

# Statement of Consistency / Planning Report

*In respect of*

**Proposed Strategic Housing Development  
(Alterations to Phase 1 Residential and  
Proposed Phase 2 Residential Development)**

**at**

**Frascati Centre, Frascati Road, Blackrock, Co. Dublin  
(formerly known as Frascati Shopping Centre).**

*Prepared by*

**John Spain Associates**

*On behalf of*

**IMRF II Frascati Limited Partnership acting through its  
general partner Davy IMRF II GP Limited**

**28<sup>th</sup> August 2020**



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**Table of Contents**

**1.0 INTRODUCTION ..... 3**

**2.0 SITE LOCATION AND CONTEXT..... 6**

**3.0 PRE-APPLICATION CONSULTATIONS ..... 11**

**4.0 DESCRIPTION OF THE PROPOSED DEVELOPMENT ..... 12**

**5.0 PLANNING POLICY CONTEXT ..... 18**

**6.0 ASSESSMENT OF THE PROPOSED DEVELOPMENT WITH PLANNING  
POLICY CONTEXT..... 22**

**7.0 CONCLUSIONS..... 47**

## **1.0 INTRODUCTION**

- 1.1 On behalf of the applicant, IMRF II Frascati Limited Partnership acting through its general partner Davy IMRF II GP Limited, this statement of consistency and planning report has been prepared to accompany a planning application to An Bord Pleanála in relation to a proposed Strategic Housing Development on a site at the Frascati Centre, Frascati Road, Blackrock, Co. Dublin (formerly known as Frascati Shopping Centre).
- 1.2 The proposed development relates to alterations to the Phase 1 permission for 45 no. apartments (Reg. Ref.: D17A/0950 & ABP Ref.: 300745-18), from second to fourth floor level of the rejuvenated Frascati Centre. The proposed development also includes the provision of 57 no. additional apartments, as an extension of the Phase 1 permission, located above the permitted podium car park to the north west of the centre, as a Phase 2 residential development. The subject application therefore relates to a total of 102 no. residential units.
- 1.3 The proposed alterations to the 45 no. apartments (Block A and B) and associated development, permitted under the Phase 1 residential development, includes the following:
- Internal rationalisation of the permitted units, including changes in overall unit size and internal layouts, and associated external alterations including the provision of winter gardens.
  - Provision of an external walkway connection between the Phase 1 and Phase 2 residential blocks at second floor level.
  - The refuse, car and cycle parking facilities permitted at lower ground floor level will be altered to cater for the additional residential units, including the introduction of a barrier control system.
  - The main entrance to the Phase 1 residential scheme from Frascati Road will serve both the permitted and proposed units.
  - A concierge facility room to serve the overall residential development is proposed at second floor level near the main core of Phase 1, with an associated minor reduction in the area of the permitted communal terrace at second floor level.
  - The communal open space for Phase 1 and 2 will be accessible to all residents.
  - Alterations to the cycle parking provision at lower ground floor / basement level and at the first-floor level podium car park.
- 1.4 The Phase 2 proposal consists of 20 no. studios, 22 no. 1 beds and 15 no. 2 beds (57 no. apartments) in three no. blocks (Block D, E & F), arranged around a central communal courtyard space, above the existing and permitted podium car park to the north west of the centre. Block D is a five storey block, Block E is a part two to part four storey block and Block F is a part two to part three storey block, all above three levels of podium / basement car park. Balconies / winter gardens are provided to all apartments (on the north western, north eastern, south western elevations and into the internal courtyard) and access to the blocks is via stair / lift cores and an external walkway fronting the communal courtyard. A roof terrace is also proposed at fifth floor level of Block E.
- 1.5 The proposal includes the allocation of 57 no. car parking spaces at lower ground floor level and 214 no. bicycle parking spaces at lower ground and surface level for the 102 no. residential units. The proposal includes alterations to existing surface car parking to provide additional landscaping and bicycle spaces, a bin storage

area and stair / lift cores are proposed within the existing / permitted basement / podium car parks below the Phase 2 residential units, and the proposal includes all associated ancillary site development works. The proposal also includes alterations to the location of 30 no. permitted cycle parking spaces associated with the rejuvenation of the Frascati Centre, Reg. Ref.: D14A/0134, as amended.

- 1.6 The development relates to a total of 102 no. residential units (unit mix of 20 no. studios, 25 no. 1 beds, 51 no. 2 beds and 6 no. 3 beds) and therefore is considered to fall within the provisions of the Strategic Housing Development legislation which is defined as *“the development of 100 or more houses on land zoned for residential use or for a mixture of residential and other uses”* under Section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended). The application site is primarily zoned for District Centre purposes within the Dun Laoghaire Rathdown Development Plan 2016-2022 with the objective *‘to protect, provide for and / or improve mixed – use district centre facilities’* and partly Objective A- Residential, under which residential is included as a permitted in principle use.
- 1.7 Section 3(d) of the Planning and Development (Housing) and Residential Tenancies Act 2016 states that Strategic Housing Development can be *“the alteration of an existing planning permission granted under section 34 (other than under subsection (3A)) where the proposed alteration relates to development specified in paragraph (a), (b) or (c)”*. As the total number of units subject of this proposed application, i.e. alterations to a permitted development containing 45 residential units and the provision of 57 residential units as an extension of the Phase 1 permission / above the permitted podium, is above 100 no. units, it is our understanding that this scheme falls within the definition of Strategic Housing Development and therefore the application should be made directly to the Board. This position was accepted as part of the SHD pre-application process and the subsequent issuing of an Opinion stating that the proposals constitute a reasonable basis for a SHD application.
- 1.8 Access is provided to the residential units via the lower ground floor and ground floor level of the Frascati Centre, and from within the basement / podium car parks, and the proposed residential development does not impact on the retail/restaurant floorspace of the rejuvenated Frascati Centre. It is submitted that the recently completed retail and restaurant floorspace within the rejuvenated Frascati Centre should not be regarded as *‘other proposed uses on the land’*, as outlined in Section 3(d)(ii)(i) for the purposes of this application, as it is existing floorspace on the site, over which the residential is proposed, notwithstanding that the red line includes the overall Frascati Centre site.
- 1.9 This statement of consistency and planning report, prepared by John Spain Associates, demonstrates that the proposed development is consistent with the relevant national planning policy, guidelines issued under Section 28 of the Planning and Development Act (2000), as amended, the Dun Laoghaire Rathdown County Development Plan 2016-2022 and the Blackrock Local Area Plan 2015-2021. However, in respect to the proposed unit mix and building height, a Material Contravention Statement is included, having regard to 1) Section 8.2.3.3 (iii) of the Development Plan in respect to unit mix requirement and 2) Blackrock LAP’s recommendation for building heights of up to 5 storeys on the majority of the Frascati Centre site, graduating down to 2 storeys in proximity to neighbouring properties, as demonstrated in Map 12 and stated in Section 7- Objective FR7. The Material Contravention Statement demonstrates the appropriateness of the

proposal in the context of SPPR1 of the Apartment Guidelines and SPPR 3 of the Building Height Guidelines.

- 1.10 This Statement of Consistency addresses the requirement of the prescribed application form which requires –

*(A) A statement that, in the prospective applicant's opinion, the proposed strategic housing development is consistent with relevant guidelines issued by the Minister under section 28 of the Planning and Development Act 2000.*

*(B) A statement setting out how the proposed strategic housing development will be consistent with the relevant objectives of the relevant development plan.*

- 1.11 There is a general obligation to “have regard” to Ministerial Guidelines. Additionally, Section 9(6)(b) of the Planning and Development (Housing) and Residential Tenancies Act provides:

*“(b) Where specific planning policy requirements of guidelines referred to in paragraph (a) differ from the provisions of the development plan of a planning authority, then those requirements shall, to the extent that they so differ, apply instead of the provisions of the development plan.”*

- 1.12 The development has been subject of 1 no. Section 247 pre-application consultation with the Planning Authority and a tripartite meeting with An Bord Pleanála and the Planning Authority on the 5<sup>th</sup> of June.

- 1.13 This stand-alone planning policy consistency statement, prepared by John Spain Associates, demonstrates that the proposed development is consistent with the relevant ministerial guidelines issued under Section 28 of the Planning and Development Act 2000 (as amended), and with the provisions of the statutory development plan. This report should be read in conjunction with the accompanying detailed documentation (including an Environmental Impact Assessment Report / EIAR) which has been prepared by the design team.

- 1.14 For greater detail in respect of compliance and consistency with quantitative standards for residential apartment units as outlined within the 2018 Apartment Guidelines, the Housing Quality Assessment (HQA) and Design Statement prepared by Reddy Architecture + Urbanism (Reddy A+U) should be referred to. Notwithstanding this, as set out above, should the Board be of the view that the proposed unit mix contravenes the Development Plan a Material Contravention Statement is submitted with the application.

- 1.15 The proposed development as submitted to An Bord Pleanála (ABP), is the product of an analysis of the subject site, its settings and characteristics, planning history, national, regional and local planning policy, and an iterative design process guided by a formal pre-application consultation with Dun Laoghaire Rathdown County Council (the planning authority), details of which are provided in Section 3. Additional ongoing correspondence with the Planning Authority has also contributed to the content of the information now submitted in support of this planning application. The reader is referred to the Statement of Response to the Board's Opinion for details of how the final development proposal responds to the points raised by the Board in their Opinion and the Planning Authority in their Chief Executive's Report at pre-application stage.

## Summary of Planning Rationale and Key Points

1.16 The planning rationale for the proposed development, and the key details pertaining thereto can be summarised briefly as follows:

- The proposed Strategic Housing Development is in accordance with National and Regional planning policy for the delivery of residential units and compact growth on sites in close proximity to quality public transport routes and within existing urban areas.
- The subject lands are zoned for District Centre uses, where a mix of uses are supported. The site is located within the built-up area of the Dublin Metropolitan area and served by DART rail services and good quality bus services. Thus, the site is considered highly suitable for the provision of additional residential units which will contribute to providing a diverse mix of uses and further enhances the Rejuvenation of the Frascati Centre.
- It is considered that the scale and design of the proposed residential development is acceptable for this site given the strategic location of the site and the amenity offered by the proximity to Dublin Bay.
- The construction of the structural elements of the Phase 1 residential permission commenced in March 2020, under Reg. Ref.: Reg. Ref.: D17A/0950 & ABP Ref.: 300745-18. The proposed alterations relate to non-structural elements, primarily relating to the internal layout of units and external finishes / winter gardens. The proposed alterations are not affected by the commencement of construction of the structural elements. The proposed alterations to Phase 1 do not seek to alter the height or overall massing of the permitted residential scheme, as the alterations are primarily internal or external treatment changes, which have been identified following a detailed design review by the applicant, agents and project architects.
- The proposed Phase 2 apartments consist of a courtyard block with 2 to 5 storeys of apartments above three levels of existing / permitted parking (lower ground, ground and first floor podium levels), which exceeds the building height guidance set out in the Blackrock LAP. However, this application includes a Material Contravention Statement which sets out compliance with the development management criteria under Section 3 of the Building Height Guidelines which allows the Board to approve the proposed building heights under the provisions of SPPR 3.
- The design of the proposed development is informed by its context and seeks to ameliorate impacts on surrounding properties, whilst seeking to strike a balance that provides for an appropriate scale and density of development on the subject site.

## 2.0 SITE LOCATION AND CONTEXT

2.1 This application for residential development relates to the Frascati Centre, Frascati Road, Blackrock, Co. Dublin, as illustrated in Figure 2.1 below. The existing shopping centre is located within the core retail area of Blackrock village as identified within the Dun Laoghaire Rathdown County Development Plan 2016–2022. The application site is primarily zoned for District Centre purposes within the Dun Laoghaire Rathdown Development Plan 2016-2022 with the objective ‘to protect, provide for and / or improve mixed – use district centre facilities’ and partly Objective A- Residential, under which residential use is permitted in principle.

2.2 The application site relates to the front and northern portion of the Frascati Centre. As illustrated on the Site Location Map and Site Layout Plan, the red line for the

proposed development extends across the entire site boundary (2.67 hectares). The green line illustrates the extent of the Proposed Phase 1 and Phase 2 residential development, as illustrated in Figure 2.2 below. We refer the Board to the floorplans, elevations and sections for details of the proposed alterations to Phase 1 and the Phase 2 proposals.

- 2.3 The Frascati Centre is bound by the N31 Frascati Road to the north-east; the rear of properties on George's Avenue to the south-east; the rear of properties on Frascati Park to the west and south-west and the rear of Lisalea Apartments to the north and adjacent terrace of houses on Mount Merrion Avenue to the north-west.

**Figure 2.1: Aerial View of the Frascati Centre**



**Figure 2.2: Site Location Map Extract (Approximate Extent of Application Site outlined in Red)**



**Key Planning History Context****Reg. Ref.: D17A/0950 & ABP Ref.: 300745-18 - Phase 1 Residential Development**

- 2.4 An Bord Pleanála issued an Order to grant permission on the 30<sup>th</sup> May 2019, subject to 17 no. conditions, for residential development of 45 no. apartment units over 3 no. storeys, from second to fourth floor level, over the permitted ground and first floor levels of retail / restaurant floorspace and permitted lower ground floor car park. The proposal will be an extension of the Rejuvenation Scheme permitted under Reg. Ref.: D14A/0134, as amended.
- 2.5 The Phase 1 residential development also includes a first-floor level podium car park, over the permitted podium car park, located at the north west of the site, which will provide 81 no. car parking spaces. 51 no. spaces within the lower ground floor was allocated for the Phase 1 residential units.
- 2.6 The photomontage extracts below indicates the permitted Phase 1 residential development.
- 2.7 Construction on the main structural elements of the Phase 1 residential development commenced in March 2020, in order to provide a timely delivery of residential development and the completion of the works for the rejuvenated Frascati Centre. The alterations proposed under this SHD application do not impact on the delivery of the main structure of the Phase 1 permission, as they primarily relate to external elevation changes to each unit and internal configuration alterations to each unit, which can be summarised as follows:
- Internal rationalisation of the permitted units, including changes in overall unit size and internal layouts, and associated external alterations including the provision of winter gardens.
  - Provision of an external walkway connection between the Phase 1 and Phase 2 residential blocks at second floor level.
  - The refuse, car and cycle parking facilities permitted at lower ground floor level will be altered to cater for the additional residential units, including the introduction of a barrier control system.
  - The main entrance to the Phase 1 residential scheme from Frascati Road will serve both the permitted and proposed units.
  - A concierge facility room to serve the overall residential development is proposed at second floor level near the main core of Phase 1, with an associated minor reduction in the area of the permitted communal terrace at second floor level.
  - The communal open space for Phase 1 and 2 will be accessible to all residents.
  - Alterations to the cycle parking provision at lower ground floor / basement level and at the first-floor level podium car park.



**Figure 2.3: Extract of BSM Photomontages for the Phase 1 Residential Scheme**



**Figure 2.4: Extract of BSM Photomontages for the Phase 1 Residential Scheme**



- 2.8 Of relevance to the subject SHD application, in assessing the permitted Phase 1 residential development, the DLRC Planner's Report stated that *"the proposed mixed residential with previously existing and additional permitted retail uses, are **acceptable in principle, and present a good opportunity to achieve a higher density and greater mix of uses in the subject area that is well served by public transport and various other services**"* (Emphasis added).
- 2.9 The ABP Inspector's Report stated the following in relation to the permitted Phase 1 residential development:
- **Principle of Development** - *"Having regard to the national planning policy and the zoning objectives in the County Development Plan, that the principle of residential development on the appeal site is acceptable in principle provided that the proposal has adequate residential amenity, adequately safeguards the amenities of the adjoining properties, would not result in a traffic hazard, protects the environment, architectural character of the area and would be in*

accordance with the provisions of the Dun Laoghaire Rathdown County Council County Development Plan, 2016–2022.”

And

“Overall, I would conclude that the proposed development is acceptable and would not have an injurious impact on established residential amenities.”

- **Residential Density** - “There is an established commercial use on the appeal site and given the mixed-use nature of the site I would not consider that residential density is a significant consideration for the site as the proposed residential use provides for an additional use on top of an established commercial use”
- **Scale and Building Heights** - “I would consider that in general the proposed development would be consistent with Map 12 of the Blackrock Local Area Plan”

And

“I would consider that the design and scale of the proposed development is acceptable having regard to the strategic location of the subject site and national and local policy objectives.”

And

“In considering a departure from the established scale locally I would also have regard to the National Planning Framework. Policy Objective no. 13 of the National Planning Framework states that planning standards in relation to building heights can be relaxed to achieve well-designed high-quality outcomes. Policy objective no. 35 of the National Planning Framework provides that an increase in building heights can be achieved to increase residential density in settlements”

2.10 The Centre has an extensive planning history relating to the Rejuvenation project as outlined in Appendix 1.

**Figure 2.5: Permitted and Proposed North Eastern Elevation**



### **3.0 PRE-APPLICATION CONSULTATIONS**

- 3.1 The evolution of the design for the proposed development has been guided and informed by the planning policy context, the planning history of the subject site and surrounding lands as set out above (and in Appendix 1), and the issues and points raised during the pre-application discussions with the Planning Authority and An Bord Pleanála (see below and separate Statement of Response report); and the proposals now submitted to the Board are considered to be in accordance with the proper planning and sustainable development of the area, while responding to the points raised in the pre-application discussions.

#### **S.24 Pre-Application Consultation with the Planning Authority**

- 3.2 One no. formal pre-application meeting under Section 247 of the Act was undertaken with Dun Laoghaire Rathdown County Council (the Planning Authority) on the 23<sup>rd</sup> October 2019. The meeting was attended by several members of relevant DLRCC departments including the Planning Department and members of the project design team.
- 3.3 The main points raised and discussed during the course of the formal pre-application meetings are summarised in Appendix 2, and the description of the proposed development provided within Section 4 of this report (below) describes the scheme as now submitted for approval.

#### **Tripartite Meeting and Opinion of the Board**

- 3.4 A pre-application meeting was undertaken with An Bord Pleanála on the 5<sup>th</sup> June 2020, under Section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. This meeting was attended by representatives from Dun Laoghaire Rathdown County Council and the items on the Board's agenda were discussed, which broadly corresponded to the items raised in the Planning Authority's Opinion on the proposed development as submitted as a pre-application request to ABP.
- 3.5 The opinion, received on 24<sup>th</sup> June 2020, states that An Bord Pleanála "*is of the opinion that the documents submitted with the request to enter into consultations constitute a reasonable basis for strategic housing development*".
- 3.6 Notwithstanding that ABP considered the pre-application proposals to constitute a reasonable basis for an application, the applicant and design team acknowledged some concerns outlined by the Planning Authority during the pre-application process and have incorporated a number of alterations in the final scheme submitted for approval which are illustrated in greater detail in RAU's Statement of Response, and which can be summarised as follows:
- Omission of 1 no. apartment unit at third floor level of Block F to reduce the corner height on the north corner from 3 to 2 storeys and reducing impact on adjoining Lisalea;
  - Modified layout of Apartment No. 2315 at third floor level of Block F to avoid overlooking onto Frascati Park;
  - Building line setback at the south eastern corner and reoriented stairs on 4<sup>th</sup> and 5<sup>th</sup> floor of Block D to reduce massing resulting in omission of 2 no. apartments, to minimise impacts on Frascati Park.
  - The changes result in total number of units being reduced from 105 no. units to 102 no. units.

- Omission of car parking and bin storage area proposed along the north west boundary and replacement with additional landscaping / tree planting to assist in screening.
- 3.7 The SHD application is accompanied by a Statement of Response to the Board's Opinion which sets out how the 17 no. items of specific additional information raised by the Board have been fully addressed in the documentation now submitted for approval, which should be read in association with accompanying application documentation, particularly RAU's Statement of Response.
- 3.8 In addition, the Statement of Response includes a section which outlines how the matters raised in DLRCC's Chief Executive's Report on the SHD pre-application submission have been addressed in the final application, with reference to accompanying reports.

#### **4.0 DESCRIPTION OF THE PROPOSED SHD DEVELOPMENT**

- 4.1 The proposed development submitted to the Board comprises a Strategic Housing Development of 102 no. residential units. The summary description of the proposal is as follows:

*"The proposal relates to alterations to the Phase 1 permission for 45 no. apartments (Reg. Ref.: D17A/0950 & ABP Ref.: 300745-18), from second to fourth floor level of the rejuvenated Frascati Centre. The proposed development also includes the provision of 57 no. additional apartments, as an extension of the Phase 1 permission, located above the existing / permitted podium car park to the north west of the centre, as a Phase 2 residential development. The subject application therefore relates to a total of 102 no. residential units.*

*The proposed alterations to the 45 no. apartments (Block A and B) and associated development, permitted under the Phase 1 residential development, includes the following:*

- *Internal rationalisation of the permitted units, including changes in overall unit size and internal layouts, and associated external alterations including the provision of winter gardens.*
- *Provision of an external walkway connection between the Phase 1 and Phase 2 residential blocks at second floor level.*
- *The refuse, car and cycle parking facilities permitted at lower ground floor level will be altered to cater for the additional residential units, including the introduction of a barrier control system.*
- *The main entrance to the Phase 1 residential scheme from Frascati Road will serve both the permitted and proposed units.*
- *A concierge facility room to serve the overall residential development is proposed at second floor level near the main core of Phase 1, with an associated minor reduction in the area of the permitted communal terrace at second floor level.*
- *The communal open space for Phase 1 and 2 will be accessible to all residents.*
- *Alterations to the cycle parking provision at lower ground floor / basement level and at the first-floor level podium car park.*

*The Phase 2 proposal consists of 20 no. studios, 22 no. 1 beds and 15 no. 2 beds (57 no. apartments) in three no. blocks (Block D, E & F), arranged around a central communal courtyard space, above the existing and permitted podium car park to*

*the north west of the centre. Block D is a five storey block, Block E is a part two to part four storey block and Block F is a part two to part three storey block, all above three levels of podium / basement car park. Balconies / winter gardens are provided to all apartments (on the north western, north eastern, south western elevations and into the internal courtyard) and access to the blocks is via stair / lift cores and an external walkway fronting the communal courtyard. A roof terrace is also proposed at fifth floor level of Block E.*

*The proposal includes the allocation of 57 no. car parking spaces at lower ground floor level and 214 no. bicycle parking spaces at lower ground and surface level for the 102 no. residential units. The proposal includes alterations to existing surface car parking to provide additional landscaping and bicycle spaces, a bin storage area and stair / lift cores are proposed within the existing / permitted basement / podium car parks below the Phase 2 residential units, and the proposal includes all associated ancillary site development works. The proposal also includes alterations to the location of 30 no. permitted cycle parking spaces associated with the rejuvenation of the Frascati Centre, Reg. Ref.: D14A/0134, as amended.”*

- 4.2 The application site is primarily zoned for District Centre purposes within the Dun Laoghaire Rathdown Development Plan 2016-2022 with the objective ‘to protect, provide for and / or improve mixed – use district centre facilities’ and partly Objective A- Residential, under which residential use is permitted in principle.
- 4.3 Key details of the proposed development are included in Table 2 below, with a breakdown between Phase 1 and 2 for ease of reference. We also refer the Board to the comprehensive documentation submitted with this SHD application for details of the different aspects of the proposal. The Phase 1 permitted and proposed Housing Quality Assessment illustrates the proposed alterations to the permitted residential units.

**Table 2: SHD Details of the Proposed Development**

	<b>Alterations to Phase 1</b>	<b>Proposed Phase 2</b>	<b>Phase 1 + Phase 2</b>
<b>Unit No’s</b>	45	57	102 no. Build to Sell / Let Residential units (intended for owner occupation or individual lease)
<b>Unit Mix</b>	3 no. 1 beds 36 no. 2 beds 6 no. 3 beds	20 no. studios 22 no. 1 beds 15 no. 2 beds	20 no. studios (19%) 25 no. 1 beds (25%) 51 no. 2 beds (50%) 6 no. 3 beds (6%)
<b>Height</b>	3 no. storeys residential above 2 storeys of retail / restaurant floorspace	2-5 no. storeys above existing and permitted podium car parking. Block D (5 storeys), Block E (2-4 storeys) and Block F (2-3 storeys)	2-5 storeys above permitted Frascati retail and podium car park levels
<b>Dual Aspect</b>	100%. All dual aspect with the 3 bed corner units to be triple aspect.	100%. All dual aspect arranged around the podium courtyard.	100% Dual Aspect

<b>Communal Amenity Space</b>	Communal terrace at second floor (545.16 sq.m) and roof terrace (99.8 sq.m)	Communal courtyard at first floor level (646.93 sq.m) and roof terrace at fifth floor level (230.8 sq.m)	Total 1,522.69 sq.m of communal amenity space.  Average of 14.9 sq.m of amenity space per residential unit for the total (102 no. units)
<b>Total GFA</b>	9,223.1 sq.m		
<b>Car Parking</b>	57 no. existing basement car parking spaces allocated for the 102 no. residential units proposed in Phase 1 and 2 (c. 0.56 spaces per unit)		
<b>Cycle Parking</b>	<p>214 no. bicycle parking spaces (148 cycle parking spaces in a secure area at the lower ground level as stacker type two-tier units plus 22 visitor parking spaces as ‘Sheffield’ type stands distributed at lower ground level, 40 no. spaces at ground floor level and 4 no. cargo cycle parking spaces).</p> <p>This exceeds the recommendation set out in the Apartment Guidelines of 1 bicycle parking space per bed-space plus 1 visitor space per 2 units which equates to 210 no. spaces.</p> <p>This is in addition to the 170 no. cycle spaces provided as part of the Frascati Centre rejuvenation project. The proposal includes alterations to the location of 30 no. permitted cycle parking spaces associated with the rejuvenation of the Frascati Centre, Reg. Ref.: D14A/0134, as amended. This is discussed further below.</p>		
<b>Residential Density</b>	<p>Overall density of 38.2 no. units per hectares (Phase 1 and 2) based on the site area of 2.67 ha.</p> <p>Note: Not directly relevant planning standard due to residential forming part of a mixed-use district centre and the extent of the red line boundary of the entire Frascati Centre.</p>		
<b>Plot Ratio / Site Coverage</b>	Plot ratio is 1.30 and site coverage is 53%		



**Figure 4.1: CGI Aerial View of the Proposed Development**

- 4.4 The Phase 1 and 2 residential units will be accessed via a lift core from lower ground and ground floor level of the Frascati Centre, as per the Phase 1 permission, with secondary accesses from stair cores / lifts in the basement levels below Phase 2. The proposed residential development does not impact on the shopping centre floorspace, the rejuvenation of which is now substantially complete, as per the development granted under Reg. Ref.: D14A/0134, and subsequently amended through a series of applications.

#### ***Phase 1 Alterations***

- 4.5 We refer the Board to the architectural drawings and design statement for details of the proposed alterations in the context of the permitted residential units. In terms of the rationale for these alterations, we note the following:
- The proposed alterations to the Phase 1 apartments include internal rationalisation of the permitted units and associated external alterations over each level, including provision of winter gardens. The architectural drawings include a typical permitted and proposed 2 bed apartment layout and an extract of the associated proposed changes to the elevations. This indicates the extent of alterations being proposed to the Phase 1 units. The proposed alteration will not be impacted by the main structure, which is currently under construction.
  - The alterations to Phase 1 include provision for a physical connection between Phase 1 and Phase 2 at level 2 as illustrated on the floor plans.
  - The refuse, car and cycle parking facilities for the permitted apartments are attached to the main entrance core and these will be extended to cater for the additional residential units (see lower ground floor plan) and also through provision of an external bin storage area in proximity to Phase 2.
  - The main entrance to the Phase 1 residential scheme, i.e. from Frascati Road, will serve both the permitted and proposed units (see site layout plan).

- A concierge facility to serve the overall residential development is proposed at level 2 near the main core, i.e. within Phase 1 (see site layout plan).
- The communal open space for Phase 1 and 2 will be accessible to all residents.

### **Phase 2 Proposals**

- 4.6 The proposal includes a Phase 2 residential scheme of 57 no. apartments, above the existing and permitted podium car parks in the northern part of the site. The Phase 2 proposals consist of 20 no. studios, 22 no. 1 beds and 15 no. 2 beds. The units are arranged in a courtyard layout above the existing and permitted podium car park to the north west of the centre.
- 4.7 The units are designed to face in onto the courtyard, which is south west facing, and with the provision of angled rooms and windows to the north west, and this assists with the protection of residential amenity of adjoining residential properties to the north west and south west.
- 4.8 The proposed scheme is also set back to an appropriate degree from adjoining properties, as illustrated in the site layout plans and sections, which further assists with issues of overlooking and overshadowing.
- 4.9 Two to three storey heights are proposed along the north west perimeter, with heights of four and five storeys proposed along the south west perimeter, i.e. closest to the shopping centre.

### **Architecture & Design**

- 4.10 The design of the proposed development has been informed by the planning history of the subject site, the surrounding context, and the planning policy context contained within the Blackrock LAP, and national and regional planning policy for increased residential densities and building heights.
- 4.11 We refer the Planning Authority to the Architectural Design Statement and Statement of Response prepared by Reddy Architecture + Urbanism for details of the approach to the design, layout and massing of the proposed development.
- 4.12 The proposed residential development is designed to complement and be incorporated into the rejuvenated Frascati Centre and is configured so as to provide a high-quality residential development, whilst respecting the residential amenities of properties adjacent to the site.
- 4.13 It is considered that the scale and design of the proposed residential development is appropriate for this site given the strategic location of the site in proximity to public transport facilities, within a District Centre, and the amenity offered by views over and proximity to Dublin Bay. The proposed development will contribute to providing a diverse mix of uses within the rejuvenated Frascati Centre.
- 4.14 Phase 2 is arranged in a courtyard layout above the existing and permitted podium car park to the north west of the centre as illustrated in Figure 4.2 below. The units are designed to face onto the courtyard, which is south west facing, and this assists with the protection of residential amenity of adjoining residential properties to the north west and south west.



**Figure 4.2: CGI of the Proposed Courtyard**

- 4.15 The proposed scheme is also set back to an appropriate degree from adjoining properties which further assists with issues of overlooking and overshadowing. This is discussed in greater detail in Section 6 below.

#### **Alterations to Permitted Cycle Parking**

- 4.16 The proposal also includes alterations to the location of 30 no. permitted cycle parking spaces associated with the rejuvenation of the Frascati Centre, Reg. Ref.: D14A/0134, as amended, whilst retaining the overall retail cycle parking provision at 170 no. spaces. The proposal seeks to relocate 30 no. cycle parking spaces which are permitted along the main vehicular access to the centre, opposite loading bays, and re-provide these 30 no. cycle parking spaces within the pocket park adjacent to Frascati Road. These proposed alterations to the cycle parking are required to address issues raised in the Road Safety Audit, submitted with this application, relating to safety concerns with the aforementioned cycle parking for the Rejuvenation project.
- 4.17 As illustrated on the proposed cycle parking drawing prepared by Reddy A+U, the development includes for a total of 170 no. cycle parking spaces for the retail floorspace within the rejuvenated Frascati Centre, Reg. Ref.: D14A/0134, as amended, including 150 no. cycle parking spaces at surface level and 20 no. cycle parking spaces at lower ground floor level for the retail function of the Frascati Centre. The permitted / proposed retail cycle parking provision includes spaces located adjacent to the main vehicular entrance from Frascati Road and within the pocket park area adjacent to Frascati Road. The cycle parking provision is considered to be appropriate as it addresses issues raised in the Safety Audit, whilst still providing very accessible spaces for visitors to the centre and in a location where such spaces can be integrated with the permitted pocket park and associated landscaping proposals for this area of the site.

### **Further Details of the Development**

- 4.18 Section 6 below provides a detailed assessment of the various aspects of the scheme and consistency with relevant Development Plan, LAP and Apartment Guideline standards. The accompanying Material Contravention Statement provides a justification for the proposed building heights.

### **5.0 PLANNING POLICY CONTEXT**

- 5.1 The proposed strategic housing development has been informed by policies and objectives of National and Local Planning Policy Framework, as listed below. An assessment of how the proposed Strategic Housing Development proposals for the site complies with the relevant National and Local Planning Policy Framework is provided in Section 6 below.

#### **National and Regional Planning Policy**

- National Planning Framework, Project Ireland 2040;
  - Regional Spatial and Economic Strategy for the Eastern and Midland Regional Authority 2019;
  - Urban Development and Building Heights, Guidelines for Planning Authorities (2018, DoHPLG);
  - Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018, DoHPLG) (referred to herein as the Apartment Guidelines);
  - Retail Design Manual 2012;
  - Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas - Cities, Towns and Villages (2009);
  - Childcare Facilities, Guidelines for Planning Authorities, (2001);
  - Design Manual for Urban Roads and Streets – (2019, DoTIS);
  - Urban Design Manual - a Best Practice Guide (2009, DoEHLG);
  - Sustainable Residential Development in Urban Areas - Cities, Towns & Villages (2009, DoEHLG);
  - The Planning System and Flood Risk Management Guidelines, (2009);
- 5.2 An assessment of how the emerging development proposals for the site complies with the relevant National, Regional and Local Planning Policy Framework is provided in Section 6 below.
- 5.3 The Apartment Guidelines and Building Height Guidelines set out a number of Specific Planning Policy Requirements (SPPR), which Planning Authorities and An Bord Pleanála must have regard to in assessing planning applications for residential development. Strategic Planning Policy Requirements (SPPRs) in these Guidelines will take precedence over local planning policy including Development Plans, particularly in respect of the specific planning policy requirements set out within the guidelines. All relevant standards, policies and objectives from the above planning policy documents are addressed in Section 6 below.
- 5.4 In respect to building height, a Material Contravention Statement is included with this SHD application, having regard to the Blackrock LAP restriction on building height of up to 5 storeys on the majority of the Frascati Centre site, graduating down to 2 storeys in proximity to neighbouring properties, as demonstrated in Map 12. The Material Contravention Statement outlines that An Bord Pleanála can grant permission under SPPR3 of the Building Height Guidelines subject to the applicant demonstrating compliance with the Development Management Criteria listed in

Section 3 of the Guidelines. The Material Contravention Statement also provides a justification for the proposed unit mix in the context of Section 8.2.3.4 (iii) of the Plan, in the context of a recent SHD decision ABP Ref.: 306626, should the Board consider this to apply.

### **Local Planning Policy**

#### **Dun Laoghaire Rathdown County Development Plan 2016-2022**

- 5.5 The site is located within the administrative area of Dun Laoghaire Rathdown County Council and is therefore subject to the land use policies and objectives of the County Development Plan (CDP) 2016-2022.
- 5.6 The proposed development has regard to the following policies and objectives of the Dun Laoghaire Rathdown County Development Plan, as addressed in Section 6 below under the relevant assessment sections and other accompanying application documents where of relevance to that report / specialist.
- **Chapter 2 Sustainable Communities Strategy**
    - Policy RES2 (Section 2.1.3.2): Implementation of Interim Housing Strategy
    - Policy RES3: Residential Density
    - Policy RES4: Existing Housing Stock and Densification
    - Policy RES7: Overall Housing Mix
    - Policy RES8: Provision of Social Housing
    - Section 2.1.3 (iii): Planning for Sustainable Communities.
  - **Chapter 3 - Enterprise and Employment Strategy:**
    - Policy RET5: District Centres
    - Policy RET9: Non-Retail Uses
  - **Chapter 5 – Environmental Infrastructure and Management:**
    - Section 5.2 Climate Change, Energy Efficiency and Flooding.
  - **Chapter 7 – Community Strategy**
    - Policy SIC11: Childcare Facilities
  - **Chapter 8 – Principles of Development**
    - Section 8.2.3.1 - Quality Residential Design;
    - Section 8.2.3.3 - Apartment Development;
    - Section 8.2.3.4 Additional Accommodation in Existing Built-up Areas;
    - Section 8.2.3.4(vii) - Infill;
    - Section 8.2.3.5 - Residential Development - General Requirements;
    - Section 8.2.4.5 - Car Parking Standards;
    - Section 8.2.8.2 - Public/Communal Open Space - Quantity;
    - Section 8.2.8.4 - Private Open Space - Quantity; and,
    - Section 8.3 - Land Use Zoning Objectives
    - Section 8.3.2 - Transitional Zonal Areas.

#### *Relevant Appendices:*

- Appendix 9: Building Height
- Appendix 13: Flood Risk Assessment
- Appendix 16: Green Roofs Guidance Document.

*Other - Dun Laoghaire-Rathdown County Council Guidance Documents:*

- Standards for Cycle Parking and associated Cycling Facilities for New Developments (January 2018).

5.7 It is recognised the Development Plan requires a unit mix of no more than 20% 1-bed units and a minimum of 20% units over 80 sq.m. It is considered that the Apartment Guidelines 2018 takes precedence over Development Plan requirements for mix, however should the Board be of the view that the proposed mix represents a material contravention of the Development Plan, a full justification for the proposed mix is provided within the Material Contravention Statement prepared by John Spain Associates.

### **Blackrock Local Area Plan (LAP) 2015-2021**

5.8 The site is also located within an area subject to the Blackrock Local Area Plan, which was adopted by Dun Laoghaire Rathdown County Council in March 2015.

5.9 In respect to the subject site, the Blackrock LAP supports a mix of uses in Frascati Shopping Centre including residential and therefore the proposed development is considered to be acceptable in principle. The proposed development has had regard to the key guidance from the LAP, including the following policies and objectives:

- **Policy BK03** - *It is Council Policy to ensure that Blackrock develops a coherent urban form focused on a high-quality built environment of distinct character and function.*
- **Objective UDS1**- *It is an objective of the Council to strengthen the urban structure of Blackrock by ensuring that any new development incorporates a coherent, legible and permeable urban form that protects and compliments the character of the street or area in which it is set - in terms of proportion, enclosure, building line, design and by the marrying of new modern architecture with historic structures.*
- **Objective UDS2** - *It is an objective of the Council that Design Statements shall be required for all large-scale planning applications and for any sites that are considered by the Planning Authority to require detailed design consideration in accordance with Policy UD2: 'Design Statements' of the County Development Plan 2010-2016 and Section 3.2 of the Local Area Plan. Design Statements shall have due regard to the specific Site Framework Strategies set out in Section 3.5 and to the 12 criteria set out in the Urban Design Manual (DECLG May 2009)*
- **Policy BK04** - *It is Council policy to ensure that future residential development within Blackrock is at a scale and density appropriate to its location whilst providing for the sustainable growth of the area.*
- **Objective DN1** - *It is an objective of the Council to promote the efficient use of land that strengthens the existing urban structure of Blackrock and compliments the character of the area.*
- **Objective BK05** - *It is an objective of the Council to ensure that Building Height within future developments in Blackrock makes a positive contribution to the built form of the area and do not adversely impact on local amenity.*
- **Section 3.4.2 Future Building Height Map 12** - *'Proposed Building Height Limit' (Frascati and Blackrock Shopping Centres) 5-Storeys and 5-Storeys Graduated to 2-Storeys (on rear edges).*

- **Objective FR1** - *It is an objective of the Council to ensure that any redevelopment of the Frascati and Blackrock Shopping Centres is carried out in an integrated manner having regard to the Development Guidance set out in Section 7.7.2*
  - **Objective FR2** - *It is an objective of the Council that any planning applications for the redevelopment of the Frascati Shopping Centre and/or Blackrock Shopping Centre shall be accompanied by a detailed design statement*
  - **Objective FR7** - *It is an objective of the Council that any redevelopment of the Blackrock and Frascati Shopping Centres shall incorporate a range of building heights ... set out in Map 12 ... Notwithstanding the maximum height limits identified, the Planning Authority would have to be satisfied that the proposed development for the entire site provides for a range of building height that is respectful of the streetscape, the proximity to existing one and two-storey dwelling houses and would help enhance the overall visual character of the District Centre.*
  - **Section 7.7.2 Blackrock & Frascati Shopping Centres: Development Guidance**
    - *Any proposals for significant redevelopment of the Blackrock Shopping Centre and/or Frascati Shopping Centre shall adhere to the development guidance as set out under Section 7.7.2. Also, that any redevelopment shall incorporate a mix of uses...and any comprehensive redevelopment of the Frascati Shopping Centre shall incorporate an element of high quality residential development (and other community type uses) and any residential element should include a mix of unit types. Guideline heights of between two and five storeys, height to graduate to a maximum of two-storeys along mutual boundaries and maximum height limits shall only be considered along the road frontage with Frascati Road.*
    - *Any redevelopment shall enhance the streetscape and public realm and assist in improved movement between the two centres. Any redevelopment proposals should focus on providing an attractive and legible streetscape and public realm. Details of the proposed public realm should form part of any redevelopment application.*
- 5.10 It is respectfully submitted that the additional residential development proposed will positively contribute to providing a diverse mix of uses and forms part of the rejuvenation of the shopping centre. The site benefits from views over Dublin Bay and is located on a high-quality public transport corridor. Therefore, residential development is considered to be highly appropriate for this location.
- 5.11 We note that the LAP recommends that a comprehensive redevelopment of the Centre should incorporate an element of high-quality residential development, a community / exhibition room and a crèche / childminding facility. The proposal will deliver high quality residential development in addition to the range of uses permitted in the rejuvenation project. A childcare facility is not provided based on the justification provided in the separate Childcare Demand Audit, which is briefly summarised below.
- 5.12 As outlined below, Section 4.7 of the Apartment Guidelines 2018, which supersedes policies of the LAP, states the following in relation to childcare facilities:
- “Notwithstanding the Planning Guidelines for Childcare Facilities (2001), in respect of which a review is to be progressed, and which recommend the provision of one child-care facility (equivalent to a minimum of 20 child places) for every 75 dwelling units, the threshold for provision of any such facilities in apartment schemes should*

*be established having regard to the scale and unit mix of the proposed development and **the existing geographical distribution of childcare facilities and the emerging demographic profile of the area. One-bedroom or studio type units should not generally be considered to contribute to a requirement for any childcare provision and subject to location, this may also apply in part or whole, to units with two or more bedrooms***” (Emphasis added).

- 5.13 Thus, the 20 no. studios and 25 no. 1 bed apartments can be discounted from the childcare requirements of the scheme. The remaining 51 no. 2 beds and 6 no. 3 beds are below the threshold of 75 no. residential units requiring the provision of 20 childcare spaces under the 2001 Childcare Facility Guidelines and it is therefore submitted that it should not be a requirement to provide childcare facilities for this development. In respect to the non-provision of a childcare facility we refer the Board to the Childcare Demand Audit report which outlines why it is not considered to be required as part of the proposed development.
- 5.14 As outlined above in respect to building height, a Material Contravention Statement is included with this SHD application, having regard to the LAP guidance in respect to the subject site which recommends building heights of up to 5 storeys on the site. This is discussed further in Section 6 below.
- 5.15 All relevant standards, policies and objectives set out in the Development Plan and LAP are addressed in Section 6 and 7 below.

## **6.0 ASSESSMENT OF THE PROPOSED DEVELOPMENT WITH PLANNING POLICY CONTEXT**

- 6.1 An assessment of the proposed development and consistency with the relevant planning policy framework is considered below under the following headings:
- Principle of Development
  - Apartment Standards and Amenities
  - Residential Density
  - Building Height and Scale
  - Relevant Development Management Criteria
  - Architecture & Design
  - Landscape & Open Space
  - Car and Cycle Parking
  - Residential Amenity
  - Impact on Adjoining Amenities
  - Daylight and Sunlight Assessment
  - Childcare Facilities
  - Water and Drainage
  - Appropriate Assessment

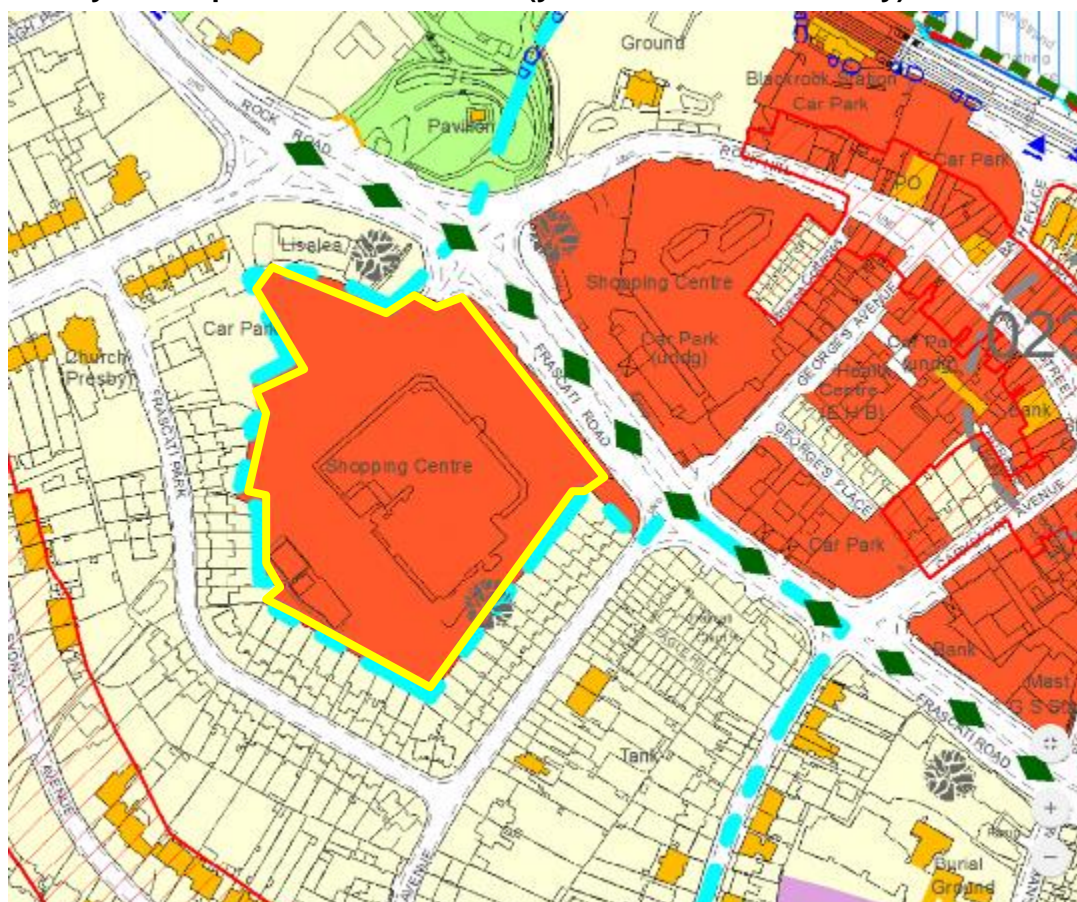
### **Principle of Development**

- 6.2 The subject site is primarily zoned ‘District Centre’ (DC) which has the objective “to protect, provide for and/or improve mixed-use district centre facilities”, as indicated in Figure 6.1. A small portion of the Frascati Centre site, north west corner, is zoned objective ‘A’ which seeks ‘to protect and / or improve residential amenity’. Residential development is ‘permitted in principle’ under both zonings subject to compliance with the relevant policies, local objectives, standards and requirements of the CDP. In addition, the Blackrock LAP supports a mix of uses in Frascati Shopping Centre including residential use.



- 6.3 Thus, the principle of providing additional residential development in this location, which is located within 500 metres of a DART station and a Quality Bus Corridor, is supported by national, regional and local planning policy.

**Figure 6.1: Extract from Map 2 Land Use Zoning, Dun Laoghaire Rathdown County Development Plan 2016-2022 (yellow line indicative only)**



- 6.4 The principle of providing residential development above an established shopping centre was established under the Phase 1 permission and is fully supported by national planning policy. In this respect the design team, as addressed in greater detail in the Architectural Design Statement, had regard to the Retail Design Manual, a companion document to the Retail Planning Guidelines for Planning Authorities, April 2012, which strongly supports the delivery of mixed-use developments in City, Town and District Centre locations.
- 6.5 The Retail Design Manual includes details of precedent schemes which involve high density, mixed use development combining upper floor residential apartments above retail / commercial uses, which accords with the principles of proper planning and sustainable development. Precedent schemes of relevance to the proposals now being brought forward for the Frascati Centre Phase 1 and Phase 2 residential development include Athlone Town Centre, Quayside Sligo, Scotch Hall Drogheda, Dun Laoghaire Town Centre and Opera Lane Cork. A greater mix of uses in the Frascati Centre, with residential above retail ensures activity throughout the day and evening and contributes to the vitality and viability of the Blackrock District Centre, and results in more compact growth and a better utilisation of urban lands.

- 6.6 It is therefore submitted that the proposed Strategic Housing Development is in accordance with National, Regional and Local planning policy which supports the delivery of residential units and compact growth on sites in close proximity to quality public transport routes and within existing urban areas.

### **Apartment Standards and Amenities**

- 6.7 For greater detail in respect of compliance and consistency with quantitative standards for residential apartment units as outlined within the 2018 Apartment Guidelines, the Housing Quality Assessment (HQA) and Design Statement prepared by Reddy Architecture + Urbanism (Reddy A+U) should be referred to. The drawings have also been prepared with regard to the requirements of Section 6 of the Guidelines.
- 6.8 A summary of how the proposed development complies with the relevant requirements of the Apartment Guidelines 2018 is outlined below.

### **Location**

- 6.9 The subject site can be categorised as a '*Central / Accessible Urban Location*' under Section 2.4 of the Apartment Guidelines 2018, which are classified as
- '*Sites within walking distance (i.e. up to 15 minutes or 1,000- 1,500m), of principal city centres, or significant employment locations, that may include hospitals and third-level institutions;*
  - '**Sites within reasonable walking distance (i.e. up to 10 minutes or 800-1,000m) to/from high capacity urban public transport stops (such as DART or Luas); and**
  - '*Sites within easy walking distance (i.e. up to 5 minutes or 400-500m) to/ from high frequency (i.e. min 10 minute peak hour frequency) urban bus services*'. (Emphasis added)
- 6.10 It is submitted that the subject site falls into the category of 'Accessible Urban Locations', given the site's location within 500 metres of a DART station and adjacent to a Quality Bus Corridor).

### **SPPR 1 - Unit Mix**

- 6.11 Section 8.2.3.3 of the CDP encourages a mix of unit types. However, SPPR1 of the Apartment Guidelines 2018 supersedes this requirement of the Development Plan and states that '*Apartment developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms. Statutory development plans may specify a mix for apartment and other housing developments, but only further to an evidence based Housing Need and Demand Assessment (HNDA), that has been agreed on an area, county, city or metropolitan area basis and incorporated into the relevant development plan(s)*'.
- 6.12 The proposed unit mix for the Phase 1 and Phase 2 residential development is as follows:
- 20 no. studios (19%)
  - 25 no. 1 beds (25%)
  - 51 no. 2 beds (50%)



- 6 no. 3 beds (6%)

6.13 This unit mix is consistent with the guidance set down in SPPR1, as the percentage of studios and 1 beds does not exceed 50% (at 44%), with the percentage of studios below the maximum of 20-25% (at 19%). There is no requirement for 3 bed units under SPPR 1, however the proposed development includes 6 no. 3 beds which has regard to the Development Plan objectives and addresses concerns raised by the Planning Authority at the pre-application meeting on the proposed unit mix.

6.14 We also note that no Housing Need and Demand Assessment has been undertaken by the Planning Authority for this area of the County, and it is therefore submitted that the proposed unit mix is consistent with the relevant planning policy requirement for Unit Mix.

6.15 Notwithstanding the above, should the Board be of the view that the proposed unit mix contravenes the Development Plan a Material Contravention Statement is submitted with the application

**SPPR 2- Small Urban Infill Sites**

6.16 Does not apply to the subject site.

**SPPR 3 - Floor Areas / Storage**

6.17 SPPR 3 of the Apartment Guidelines 2018 state the following minimum floor areas for apartments:

- Studio apartment Minimum 37 sq.m
- 1 bedroom apartment Minimum 45 sq.m
- 2 bedroom apartment Minimum 73 sq.m
- 3 bedroom apartment Minimum 90 sq.m

6.18 The HQA and drawings prepared by Reddy Architecture + Urbanism demonstrates that the proposed development complies and exceeds the standards outlined in the Sustainable Urban Housing: Design Standards for New Apartments 2018, as summarised below:

Studio apartment	40 sq.m
1 bedroom apartment	56.3 - 62.3 sq.m
2 bedroom apartment	84.7 – 108.4 sq.m
3 bedroom apartment	101.8 – 124.5 sq.m

6.19 The floor area changes proposed to the permitted Phase 1 apartments are illustrated on the comparison permitted/proposed drawings and HQA prepared by Reddy Architecture + Urbanism.

6.20 The Guidelines state that *‘the majority of all apartments in any proposed scheme of 10 or more apartments shall exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types, by a minimum of 10% (any studio apartments must be included in the total but are not calculable as units that exceed the minimum by at least 10%).*

- 6.21 As demonstrated on the drawings and in the HQA, 82 no. units of the total 102 no. units proposed exceed the minimum standard by 10%. This includes 25 no. 1 beds, 51 no. 2 beds and 6 no. 3 beds.

#### **SPPR 4 - Aspect / Orientation**

- 6.22 SPPR4 of the Guidelines relates to the provision of dual aspect units. It recommends that *'a minimum of 33% of dual aspect units will be required in more central and accessible locations'*, which as outlined above the subject site is considered to fall within the definition of, based on proximity to high quality bus corridor and location adjacent to a neighbourhood centre.
- 6.23 The proposed scheme at present is designed to achieve 100% dual aspect units across the scheme, which will ensure a high level of amenity for future residents. We note that the Inspector's assessment of the Phase 1 application stated that *"In terms of quality of the proposed apartment units it is notable that all the proposed units have a dual aspect orientation which is a positive feature for future occupants."* The Design Statement provides further information on the scheme layout, design and orientation of units.

#### **SPPR 5- Floor to ceiling height**

- 6.24 The proposed scheme will include minimum internal floor to ceiling heights of at least 2.4m (as per the standards outlined in the apartment guidelines under SPPR5). This is considered appropriate for this location given the surrounding context, the fact that none of the units occupy a ground floor level, the provision of 100% dual aspect units and the need to respect the amenity of adjacent properties.

#### **SPPR 6 - Apartments to stair/lift core ratios**

- 6.25 The Phase 1 stair/lift core ratio is 1:5 and the Phase 2 stair/lift ratio is 1:5. This provision is in compliance with SPPR6, which allows for a maximum of 12 apartments per floor per core.

#### **SPPR 7, 8 and 9- Build to Rent and Shared Accommodation**

- 6.26 The above SPPR's do not apply to the proposed development as the proposal comprises 102 no. Build to Sell / Let units (intended for owner occupation or individual lease), and no derogation on minimum standards is proposed.

#### **Other Relevant Standards from the Apartment Guidelines 2018**

##### *Storage space*

- 6.27 The drawings and HQA prepared by Reddy Architecture + Urbanism illustrate how the minimum storage area requirements are met for all units as per Appendix 1 of the 2018 Apartment Guidelines.

##### *Private Amenity Space*

- 6.28 The Guidelines require the following minimum floor areas for private amenity space:
- One Bedroom: 5 sq.m.
  - Two Bedroom: 7 sq.m.

- Three Bedroom: 9 sq.m.

6.29 Private amenity space for the apartments is provided in the form of balconies/terraces for all apartment types, which all meet or exceed the minimums in Appendix 1 of the Apartment Guidelines 2018. Compliance with all relevant apartment standards is demonstrated in detail in the Housing Quality Assessment and drawings accompanying this SHD application.

#### *Car Parking*

6.30 The total designated car parking provision is 57 no. basement car parking spaces for the 102 no. residential units. This equates to a ratio of 0.56 no. spaces per residential unit which is considered to be appropriate for this location due to proximity to surrounding services and public transport facilities.

6.31 The CDP recommends the provision of 1 no. car parking space per residential unit; however, the Apartment Guidelines 2018 allow for a reduction in the provision of parking for central and or accessible urban locations.

6.32 The Guidelines state the following in relation to Central and/or Accessible Urban Locations:

*'In larger scale and higher density developments, comprising wholly of apartments in more central locations that are **well served by public transport**, the default policy is for car parking provision **to be minimised, substantially reduced or wholly eliminated in certain circumstances**. The policies above would be particularly applicable in highly accessible areas such as in or adjoining city cores or at a confluence of public transport systems such rail and bus stations located in close proximity'.*

6.33 The proposal provides a reduced overall car parking standard as referred to in the 2018 Apartment Guidelines, justified by the proximity of the proposed residential development to high quality public transport (high frequency urban bus services and DART station). This SHD application is accompanied by a Transportation Assessment Report and Mobility Management Plan prepared by NRB Consulting which provides a further rationale for the proposed quantum of car parking. This is discussed in greater detail under Car and Cycle Parking below.

#### *Cycle Parking*

6.34 In terms of cycle parking provision, the DLR Cycle Policy standard is 1 no. short stay space per 5 no. units and 1 no. long stay space per each residential unit. This equates to 123 no. bicycle spaces for the proposed 102 no. units. The proposed scheme proposes 214 no. cycle parking spaces at lower ground and ground floor level.

6.35 The proposed cycle parking provision complies with the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities' dated March 2018 states that 1 bicycle parking space per bed-space plus 1 visitor space per 2 units is the standard requirement. Given 102 apartments with 159 bedrooms, this is a cycle parking requirement of 210 spaces. The proposed 214, which includes 4 no. cargo cycle spaces as requested by DLRCC Road Department therefore meets this requirement.

- 6.36 The rejuvenation of the Frascati Centre provided 170 no. cycle parking spaces, which are shown on the cycle parking plan and could also be utilised by visitors to the residential units.

#### *Communal Amenity Space*

- 6.37 The guidelines state that all apartment development must provide a level of communal amenity space. The guidelines require the following minimum floor areas for communal amenity space:

- Studio: 4 sq.m
- One Bedroom: 5 sq.m.
- Two Bedroom: 7 sq.m.
- Three Bedroom 9 sq.m.

- 6.38 The overall communal open space requirement for the 102 no. units as per the apartment guidelines amounts to 612 sq.m (20\*4+ 25\*5 + 51\*7 + 6\*9).

- 6.39 The proposed development provides two communal terraces at second floor level within the Phase 1 area with a total area of 545.16 sq.m and a communal courtyard within the proposed Phase 2 area measuring 646.93 sq.m. Roof terraces are also proposed at fifth floor level above the Phase 1 units (99.8 sq.m) and Phase 2 (230.8 sq.m) units. The combined total of 1,522.69 sq.m of communal amenity spaces equates to 14.9 sq.m per residential unit and exceeds the minimum requirement of 612 sq.m as required under the Apartment Guidelines 2018 (20\*4+ 25\*5 + 51\*7 + 6\*9). The communal open space for both Phase 1 and 2 will be accessible to all residents.

#### *Children's Play*

- 6.40 The guidelines state that '*Children's play needs around the apartment building should be catered for:*

- *within the private open space associated with individual apartments (see chapter 3);*
- *within small play spaces (about 85 – 100 sq. metres) for the specific needs of toddlers and children up to the age of six, with suitable play equipment, seating for parents/guardians, and within sight of the apartment building, in a scheme that includes 25 or more units with two or more bedrooms;*  
*and*
- *within play areas (200–400 sq. metres) for older children and young teenagers, in a scheme that includes 100 or more apartments with two or more bedrooms.*

- 6.41 The proposed development provides 51 no. 2 beds and 6 no. 3 beds and therefore the proposed development provides natural play space areas of up to 100 sq.m within the central courtyard. Please refer to SDLA's landscape proposals for further information of the play space proposed.

#### *Bin Storage*

- 6.42 Bin storage will be provided at basement and surface level to serve the proposed Phase 1 and 2 residential units within the development. We refer the Board to the Operational Waste Management Plan prepared by AWN Consulting, which illustrates that the proposed bin storage is sufficient to cater for the needs of proposed residents.

### Residential Density

- 6.43 The residential density of the proposed development will be c. 38.2 units per hectare based on an application site area of 2.67 ha (red line boundary) however if the density was based on the extent of Phase 1 and Phase 2 the density equates to 123.4 units per hectare based on an area of 0.82 ha (extent of Phase 1 and Phase 2 area). The Phase 1 residential development equated to a density of c. 68 units per hectare. The proposed residential density is considered to be appropriate for the subject site, having regard to its strategic location within Blackrock District Centre and proximity to high quality public transport.
- 6.44 The subject site is considered to be a suitable location for densities higher than 50 dwellings per hectare, as per the recommendations of the Sustainable Residential Guidelines (2009) given its location within an existing built-up area that is well served by public transport. In addition, density is only one relevant planning parameter, and it is less relevant in this mixed use district centre setting, where a greater intensity and mix of uses are supported in national, regional and local planning policy.
- 6.45 We note the Inspector’s Report under the Phase 1 residential permission states that *“there is an established commercial use on the appeal site and given the mixed-use nature of the site I would not consider that residential density is a significant consideration for the site as the proposed residential use provides for an additional use on top of an established commercial use”* (Emphasis added).
- 6.46 Furthermore, we note the following recently permitted apartment schemes, granted under the Strategic Housing Development process, where densities were significantly in excess of 50 units per hectare:

Clarehall, Malahide Road, Dublin 17 ABP Ref.: 304196	Permission granted for 136 no. units resulting in a density of 347 units per hectare. The site was located adjacent to a QBC.
Rockbrook, Carmanhall Road, Sandyford Business District, Sandyford, Dublin 18. ABP Ref.: 304405-19	Permission granted for 428 no. apartments within the DLRCC area resulting in a residential density of 255 units per hectare
Blakes and Esmonde Motors site, Stillorgan, Co. Dublin ABP Ref.: 300520-17	Permission granted by ABP for 179 no. student accommodation units (576 no. bed spaces), 103 no. residential apartment units, retail unit, community sports hall and all associated site works at the above site. The Inspector’s Report notes that based on ‘282 apartments across 1.345 Hectares, the gross density equates to 210 dwellings per hectare.’
The former Aldi site, Carmanhall Road, Sandyford Business District, Dublin 18. ABP Ref.: 301428-18	Residential development of 460 no. apartments in six 5 to 14 storey blocks, ancillary on-site facilities, basement car parking and bicycle parking, 2 new vehicular accesses and all associated site works. The Inspector’s Report notes that the density proposed equates to 295 units per hectare.

### Building Height and Scale

- 6.47 The permitted Phase 1 development provides for 3 no. storeys of residential development above 2 no. storeys of retail. The proposed alterations do not seek to alter the height or overall massing of the scheme, the alterations are primarily internal or external treatment changes, which will allow the construction of the residential units to commence in the interim period.
- 6.48 The proposed Phase 2 apartments consist of a courtyard block with 2, 4 and 5 storeys of apartments above a three levels of parking (lower ground, ground and first floor podium levels), i.e. a maximum height of 7 storeys above ground of 25m, and therefore the Planning Authority are likely to consider that the proposed heights contravene the LAP for the area. The accompanying architectural drawings, including sections, and the Design Statement and Architectural Statement of Response illustrate the design, scale and relationship of the proposed scheme with the surrounding context. The proposed courtyard layout and setbacks ensures that the proposed Phase 2 apartments do not extend onto the area subject to the 2 storey height limit. However, it is acknowledged that the heights proposed are in excess of the 5 storey height limit on the southern and eastern part of the courtyard.
- 6.49 The Blackrock LAP recommends heights of up to 5 storeys on the majority of the Frascati Centre site, graduating down to 2 storeys in proximity to neighbouring properties, as demonstrated in Map 12 and stated in Section 7- Objective FR7. The sections submitted illustrate that the heights proposed, including parking levels below, are circa 5 storeys along the northern boundary and 6 and 7 storeys more centrally within the north western part of the site.
- 6.50 We note, in the context of the proposed Phase 2 building heights, that the Inspector’s Report for Phase 1 stated the following in respect to building heights:

*“In considering a departure from the established scale locally I would also have regard to the **National Planning Framework. Policy Objective no. 13 of the National Planning Framework states that planning standards in relation to building heights can be relaxed to achieve well-designed high-quality outcomes. Policy objective no. 35 of the National Planning Framework provides that an increase in building heights can be achieved to increase residential density in settlements**”*

**Figure 6.2: Extract from Map 12, Blackrock LAP**



- 6.51 Having regard to the Blackrock LAP's policies on heights for the subject site, which allow heights of up to 5 storeys, it is respectfully submitted that An Bord Pleanála can grant permission having regard to Section 3 of the Building Height Guidelines, as set out in the Material Contravention Statement, submitted in support of this SHD application.
- 6.52 In summary, Section 3 of the Building Height Guidelines 2018, 'Building Height and the Development Management Process', outlines that it is Government policy to increase building heights in appropriate urban locations. Having regard to the subject site's location within Blackrock District Centre and proximity to good public transport facilities, it is considered that the development meets the relevant development management criteria for increased building height, and therefore the Board can approve such development, even though the specific objectives of the Blackrock LAP indicate otherwise.
- 6.53 The proposed heights are considered to be appropriate for the following reasons, having regard to the criteria required under SPPR 3 of the Building Height Guidelines:
- The site is located within a District Centre, in the Dublin Metropolitan Area in the administrative boundary of Dun Laoghaire Rathdown County Council, which is well served by public transport into the city centre and a number of services, amenities and employment in the area. There is a presumption of increased height in our town/city cores and in other urban locations with good public transport accessibility and therefore the proposed heights in this context are considered appropriate
  - The subject site provides for a mixed use development and zoned for District Centre uses. The site occupies a prominent location within Blackrock. The proposal responds to the natural and built environment and makes a positive contribution to the urban neighbourhood. The proposal is considered to utilise the site's prominent location at the edge of the village as it improves and consolidates the built form and public realm within Blackrock District Centre.
  - The Frascati Centre has provided significant enhancements of the public realm which will be utilised by the proposed development. The Phase 1 development, which this application seeks to alter, will enhance the streetscape along Frascati Road in line with the LAP objectives, whilst the 3 to 5 storey residential proposals comprising of Phase 2 will help enhance the overall unit mix and architectural composition of the centre. The development provides for a suitable and sustainable utilisation of the subject site.
  - The proposed development has been carefully designed as to maximise access to natural daylight, ventilation and views and to minimise overshadowing and loss of light.
- 6.54 Having regard to the above and provisions of SPPR3, it is respectfully submitted that the Board can approve the proposed development under Section 28 (1C) of the Planning and Development Act 2000 (as amended) as compliance has been demonstrated with the relevant development management criteria under Section 3 of the Building Height Guidelines 2018.

- 6.55 We note that under the SHD process, that An Bord Pleanála have permitted similar heights and density of development in the Dun Laoghaire Rathdown County Council area, on lands located which are considered to be 'accessible locations', including the following:
- *Churchview Road and Church Road, ABP Ref.: 304823-19. Planning permission granted for 210 no. residential units and a creche in a 3 to 7 storey development.*
  - *Roselawn and Aberdour, Stillorgan, ABP Ref.: 304068-19. Planning permission granted for 142 no. residential units in a five to seven storey development.*
  - *Blakes and Esmonde Motors site, Stillorgan, Co. Dublin, ABP Ref.: 300520-17- Permission granted by ABP for 179 no. student accommodation units (576 no. bed spaces), 103 no. residential apartment units, retail unit, community sports hall and all associated site works at the above site. The Inspector's Report notes that based on '282 apartments across 1.345 Hectares, the gross density equates to 210 dwellings per hectare.'*
  - *Leisureplex Site, Stillorgan, Co. Dublin, ABP Ref.: 305176-19. Residential development of 232 no. Build to Rent apartments resulting in a residential density of 295 units per hectare.*
- 6.56 The proposed heights and massing have been informed by a Daylight / Sunlight assessment prepared by BPG3 Consulting, discussed in greater detail below, which indicates that the proposed setbacks to the residential properties are sufficient to avoid any significant adverse impacts in terms of loss of daylight and sunlight.
- 6.57 The separation distances from the properties to the rear (c. 28 metres) are considered sufficient to avoid issues of overlooking and overbearing and result in an appropriate development on the site which is zoned for mixed use development. The proposed landscaping to the rear of the site will help ameliorate the transition in scale with the lower rise existing development in the area.
- 6.58 Whilst the transition in scale from the two-four storey properties surrounding the site is significant, in planning policy terms this is supported by the National Planning Framework, the Apartment Guidelines 2018 and the Building Height Guidelines 2018, in order to create more compact growth on brownfield sites and on public transport corridors.
- 6.59 We also refer the Board to the Landscape/Townscape Visual Impact Assessment Chapter within the EIAR which states that "***The proposed development is in part focussed towards the Frascati Road where there is ample capacity to visually absorb the proposed development, and in part within the development lands where the Phase 2 residential block will establish a substantially larger building than the existing retail buildings, but one that is residential in character and more appropriate to the adjoining residential uses. The proposed development is considered appropriate to the area, and includes both design and mitigation measures that successfully address localised potential adverse impacts.***" (Emphasis added).
- 6.60 Having regard to the above, the proposed development provides for an appropriate scale and development to provide a stronger mixed use profile at the Frascati Centre lands. It is also submitted that the proposed height and scale of the development accords with urban design principles and provides for a quality street frontage at this location, creating a sense of place and acting as a landmark at



Blackrock District Centre and providing an appropriate design response to the surrounding residential properties.

### **Relevant Development Management Criteria**

- 6.61 Chapter 8 of the CDP provides detailed development management standards for residential development including those relating to apartment development; open spaces; landscape, heritage and biodiversity; archaeological heritage; travel and transport; and environmental management.
- 6.62 Section 8.2.3.2 of the Development Plan provides detailed guidance on requirements for new residential developments. As noted in the Plan the development management standards relating to apartments have been superseded by the Apartment Guidelines 2018 and this is discussed further below.
- 6.63 Section 8.2.3.1 of the CDP states that *“it is Council policy to promote high quality design and layout in new residential development. A core aim of land-use planning is to ensure that new residential developments offer a high quality living environment for residents, both in terms of the standard of individual dwelling units and in terms of the overall layout and appearance of schemes. In considering applications for new developments the Planning Authority will refer to Government guidelines for ‘Sustainable Residential Development in Urban Areas’, its companion document ‘Urban Design Manual’, the ‘Design Manual for Urban Roads and Streets’ (DMURS) and the ‘Sustainable Urban Housing (Design Standards for Apartments)’ - along with the ‘Green City Guidelines’ published by UCD in conjunction with Dún Laoghaire-Rathdown and Fingal County Councils. Regard will also be had to the Green Infrastructure Strategy for the County contained in Appendix 14 of this Plan, where appropriate. The objective of Dún Laoghaire-Rathdown County Council is to achieve high standards of design and layout to create and foster high quality, secure and attractive areas for living. The following criteria will be taken into account when assessing applications:*
- *Land use zoning and specific objectives contained in this Plan and any Strategic Development Zone/Local Area Plan/Urban Framework Plan/ non-statutory planning guidance adopted by the Council.*
  - *Density - Higher densities should be provided in appropriate locations. Site configuration, open space requirements and the characteristics of the area will have an impact on the density levels achievable.*
  - *Quality of the proposed layout and elevations, the quality of the residential environment will be of primary significance in determining the acceptability of planning applications. Layouts, elevations, and plan form must be designed to emphasise a ‘sense of place’ and community, utilising existing site features, tree coverage and an appropriate landscape structure.*
  - *Levels of privacy and amenity, the relationship of buildings to one another, including consideration of overlooking, sunlight/daylight standards and the appropriate use of screening devices.*
  - *Quality of linkage and permeability – to adjacent neighbourhoods and facilities and the nature of the public realm/streets and spaces.*

- *Accessibility and traffic safety - proximity to centres and to public transport corridors, existing and proposed.*
  - *Quantitative standards - set out in this Chapter and/or referenced in Government guidelines.*
  - *Safety and positive edges to the public realm - opportunities for crime should be minimised by ensuring that public open spaces are passively overlooked by housing and appropriate boundary treatments applied. A safety audit may be required.*
  - *Quality of proposed public, private and communal open spaces and recreational facilities.*
  - *Compliance with National Housing Policy as set out in the 'Housing Policy Statement' 2011 (e.g. lifecycle provision, size, tenure, mix, etc.)*
  - *Compliance with social and community infrastructure (e.g. childcare facilities, schools, local shops, facilities for the elderly etc.).*
  - *Quality of the pre-existing environmental sound environment.*
  - *Context - having regard to the setting of the site and the surrounding character and streetscape."*
- 6.64 It is considered that the proposed development is sited on suitably zoned land and accords with the density requirements of the CDP by providing for a high density on a highly accessible site
- 6.65 Section 8.2.3.2 of the Development Plan provides quantitative standards on requirements for new residential developments. The following points indicate how the proposed development complies with these requirements:
- **Dwelling Size and Mix:** The HQA demonstrates compliance with the relevant quantitative size standards for apartments. As stated above there is a mix of unit types and sizes proposed, consistent with the Apartment Guidelines 2018.
  - **Residential Density:** The proposed development seeks to make the most efficient use of the subject site, increasing the housing stock in an existing urban area and providing for high density residential development in a strategic location which is well served by public transport and local services.
  - **Parking Standards:** As set out above an appropriate level of parking is proposed to serve the new development having regard to provisions of the Apartment Guidelines 2018 for accessible locations.
  - **Refused Storage and Services:** Provision is made for adequate refuse storage, and the collection point for refuse is in an accessible location.
- 6.66 Section 8.2.3.3 of the Development Plan provides guidance for apartment developments. This includes ensuring the apartments accord with Government Guidelines, minimum requirements for dual aspect, mix of units, separation between blocks, in addition to minimum floor areas, and provision of communal and open space.

- 6.67 An Advisory Note to Section 8 of the Development Plan confirms: “Users of this *Dún Laoghaire-Rathdown County Development Plan 2016-2022* are advised that the standards and specifications in respect of Apartment Development- as set out in Section 8.2.3.3. (i), (ii), (v), (vii) and (viii) of the *Development Plan Written Statement –have been superseded by Ministerial Guidelines ‘Sustainable Urban Housing – Design Standards for New Apartments’ published by the Department of Environment, Community and Local Government (DoECLG) on 21st December 2015.*”
- 6.68 It is noted this appears to exclude 8.2.3.3 (iii) which relates to Mix of Units. This relates to the following:
- “Apartment developments should provide a mix of units to cater for different size households, such that larger schemes over 30 units should generally comprise of no more than 20% 1-bed units and a minimum of 20% of units over 80 sq.m. Schemes with less than 30 apartments will be assessed on a case-by-case basis according to their unit numbers, configuration and location but should generally accord to a percentage ratio of 40/40/20% mix for 1/2/3+ bedroom units respectively. Some one-bed or two-bed units could be provided on the ground floor to potentially cater for elderly people ‘downsizing’ from more traditional housing types and should, where possible, have direct access onto public open spaces.”*
- 6.69 As set out in Section 6.11, the unit mix is consistent with the guidance set down in SPPR1 of the Apartment Guidelines 2018, as the percentage of studios and 1 beds does not exceed 50%. There is no requirement for 3 bed units under SPPR 1. We also note that no Housing Need and Demand Assessment has been undertaken by the Planning Authority for this area of the County, and it is therefore submitted that the proposed unit mix is consistent with the relevant planning policy requirement set out in the Apartment Guidelines for unit mix. Notwithstanding this, should the Board be of the view that the proposed unit mix contravenes the Development Plan a Material Contravention Statement is submitted with the application.

#### *Open Space*

- 6.70 The Development Plan requires 15 to 20 sq.m per person for new residential developments, to be calculated on the basis of 1.5 persons for 1 and 2 bed units and 3.5 persons for 3+ bed units. Due to the infill nature on this mixed use development site, it is not possible to provide an area of public open space which could serve the wider area. However, it is submitted that the applicant has provided significant public realm improvements to Frascati Road as part of the Rejuvenation Scheme. The site is also located opposite Blackrock Park.
- 6.71 We also note that the applicant exceeds all private and communal open space requirements in respect to the Apartment Guidelines 2018 as outlined above. It is submitted that the high-quality landscape and overall design of the rejuvenation at Frascati Shopping Centre is adequate and sufficiently meets the standards of the Development Plan for this residential application.

#### *Sustainable Travel and Transport*

- 6.72 Section 16.10 of the Development Plan sets out Council policy on sustainable travel and transport including the requirement to submit a Mobility Management Plan (MMP) and Traffic Impact Assessment (TIA) for significant developments. Accordingly, this planning application is accompanied by a Traffic and

Transportation Assessment, Mobility Management Plan and Quality Audits prepared by NRB Consulting Engineers.

*Environmental Management and Environmental Impacts*

- 6.73 Section 16.11 of the Development Plan provides guidance in relation to air, noise and light pollution as well as hours of construction, while Section 16.12 relates to the environmental impacts of new development. This SHD application is accompanied by an EIAR which deals with these topics in full.
- 6.74 In relation to the requirement for construction management plans (CMPs) for planning applications for more than three residential units, it should be noted that a comprehensive CMP has been prepared by BMCE and accompanies this planning application.

**Architecture & Design**

- 6.75 Section 8.1 of the CDP relates to Urban Design, and the following policies are of relevance:

**Policy UD1 Urban Design Principles:** *“It is Council policy to ensure that all development is of high quality design that assists in promoting a ‘sense of place’. The Council will promote the guidance principles set out in the ‘Urban Design Manual – A Best Practice Guide’ (2009), and in the ‘Design Manual for Urban Roads and Streets’ (2013) and will seek to ensure that development proposals are cognisant of the need for proper consideration of context, connectivity, inclusivity, variety, efficiency, distinctiveness, layout, public realm, adaptability, privacy and amenity, parking, wayfinding and detailed design.”*

**Policy UD2 Design Statements:** *It is Council policy that, for all medium-to-large scale and complex planning applications (30 + residential units, commercial development over 1,000 sq.m. or as required by the Planning Authority) a ‘Design Statement’ shall be required to demonstrate how the proposed development addresses or responds to the design criteria set out in the ‘Urban Design Manual - A Best Practice Guide’ (DoEHLG, 2009).*

**Policy UD3 Public Realm Design:** *“It is Council policy that all development proposals, whether in established areas or in new growth nodes, should contribute positively to an enhanced public realm and should demonstrate that the highest quality in public realm design is achieved.”*

**Policy UD6 Building Height Strategy:** *It is Council policy to adhere to the recommendations and guidance set out within the Building Height Strategy for the County.*

Appendix 9 of the 2016-2022 County Development Plan sets out the Building Heights Strategy for the County.

**Policy UD7 Urban Tree Planting:** *It is Council policy to promote urban tree planting throughout the County in accordance with the provisions of ‘dlr TREES: A Tree Strategy for Dún Laoghaire-Rathdown 2011 – 2015’ and to preserve existing trees where possible and appropriate*

- 6.76 As set out above, we refer the Planning Authority to the architectural brochure for details of the approach to the design, layout and massing of the proposed

development. The proposed development has been guided by the principles within 'Urban Design Manual – A Best Practice Guide' (2009), and in the 'Design Manual for Urban Roads and Streets' (2013). A variety of housing typologies, built form and amenity space adds to the quality of the public realm.

- 6.77 The proposed residential development is designed to complement and be incorporated into the rejuvenated Frascati Centre and is configured so as to provide a high quality of residential amenity, whilst respect the residential amenities of properties adjacent to the site.
- 6.78 It is considered that the scale and design proposed for the residential development is acceptable at this site given the strategic location of the site in proximity to public transport facilities and the amenity offered by the proximity to Dublin Bay. The proposed development will contribute to providing a diverse mix of uses and further enhances the Rejuvenation of the Frascati Shopping Centre.

**Figure 6.3: CGI of Phase 2 from within the Frascati Centre Site**



### **Landscape & Open Space**

- 6.79 Please refer to SDLA's landscape strategy statement and drawings for details of the high-quality landscaping which is being proposed within the communal areas at courtyard level of the Phase 1 and 2 residential components.
- 6.80 The Landscape proposal have been developed on a number of levels to address the integration of existing buildings, proposed architecture, access, infrastructure and context. As outlined in Figure 6.4, significant planting is proposed to mitigate against visual impact on adjacent residential properties.

**Figure 6.4: Proposed Landscaping to the rear of the site****Car and Cycle Parking**

- 6.81 The permitted scheme provided a total of 604 no. car parking spaces comprising 51 no. spaces within the basement car park allocated for the 45 no. units in Phase 1 and a total of 553 no. car parking spaces for the balance of the Shopping Centre.
- 6.82 The Development Plan outlines a standard of 1 space per 1-bed unit, 1.5 spaces per 2-bed unit and 2 spaces per 3-bed unit+ (depending on design and location). This equates to a parking requirement of 134 no. spaces for the residential units.
- 6.83 The proposed scheme provides a total of 547 no. car parking spaces comprising 57 no. spaces within the basement car parking allocated for 102 no. units (Phase 1 and 2) and a total of 490 no. car parking spaces for the balance of the Shopping Centre) and is therefore below the County Development Plan recommended standard for car parking, which is considered justified in the context of the Apartment Guidelines 2018 as discussed below.
- 6.84 Firstly, we note that the residential car parking requirements are referred to as 'standard' parking requirements in Section 8 of the Development Plan and section 8.2.4.5 of the Plan specifically identifies that reduced car parking standards for any development may be acceptable depending on a number of points, including the location, proximity of the proposed development to public transport, the precise nature and characteristics of the proposed development, appropriate mix of land uses within and surrounding the proposed development, the implementation of a Travel Plan and other agreed special circumstances where it can be justified on sustainability grounds.
- 6.85 It is considered the proposed development accords with the provisions of section 8.2.4.5 of the Plan for reduced parking, as demonstrated in NRB'S Transportation Assessment, given the site is well serviced by public transport with the Blackrock Dart Station and Quality Bus Corridor in close proximity to the site. A Preliminary



Travel Plan is also submitted with the application to encourage sustainable travel practices for all journeys to and from the proposed development.

- 6.86 Furthermore, since the adoption of the Development Plan the Apartment Guidelines 2018 have been published, which include more up to date guidance for planning authorities on car parking provision for apartment schemes, which will be reflected in the next Development Plan. The development would be classified as being located in a '*central / accessible location*' under the Apartment Guidelines, given the site's proximity to a Luas stop, and the Guidelines state that '*planning authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard*' for such locations. Thus, the level of provision is considered appropriate in the context of the Apartment Guidelines 2018 and given that the Development Plan standard is a recommended 'standard' to be adhered to, with section 8.2.4.5 setting out that reduced car parking standards may be acceptable. For these reasons, the proposed parking would not represent a material contravention of the Development Plan.
- 6.87 Further details on the accessibility of the site and justification for the proposed parking provision is outlined in the Transportation Assessment Report has been prepared by NRB Consulting and accompanies this SHD application. The report notes that as a result of the proposed development, a total loss of 63 no. car parking spaces is proposed to serve the retail floorspace. The loss of retail car parking spaces relates to 6 no. car parking spaces being reallocated for the residential units, 15 no. spaces removed to allow for stair/lift cores for Phase 2 and a further spaces are removed externally from the surface car park to facilitate an additional bin store for the residential units and reorientation of parallel parking spaces in the southwest corner to accommodate additional landscaping/trees, to mitigate against adverse visual impact on the adjacent existing properties from the proposed Phase 2 residential development.
- 6.88 The rationale for the loss of car parking spaces is based on a car park occupancy survey undertaken in 2019. The data demonstrates that the Centre had a peak demand of 505 no. spaces, the day before Christmas with the next peak of 470 no. spaces, lower across the rest of the year. It is respectfully submitted that the loss of car parking spaces to serve the Shopping Centre is not a material issue as there is sufficient capacity to cater for the retail parking demands based on the remaining spaces, which significantly exceed current Development Plan standards.
- 6.89 In terms of traffic impact of the development on the local roads, the assessment concludes by stating that there are no significant operational traffic safety or road capacity issues that prevent a positive determination of the application by An Bord Pleanála. The report demonstrates that the development will have negligible impact upon the established local traffic conditions and can easily be accommodated on the road network without any capacity concerns arising. The assessment also includes a preliminary Travel Plan for the site and a Statement of Consistency with DMURS. An independent Stage 1 Road Safety Audit including Quality Audit is included as Appendix H of the Report, with the Designer Feedback Form addressing the issues raised.
- 6.90 The report concludes by stating that there are no significant Operational Traffic Safety or Road Capacity issues that prevent a positive determination of the application by An Bord Pleanála. EV and disable parking is also provided in accordance with the Development Plan requirements.

- 6.91 In terms of cycle parking, the provision of a total of 214 new dedicated cycle parking spaces complies with requirements outlined in Apartment Guidelines 2018. This high level of cycle parking provision is considered appropriate given the highly sustainable location characteristics of the apartment scheme and further supports the case for reduced car parking numbers.
- 6.92 The proposal also includes alterations to the location of 30 no. permitted cycle parking spaces associated with the rejuvenation of the Frascati Centre, Reg. Ref.: D14A/0134, as amended, whilst retaining the overall retail cycle parking provision at 170 no. spaces. The proposal seeks to relocate 30 no. cycle parking spaces which are permitted along the main vehicular access to the centre, opposite loading bays, and re-provide these 30 no. cycle parking spaces within the pocket park adjacent to Frascati Road. These proposed alterations to the cycle parking are required to address issues raised in the Road Safety Audit, submitted with this application, relating to safety concerns with the aforementioned cycle parking for the Rejuvenation project.
- 6.93 As illustrated on the proposed cycle parking drawing prepared by Reddy A+U, the development includes for a total of 170 no. cycle parking spaces for the retail floorspace within the rejuvenated Frascati Centre, Reg. Ref.: D14A/0134, as amended, including 150 no. cycle parking spaces at surface level and 20 no. cycle parking spaces at lower ground floor level for the retail function of the Frascati Centre. The permitted / proposed retail cycle parking provision includes spaces located adjacent to the main vehicular entrance from Frascati Road and within the pocket park area adjacent to Frascati Road. The cycle parking provision is considered to be appropriate as it addresses issues raised in the Safety Audit, whilst still providing very accessible spaces for visitors to the centre and in a location where such spaces can be integrated with the permitted pocket park and associated landscaping proposals for this area of the site.
- 6.94 Motorcycle spaces are also accommodated in line with DLRCO County Development Plan 2016 - 2022 Section 8.2.4.8 Motorcycle Parking i.e. at a rate of 4% of the number of car parking spaces provided (space for 3 motorcycle spaces are provided in the lower ground floor car park which is in line with 4% of the number of car parking spaces provided).

### **Residential Amenity**

- 6.95 As outlined above, the floor areas for the proposed apartments would exceed the recommended minimum floor areas in the Apartment Guidelines in terms of apartment size, private open space and communal open space. The proposed development would offer a good standard of residential amenity for future occupants.

### **Impact on Adjoining Amenities**

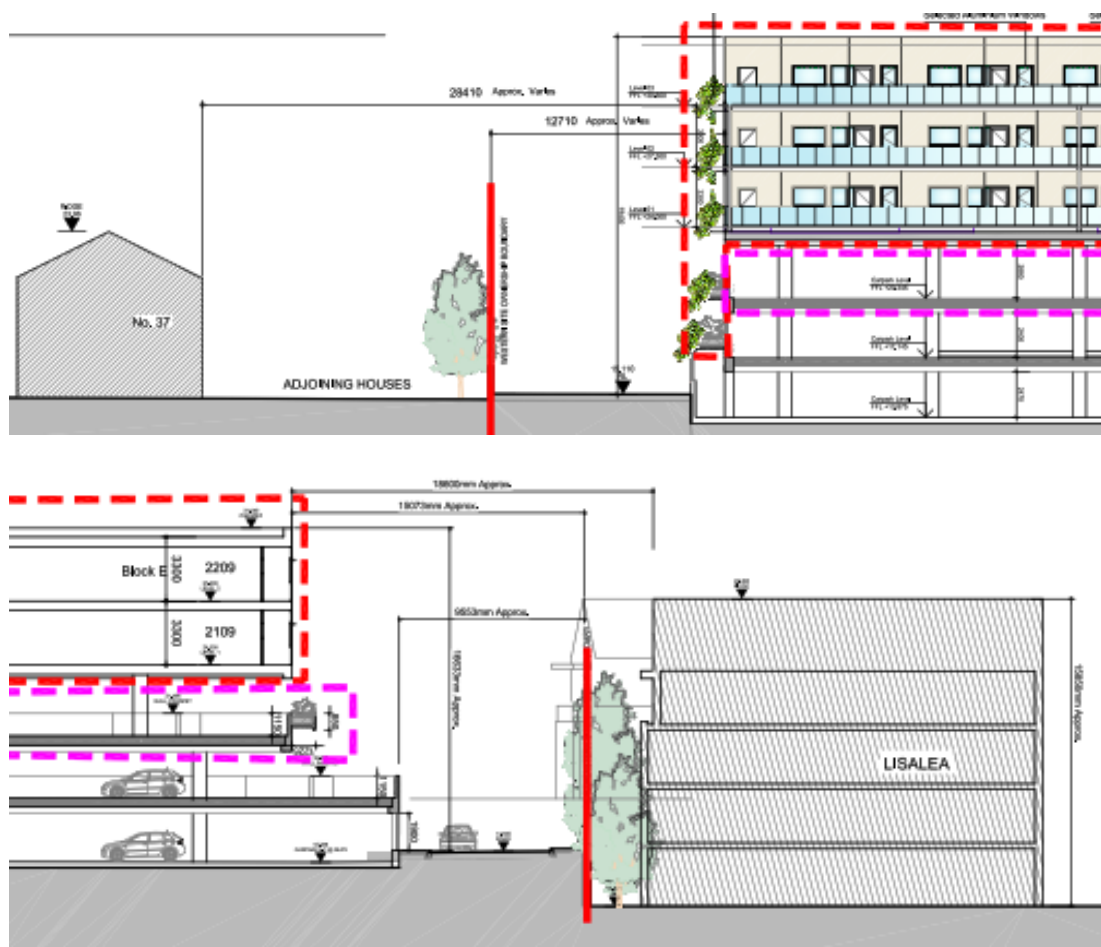
- 6.96 Section 8.3.2 'Transitional Zonal Areas' of the County Development Plan is a relevant consideration having regard to the context of the proposed development. Section 8.3.2 outlines that it is important to avoid abrupt transitions in scale and use in boundary areas of adjoining land use zones. Essentially the County Development Plan advises that it is important to avoid developments which would be detrimental to the amenities of the more environmentally sensitive zone.
- 6.97 The permitted Phase 1 residential development gave careful consideration on how the development would impact houses on Georges Avenue and Frascati Park and



no material alterations are proposed to this relationship of the permitted scheme, including conditions attached by the Board, with the provision of winter gardens considered a positive addition. We note the Inspector's Report stated that *"Overall, I would conclude that the proposed development is acceptable and would **not have an injurious impact on established residential amenities.**" (emphasis added).*

- 6.98 As detailed in the architectural drawings and design statement prepared by Reddy A+U, the changes proposed following the pre-application meeting in respect to Phase 2 residential development has been designed to ensure the overall scale, form and design of the proposed residential development has minimal impact on the residential amenities of the surrounding residential properties.
- 6.99 We refer to Figure 6.5 & 6.6 for extracts of the proposed sections with adjacent properties illustrating that the proposed residential development is well set back from the boundary and will not result in any significant visual impact. There is c. 28m separation distance between the proposed Phase 2 and No. 37 Frascati Park to the south, c.16-50m separation distance between corner of Phase 2 to Lisalea apartments (please note Lisalea apartment block is 1.8m from the site boundary). We note that in certain instances, in build-up areas, the County Development Plan provides for reduced separation distances. Section 7.4 of the 'Sustainable Residential Development in Urban Areas, 2009' recognises that the minimum separation distance between opposing rear windows is 22m however depending on location the guidelines advise a degree of flexibility can be applied.
- 6.100 It should also be noted that the proposed Phase 2 residential development above the permitted podium car park does not increase the building footprint of the existing / permitted scheme. The residential units have been designed above the permitted podium car park appropriate setbacks to avoid negative effects such as overbearing and overshadowing and respect the residential amenities of existing properties in the vicinity of the site.
- 6.101 Furthermore, the eastern site boundary of Lisalea is heavily planted with both deciduous and evergreen shrubbery which will help screen any potential overlooking. The layout plans and sections demonstrate the separation distances of the proposed Phase 2 units from adjoining properties at Lisalea, Merrion Avenue and Frascati Park to the north west, north and west.

**Figure 6.5 & 6.6: Cross Section with 37 Frascati Park and Lisalea Apartment**



6.102 It is noted that under Section 8.2.3.3 of the Development Plan, it states that a “minimum clearance distance of circa 22 metres between opposing windows will normally apply in the case of apartments up to three storeys in height. In taller blocks, a greater separation distance may be prescribed having regard to the layout, size and design. In certain instances, depending on orientation and location in built-up areas, reduced separation distances may be acceptable.” The separation distances between the buildings ranges from a distance of 16-28 metres and therefore, in some cases is below the recommendation above, however, this is guidance only and each application will be considered on its merits.

6.103 The proposed separation distances are considered to be acceptable having regard to Section 2.23 of the Apartment Guidelines 2018 which states “the National Planning Framework signals a move away from rigidly applied, blanket planning standards in relation to building design, in favour of performance based standards to ensure well-designed high quality outcomes. In particular, general blanket restrictions on building height or building separation distance that may be specified in development plans, should be replaced by performance criteria, appropriate to location”.

6.104 The proposed development is considered to be of a high quality and designed to avoid direct overlooking and will not adversely impact the residential amenity of adjacent properties, therefore the proposed separation distances are appropriate. In an urban context these separate distances are considered to be adequate and

must be considered in the context of other planning objectives, such as increased density, urban design and streetscape improvements.

- 6.105 The proposed Phase 2 residential units will not have any material impact in terms of overshadowing of the residential properties which front onto Frascati Park, Mount Merrion and Lisalea Apartments. This is discussed in greater detail below. It is therefore submitted that the proposed residential development will have negligible impacts on the surrounding residential properties.

### **Daylight and Sunlight Assessment**

- 6.106 The application is accompanied by a Daylight and Sunlight Assessment conducted by BPG3, which describes how the proposed alterations to Phase 1 and proposed Phase 2 development impacts upon the sunlight/skylight amenities on neighbouring properties and impacts on neighbouring gardens. The assessment separates the surrounding properties comprising Georges Avenue, Frascati Park, Mount Merrion Avenue and Lisalea Apartments.
- 6.107 The permitted Phase 1 development provides for 3 no. storeys of residential development above 2 no. storeys of retail. The proposed alterations do not seek to alter the height or overall massing of the scheme, the alterations are primarily internal or external treatment changes, which will allow the construction of the residential units to commence in the interim period.
- 6.108 Below is a summary of the assessment results.

#### *Skylight Access to Neighbouring Accommodation*

- 6.109 In terms of the assessment of skylight access levels available to neighbouring accommodation, the results of the assessment indicate that 83 out of 109 windows assessed satisfy the minimum recommendations of the BRE. This includes all windows assessed for properties on Frascati Park and Mount Merrion Avenue. In respect to the Lisalea apartment block, full compliance with the advisory targets would be achieved at a number of rooms. No significant diminution in skylight amenity is anticipated for these spaces. Where VSC levels are found to fall short of the advisory targets, a secondary testing has been carried out to demonstrate that it has been possible to show that the rooms in question would remain capable of receiving acceptable levels of internal skylight. It is on this basis that the impacts identified in primary testing can be considered to fall within tolerable bounds.

#### *Sunlight Levels to Neighbouring Accommodation*

- 6.110 In terms of Sunlight Assessment, the results of the assessment state:

*“The results of this assessment indicate that substantial levels of compliance with advisory minimums would be achieved. In the small number of cases where it has not been possible to demonstrate full compliance with advisory minimums the magnitude of the departures registering are found to be modest in all cases”.*

#### *Sunlight Levels to Neighbouring Amenity Areas*

- 6.111 In terms of Sunlight Assessment on neighbouring amenity areas, the results of the assessment state:

*“in this case, full compliance with BRE guidelines has been demonstrated in all cases. It follows that no significant loss of sunlight amenity can be reasonably anticipated for any of the gardens located in the immediate neighbourhood of the proposed development.”*

#### *Daylight & Sunlight Amenity within the Development*

- 6.112 In terms of the levels of daylight amenity within the habitable accommodation, the assessment assesses a sample number of rooms within Phase 1 and Phase 2 which are considered to experience the most constrained access to natural light. The results of the assessment state:

*“The results of this study demonstrate that advisory minimums would be satisfied in most cases (a compliance rate of 93% is predicted). Having regard to this finding it is reasonable to conclude that the potential for acceptable levels of internal skylight amenity would be provided within this development”*

- 6.113 In terms of the levels of sunlight amenity which would be available to the accommodation, which is being proposed as part of this development, the results of this study state

*“The results of this study indicate that acceptable levels of sunlight access would be provided within the development and that this is particularly true when the aggregate contribution of unique sunlight hours, registering on all of the windows in each unit, are accounted for. While lower levels of sunlight access are identified within Phase 1 by comparison to Phase 2, it is also clear that the views over Dublin Bay which are available from Phase 1 accommodation represent a compensating factor”.*

#### *Sunlight Amenity on Outdoor Spaces*

- 6.114 The results of this study demonstrate that full compliance with guideline recommendations would be achieved in all cases; it follows that good levels of outdoor sunlight amenity can be anticipated.

#### *Conclusion*

- 6.115 The Daylight and Sunlight Assessment concludes by stating:

*“When assessed in the round, and in relation to the other factors which contribute to the proper planning and sustainable development of this area, it is possible to conclude that acceptable levels of daylight amenity would be provided within this development and that acceptable levels of daylight would remain available to neighbouring properties”.*

#### **Childcare facilities**

- 6.116 Policy SIC1 of the CDP encourages childcare facilities as part of new residential developments. The Childcare Facility Guidelines require 20 no. spaces to be provided for residential schemes of 75 no. units plus.

- 6.117 However, Section 4.7 of the Apartment Guidelines 2018 states the following in relation to childcare facilities:

*“Notwithstanding the Planning Guidelines for Childcare Facilities (2001), in respect of which a review is to be progressed, and which recommend the provision of one child-care facility (equivalent to a minimum of 20 child places) for every 75 dwelling units, the threshold for provision of any such facilities in apartment schemes should be established having regard to the scale and unit mix of the proposed development and **the existing geographical distribution of childcare facilities and the emerging demographic profile of the area. One-bedroom or studio type units should not generally be considered to contribute to a requirement for any childcare provision and subject to location, this may also apply in part or whole, to units with two or more bedrooms” (Emphasis added).***

- 6.118 Thus, the 20 no. studios and 25 no. 1 bed apartments can be discounted from the childcare requirements of the scheme. Thus, the remaining 51 no. 2 beds and 6 no. 3 beds are below the threshold of 75 no. residential units requiring the provision of 20 childcare spaces under the 2001 Childcare Facility Guidelines and it is therefore submitted that it should not be a requirement to provide childcare facilities for this development.
- 6.119 Notwithstanding that the proposal is below the threshold of 75 no. residential units requiring the provision of 20 childcare spaces, we refer the Board to the Childcare Demand Audit which accompanies this SHD application.

#### **Water, Drainage & Flood Risk**

- 6.120 We refer the Planning Authority to the Engineering Services Statement and drawing prepared by Barrett Mahony Consulting Engineers which provide an initial outline of the how the proposed scheme will be catered for in respect to water and drainage infrastructure.

#### *Foul Drainage*

- 6.121 It is proposed to connect the new residential foul system into the existing foul system which serves the retail development and existing shopping centre. The existing system has capacity to serve the proposed residential development.

Phase	Units	Daily Flor (l/day)	Average Flor (l/s)	Peak Flow (l/s)
1	45	20,048	0.232	1.392
2	57	25,394	0.294	1.763
Total			3.156	0.526

#### *Water*

- 6.122 Barrett Mahony Consulting Engineers have undertaken consultation with Irish Water on behalf of the applicant prior to the lodgement of this SHD application.
- 6.123 A Confirmation of Feasibility Letter from Irish Water (pre-connection response) is submitted to An Bord Pleanála as part of the application submission. This response letter confirmed that, subject to a valid connection agreement being put in place, the proposed connection to the Irish Water network for the development could be facilitated.
- 6.124 Following the SHD pre-application meetings, further consultation was undertaken by Barrett Mahony Consulting Engineers with Irish Water and the final drainage proposals were submitted. On the 11<sup>th</sup> of August 2020, a Statement of Design Acceptance letter was received from Irish Water which confirms that based on the

further details provided by the applicant to Irish Water (Design Submission), Irish water has no objection to the proposals within the Design Solution.

- 6.125 The applicant confirms that all water and foul drainage services will be designed and installed in accordance with Irish Water standards.

#### *Sustainable Urban Drainage System*

- 6.126 The requirements of SuDS are typically addressed by provision of the following:

- Interception storage
- Treatment storage (commonly addressed in interception storage)
- Attenuation storage
- Long term storage (not applicable if growth factors are not applied to Qbar when designing attenuation storage)

#### *Flood Risk*

- 6.127 The ESR includes a Flood Risk Assessment section. It notes that a detailed flood risk assessment was carried out for the development as part of the granted main planning permission for the whole site (DLRCC) reference D14A 0134. The new apartments, which are built on top of the existing buildings, do not change the ground level footprint of the buildings and will not therefore increase the flood risk to the site or change the results of the previous assessment.

#### **Appropriate Assessment**

- 6.128 An Appropriate Assessment Screening Report prepared by Openfield Ecology and accompanies this SHD planning application. The AA Screening Report has had regard to the Hydrological and Hydrogeological Qualitative Risk Assessment prepared by AWN which also accompanies this application.
- 6.129 It is stated within the report that the subject site is not located within or directly adjacent to any Natura 2000 area. Mitigation measures have not been taken into account. Standard best practise construction measures which could have the effect of mitigating any effects on any European Sites have similarly not been taken into account.
- 6.130 The conclusion of the Screening Report states that it can be concluded that the possibility of any significant impacts on any European Sites, whether arising from the project itself or in combination with other plans and projects, can be excluded beyond a reasonable scientific doubt on the basis of the best scientific knowledge available.

#### **Conclusion**

- 6.131 Having regard to the above, it has been demonstrated that the proposal is consistent with the relevant national, regional, and local planning policy, namely the Dun Laoghaire Rathdown Development Plan 2016-2022 and Blackrock Local Area Plan.
- 6.132 However, in respect to unit mix and building height, a Material Contravention Statement is included with SHD application having regard to the Development Plan requirements on Unit Mix and the LAP objectives for building height of up to 5

storeys for the subject site and a justification of the scheme complies with the criteria under SPPR3 of the Building Height Guidelines 2018 for additional height.

## **7.0 CONCLUSIONS**

7.1 The statement set out herein demonstrates that the proposed development is consistent with the relevant national, regional and local planning policy context.

7.2 At a national and regional level, this statement has demonstrated consistency with the following:

- The National Planning Framework (2018)
- The Regional Planning Guidelines for the Greater Dublin Area 2010 - 2022
- Regional Spatial & Economic Strategy for the Eastern & Midland Regional Assembly
- Rebuilding Ireland – Action Plan for Housing and Homelessness
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), and accompanying Urban Design Manual (2009)
- Sustainable Urban Housing: Design Standards for New Apartments (2018)
- Urban Development and Building Heights Guidelines 2018
- Guidelines for Planning Authorities on 'The Planning System and Flood Risk Management (November 2009)'
- Design Manual for Urban Roads and Streets (2013)
- Transport Strategy for the Greater Dublin Area 2016 - 2035
- Guidelines for Planning Authorities on Childcare Facilities (2001)
- Birds and Habitats Directive – Appropriate Assessment

7.3 The principle of providing residential development above an established shopping centre was established under the Phase 1 permission and is fully supported by national planning policy. In this respect the design team, as addressed in greater detail in the Architectural Design Statement, had regard to the Retail Design Manual, a companion document to the Retail Planning Guidelines for Planning Authorities, April 2012, which strongly supports the delivery of mixed use developments in City, Town and District Centre locations. The Retail Design Manual includes details of precedent schemes which involve high density, mixed use development combining upper floor residential apartments above retail / commercial uses, which accords with the principles of proper planning and sustainable development.

7.4 Precedent schemes of relevance to the proposals now being brought forward for the Frascati Centre Phase 1 and Phase 2 residential development include Athlone Town Centre, Quayside Sligo, Scotch Hall Drogheda, Dun Laoghaire Town Centre and Opera Lane Cork. A greater mix of uses in the Frascati Centre, with residential above retail ensures activity throughout the day and evening and contributes to the vitality and viability of the Blackrock District Centre, and results in more compact growth and a better utilisation of urban lands.

7.5 Consistency is also demonstrated with the policies and provisions of the Dun Laoghaire Rathdown County Development Plan 2016-2022 and the Blackrock Local Area Plan 2015-2021, with the exception of building height and unit mix which is justified in the Statement of Material Contravention, particularly in respect to SPPR1 of the Apartment Guidelines 2018 and SPPR 3 of the Building Height Guidelines.



- 7.6 It is respectfully submitted that the proposal is a suitable form, design and scale of development for this strategically located underutilised site, within an existing urban settlement which is designated within District Centre, situated adjacent in proximity to high quality public transport which is suited to the scale and nature of development proposed.

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## APPENDIX 1 – PLANNING HISTORY

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The Frascati Centre has an extensive planning history relating to the Rejuvenation Project. The parent permission under Reg. Ref.: D14A/0134 has been amended by a number of subsequent permissions.

A summary of the relevant permissions is outlined below.

### **Reg. Ref.: D14A/0134- Parent Permission for the Rejuvenation of Frascati Shopping Centre**

A final grant of permission was issued by Dun Laoghaire Rathdown County Council, dated the 4<sup>th</sup> of December 2014, for part demolition and extension of Frascati Shopping Centre in order to provide for its rejuvenation.

The planning application was the subject of a further information request, dated the 9<sup>th</sup> of March, which raised 13 no. items and for which a response was submitted to the Planning Authority on the 8<sup>th</sup> of September 2014. No floorspace amendments were proposed in the FI response.

The final grant of permission is subject to 23 no. conditions.

The key floorspace figures in the permitted scheme (D14A/0134) can be summarised as follows:

	<b>Permitted</b>
<b>GFA of Rejuvenation Project</b>	25,750 sq.m
<b>GFA of Lettable Retail, Retail Services and Restaurant / Café Floorspace</b>	16,020 sq.m
<b>Restaurant / Café Floorspace</b>	1,507 sq.m
<b>Lower Ground Floor Car Park</b>	6,158 sq.m
<b>Car Parking No's</b>	556
<b>Cycle Parking No's (as per final grant)</b>	170

### **Reg. Ref.: D16A/0235 & ABP Ref.: PL06D.246810- Amendment No. 1**

This permission superseded two previous modification applications to the parent permission and has been amended by subsequent permissions which are discussed below.

A final grant of permission was issued by An Bord Pleanála, dated 18<sup>th</sup> of October 2016, subject to 5 no. conditions, for permission for modifications to the development permitted under Reg. Ref.: D14A/0134. This application provides a total lettable retail, retail services and restaurant / café floorspace with a GFA of 16,020 sq.m.

The key floorspace figures in the permitted scheme (D14A/0134, as amended by D16A/0235 & ABP Ref.: PL06D.246810) can be summarised as follows:

	<b>Permitted</b>
<b>GFA of Rejuvenation Project</b>	27,156 sq.m
<b>GFA of Lettable Retail, Retail Services and Restaurant / Café Floorspace</b>	16,020 sq.m
<b>Restaurant / Café Floorspace</b>	1,971 sq.m
<b>Lower Ground Floor Car Park</b>	6,417 sq.m
<b>Car Parking No's</b>	556
<b>Cycle Parking No's (as per final grant)</b>	170

#### **Reg. Ref.: D16A/0798- Amendment No. 2**

On the 26<sup>th</sup> of January 2017, a final grant of permission was issued by Dun Laoghaire Rathdown County Council for part off licence use (not to exceed 10%) within retail unit G26 of the permitted scheme (as amended). The final grant of permission was subject to 4 no. conditions.

#### **Reg. Ref.: D16A/0843- Amendment No. 3**

A final grant of permission was issued by Dun Laoghaire Rathdown County Council on the 23<sup>rd</sup> of February 2017 for amendments to the parent permission for the rejuvenation of the Frascati Shopping Centre. The proposed amendments resulted in an overall net reduction in the gross floorspace from 27,156 sq.m in the permitted development (as amended) to 26,489 sq.m. A reduction in the total lettable retail, retail services and restaurant / café floorspace from 16,020 sq.m to 16,002 sq.m was proposed. The restaurant / cafe floorspace was proposed to be reduced from 1,971 sq.m to 1,786 sq.m with a consequential increase in retail / retail services floorspace. No overall reduction to the permitted car parking (556 no. permitted) or cycle parking (170 no. permitted) numbers was proposed.

The final grant of permission was subject to 6 no. conditions. The Planner's Report accepted that the proposed amendments were minor in nature in the context of the overall rejuvenation scheme.

#### **Reg. Ref.: D17A/0599- Amendment No. 4**

A final grant of permission was issued by Dun Laoghaire Rathdown County Council on the 24<sup>th</sup> August 2017 for modifications to the parent permission relating to additional retail storage and internal modifications.

The key floorspace figures in the permitted scheme, as amended by Reg. Ref.: D17A/0599) can be summarised as follows:

	<b>Permitted</b>
<b>GFA of Rejuvenation Project</b>	26,848 sq.m
<b>GFA of Lettable Retail, Retail Services and Restaurant / Café Floorspace</b>	16,361 sq.m
<b>Restaurant / Café Floorspace</b>	1,786 sq.m
<b>Lower Ground Floor Car Park</b>	6,064 sq.m
<b>Car Parking No's</b>	556
<b>Cycle Parking No's (as per final grant)</b>	170

The final grant of permission was subject to 8 no. conditions.

**Reg. Ref.: D18A/0130- Amendment No. 5**

A final grant of permission was issued by Dun Laoghaire Rathdown on the 17<sup>th</sup> May 2018 for modifications to the permitted development. The development primarily involves amendments to the configuration and internal layout of the mall and units at each level, alterations to the car parking and cycle parking arrangement and minor revisions to the elevations.

The key floorspace figures in the permitted scheme, as amended by Reg. Ref.: D18A/0130) can be summarised as follows:

	<b>Permitted</b>
<b>GFA of Rejuvenation Project</b>	26,855 sq.m
<b>GFA of Lettable Retail, Retail Services and Restaurant / Café Floorspace</b>	16,045 sq.m
<b>Restaurant / Café Floorspace</b>	2,059 sq.m
<b>Lower Ground Floor Car Park</b>	5,991 sq.m
<b>Car Parking No's</b>	556
<b>Cycle Parking No's (as per final grant)</b>	170

**Reg. Ref.: D18A/0605- Amendment No. 6**

DLRCC issued a final grant on the 18<sup>th</sup> of October 2018 for modifications to the permitted development. The development primarily involves amendments to the configuration and internal layout of the mall and units at each level, alterations to the car parking and cycle parking arrangement and minor revisions to the elevations.

The key floorspace figures in the permitted scheme, as amended by Reg. Ref.: D18A/0605 can be summarised as follows;

	<b>Permitted</b>
<b>GFA of Rejuvenation Project</b>	26,852 sq.m
<b>GFA of Lettable Retail, Retail Services and Restaurant / Café Floorspace</b>	16,042 sq.m
<b>Restaurant / Café Floorspace</b>	1,932 sq.m
<b>Lower Ground Floor Car Park</b>	5,991 sq.m
<b>Car Parking No's</b>	556
<b>Cycle Parking No's (as per final grant)</b>	170

The Planner's Report states that "*Having regard to the Objective 'DC' zoning of the site as set out in the 2016-2022 Dun Laoghaire Rathdown County Development Plan, it is considered that the development will not detract from the amenity of the area and is consistent with the provisions of the current Development.*"

**Reg. Ref.: D18A/1069 – Amendment No. 7- Change of Use of Units F04-05 and S04-05**

Dun Laoghaire Rathdown County Council issued a final grant of on 9<sup>th</sup> May 2019 for a change the use of Unit F04-05 (with a GFA of c.556 sq.m) from retail to medical centre use and Unit S04-05 (with a GFA of c.567 sq.m) from retail to gym use, and all associated development.

The application was revised at FI stage to include a pharmacy use with a GFA of 92 sq.m, proposed as Unit F05, within the proposed medical centre unit.

**Reg. Ref.: D19A/0196- Amendment No. 8 - Change of Use of Unit F06**

Dun Laoghaire Rathdown County Council issued a final grant of on 20<sup>th</sup> of June 2019 for a change the use of a store room at lower ground floor level to retail use and Unit F06 at first floor level from retail to gym use.

**Reg. Ref.: D18A/0596 – Retail Extension**

Dun Laoghaire Rathdown County Council issued a final grant of permission on the 24<sup>th</sup> October 2018 for a retail extension to the rear of Frascati Shopping Centre. The proposed retail extension consists of 3 no. retail units, with an additional GFA of 211 sq.m, including an amalgamation with Unit G15 to create Unit G22, and a new double height glazed entrance to the rear of the centre. The proposal also includes 1 no. signage zone above the rear entrance, signage zones for the 3 no. units and associated alterations to the car and cycle parking layout including the removal of 7 no. car parking spaces.

	<b>Permitted</b>
<b>GFA of Rejuvenation Project</b>	27,175 sq.m
<b>GFA of Lettable Retail, Retail Services and Restaurant / Café Floorspace</b>	16,298 sq.m
<b>Restaurant / Café Floorspace</b>	2,059 Sq.m
<b>Lower Ground Floor Car Park</b>	5,991 sq.m
<b>Car Parking No's</b>	549
<b>Cycle Parking No's (as per final grant)</b>	170

**Reg. Ref.: D18A/0798 – Signage Application**

Dun Laoghaire Rathdown County Council issued a final grant of permission on the 15<sup>th</sup> November 2018 for external signage proposals subject to 4 no. conditions.

**Reg. Ref.: D17A/0950 & ABP Ref.: 300745-18 – Phase 1 Residential Development**

An Bord Pleanála issued an Order to grant permission on the 30<sup>th</sup> May 2019, subject to 17 no. conditions, for residential development of 45 no. apartment units over 3 no. storeys, from second to fourth floor level, over the permitted ground and first floor levels of retail / restaurant floorspace and permitted lower ground floor car park. The proposal will be an extension of the Rejuvenation Scheme permitted under Reg. Ref.: D14A/0134, as amended by Reg. Ref.: D16A/0235 / ABP Ref.: PL 06D.246810, Reg. Ref.: D16A/0798, Reg. Ref.: D16A/0843 and Reg. Ref.: D17A/0599.

The proposal also includes a first floor level podium car park, over the permitted podium car park, located at the north west of the site, which will provide 81 no. car parking spaces. The total car parking provision for the scheme as amended by this permission will be 604 no. spaces, which comprises of 51 no. spaces for the proposed residential units and 553 no. spaces for the permitted retail and restaurant floorspace.

**Reg. Ref.: D19A/0438 – ESB Substation / Switchroom (Refused)**

DLRCC issued a decision to refuse permission on the 15<sup>th</sup> August 2019 for the provision of a substation and associated switchroom, with a gross floor area of 31 sq.m associated landscape proposals and all ancillary works. The 1 no. reason for refusal reads as follows:

*“The proposed structures and modified public realm layout represent a substandard arrangement which ill significantly detract from the aesthetics of the permitted public realm*

interface with Frascati Road. The proposed structures will form a visually prominent feature with the existing streetscape context and the revised landscaping layout provides a suboptimal solution which is contrary to Section 3.2 (Urban Design) of the Blackrock Local Area Plan 2015-2021 and Policy UD3 of the Dun Laoghaire Rathdown County Development Plan 2016-2022. The proposal will diminish and downgrade the provision of public space originally permitted under Reg. Ref.: D14A/0134 and the subsequent amendment applications and will significantly impact the likely utilisation of this space due to a suboptimal layout and the presence of the proposed structures on site. The proposed development would set an undesirable precedent for similar development and would, therefore, be contrary to the proper and sustainable development of the area.”

### **Reg. Ref.: D19A/0068 – Alterations to Anchor Unit 1**

DLCC granted permission on 22<sup>nd</sup> January 2020 for the following development:

“The proposed development relates to Anchor Unit 1 (over lower ground, ground, first and second floor levels) and the adjacent mall area at ground floor level of the rejuvenated Frascati Centre, and consists of the following:

- **Lower ground floor:** Internal alterations to Anchor Unit 1 to provide a new retail unit, Anchor Unit 1A with a GFA of 2,087 sq.m, which is accessed via the existing escalators from an enlarged ground floor mall.
- **Ground floor level:** Internal alterations to Anchor Unit 1, to create 2 no. retail units; Anchor Unit 1B with a GFA of 148 sq.m, and Anchor Unit 1C with a GFA of 255 sq.m. The proposals also include a reduction in overall retail area by extending the mall area into part of existing Anchor Unit 1. The extended Mall area will provide access to the lower ground and first floor levels via the existing escalators. Associated external alterations comprising a new service door on the south eastern elevation is proposed.
- **First and second floor level:** Internal alterations to existing Anchor Unit 1 at first and second floor level to provide a new retail unit, Anchor Unit 1D with a GFA of 2,637 sq.m over two levels, to be accessed via the existing escalators from the revised ground floor mall.
- **Roof level:** Proposed new screened plant enclosure.”

The key floorspace figures in the proposed scheme can be summarised as follows:

<b>Proposed Development</b>	
Total Existing Gross Retail Floor Area	7,690 sq.m
Total Existing and Proposed Gross Retail Floor Area	12,840 sq.m
Total Existing and Proposed Gross Restaurant / Café	1,943 sq.m
Total Existing & Proposed Other Commercial Uses	1,270 sq.m
Total Existing and Proposed Areas	16,053 sq.m
Car Parking	549
Cycle Parking	170
Total Net Area	26,744
Total Gross Area	27,836

**Reg. Ref.: D19A/0706 (ESB Substation)**

DLRCC granted permission subject to 4 no. conditions, for a substation and associated switchroom, with a gross floor area of 28 sq.m, and all associated ancillary works to the south east of the rejuvenated Frascati Centre (adjacent to an existing service yard).

**Reg. Ref.: D19A/0707 (ESB Substation)**

DLRCC granted permission, subject to 5 no. conditions, for a substation and associated switchroom, with a gross floor area of 25 sq.m, and all ancillary works, which will replace 3 no. surface car parking spaces located to the north west of the Frascati Centre (adjacent to the internal road).

**Reg. Ref.: D19A/0933 – Change of Use of Unit G06A**

DLRCC granted permission on 4<sup>th</sup> March 2020 for the change of use of Unit G06A (with a GFA of c.193 sq.m) at ground floor level of the rejuvenated Frascati Centre, from Class 1 (Retail) to Class 2 (Financial / Professional Services use) and all associated development.

**Reg. Ref.: D19A/0960 – Tenant Signage**

DLRCC granted permission on 18<sup>th</sup> March 2020 for 5 no. tenant signs on the recessed north eastern elevation and 10 no. tenant signs (for two no. tenants) on the south eastern elevation at first floor level of the rejuvenated Frascati Centre and associated works.

**Reg. Ref.: D20A/0027 – Mezzanine and Partial Change of Use of Unit G06B**

A final grant of permission was issued by DLRCC on 12<sup>th</sup> June 2020 subject to 6 no. conditions to provide for a partial change of use of the unit to provide an ancillary café with an area of 41 sq.m and a kitchen/serving area of 28 sq.m, and to provide a mezzanine level for storage purposes with an area of 36 sq.m, signage and all associated works.

**Reg. Ref.: - D20A/0348 - Mezzanine for Unit G05**

DLRCC granted permission on 19<sup>th</sup> August 2020 for a mezzanine level for storage purposes with an area of 48 sq.m including associated works for Retail Unit G05.

**Reg. Ref.: D20A/0347 - Signage Mezzanine**

DLRCC granted permission on 19<sup>th</sup> August 2020 for retention permission for 2 no. tenant signs at first floor level on the north western and north eastern elevations and alterations to 1 no. tenant sign at first floor level on the north eastern elevation.

**Reg. Ref.: D20A/0503 – Anchor 1, G27-G29 Reconfiguration**

An application was submitted to DLRCC on the 21<sup>st</sup> July for the following development:

*“The proposed development relates to Anchor Unit 1 (over lower ground, ground, first and second floor levels), Unit G27, G28 and G29 at ground floor level, the Mall area and the adjacent service yard, and consists of the following:*

- *Proposed Unit D1: Amalgamation of part of Anchor Unit 1 (ground and first floor level) with Unit G27 and G28 (ground floor level) to provide a new retail Unit D1 (over ground and first floor level) with an overall GFA of 2,559 sq.m, including*



*associated internal alterations. The existing Anchor 1 retail storage area at Level 2 will become landlord / tenant back of house area.*

- *Proposed Unit D2: Amalgamation of Unit G29 (ground floor level) with part of Anchor Unit 1 (lower ground floor level) to provide a new retail Unit D2 (over lower ground and ground floor level) with an overall GFA of 2,207 sq.m, including associated internal alterations.*
- *External Alterations: Associated external alterations including the reconfiguration / extension of Stair 7 from ground floor to first floor in the service yard on the south eastern elevation, the provision of new access doors to retail Unit D1 at ground floor level on the southwestern and south eastern elevation and new access door to the stair core to the north of Unit D2.*

*The proposed development results in an overall increase in retail floorspace of 41 sq.m and includes all associated development.”*

A decision is due by the 14<sup>th</sup> September 2020.

**Reg. Ref.: - D20A/0576 - Mezzanine for Unit G21**

An application was submitted to DLRCC on 13<sup>th</sup> August 2020 for a mezzanine level for storage purposes with an area of 82 sq.m including associated works for Unit G21. A decision is due to be made by 7<sup>th</sup> October 2020.

**APPENDIX 2 – S.247 PRE-APPLICATION CONSULTATION WITH THE PLANNING AUTHORITY**

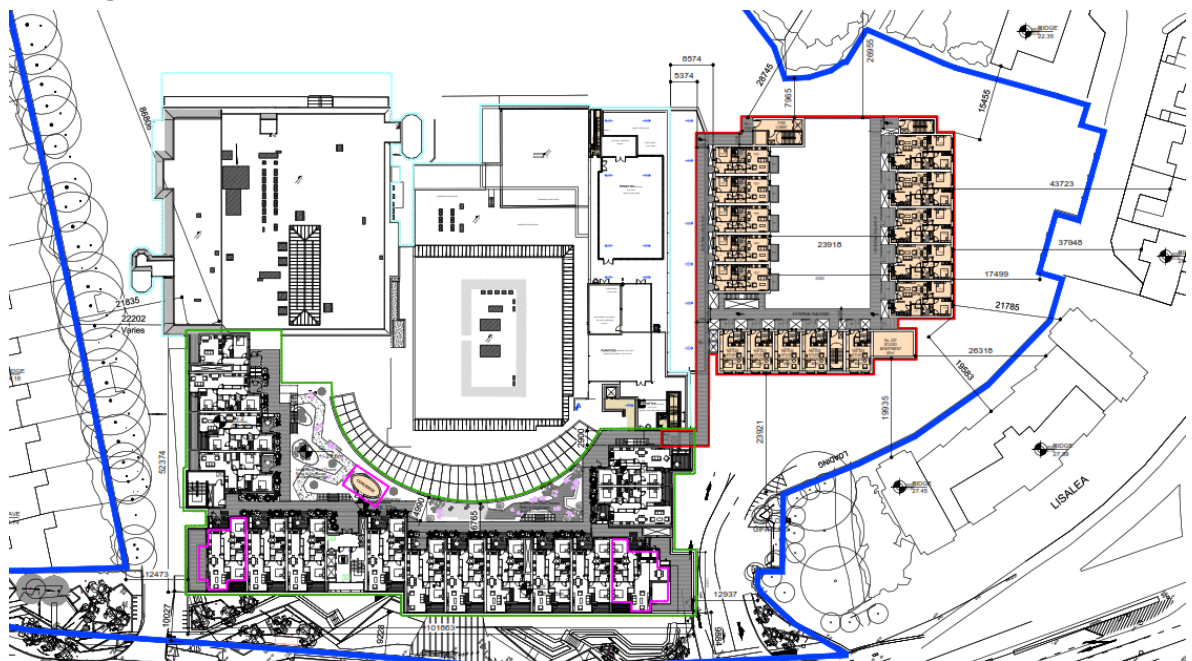
One no. formal pre-application meeting under Section 247 of the Act was undertaken with Dun Laoghaire Rathdown County Council (the Planning Authority) on the 23<sup>rd</sup> October 2019. The meeting was attended by Stephen McDermott and Enda Duignan (Planning Department), Bernard Egan and Marin Danciu (Drainage), Claire Casey and Tom Kilbride (Traffic and Transportation Planning) and Mark Campbell (Parks).

The development presented to the Planning Authority consisted of the following:

- Alterations to the 45 no. permitted residential units, i.e. Phase 1, at lower ground, second, third and fourth floor level, as illustrated in Table 1 below; and
- The provision of 57 no. residential units as Phase 2 in a courtyard type layout over the podium car park to the north west of the centre, as illustrated in Table 1 below.

An extract of the proposed site layout plan presented to DLRCC is illustrated in Figure A.1 below.

**Figure A.1: Site Layout Plan extract as presented to DLRCC S.247 Pre-Planning Meeting**



**Table 1: Proposal as presented at the Pre-Application Meeting with DLRC**

	<b>Permitted Phase 1</b>	<b>Alterations to Phase 1</b>	<b>Proposed Phase 2</b>
<b>Unit No's</b>	45	45	57
<b>Unit Mix</b>	3 no. 1 beds 36 no. 2 beds 6 no. 3 beds	3 no. 1 beds 42 no. 2 beds ( <i>omission of the 6 no. 3 beds and replacement with 6 no. 2 beds.</i> )	19 no. studios 23 no. 1 beds 15 no. 2 beds
<b>Height</b>	3 no. storeys residential above 2 storeys of retail	3 no. storeys residential above 2 storeys of retail	3-5 no. storeys residential above permitted podium car park
<b>Communal Amenity Space</b>	Two communal terraces at second floor (591 sq.m) equating to 13.1 sq.m of amenity space per residential unit.	Two communal terraces at second floor (500 sq.m) equating to 11.1 sq.m of amenity space per residential unit.	Communal courtyard at first floor level (650 sq.m) equating to 11.4 sq.m of amenity space per residential unit.
<b>Car Parking</b>	51 no. basement car parking spaces for 45 no. residential units	62 no. basement car parking spaces for the 102 no. residential units proposed in Phase 1 and 2 (c. 0.61 spaces per unit)	
<b>Cycle Parking</b>	54 no. cycle parking spaces at lower ground floor and the proposed first floor level podium car park	Cycle parking to be provided in accordance with the DLR Cycle Policy document, i.e. 1 space per unit and 1 visitor space for every five units (a total of 102 no. secure spaces and 20 no. visitor spaces). This is in addition to the 170 no. spaces provided within the rejuvenated Frascati Centre.	
<b>Residential density</b>	67.74 units per hectare	Overall density of 164.5 units per hectares (Phase 1 and 2) Note: Not directly relevant planning standard due to residential forming part of a mixed-use district centre and the extent of the red line boundary.	

The main points raised and discussed at the pre-application meeting are summarised below, and the description of the proposed development provided within Section 5 of this report (below) describes the scheme as now submitted for pre-application consultation with the Board, which has been updated / revised where possible to address the issues raised.

**Planning**

- *Heights, Design and Layout*

The Planning Authority acknowledged that the principle of residential development above the podium car park is acceptable, however, raised concerns in terms of the heights, layout, design and the impact on the existing amenity of surrounding residents.

The Planning Authority raised concerns with the proposed building heights, having regard to the LAP objective for heights of up 5 storeys and the transitional zone objectives of the Plan / LAP from the district centre to the adjacent residential area. Concerns were expressed about the substantial core and blank elevation to the south of Frascati Park.

The Planning Authority requested a reduction in height and more appropriate setbacks, to avoid adverse impacts on surrounding properties. The Planning Authority requested photomontages / visuals to help assist with their assessment of the proposed development in the context of the surrounding environment. The Planning Authority queried the appropriateness of the proposed courtyard layout and the quality of residential amenity that will be provided.

- *Unit Mix*

The Planning Authority queried the appropriateness of the proposed unit mix and suggested considering a greater number of 3 beds.

- *Impact on Residential Amenity*

Related to the concerns on the proposed heights outlined above, the Planning Authority raised concerns regarding the impact of the proposed development on residential amenity to residential properties to the south west, in terms of overbearing, overlooking and daylight/sunlight impacts. The Planning Authority requested further information on the visual impacts, noting the protected structures on Mount Merrion Avenue, and questioned the transition and setbacks from the nearest boundaries.

- *Childcare facility*

The Planning Authority noted the requirement for childcare facilities for residential developments above 75 no. units.

- *Part V*

The Planning Authority queried how the applicant proposes to comply with Part V Social housing requirement.

### **Drainage**

- *Culvert*

The Drainage Department requested that the SHD application include details of the drainage implemented under the parent permission. The Drainage Department acknowledged that there is no additional footprint proposed and requested details of the proposed SUDs strategy and green roof provision.

### **Landscape**

- *Compliance with Parent Permission*

The Parks Department raised queries regarding the planting / landscaping associated with the rejuvenation project issues of the parent permission on site in terms of additional planting, remedial works and timing of the pocket park/tree replacement.

- *Planting / Screening*

The Parks Department queried whether supplementary screen planting between Phase 2 and existing residential properties, to mitigate the visual impacts, could be incorporated.

**Transport**○ *Carparking*

The Traffic and Transportation Department raised concerns regarding the provision of car parking at less than the Development Plan standard of 1 space per residential unit (inclusive of visitor parking). The Planning Authority queried the management of the allocated parking spaces for residential units and suggested a barrier for this section of the car park. A management plan for car and cycle parking should be included in the forthcoming application. The Planning Authority queried the management of bins/deliveries for the residential development.

○ *Cycle Parking*

The Planning Authority requested cycle parking provision be based off the standards in the Apartment Guidelines 2018 (1 cycle space per bedroom) for the residential units, but acknowledged that visitor cycle parking could be provided at their standard of 1 space for every 5 units, given the existing provision on site. Cycle storage for residents must be secure and accessible and managed by the Management Company.