

**Statement of Response to ABP's Opinion
in relation to Reg. Ref.: ABP-304838-19**

In respect of

A Proposed Strategic Housing Development

at

Newtown, Malahide Road, Dublin 17

Prepared for

Claregrove Developments Limited

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1.0 INTRODUCTION

This Statement of Response report seeks to address individually the issues / items raised within the Opinion of An Bord Pleanála, issued following the pre-application consultation in respect of the proposed development. The Opinion of the Board was issued on the 4th of September 2019.

This statement has regard to the points of discussion and issues raised during the course of the tripartite SHD pre-application meeting held at the offices of An Bord Pleanála on the 20th of August 2019, and the Section 247 meeting undertaken with the Planning Authority prior to the tripartite meeting with An Bord Pleanála and the Planning Authority.

This Statement will refer to other documentation which forms part of the final planning application pack, where more detailed and specific responses are provided to the issues dealt within this Statement by the relevant experts / design team members and consultants.

This Statement seeks to direct the reader to the relevant information within the application documentation, which demonstrates that the issues raised during the course of pre-application consultation have been fully and satisfactorily dealt with prior to the submission of this final Strategic Housing Development Application.

2.0 RESPONSE TO AN BORD PLEANÁLA OPINION

The Opinion of An Bord Pleanála on the pre-application stage for the proposed development was issued on the 4th of September 2019. The Opinion sets out two specific items requiring further consideration by the applicant and design team. The Board considered that these items needed to be addressed in the final documentation submitted to the Board in order to ensure that the proposed development and supporting documentation would constitute a reasonable basis for an application for strategic housing development.

Each of the two items raised within the Opinion are set out below, and a response is provided thereto, referring to other documentation or sections within documents which provide a more detailed or technical response where relevant.

The Board also set out twelve items of further specific information which were to be provided as part of the final planning application. Documentation has been prepared or updated in response to this request to ensure that the Board will have all the information it requires to come to a reasoned decision on the proposed development. A summary of the responses provided to each of these specific points is also set out within this section.

2.1 Item 1 – Design and Layout

Item No. 1 of the Board’s Opinion relates to the design and layout of the proposed development and states the following:

“1. Design and Layout

Further consideration and/or justification of documents as they relate to the proposed elevation treatment and design of balconies, having regard to the scale and mass of the proposed buildings in particular Block B, its dominant location along the Malahide Road, and the need for a high quality urban design which will have a positive contribution to a Key District Centre and surrounding environment.

Particular regard should be had 12 criteria set out in the Urban Design Manual which accompanies the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (May 2009). Further consideration of these issues may require an amendment to the documents and/or design proposals submitted."

Response

Having regard to the foregoing item of the Board's Opinion, the design team has undertaken further consideration of the design of the scheme as it relates to elevational treatments, finishes, balcony arrangements, and articulation.

The final application is accompanied by an Architectural Design Statement which provides a detailed response in this regard and which also sets out a concise justification for the scheme with reference to the 12 criteria of the Urban Design Manual.

Several key design moves have been made in the final scheme which respond to the feedback received at pre-application stage. These changes to the scheme previously submitted at pre-application stage are considered to improve the overall design quality of the scheme, while according with the provisions of the Guidelines for Planning Authorities on Sustainable Development in Urban Areas.

The key changes which have been made to the design of the scheme can be summarised as follows:

- The architectural design of Block B has been amended. The roofline has been broken up in order to add variation in the perceived height of the building, assisting in modulating the scale and massing of the structure. The heights of the blocks have also been changed with Block A now two floors higher. This allows the overall composition to read more clearly with a 'bookend' at the north and south ends. Further enhancements have been incorporated to the central corners (north end of Block A and south end of Block B) so as to more clearly define and delineate the central public open space/plaza.
- The stepping up and down of the rooftop of Block B allows the incorporation of additional rooftop gardens accessed from staircores and lifts. This architectural device has also allowed the designers to reinforce and further emphasize the verticality of the stairs and liftcores, giving the building clear reference points on the façade for the new entrances and making legible from the exterior how one might travel up and circulate through the building,
- Changes to fenestration, balcony set-out and design, and the general elevational treatment of both blocks have been introduced, improving the overall design quality of the scheme. Further changes have been made to the facades to increase the size of windows, improving both the daylight quality but also facilitating a richer more highly-glazed appearance. The windows, balconies and staircores are arranged in a simple base, shaft and cornice composition that is both highly ordered and well proportioned.
- The final scheme incorporates a greater and more varied array of brickwork, including two contrasting colours for base and shaft, and recessed panels of ornate 'hit and miss' brickwork. Selected areas will be finished in pressed metal and zinc, including the setback rooftop elements.
- The height of Block A has been increased to provide a more appropriate response to the prominent location of this block at the entrance to a Key District Centre – this change was made on foot of comments made by DCC at pre-application stage.
- The interface between the buildings and the street has been very successfully addressed through the work of the landscape architects and coordinated with the entire design team,

to provide a rich and dynamic streetscape. High-quality materials and lighting are provided and the future experience for pedestrians and other passers-by will constitute a huge improvement on the current situation, with active retail, commercial and amenity areas addressing the footpath.

It is respectfully submitted that the changes made to the proposed development respond to the first item of the Board's Opinion and improve the overall design quality of the proposed development.

The proposed height of Block A within the proposed development has been increased (as noted above) on foot of the submission of the Planning Authority, Dublin City Council, on the pre-application stage of the process. The DCC Planning Department report stated the following:

"In this instance the subject development site demarcates part of the southern approach corridor into the western North Fringe KDC and will provide for a more complete and continuous height treatment of the site as compared to proposals made under Reg. Ref.: 3584/16. Noting the positioning of the site on the approach to the KDC – there possibly should be some consideration of having a landmark building or feature that provides some form of distinction from the rest of the scheme at the site's south west corner."

In order to respond to this suggestion, the overall height of Block A within the development has been increased, and a definite step up in height has been provided at the southwestern corner which acknowledges and defines the entry to this portion of the Malahide Road corridor and the KDC area.



Figure 1: The south-western corner of Block A steps up to acknowledge the entry to the KDC

It is noted that the Planning Authority were supportive in their report on the pre-application stage in terms of the ‘*complete and continuous height treatment*’ of the proposed development to Malahide Road, also stating:

“...it is considered that vertical height of the two proposed c. 31m to 32m apartment blocks will help contain the horizontal extent of the Malahide Road – in conjunction with future developments opposite”.

Having regard to this, the design team have been mindful of retaining a strong level of enclosure and a level of continuity in the height of the proposed development along this important corridor, while also seeking to modulate the scale and massing (including the height) of the development to a greater degree by way of response to the Board’s Opinion.

The DCC report also noted that it would be useful to receive an east-west cross section of the proposal in relation to the Malahide Road – this has been included as part of the final application drawing pack. It is considered that the cross section serves to confirm and clearly illustrate that the development provides for an appropriate proportional height to the adjoining road. Future development opposite the subject site (as alluded to in the DCC report on the pre-application stage) will further enhance this streetscape, providing for more appropriate enclosure on both sides in conjunction with the current proposal. We understand that the masterplan for these lands to the west, known as Belcamp, will be put on display shortly and should demonstrate that a similar scale of development is envisaged by DCC.

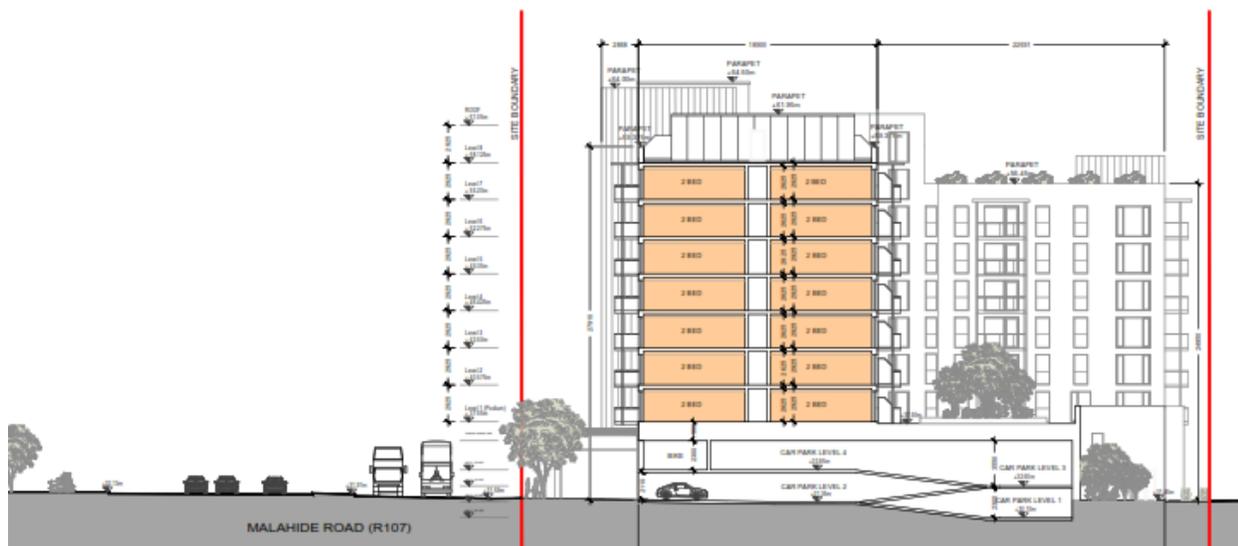


Figure 2: Extract from JFA section D-D, which demonstrates the appropriateness of the proposal in the context of the wide expanse of the Malahide Road to the west

The final scheme submitted to the Board presents a carefully modulated frontage to Malahide Road, on which the subject site has a prominent location. The design of the two proposed new buildings has been carefully considered both in terms of its overall impression (including scale, massing and steps in building height) and in terms of the finer grain and detailed design of the building frontages, including the rhythm of windows and balconies, and the use of high quality feature materials and treatments (which include patterned brick reveal insets, good quality metal cladding elements, and a distinctive red brick façade treatment). The public open space area

provided between Block A and B helps break up the overall scale of the proposed redevelopment and in addition to the commercial / communal uses at ground floor level will be provide activity at street level. Thus it is submitted that the design of the scheme is of a high standard, both at the macro and micro scales, and that it will enhance the appearance and visual amenity of the surrounding are within the Key District Centre.



Figure 3: The form and elevational treatment of the scheme has been altered in order to enhance the development’s response to its context and its architectural contribution to the Malahide Road corridor and the Key District Centre

The scheme as submitted to the Board in this final application delivers a strong and vibrant urban edge to the adjoining major route (Malahide Road), including active ground floor units, upgraded public realm and a considered architectural design response which will be executed in high quality materials as set out in the accompanying architectural drawings.

The accompanying Architectural Design Statement sets in detail how the proposed development, as amended on the basis of the Board’s Opinion, satisfies the requirements of the 12 criteria set down within the Urban Design Manual. Section 6 of the accompanying Planning Report and Statement of Consistency also summarises how the scheme accords with these requirements in planning terms.

On the basis of the foregoing and the additional justification set out within the accompanying Architectural Design Statement, it is respectfully submitted that the design of the scheme is appropriate, and that the proposed development will respond effectively to its context and prominent location and will make a positive contribution to the area.

2.2 Item 2 – Residential Amenity

Item No. 2 of the Board’s Opinion relates to residential amenity and sunlight and daylight in particular, and states the following:

“2. Residential Amenity

Further consideration and / or justification of the documents as they relate to the impact of shadow projection on existing residential properties in the vicinity of the site and the daylight provision for the proposed apartments (including) inter alia the provision of a comprehensive daylight and sunlight analysis addressing the existing residential, in particular the inclusion of dual aspect units along the front, west of Clarehall Residential Village.”

Response

Sunlight and Daylight Study

In response to the above point of further consideration / justification sought by An Bord Pleanála, the applicant and design team undertook further detailed consideration of the impact of the scheme on existing adjoining development. In this regard, further detailed assessment has been undertaken of the likely impact of the scheme on sunlight and daylight access for adjoining residential development to the east in particular.

A detailed sunlight and daylight assessment report has been prepared to accompany the final application by 3D Design Bureau – the Board are respectfully referred to the sunlight and daylight assessment report as a key piece of factual, evidence-based justification for the proposed development in terms of sunlight and daylight impacts.

In the first instance it is important to recognise that the guideline targets published by the BRE are intended to be employed with a degree of discretion and flexibility. The flexibility available in the BRE guide is outlined in the introductory section as follows:

“The advice given here is not mandatory and this document should not be seen as an instrument of planning policy. Its aim is to help rather than constrain the designer. Although it gives numerical targets these should be interpreted flexibly because natural lighting is only one of many factors in site layout design.”

This approach is recognised within planning guidance which has been published by Government. On page 43 of the Urban Design Manual 2009 the following advice is provided:

“Where design standards are to be used (such as the UK document Site Layout Planning for Daylight and Sunlight, published by the BRE), it should be acknowledged that for higher density proposals in urban areas it may not be possible to achieve the specified criteria, and standards may need to be adjusted locally to recognise the need for appropriate heights or street widths.”

While it is accepted that the minimisation of impact levels on neighbouring buildings should always be aspired to, the associated imperatives which exist to create sustainable levels of urban density, to encourage the development of compact urban form, and to make best use of scarce urban land will always place restrictions on the degree to which it is appropriate to pursue full compliance with BRE guidelines. The Urban Design Manual expressly recognises this and provides that ‘standards may need to be adjusted locally to recognise the need for appropriate heights or street widths’. In this context, the accompanying sunlight and daylight assessment report goes into a significant level of detail on the impact which the scheme will have on surrounding properties.

In this regard, an alternate target value system is set down within the accompanying report (in addition to the standard BRE target value system), which assesses the impact of the proposed development versus the impact of a hypothetical scheme which would be a mirror image of the adjoining development being assessed.

This exercise demonstrates that the proposed development would generally have a lesser impact than such a hypothetical scheme. The BRE guidance provides that such a ‘mirror image’ assessment approach can be utilised when an adjoining development relies upon the development site in question in order to gain sunlight and daylight access – it is submitted that this is the case in the context of the development to the east of the subject site within the Clare Village development.

The Sunlight and Daylight Assessment report also provides an effective representation (refer to the VSC Massing Study) of the type of development the subject site would be restricted to if any material impacts were to be avoided on the subject site. The conclusion of this section of the report is that development on the subject site would be curtailed in such a scenario, with any development of the subject site at a sustainable density and appropriate height in urban design and planning terms likely to have a similar impact as the current proposed development.

In the context of this VSC Massing Study, the design team undertook to ascertain whether a design solution could be found that would avoid any material sunlight and daylight impact on adjoining properties, while achieving an appropriate level of height and density on the site, however it was concluded that a level of impact was unavoidable if the site is to be developed in an appropriate manner.

It must also be borne in mind that the large majority of units which the proposed development would have any material impact on are, in any case, dual aspect units, benefitting from access to sunlight and daylight on an additional, south-easterly facing frontage of the existing adjoining development. Most of the rooms on which the scheme has any material impact are also bedrooms, with the large majority of the units having kitchen / living / dining spaces located at the opposite side of the building.

On the basis of the detailed study presented herewith, and having regard to the further planning justification provided below, it is respectfully submitted that the impact of the proposed development on adjoining development in terms of daylight (or a similar level of such impact) is inevitable if the subject site is to be developed at a sustainable density and in a manner which delivers an appropriate urban design response in accordance with the relevant planning policy framework. Therefore, it is respectfully submitted that the proposed development is justified in this context.

The Sunlight and Daylight Assessment report also provides a detailed assessment of the daylight access for the proposed apartments within the current SHD proposal. This element of the assessment concludes that the development provides for a good level of daylight within the proposed habitable spaces within the development, with the average being well in excess of the minimum recommended levels. Of the very small number of rooms assessed (3 out of 80) which did not fully meet the ADF requirements, these rooms achieved over 90% of the target. We note that some balconies were removed / incorporated as winter gardens in the final scheme to ensure appropriate levels of daylight to units, which is considered appropriate in the context of this being a Build to Rent development and the standards of the Apartment Guidelines 2007.

Furthermore, the report notes that the large shared amenity area at seventh floor level in Block B includes a large amount of floor to ceiling glazing with excellent levels of daylight achieved. This is considered to offset any minor shortfall in daylight access noted in a small fraction of the worst-case scenario units modelled. On this basis, the report concludes that the proposed development will provide for a good level of daylight for residents.

The Sunlight and Daylight Assessment also examines the level of light access for the proposed areas of communal and public open space within the scheme. The assessment concludes that these areas will each receive a level of sunlight far in excess of the minimum required levels.

Further Planning Justification

While it is acknowledged that the proposed development will have some material impact on sunlight and daylight access to adjoining properties, it is respectfully submitted that such a level

of impact is inevitable as the result of any suitable redevelopment of the current SHD site at an appropriate density befitting the location and context of the subject site (particularly noting the planning history of the site).

It is submitted that the development of these lands in accordance with the proper planning and sustainable development of the area calls for higher built elements and a strong urban edge to the Malahide Road, as provided in the current proposal.

The accompanying Planning Report and Statement of Consistency prepared by John Spain associates details the policy framework which supports the form, use, design, and scale of the proposed development. This policy framework demands compact, sustainable urban form at appropriate height and density on sites such as the subject site.

The following points are considered to be of particular relevance in this regard:

- Rebuilding Ireland – The Government’s Action Plan on Housing (published in 2016) and Homelessness and the National Planning Framework – Ireland 2040 (published in 2018) support the delivery of residential development such as that proposed on sites in close proximity to quality public transport routes and within existing urban areas.
- It is noted that in the short term to 2020, the Housing Agency has identified a need for at least 25,000 new homes every year up to 2020, which does not include for additional pent-up demand arising from undersupply of new housing in recent years. The subject lands are zoned, located within the built-up area of the city, on a high-quality public transport corridor, and in the ownership of a housebuilding company who can provide a small element of this provision over the short to medium term.
- In the longer term to 2040, the NPF projects a need for a minimum of 550,000 new homes, with up to half of this number targeted for provision in existing urban settlements outside Ireland’s five cities. The NPF also signals a shift in Government policy towards securing more compact and sustainable urban development, which requires at least half of new homes within Ireland’s cities to be provided within existing urban areas. A significant and sustained increase in housing output and apartment type development (including Build to Rent development) is necessary to meet such targets, with development at a higher density and height an inevitable outcome of aiming to meet these targets while avoiding urban sprawl and targeting development on brownfield and infill sites such as the subject site.
- The proposed development is in accordance with the Z14 zoning of the subject site and is appropriate given the site’s location within a Key District Centre and a Strategic Development Regeneration Area.
- The height and scale of the proposed development accords with the guidance for this location within a KDC as set out within the North Fringe LAP with a justification for the proposed building heights also provided under the criteria relating to SPPR 3 of the 2018 Urban Development and Building Height Guidelines included as part of the Material Contravention Statement / Statement of Consistency and Planning Report.
- The subject site is well served by public transport, with high frequency bus services running along Malahide Road, and a bus stop directly adjacent to the site boundary. The 2018 Apartment Guidelines and the 2018 Urban Development and Building Height Guidelines both prioritise the delivery of development at greater heights and densities at such locations.
- The Design Manual for Urban Roads and Streets (DMURS) prioritises the provision of buildings fronting onto streets, and the creation of a pedestrian and cycle friendly urban environment. DMURS also calls for an appropriate level of enclosure, which requires higher buildings on wider streets. The proposed development provides for an appropriate

proportional building height to the Malahide Road frontage. Malahide Road has a wide cross section and therefore a taller building frontage is called for within the subject site to provide for enclosure on this major route. We understand this will be replicated in the Belcamp Masterplan being prepared by DCC for the lands to the west.

- The 2018 Apartment Guidelines note that half of the homes within Ireland's cities must be provided within the existing urban envelope and support the provision of higher density apartment development at appropriate locations such as the subject site.
- The 2018 Building Height Guidelines call for increased building heights at appropriate locations. The reader is respectfully referred to the Material Contravention Statement / Statement of Consistency and Planning Report, where it is set out in detail how the subject site constitutes an appropriate location for a development of 8-10 storeys in height, in the context of SPPR3 and the site-specific criteria associated therewith.

The policy position summarised above, along with the more detailed analysis provided in the accompanying Statement of Consistency and Planning report clearly demonstrate that the prevailing planning policy demands dense, compact, and sustainable development on the subject site.

The delivery of development at 2/ 3 storeys in height (development couldn't be much higher if material daylight impacts were to be avoided on some rooms in the Clare Village Development) would not be desirable, viable, or appropriate on the subject site, as reflected in previous planning decisions summarised below.

Relevant Planning History

An Bord Pleanála previously overturned the decision of the Planning Authority to grant permission for a retail and nursing home development on the subject site (Reg. Ref.: 3584/16 & ABP Ref.: PL29N.248050 refers) for the following reason:

“Having regard to the location of the site in an area zoned Key District Centre, which is to be a strong spatial hub, providing sustainable city living and good urban place making, with a comprehensive range of commercial and community services and where there are specific requirements in relation to active frontages, height, density, permeability and connectivity as set out in the Dublin City Development Plan 2016- 2022 and the Clongriffin-Belmayne Local Area Plan 2012-2018, it is considered that the proposed development would be contrary to the objectives for this area, would be a barrier to their achievement, and would accordingly be contrary to the proper planning and sustainable development of the area.” (emphasis added)

The development now proposed on the subject site responds to the previous planning history pertaining to these lands, and to the previous reason for refusal set down by An Bord Pleanála as included above, which noted that a higher density and height would be appropriate on the subject site.

In assessing the previous proposal on the subject site, the Board's Inspector stated:

“The proposed development does not achieve either the required height or the density expected from this important Main Street location. The portion comprising the nursing home achieves the required height but it does not provide an active frontage. The remainder of the development is low rise, low density development and a large part of the frontage between the nursing home and the retail store is comprised of vehicular access and surface parking.” (emphasis added)

The Board's Inspector also noted that a further previous permission on the subject site (discussed below) which provided for heights of 6-8 storeys would have represented a better and more appropriate urban edge to Malahide Road.

Under Reg. Ref.: 1158/07 & ABP Reg. Ref.: PL 29N.223995 an earlier permission was granted on the subject site for a residential development which included building heights of 5 to 8 storeys.

The Board's Inspector concluded that the development would represent an appropriate use of the subject lands, would provide for a good standard of residential amenity, and would not have any significant impact on the amenity of adjoining properties. The Clare Village residential development to the east of the subject site, the impact on which the sunlight and daylight assessment is primarily concerned with, was in situ at the time of the granting of permission for the 8 storey development on the subject site, which would have stepped right up to the subject site's eastern boundary, as illustrated below.



Figure 4: Extract from visual impact assessment photomontage pertaining to the previous permission on the subject site under Reg. Ref. 1158/07, ABP Reg. Ref.: PL 29N.223995 – note the permitted development on the subject site stepped right to the site boundary

As noted in the accompanying sunlight and daylight report, that previously permitted development on the subject site would have had a similar level of impact on adjoining development in terms of sunlight and daylight – including providing a much lesser separation distance to the existing residential development. This provides a direct precedent on the subject site, whereby the Board have considered the imperative of providing development of a sufficient and appropriate density and height at this location, weighed this imperative against any likely impacts on surrounding amenity, and decided to grant permission.

It is respectfully submitted that this imperative holds true in the current context, and all the more so under the current planning policy context as referenced above, which calls for compact development at greater densities and heights on sites such as this which are well served by public transport, within an existing built up area, and located on major road which calls for a design response that provides for enclosure and interaction.

There are also relevant, proximate, and recent precedents in the immediate vicinity of the subject site, which support the contention that development on the subject site should achieve a compact urban form and sustainable density.

These include the SHD scheme which was recently subject to a grant of permission on the adjacent site to the north east (under Reg. Ref.: ABP-304196-19) consists of a development which rises to 9 storeys.

In assessing the daylight / sunlight impacts of the Clarehall SHD development the Board Inspector's assessment stated the following:

"11.5.3. The proposed development would have a significant effect on the natural light available to some of the adjoining apartments, as set out at page 13 of the daylight and sunlight analysis submitted with the application. In 13 instances the impact would reduce the vertical sky component to below the target in the BRE documents. In the worst case it would reduce the component to 14.2% from 32.5%. It is clear, therefore, that the proposed development will affect some of the neighbouring apartments. Whether this justifies refusing permission is a matter for the board to determine. My advice is that it would not. As stated above, the proposed development would provide a substantial amount of residential accommodation at an accessible location at a density and height that is in keeping with national policy. It would provide a good standard of residential amenity for its occupants and would make a positive contribution to the character of the area. The submitted design achieves a reasonable setback from existing apartments, with much of the proximity between the existing and proposed units arising from the lesser separation that was achieved from the site boundaries when the existing blocks were constructed. The proposed apartments are generally north of the existing ones, and so would have a lesser impact in terms of overshadowing. So while the proposed development would not meet all the requirements set out in the BRE guidance, it is considered that its impact in this regard should be balanced with the criteria set out at section 3.2 of the 2018 guidelines on building height. These are the wider planning objective to provide housing at accessible locations at a sustainable density and the local planning objective to improve the streetscape and character of the district centre at Clare Hall, as well to the local circumstance whereby apartments were previously constructed close to the boundary with a surface car park that was zoned for residential development. The impact of the proposed development on natural light available to adjoining properties would not preclude consideration of a grant of permission, therefore."

The Board considered the height and scale of that adjacent development as being appropriate, and that it was supported by the planning policy context – the Board proceeded to grant permission for the development, notwithstanding that the height of the development was considered a material contravention of the Dublin City Development Plan. The Board considered that the policies in the Urban Development and Building Height Guidelines (and in particular SPPR 3) warranted a higher building at this location and therefore authorised a material contravention in that instance pursuant to section 37(2)(b) of the 2000 Act.

A further relevant precedent is the development which was recently subject to a grant of permission under the SHD process at the former Chivers Factory Site, Coolock Drive, Coolock, Dublin 17 (c. 1.2 kilometres to the southwest of the subject site and located off the R107 Malahide Road). That development, under ABP Reg. Ref.: PL29N.304346, comprises of 495 BTR apartments, a creche, and associated development in a scheme up to 10 storeys in height, amended by conditions to a maximum height of 9 storeys. The Board granted permission for the development, notwithstanding that the heights were considered to breach the Development Plan height limits, on the basis of SPPR3 of the Building Height Guidelines.

These recent examples further serve to illustrate that locations such as the subject site are appropriately developed at a relatively high density and height, in accordance with the provisions of the relevant section 28 Guidelines.

On the basis of the planning history of the subject site itself, and the proximate precedents provided, it is submitted that the subject site calls for compact, higher density development, which will inevitably result in some impact in terms of sunlight and daylight on some rooms in the adjoining Clare Village development. On balance, this unavoidable impact is clearly justified in the interest of promoting an appropriate urban form and use of the subject site in accordance with the principles of proper planning and sustainable development.

Conclusion

The Board have called for further consideration and / or justification of the scheme as it relates to impacts on “*existing residential properties in the vicinity of the site and the daylight provision for the proposed apartments (including) inter alia the provision of a comprehensive daylight and sunlight analysis addressing the existing residential, in particular the inclusion of dual aspect units along the front, west of Clarehall Residential Village*”.

On the basis of the sunlight and daylight assessment submitted herewith and taking account of the strong policy support for development of this nature on the subject site, and the relevant planning history set out above, it is respectfully submitted that a robust justification has been provided for the scheme and that the Board should accordingly proceed to grant permission for the proposed development.

2.3 ABP Request for Submission of Specific Information

The Board’s Opinion set out requirements for further specific information to be provided by the applicant which included the following:

1. *Details of all materials proposed for buildings, open spaces, paved areas, boundary and retaining walls and a building lifecycle report in accordance with section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2018)*

Response

In response to the foregoing specific item of further information requested by the Board, the documentation now submitted as part of this final application includes details of materials for all relevant elements of the scheme, both for the buildings and for the landscaped areas and public open spaces within the development.

The elevation drawings prepared by JFA Architects provide a full key of materials and sample images of same, demonstrating the high-quality treatment that is proposed for the built elements of the scheme. The palette of materials proposed befits the contemporary architectural style of the proposal, while ensuring longevity, durability, and a high standard of finish.

The landscape masterplans prepared by Park Hood Landscape Architects likewise provides details of the proposed materials and finishes within the open space and circulation areas within the scheme. Landscape masterplans have been prepared for the ground floor level, podium gardens, and roof level of the proposed development, and each masterplan drawing includes a key, setting out the materials and finishes proposed. These drawings also provide full schedules of the species and varieties of planting to be introduced in the landscaped areas of the proposal.

The final application is also accompanied by a Building Lifecycle Report prepared by John Fleming Architects in accordance with the requirements of the 2018 Apartment Guidelines. The Guidelines state the following in relation to Building Lifecycle Reports:

“...planning applications for apartment development shall include a building lifecycle report which in turn includes an assessment of long term running and maintenance costs as they would apply on a per residential unit basis at the time of application, as well as demonstrating what measures have been specifically considered by the proposer to effectively manage and reduce costs for the benefit of residents.”

The Lifecycle Report submitted herewith responds directly to the requirements set out within the Guidelines. The first part of the report provides an assessment of the long term running and maintenance costs for the scheme on a per unit basis, while the second part of the report details the measures which have been taken to promote efficiency, reduce running costs and make the development more economical for future residents.

2. *Details of all areas designated for waste for both residential and commercial and the compliance with the minimum areas and recycling facilities in accordance with section 4.8 and 4.9 of the Sustainable Urban Housing: Design Standards for New Apartments (2018).*

Response

In accordance with the foregoing item of further information requested, the development as now submitted takes into account the requirements of sections 4.8 and 4.9 of the 2018 Apartment Guidelines, relating to waste storage and waste management.

Section 4.8 of the Guidelines states:

“Provision shall be made for the storage and collection of waste materials in apartment schemes. Refuse facilities shall be accessible to each apartment stair/ lift core and designed with regard to the projected level of waste generation and types and quantities of receptacles required. Within apartments, there should be adequate provision for the temporary storage of segregated materials prior to deposition in communal waste storage and in-sink macerators are discouraged as they place a burden on drainage systems.”

Section 4.9 of the Guidelines states the following:

“The following general design considerations should be taken into account in the provision of refuse storage facilities:

- *Sufficient communal storage area to satisfy the three-bin system for the collection of mixed dry recyclables, organic waste and residual waste;*
- *In larger apartment schemes, consideration should also be given to the provision of separate collection facilities for other recyclables such as glass and plastics;*
- *Waste storage areas must be adequately ventilated so as to minimise odours and potential nuisance from vermin/flies and taking account the avoidance of nuisance for habitable rooms nearby;*
- *Provision in the layout for sufficient access for waste collectors, proximity of, or ease of access to, waste storage areas from individual apartments, including access by disabled people;*

- *Waste storage areas should not present any safety risks to users and should be well-lit;*
- *Waste storage areas should not be on the public street and should not be visible to or accessible by the general public. Appropriate visual screening should be provided, particularly in the vicinity of apartment buildings;*
- *Waste storage areas in basement car parks should be avoided where possible, but where provided, must ensure adequate manoeuvring space for collection vehicles;*
- *The capacity for washing down waste storage areas, with wastewater discharging to the sewer.”*

Response

In response to this item of further information requested by the Board, it is confirmed that the proposed development provides for the waste storage and collection requirements outlined in the foregoing sections of the 2018 Apartment Guidelines.

The application is accompanied by a Waste Management Plan prepared by JOR Consulting Engineers which details the intended management of waste during the operational phase of the development.

The Waste Management Plan sets out the basis for the calculation of the waste storage areas within the proposed development and includes details in relation to the intended functioning of these areas.

A waste storage area of 60 sq.m is provided in the ground floor level of Building A within the scheme. This area is optimally located to allow for access from the nearby lift and stair core for the building and to allow for ease of access from the commercial units within the ground floor of the building.

Block B includes a centralised waste storage and waste compactor area which is located adjacent to the fire tender / refuse access route in the north of the site, this location can be internally accessed from all apartments. The use of a compactor system allows for a more efficient use of space within the waste storage area and reduces the number of trips necessary to collect the waste from the waste storage area.

The management company for the proposed development will manage the operation of the waste facilities during the operational stage of the development.

As set out within the accompanying waste management plan prepared by JOR, a requirement for a small additional waste management area adjacent to the commercial units in Block B was identified at a late stage in the design process – this would likely replace the motorcycle store located in that area of the ground floor level car park (with the motorcycle parking to be relocated). It is respectfully submitted that the Board could attach a condition to any grant of permission for the proposed development, requiring the submission of details of such an additional bin storage area, to be agreed with the Planning Authority prior to the commencement of development.

- 3. A detailed schedule of accommodation which indicates consistency with the relevant standards in the Sustainable Urban Housing: Design Standards for New Apartments (2018) including a report which addresses the use of the residential support facilities.*

Response

In response to this item, a detailed schedule of accommodation has been prepared by JFA Architects, which demonstrates the compliance of the residential units within the development with the quantitative standards set out within the 2018 Apartment Guidelines.

In relation to the use of the residential support facilities / tenant amenities, details of these are provided in the accompanying Build to Rent Management Plan, the Architectural Design Statement prepared by JFA and the Statement of Consistency and Planning Report prepared by John Spain Associates. The quantum of internal and external communal amenity space has been increased significantly from the pre-application submission, as discussed in further detail in the Statement of Consistency and Planning Report. Cumulatively, these documents serve to demonstrate that the proposed development includes a high standard of tenant amenities, with a range and level of provision which befits a scheme of this size.

- 4. Submission of a car parking strategy indicating the allocation for designated car parking spaces for retail, commercial and/or residential and all or any areas which are applicable for car club facilities and/or electric vehicle charging.*

Response

In response to this item of further information requested, the final application is accompanied by a Transportation report prepared by NRB Consulting Engineers. The Transportation report includes an appendix which provides a car parking allocation drawing of the ground floor of the proposed development. Parking for the creche and commercial units, and spaces for use by GoCar (car sharing company) are provided at this level. Six spaces are provided for the commercial units, with a further 6 spaces provided for the Creche. The parking on all other levels is solely intended for use by residents of the Build to Rent residential units and their visitors. 6 GoCar spaces are provided and a letter from GoCar is included within the Transportation report which provides assurance in relation to the intended uptake and operation of the car sharing / car club spaces within the scheme.

In relation to the provision of electric vehicle charging within the scheme, it is considered appropriate for the required number of spaces to be fitted with electrical charging points at operational stage would be based on demand. However, should the Board consider it appropriate, the applicant would accept a condition requiring that a given percentage of parking spaces within the scheme be provided with electric charging points, which can be easily accommodated within the internal car park areas.

- 5. A plan of the proposed open space within the site clearly delineating public, semi private and private spaces, area to be gated and hours of operation.*

Response

The final application documentation submitted herewith includes a detailed landscape layout plan for the proposed development, prepared by Park Hood Landscape Architects. The ground floor level layout plan delineates the areas of public, communal, and private open space, including the central open space which is to be gated but open to the public during daylight hours, with the

space being closed off, but still accessible to residents of the scheme, at night. The landscape design statement prepared by Park Hood and the Boundary Plan submitted as part of the Park Hood drawing pack detail the areas of public, communal, and private open space within the proposed development. The development provides for a significant planning gain by way of high-quality public realm and urban open space for the public to access, in addition to a strong provision of communal / private open space for use by residents in the scheme and their guests.

For details of the private open spaces associated with individual Built to Rent apartments within the scheme, please refer to the architectural floorplans and Housing Quality Assessment (HQA) prepared by JFA Architects, which set out the areas of the balconies / terraces.

Landscape layout plans are also submitted for the podium level communal gardens and the 7th and 8th floor terraces which will function as high quality communal open spaces for use by residents of the proposed development.

The application is also accompanied by a Design and Access Statement on the landscaping proposals, also prepared by Park Hood, which includes further details and a concise rationale for the landscape design and layout forming part of the scheme.

On the basis of the information submitted herewith as referenced above, it is concluded that the development will provide for access to areas of well-designed, active, and welcoming open space, including areas of quality public realm along site frontages, a central area which includes play features, and podium gardens and terraces above for use by residents of the scheme.

6. *Childcare demand analysis, including but not restricted to the size of the proposed creche, having regard to the existing childcare facility in Clarehall residential development, the likely demand and use for childcare places and the accommodation of additional requirement resulting from the proposed development.*

Response

In response to this item of further information requested, the Social and Community Audit report which accompanies this application includes a specific childcare demand analysis. The demand analysis confirms that the childcare facility included in the proposed development will provide sufficient capacity, particularly when taken in the context of the existing capacity in childcare facilities in the vicinity, and the existence of a childcare facility in the Clarehall development which is yet to become operational.

A detailed capacity assessment was undertaken of the childcare facilities within the vicinity of the subject site. While not all childcare facilities were contactable or willing to provide details of capacity and availability, the survey confirmed the existence of at least 56 available spaces in facilities which would be easily accessible from the subject site. When combined with the 198 sq.m childcare facility within the proposed development, which will provide spaces for c. 40 children, it is respectfully submitted that there will be sufficient capacity on hand to account for the increased demand for childcare spaces arising from the proposed development. The existence of the un-occupied facility in the adjacent scheme further supports this assertion and the provision of additional residential development in the area will help support the commercial viability of securing a creche operator for the premises.

7. Inclusion of a Social and Community Audit of the schools in the vicinity in particular school going children.

Response

In accordance with the foregoing item of the Board's Opinion, a Social and Community Audit report has been included in the documentation pack for the current application. The report prepared by John Spain Associates provides an assessment of the baseline demographic context of the area and ongoing trends in terms of population growth and population distribution. The report then goes on to provide a thorough assessment of social and community infrastructure in the area, with the information represented both spatially on maps and in tabular format. The results of the audit / survey undertaken illustrate the strong provision of facilities and amenities in the area of the proposed development, in particular a large number of primary and secondary schools which can cater for future demand arising from the proposed development, particularly the demographics of established residential communities to the east and west of Malahide Road. The report demonstrates that the area in which the development will be situated is well served by a range of healthcare facilities, community facilities, sports clubs, parks, and green spaces.

On this basis, it is concluded that the area has the capacity and infrastructure in place to support the proposed development.

8. Full details of all works to be provided along the boundaries of the site included both within the red line and outside and relevant consents to carry out works on lands not included within the red line boundary.

Response

The development includes works to be carried out on behalf of and with the consent of the Planning Authority, along the Malahide Road and Grove Lane frontage of the site as outlined below:

- Upgrading of footpaths along the site frontage as part of the scheme
- Widening and improvement of the existing pedestrian crossing on Malahide Road to Toucan Crossing (raised in RSA given the anticipated cycle demand)
- Changes to road markings / road signage at vehicular access locations
- Connections to water services

A letter of consent from Dublin City Council is submitted herewith which provides consent for the inclusion of these areas within the application site boundary which are in the ownership of the Planning Authority. These works are included within the red line site boundary on the accompanying architectural and associated application drawings.

In addition, for information purposes JFA Architects have included a Land Ownership Details map within their drawing pack which illustrates the following:

- The extent of land within the applicant's / owner's control, including the adjacent wayleave and car park adjacent to the First Stop Garage which will not be impacted upon by the proposed development.
- The area of Malahide Road and Grove Lane which is taken in charge and which the proposed development will be accessed from. Public realm improvements are proposed along the site boundary within the taken in charge areas.

- The adjacent lands in the ownership / control of Tesco Ireland Ltd, which includes the residential access road to the south east.

In respect to the residential access road to the south east, we would note that the scheme has evolved to provide for better interaction and surveillance of the road to the south east and the boundary treatment provides for potential future connections. The applicant contacted Tesco Ireland Ltd in relation to including such connections within the subject application, however, consent was not forthcoming. Therefore, until such time as the road is taken in charge it will not be possible for the applicant to make these connections

The final application is accompanied by a full suite of landscape architecture documentation, including a boundary plan, which has been prepared by Park Hood Landscape Architects. Park Hood drawing no. 6544-L-204B sets out details in relation to proposed boundary treatments and includes photographic examples / references of same. The eastern boundary of the site, which is bound by the existing private roadway, includes several sliding gates, which will be closed for the time being, but which allow for future pedestrian connectivity and permeability when the adjoining roadway is taken in charge by the Planning Authority.

9. *A site-specific management plan which includes details on management of the retail units, communal areas, public space, residential amenity and apartments.*

Response

In response to this item, a full management plan for the proposed development has been prepared and is submitted herewith. The management plan provides details of the management and intended use of the communal areas within the scheme, along with the public and residential amenity areas.

The development will be managed day to day by a full management team, with a reception and management office located at ground floor level. The concierge service will manage the booking and operation of the communal facilities / residential amenities within the scheme.

The management plan also provides details of proposals for cleaning, Wi-Fi provision, additional storage space, and transport proposals.

Further detail is also provided of the individual elements of resident's amenity and communal spaces proposed within the development, including the gym, reception area, meeting rooms, lounge area, and laundry facility.

In relation to the retail units, the management plan sets out that the exact use of these units will be determined on the occupation of same, as the application seeks permission for Class 1- Shop / Class 2- Office / Restaurant / Café use within these units.

These units will be let by the developer to appropriate occupiers, and the exact operation (including hours of operation) of these units will depend on the occupiers of the units. The inclusion of these active uses at ground floor level will enhance the amenity of the scheme for residents (who will benefit from immediate access to these units) and will create a lively streetscape along the frontages of the proposed development.

The commercial units will benefit from access to waste storage areas provided within the proposed development, and from access to car and cycle parking facilities. Both units allow for

easy access to adjacent visitor cycle parking and have frontages onto the upgraded public realm to be provided along Malahide Road.

Management and maintenance recommendations for all landscape related elements are included within the Management and maintenance report '6544 Malahide Road MM Plan' prepared by Park Hood Landscape Architects which is submitted herewith.

10. Additional CGIs / visualisations / 3D modelling showing the proposed development relative to existing and proposed development, in particular the inclusion of the proposed duplex units to the rear along the private road facing the Clarehall residential development.

Response

The current application is accompanied by an extensive suite of CGIs and photomontages which were prepared by 3D Design Bureau. This imagery allows for a thorough assessment of the effective integration of the scheme with existing development in the vicinity, including the duplex units to the rear of the scheme, which interact effectively with the adjacent private roadway and the existing Clarehall residential development opposite.

These duplex units serve an important purpose in the overall urban design intent of the proposed development, activating this frontage and ensuring that the scheme provides for activity, visual interest, and passive surveillance on all sides.

It is noted that the security company employed by the adjoining landowner to the east would not give permission for the gathering of baseline images for photomontages from the roadway to the east of the site – therefore the relationship of this side of the development with the adjoining Clarehall development is demonstrated by way of CGIs based on an accurate digital model of the scheme and adjoining development. The architectural drawings, in particular the site sections, further demonstrate the proposed relationship.

11. The information referred to in Article 299B(1)(b)(ii)(II) and Article 299B(1)(c) of the Planning and Development Regulations 2001-2018 should be submitted as a standalone document.

Response

Article 299B(1)(b)(ii)(II) states the following:

“(b) (i) The Board shall carry out a preliminary examination of, at the least, the nature, size or location of the development.

(ii) Where the Board concludes, based on such preliminary examination, that—

(I) there is no real likelihood of significant effects on the environment arising from the proposed development, it shall conclude that an EIA is not required,”

Article 299B(1)(c) states the following:

“The information referred to in paragraph (b)(ii)(II) may be accompanied by a description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid or

prevent what might otherwise have been significant adverse effects on the environment of the development.”

In response to this item, an EIA Screening Report is submitted herewith, which provides the information necessary to allow the Board to screen the proposed development for the requirement to undertake Environmental Impact Assessment. On the basis of the information submitted herewith, including specialist reports by a range of competent experts, it is submitted that the submission of an EIAR and the undertaking of EIA are not required in respect of the current development proposal.

12. Where the applicant considered that the proposed strategic housing development would materially contravene the relevant development plan or local area plan, other in relation to the zoning of land, a statement indicating the plan objective(s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section (37)(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292(1) of the Regulations of 2017, shall refer to any such statement in the prescribed format.

Response

The current application is accompanied by a Statement of Material Contravention, which provides a justification for the proposed building heights under s. 37(2)(b) of the 2000 Act. In the event that the Board considers that the proposed development constitutes a material contravention of the building height policy pertaining to the subject site as set out in the Development Plan and LAP (notwithstanding the justification provided under SPPR 3 of the 2018 Building Height Guidelines), the Board are respectfully referred to the contents of the Material Contravention Statement, which provides a rationale for the granting of permission for the proposed development, even where it is considered to constitute a material contravention.

3.0 CONCLUSION

In conclusion, it is respectfully submitted that all the issues raised by An Bord Pleanála have been comprehensively and successfully addressed prior to the submission of this final application to the Board.

The proposed development provides for a significant number of high-quality residential units across a range of sizes and tenures and within a scheme which takes in associated neighbourhood and residential facilities and open space. The scheme which effectively responds to the characteristics and constraints of the subject lands with a considered and site-specific design.

The proposal provides for good levels of permeability, high quality open space, and an active interface and streetscape along the boundaries of the site, all of which will foster a sense of place for the benefit of future residents, residents in surrounding areas, and visitors alike.