic and Transport**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:
- The design of the access into the site and the ramp access for the basement car park.
 - The need to comply with the DMURS standards.
 - The design of the public footpath along the front of the site, along Stradbrook Road.

10.0 Assessment

- 10.1. Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

I have examined all of the information and submissions before me including the documentation submitted by 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.

Conclusion

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.

11.0 Recommended Opinion

11.1. The Board refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

Following consideration of the issues raised during the consultation process and having regard to the opinion of the planning authority, An Bord Pleanála is of the opinion that the documentation submitted requires further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála

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.

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).

11.2. Pursuant to article 285(5)(b)(i) and (ii) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that 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

11.3. Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

1. Irish Water.
2. The relevant Childcare Committee

PLEASE NOTE:

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

Karen Hamilton
Senior Planning Inspector

15th of March 2022