

Statement of Consistency

Proposed SHD – BUILD TO RENT

**Lands at the former TedCastles site
And DunLeary House (a Proposed
Protected Structure),
Old Dunleary Road,
Cumberland Street,
Dun Leary Hill,
Dun Laoghaire,
Co. Dublin.**

On behalf of

Ted Living Limited

November 2021



Planning & Development Consultants

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1 INTRODUCTION

We, Brock McClure Planning & Development Consultants, 63 York Road, Dún Laoghaire, Co. Dublin, have prepared this Statement of Consistency Report on behalf of Ted Living Limited, Riverside One, Sir John Rogerson's Quay, Dublin 2 for a proposed Strategic Housing Development (SHD) relating to a Build to Rent (BTR) residential development 146 residential units, associated residential tenant amenity facilities, works to DunLeary House for conversion as co-working office space, a retail unit and all associated elements include public realm provisions all at site of c. 0.55ha , on lands at the former Ted Castles site and DunLeary House (a proposed Protected Structure), Old Dunleary Road, Cumberland Street, Dun Leary Hill, Dun Laoghaire, Co. Dublin.

This Statement of Consistency is intended to identify compliance with relevant strategic planning policy documentation and is prepared to address Question 12 of the Strategic Housing Development Application Form. A Planning Report, which includes further details in respect of the site location and development description, also accompanies this application to An Bord Pleanala.

This report should be read as part of a wider suite of reports and we refer An Bord Pleanala to the Covering Letter enclosed herewith, which clearly sets out a schedule of documents enclosed with this application.

This Statement of Consistency is intended to outline consistency with guidelines issued under Section 28 of the Planning and Development Act (as amended) and the key policies, objectives and development management standards contained within the Dun Laoghaire Rathdown County Development Plan 2016-2022.

2 OVERVIEW

This section sets out the basis and structure for this report.

2.1 Ministerial Guidelines

The following ministerial guidelines are considered relevant to the current SHD proposal:

- 1. Sustainable Residential Development in Urban Areas (2009)**
 - a. Urban Design Manual - Best Practice Guidelines**
- 2. Guidelines for Planning Authorities on Childcare Facilities (2001)**
- 3. The Planning System and Flood Risk Management (2009)**
- 4. Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (2009)**
- 5. Sustainable Urban Housing - Design Standards for New Apartments (2020)**
- 6. Urban Development and Building Height Guidelines (2018)**

The subject site and proposal are examined in compliance with each of the documents in Section 3 of this Statement.

2.2 Statutory Planning Documents

The relevant statutory policy for consideration in this case is the Dun Laoghaire Rathdown County Development Plan 2016-2022. Compliance with this document is examined in Section 4 of this Statement.

It is also recognised that the Draft Dún Laoghaire Rathdown County Development Plan 2022-2028 has been published and is currently at public consultation for material amendments.

The applicant however recognises that the predominant context for the review of the scheme vis-à-vis the currently operational and formally adopted plan, that being the Dun Laoghaire Rathdown County Development Plan 2016-2022.

2.3 National Policy

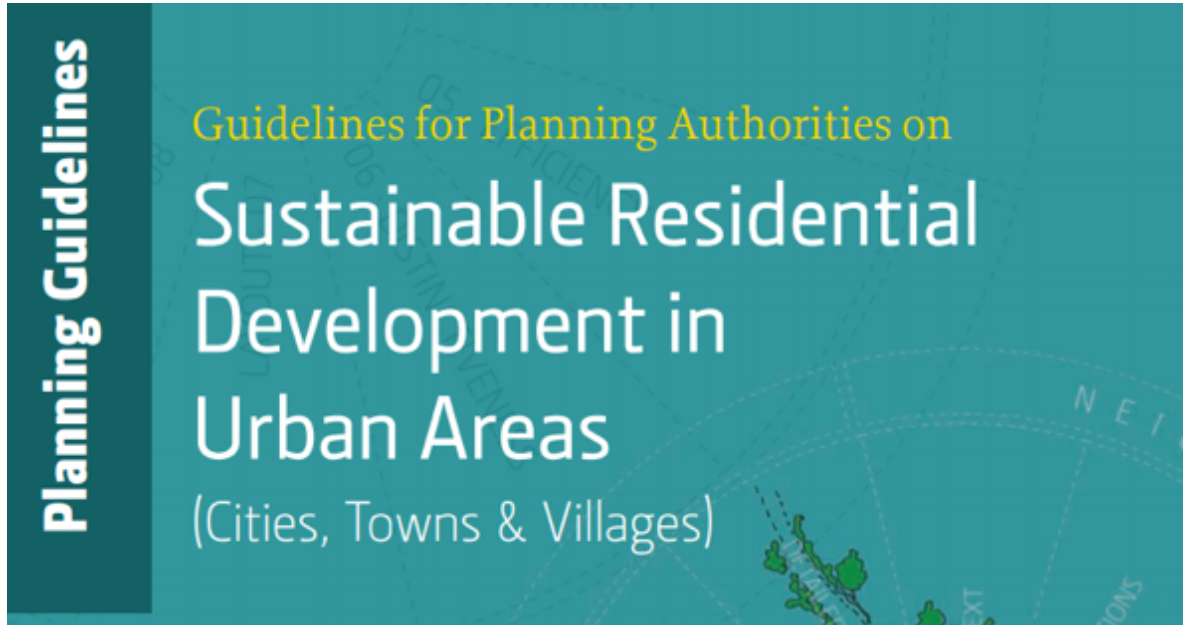
The sole purpose and intent of the Statement of Consistency is to set out the compliance of the scheme with Section 28 Ministerial Guidelines and the relevant Development Plan.

National Policy is addressed separately within the enclosed Planning Report prepared by Brock McClure Planning and Development Consultants, which is enclosed as part of this application to An Bord Pleanála.

3 MINISTERIAL GUIDELINES

Each of the relevant Section 28 ministerial guideline documents is considered herein vis a vis the current proposal and site under consideration.

3.1 Sustainable Residential Development in Urban Areas (2009) / Urban Design Manual (2009)



The role of these guidelines is to ensure the sustainable delivery of new development throughout the country. The Guidelines provide guidance on the core principles of urban design when creating places of high quality and distinct identity. The Guidelines are accompanied by an Urban Design Manual, which demonstrates how key principles can be applied in the design and layout of new residential development.

Chapter 5 of this document focuses on Cities and Larger Towns. This chapter defines larger town centres as towns with 5,000 or more people. The population in Dun Laoghaire easily falls within this category as it has a population of 19,840. Therefore, the proposed development should be considered by reference to the guidelines for Larger Towns.

We examine the contents of the Guidelines below as they relate to Larger Towns.

Design Safeguards

The key elements of design in the context of larger towns are as follows:

Acceptable Building Heights

- ⇒ Appropriate building heights are proposed within this development and these heights are in compliance with performance criteria set out under the national Building Height Guidelines. The Architecture Design Statement prepared by MOLA Architecture examines the context of the site and the design rationale behind the heights proposed.

Avoidance of Overlooking/Overshadowing

- ⇒ The proposal provides appropriate set backs from the site boundary to Clearwater Cove (an adjoining residential complex) and Dun Leary Hill.
- ⇒ The design of the scheme has ensured that there is no significant overshadowing to adjoining properties or internally within the scheme. An Bord Pleanála are referred to the enclosed Sunlight and Daylight Analysis report prepared by O Connor Sutton Cronin Consulting Engineers. The Daylight and Sunlight report concludes that:

Internal daylight within the proposed development

The analysis confirms that across the entire development excellent levels of internal daylight are achieved. The majority of apartments not only meet but greatly exceed the recommendations outlined within the BRE Guidelines and British Standard BS8206, achieving a 98.9 % compliance rate across the proposed apartments.

Sunlight to proposed development amenity spaces

In terms of sunlight access, excellent levels of sunlight are experienced across the proposed development. The communal amenity spaces and roof top terraces provided exceed the BRE guidelines for sunlight on the test day of 21st of March. Also, excellent levels of sunlight will be achieved during the summer.

Sunlight to windows within the proposed development

The annual probable sunlight hours assessment has shown that 46% of the windows across the development achieve the recommended APSH values stated in the BRE Guidelines, while 48% of windows achieve the recommended values during the winter months, when sunlight is more valuable.

Impact to surrounding properties

The Vertical Sky Component analysis has shown that the surrounding properties will perceive an impact due to the proposed development over the existing scenario, this is normal due to the comparison between an empty brownfield site and the construction of any new development higher than that. However, the Average Daylight Factor analysis shows that the adjacent properties will still achieve excellent levels of daylight in the majority of surrounding properties once the proposed development is built.

The annual probable sunlight hour (APSH) analysis has shown that the adjacent properties will still receive good levels of sunlight once the proposed development is constructed. Only two of the windows selected for analysis will perceive an impact on sunlight during the annual period. All selected windows meet the recommended APSH winter time values, when sunlight is more valuable. In relation to overshadowing, negligible impact will be perceivable to adjacent open spaces.

Provision of adequate public and private open space

- ⇒ The landscape design proposals prepared by Cameo & Partners Landscape Architects delivers generous and central communal open space areas with a permeable landscape layout, which will be accessible to all future residents.
- ⇒ All units have private open space in accordance with the national Guidelines.
- ⇒ The scheme includes significant and positive public realm works to improve traffic and pedestrian safety.

Internal Space in Apartments

- ⇒ All units meet or exceed requirements as set out in the national Guidelines

Suitable parking provision

- ⇒ the proposed car parking ratio of c.0.3 spaces per unit. The provision is appropriate having regard to:
 - its proximity to excellent public transport services (including 300m from the DART station at Salthill/Monkstown and 900m from Dun Laoghaire station as well as Dublin Bus stops)
 - the nature of the proposal as a Build to Rent scheme

- the current national policy mandate to reduce the level and provision of car parking at central and accessible urban locations (such as the subject site) as set out in the Apartment Guidelines (2020).

Provision of ancillary facilities including childcare

- ⇒ A retail unit, co-working office space and extensive residential amenity facility are delivered within the proposed development. These facilities are considered significant in their offer for both future residents and the wider community.
- ⇒ The residential tenant amenity facilities include a multi-functional atrium/reception facilities, gym facility, sky lounge and other residential amenity spaces throughout the scheme.
- ⇒ The retail unit has been designed to provide activity and animation on the Old DunLeary Road/Cumberland St corner, in conjunction with the public realm works.
- ⇒ The co-working office space is located in the modified DunLeary House, offering quality space for either residents in the scheme or the general public.
- ⇒ The mix of uses proposed: residential, retail and office comply with the Neighbourhood Centre zoning for the site.

Childcare

The Guidelines also reference the provision of childcare facilities for larger towns and note that the thresholds for provision of childcare facilities should be established having regard to the existing geographical distribution of childcare facilities and the emerging demographic profile of the area and also in consultation with local childcare committees and Planning Authorities.

The applicant has given significant consideration to this guidance and has considered the existing geographical distribution of childcare facilities and the emerging demographic profile of the area in detail. Current statistics have confirmed that the average household size in Dublin is steadily decreasing. In 2016, the average household size in Dublin (city and suburbs) was 2.73 persons per household. This is down from 2.99 in 1996 and 3.94 in 1971. The proportion of 1 and 2 person households within the Dublin suburban area is also increasing, up from 42.8% in 1996 to 50.8% in 2016.^a

We refer An Bord Pleanála to the Community Infrastructure Statement prepared by Brock McClure Planning and Development which is enclosed as part of the SHD Planning Application to An Bord Pleanála.

The Community Infrastructure Statement identifies that there is sufficient creche capacity within the existing facilities in the area to meet the needs arising from the proposed development.

Density

The proposed development aims to deliver an appropriate density and form of residential development on this underutilised brownfield site in close proximity to 2 no. DART stations and Dublin Bus stops.

The delivery of 146 units on a c. 0.5554 ha site (overall gross site area including public realm provision) provides a density of 263 units per ha. The net density, excluding the public realm works is 474 units per hectare, which is based on the immediate ownership site of 0.308ha.

This is an appropriate approach to development at this location given the surrounding site context and given the build to rent nature of the proposed development. The site context is considered a 'city and town centre site'. It is our considered view that there should be no upper limit to density for this site based on its location and type of accommodation delivered, subject to the following safeguards:

- Compliance with the policies and standards of communal and private open space adopted by development plans;
- Avoidance of undue adverse impact on the amenities of existing or future adjoining neighbours;

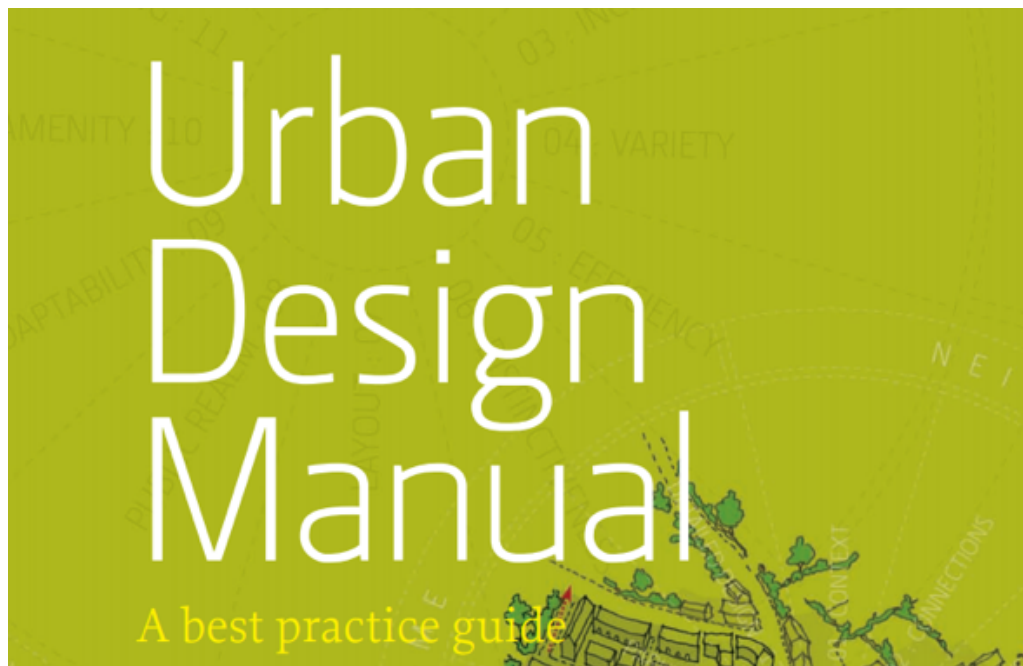
^a "Demographic Drivers & Changing Housing Demands in Dublin over the coming decade", Future Analytics, July 2021

- Good internal space standards of development;
- Conformity with any vision of the urban form of the town or city as expressed in development plans, particularly in relation to height or massing;
- Compliance with plot ratio and site coverage standards adopted in development plans.

In response to the above, An Bord Pleanála is referred to the following:

- The scheme meets the requirements of the apartment guidelines with regard to communal and private open space provision. Details of this provision are set out in the enclosed Housing Quality Assessment prepared by MOLA Architecture and Planning Report prepared by Brock McClure Planning and Development Consultants. A unit by unit schedule has been included in the Housing Quality Assessment prepared by MOLA Architecture.
- Careful attention has been given to respect existing levels of residential amenity on adjoining lands, including the residential developments at Clearwater Cove and De Vesci Apartments. As set out above, appropriate distances to boundary and heights (including set backs) are proposed at these locations.
- The Housing Quality Assessment enclosed herewith from MOLA Architecture sets out the internal spaces standards of the development, which comply with the requirements set out in the Apartment Guidelines 2020.
- This report sets out how the development presented to An Bord Pleanála conforms with the Building Height Guidelines (2018). We refer specifically to Section 3.6 of this report.

Urban Design Manual



For the purposes of this Statement of Consistency, compliance with the key requirements of the Urban Design Manual (the 12 no. Urban Design Manual criteria) are set out below. This Application is accompanied by an Architectural Design Statement, prepared by MOLA Architecture, which demonstrates how the proposed development has evolved in accordance with best practice in respect to urban design. The rationale behind the proposed design is set out in detail in the Architectural Design Statement.

12 NO. CRITERIA	APPLICANT'S PROPOSAL RESPONSE IN EACH CASE
<p>CONTEXT</p> <p>How does the development respond to its surroundings?</p>	<p>The urban design strategy for the development responds to the following:</p> <ul style="list-style-type: none"> • Completes the urban block by terminating the existing terrace at Clearwater cove along Old Dunleary Road. • Forms a strong edge and streetscape on Old Dunleary Road, Cumberland Street and Dunleary Hill. • Retains and incorporates DunLeary House and associated boundary which form part of the streetscape character • Creates an animated street scape with active frontage on all 3 sides with multiple own-door access and surveillance. • Reinforces the Urban Core of Dun Laoghaire and acts as a Gateway from the west. • The architectural language responds to the context of the surrounding buildings, in particular the Victorian terraces, and provides 3No. terraced building linked by the central circulation atrium. • Provides a variety and mix of uses at ground floor level ranging including residential own door units, café/retail/commercial unit, main entrance and the residential atrium. • Provides a landmark 'high profile' corner terminating distant views in accordance with the DunLaoghaire Urban Framework Plan. • Provides an enhanced public realm around its curtilage with wider footpaths, landscaping and improved traffic regime and traffic calming measures. • Provides a significant set back from the site boundary on Old Dunleary Road to improve sightlines and improve road traffic safety. • The scale, height and massing responds to its status within the Urban Core of Dun Laoghaire and surrounding buildings. • The massing and utilisation of roof terraces maximises its location and panoramic views overlooking Dublin Bay, Dun Laoghaire harbour and the Dublin mountains. • A central landscaped courtyard on the eastern boundary along the Clearwater cove car park ensures that overshadowing and overlooking is minimised to the adjoining apartments.
<p>CONNECTIONS</p> <p>How well is the new neighbourhood/site connected?</p>	<p>The design of the proposed development strengthens neighbourhood and site connections through the following:</p> <ul style="list-style-type: none"> • Provides significant safety and streetscape improvements for pedestrians through the introduction of pedestrian crossings across Old Dunleary Road for improved access to the DART. • Provides direct access to the Coastal Mobility cycle route • Provides a significant set back from the site boundary on Old Dunleary Road to improve sightlines and improve road traffic safety. • Creates a greatly improved and safer traffic junction between Old Dunleary Road and Cumberland Street through the introduction of a reconfigured signalled T- junction. The width of Cumberland Street has been narrowed to reduce traffic speeds and provide a 90 degree angle to Old Dunleary Road. • Creates wider and improved footpaths for pedestrians on all 3 public sides of the development site. • Provides a variety and mix of uses at ground floor level including residential own door units, retail unit, office space, main entrance and the residential atrium.

<p>INCLUSIVITY</p> <p>How easily can people use and access the development?</p>	<ul style="list-style-type: none"> • A key aspect in terms of the inclusivity of the scheme are the proposed residential amenity tenant facilities. These facilities are considered significant in their offer for future residents. • The central Atrium will provide a unique and collegiate central space for residents to circulate, meet and congregate. This is a distinctive feature of the building and marks it from other BTR schemes which generally have individual lift/stair cores that are unconnected. • The residential tenant amenity facilities are designed to address the needs of new tenants and comprise reception facilities, gym facilities and other associated residential spaces. These facilities are located throughout the proposed building. • In addition to the above, the proposals also provide for a retail unit and co-working office space which will add to the vibrancy of the proposed development. The applicant envisages that the aforementioned facilities will be available/open for public use. • The residential units and amenity areas are all centred and located around a communal top-lit atrium circulation space. This acts as the heart of the development and assists with orientation and accessibility within the development. • Many of the proposed apartments will have views over the sea and over landscaped areas within the proposed development including the landscaped terraces and the internal communal courtyard area. • The scheme provides for inviting communal landscaped spaces and avoids physical and visual barriers with attractive boundary treatments, passive surveillance and creation of vibrant streetscapes where the subject site has street frontage.
<p>VARIETY</p> <p>How does the development promote a good mix of activities?</p>	<p>The proposed development includes a variety of uses in compliance with the “Neighbourhood Centre” zoning including:</p> <ul style="list-style-type: none"> • Residential. • A wide range of ancillary tenant amenities and services. • A retail unit. • Co-working Office Space • The residential units comprise a variety of sizes and types with some having own door access to Cumberland Street, Dunleary Hill and from the central landscaped courtyard. • The tenant amenity spaces located within and off the central Atrium space comprise a variety of uses ranging from include gym facilities and multi-purpose recreational space/tenant amenity and services spaces. A large roof top sky lounge with terrace area provides a dramatic shared facility for all residents. • The corner retail unit at ground floor will have the benefit of landscaped public realm at the corner of Cumberland Street and Old Dun Leary Road.
<p>EFFICIENCY</p> <p>How does the development make appropriate use of resources including land?</p>	<p>The proposed development is an extremely efficient use of its land and resources through the following:</p> <ul style="list-style-type: none"> • The design strives to maximise the use of the site whilst providing an appropriate scale, massing and mix on the site. • The existing building on site is retained.

	<ul style="list-style-type: none"> • The design has maximised the topography of the site utilising the 2 storey difference in height between Old Dunleary Road and Dunleary Hill. • There is no need for a basement carpark as the slope of the site is utilised to have the carpark located at the level of Old Dunleary Road thus eliminating the need for ramps etc. • The 2 storey difference in height between Old Dunleary Road and Dunleary Hill has been utilised to locate plant, carparking, storage and other elements that do not require natural light. • The roof scape has been maximised to provide large out-door terraced areas for residents as well as providing water attenuation to reduce discharge. • The central atrium means that both lift and stair cores can be accessible to all residents. This means that lift access is interchangeable and is more flexible than traditional cores. • The central atrium will act as an environmental lung in the heart of the development and will assist with lighting and ventilation provision to circulation areas. • The design strives to achieve a highly efficient energy regime with numerous sustainable design measures incorporated by M&E engineers O'Connor Sutton Cronin Consulting Engineers.
<p>DISTINCTIVENESS</p> <p>How do the proposals create a sense of place?</p>	<ul style="list-style-type: none"> • The design intent from the outset of the project has been to create a sense of place and space built around high quality, high density development with well – defined, landscaped communal open spaces and the creation of active street frontages along the sites interface with Dun Leary Road, Cumberland Street and Dun Leary Hill. • The proposed development will deliver a strong presence whilst ensuring a sensitive approach along site boundaries, particularly where the subject site adjoins existing residential development to ensure an appropriate transition in scale. • The integration of DunLeary House into the scheme retains and enhances the streetscape character at the Cumberland St/DunLeary Hill corner. • An exceptional landscape plan has been prepared by Cameo & Partners Landscape Architects and the quality of the overall landscape masterplan coupled with the articulation of the built form by MOLA Architecture will ensure a quality proposal is delivered at this important underutilized brownfield site. • A distinctive sense of place will be created by the provision of extensive public realm improvements at the corner of Cumberland Street and Old Dun Leary Road and the provision of a wide range of residential amenity facilities, which will encourage social integration through the creation of a local sense of community. • The central Atrium will provide a unique and collegiate central space for residents to circulate, meet and congregate. This is a distinctive feature of the building and marks it from other BTR schemes which generally have individual lift/stair cores that are unconnected.
<p>LAYOUT</p> <p>How does the proposal create people-friendly streets and spaces?</p>	<p>There are extensive public realm proposals included as part of the proposed development including:</p> <ul style="list-style-type: none"> • A significant increased area and animated open space area in front of the proposed retail unit at the junction of Dun Leary Road and Cumberland Street – the landscaping proposal includes tree planting at this location • Integration of DunLeary House and boundary into the development retains existing streetscape character. This will ensure that a local context is designed into the scheme.

	<ul style="list-style-type: none"> • Signalisation of Old Dunleary Road and Cumberland Street junction to incorporate pedestrian crossing points on all arms. • Upgrading of footpaths in the immediate vicinity of the subject site (at Old Dunleary Road, Dun Leary Hill and Cumberland Street). • The creation of an internal courtyard area with extensive landscaping • The central Atrium will provide a unique and collegiate central space for residents to circulate, meet and congregate. This is a distinctive feature of the building and marks it from other BTR schemes which generally have individual lift/stair cores that are unconnected. <p>The large roof top terraces provide good communal spaces for residents to interact.</p>
<p>PUBLIC REALM</p> <p>How safe, secure and enjoyable are the public areas?</p>	<p>The communal areas (including the central courtyard area and terraces) within the proposed development are accessible to future tenants.</p> <p>The communal open spaces will have the benefit of passive surveillance from apartments within the scheme and this in addition to the proposed landscaping will foster the provision of safe secure usable spaces with the proposed development.</p> <p>The fact that there is no through traffic (vehicular) or surface car parking within the development will contribute to feeling of safety and security.</p> <p>Furthermore, all the majority of bicycle parking spaces and waste storage areas are located at level 00 are designed to be safe and secure.</p> <p>Key placemaking feature include:</p> <ul style="list-style-type: none"> • The creation of a sense of place and identity for future residents. • The provision of strong links and permeability along the perimeter of the site. • Integration between existing / adjoining developments and the new development. • The creation of a hierarchy of communal spaces and clearly defined circulation space within the proposed development. • The creation of multifunctional spaces, legible and clear pedestrian routes.
<p>ADAPTABILITY</p> <p>How will the buildings cope with change?</p>	<p>The proposed BTR scheme is considered appropriate for a broad mix of end users.</p> <p>The mix of apartment units proposed by the applicant has evolved as a direct response to detailed studies into the local demographic profile and the market.</p> <p>MOLA Architecture can confirm that all of the proposed apartments are sizeable and comply with Build to Rent Standards as set out in the Apartment Guidelines (2020).</p> <p>The quality of the proposed apartment units is considered exceptional to enable adaption over time depending on residential needs.</p> <p>The inclusion of a mix of apartment types will ensure that a variety in mix is delivered.</p> <p>Furthermore, MOLA Architecture and Cameo & Partners Landscape Architects have ensured by way of the proposed design that the proposed development is accessible – in this regard we refer to the Statement of Universal Accessibility which is included as part of the Architectural Design Statement.</p>
<p>PRIVACY AND AMENITY</p> <p>How do the buildings provide a high quality amenity?</p>	<p>All apartments will have a private open space area in the form of a balcony or via dedicated landscaped terraces.</p> <p>MOLA Architecture can confirm that these areas will comply and in the majority of cases exceed the standards contained within the apartment guidelines for standard apartment units, albeit the proposal is a BTR model, which allows for flexibility in delivering these higher standards.</p>

	<p>The proposed development delivered quality landscaped communal open space in accordance with the requirements of the Apartment Guidelines (2020)</p> <p>In addition to an extensive range of residential tenant amenity facilities, the proposed development provided for extensive public realm improvements.</p> <p>The residential amenities and services provided are considered key to the delivery of the Build to Rent concept.</p> <p>The residential units and amenity areas are all centred and located around a communal top-lit atrium circulation space. This acts as the heart of the development and assists with orientation and accessibility within the development.</p>
<p>PARKING</p> <p>How will parking be secure and attractive?</p>	<p>The majority of the proposed car parking spaces will be provided at level 00 and the applicant will ensure that the car parking facilities will be well maintained, safe and secure.</p> <p>In addition the majority of bicycle storage and motorcycle parking is delivered at level 00 in compliance with national guidance.</p> <p>8 no. on street car parking spaces will be provided on Cumberland Street. These spaces will be overlooked by the proposed reception area and the apartments that address the street.</p> <p>A small quantum of bicycle parking spaces will be provided outside of the proposed retail unit. These will be the subject of passive surveillance from the café.</p> <p>Sustainable modes of transport, such as cycling and walking are promoted within the proposed development.</p>
<p>DETAILED DESIGN</p> <p>How well thought through is the building and landscape design?</p>	<p>The design team have worked collaboratively in providing a comprehensive detailed design approach for the development incorporating the following:</p> <ul style="list-style-type: none"> • Cameo + Partners Landscape Architects have prepared a detailed landscape design proposal which maximise the public realm whilst also providing high quality amenity space for residents through the central courtyard and roof top terraces. • O'Connor Sutton Cronin Consulting Engineers for the development have ensured that good daylight and sunlight is provided to all apartment units, courtyard space and terraces. In addition through 3d Modelling they have also ensured that the massing of the proposed development does not negatively impact on the daylight and sunlight provision to the surrounding third party residents and neighbours. • DBFL Consulting Engineers have designed the roads and footpaths to provide a much improved public realm and traffic regime as discussed above. They have also reviewed the local drainage and service connections and have proposed sustainable design solutions in conjunction with the local authority.

Table 1 - Compliance with Urban Design Manual

The above table clearly outlines how the development proposal delivers on the key provisions of the Urban Design Manual. We submit to the Board that the current proposal is supportive of the objectives of the Sustainable Residential Development in Urban Areas (2009) / Urban Design Manual.

3.2 Guidelines for Planning Authorities on Childcare Facilities (2001)

The Childcare Guidelines provide a framework to guide both local authorities in preparing development plans and assessing applications for planning permission, and developers and childcare providers in

formulating development proposals. The Guidelines are intended to ensure a consistent approach throughout the country to the treatment of applications for planning permission for childcare facilities.

The Guidelines identify a number of appropriate locations for childcare facilities, which include the following:

- New Communities/Large Housing Developments
- The vicinity and concentrations of work places, such as industrial estates, business parks and any other locations where there are significant numbers working
- In the vicinity of schools
- Neighbourhood, District and Town Centres
- Adjacent to public transport corridors, park and ride facilities, pedestrian routes and dedicated cycle ways

The recommendation for new housing developments is the provision of 1 facility for every 75 dwellings. This will generally provide for 20 childcare spaces based on a requirement of 35 of such dwellings requiring childcare spaces. The guidelines state that 50% of units can be assumed to require childcare.

Applicant's Response

The nature of the Build to Rent development, together with the local demographic profile for the area and unit mix proposed yields a low childcare demand.

In considering the childcare requirements of the proposed development the wording of the Apartment Guidelines (2020) states that: *"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."*

In addition the Apartment Guidelines identify that *"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."*

As outlined above, the proposed scheme of 146 apartments is predominantly studio and 1 bedroom apartments (111 no.). There are 35 no. 2 bedroom units.

The following requirements are therefore identified:

- 50% of all 2 bed units proposed = $35/2 = 18$ units
- 18 units - 1 facility required for every 75 units = $18/75 = 0.24$
- childcare spaces required for every 75 units = $20 \times 0.24 = 5$ spaces are required to address the requirements of the proposed scheme.

Having regard to the above, it is considered that the childcare need requirements generated by the proposed Build to Rent scheme can be readily accommodated in the vicinity of the subject site.

A Community Infrastructure Statement is submitted as part of this SHD planning application to An Bord Pleanála. It identifies that there is sufficient creche capacity within the existing facilities in the area to meet the needs arising from the proposed development.

3.3 The Planning System and Flood Risk Management (2009)



The Planning System and Flood Risk Management Guidelines were published by the Minister for the Environment, Heritage & Local Government in November 2009 under Section 28 of the Planning & Development Act 2000 (as amended).

The purpose of the Guidelines is that Planning Authorities must implement the Guidelines in ensuring that where relevant, flood risk is a key consideration in the assessment of planning applications.

Applicant's Response:

An Bord Pleanála are referred to the enclosed Site Specific Flood Risk Assessment report prepared by DBFL Consulting Engineers, which concludes:

“This Site Specific Flood Risk Assessment for the proposed development at Ted Castles was undertaken in accordance with the requirements of the “Planning System and Flood Risk Management Guidelines for Planning Authorities”, November 2009.

The proposed development site is located within Flood Zone C and faces no risk from fluvial flooding as there are no EPA water courses in close proximity to the site. There is also no risk from tidal flooding as the lowest level on the site is 4.40m AOD and the 0.1% AEP water level reaches a maximum of 3.19m AOD.

A possible source of flood risk from the surcharging or blockage of the development's drainage system has been identified. This risk is mitigated by suitable design of the drainage network (as detailed in DBFL Infrastructure Design Report), regular maintenance and inspection of the network and establishment of exceedance overland flow routes.

The development's drainage design includes for a 10% climate change allowance. The proposed development will not increase run-off rate when compared with the existing site and satisfies the requirement of the SFRA to reduce flooding and improve water quality”.

3.4 **Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (2009)**

Appropriate Assessment of Plans and Projects in Ireland

Guidance for Planning Authorities

Under Article 6 (3) of the EU Habitat Directive and Regulation 30 of SI no. 94/1997 “European Communities (Natural Habitats) Regulations (1997)” any plan or project which has the potential to significantly impact on the integrity of a Natura 2000 site (i.e. SAC or SPA) must be subject to an Appropriate Assessment. This requirement is also detailed under in the Planning and Development Acts (2000 - 2010).

Applicant’s Response

This SHD planning application to An Bord Pleanála is accompanied by a Screening Report for Appropriate Assessment prepared by Openfield Ecological Consultants.

In the conclusion and Finding of No Significant Effects section of the report the following statement is set out:

“This project has been screened for AA under the appropriate methodology. It has found that significant effects are not likely to arise, either alone or in combination with other plans or projects to any SAC or SPA”

It is in considering the above, that we submit to the Bord that the current proposal is in compliance with the key objectives of the Bird Birds and Habitats Directive.

3.5 Design Standards for New Apartments (2020)



‘Sustainable Urban Housing: Design Standards for New Apartments 2020’ are intended to promote sustainable housing, by ensuring that the design and layout of new apartments provide satisfactory accommodation for a variety of household types and sizes, including families with children over the medium to long term.

The Apartment Guidelines have also introduced a new residential concept of Build to Rent, addressing for the first time the concept of shared accommodation, co-living and communal living, which enables new and exciting ways to meet the housing needs of key sectors of our society including a young and increasingly internationally mobile workforce, as well as older persons who want to live independently.

The application provides for 146 Build to Rent residential units, all associated residential amenities and support facilities, a retail unit and co-working office space and this Statement of Consistency sets out the compliance of the proposal with the SPPRs and other standards contained within the Guidelines relating to the residential component of the proposed development.

Build to Rent Specific Planning Policies

Specific Planning Policy Requirement 7 (a)

This SPPR relates to the referencing of Build to Rent Development in Public Notices/Planning Conditions.

“BTR development must be:

(a) Described in the public notices associated with a planning application specifically as a ‘Build-To-Rent’ housing development that unambiguously categorises the project (or part thereof) as a long-term rental housing scheme, to be accompanied by a proposed covenant or legal agreement further to which appropriate planning conditions may be attached to any grant of permission to ensure that the development remains as such. Such conditions include a requirement that the development remains owned and operated by an institutional entity and that this status will continue to apply for a minimum period of not less than 15 years and that similarly no individual residential units are sold or rented separately for that period;”

Applicant Response to SPPR7 (a)

We confirm that the SHD planning application material submitted herein sets out clearly that the application documentation relates to a ‘build to rent’ development.

Having regard to the specific wording of SPPR7 (a) it is noted that this relates specifically to the SHD planning application to An Bord Pleanala.

The applicant has complied with SPPR7 (a) and can confirm that the following is referenced and enclosed as part of this SHD planning application by:

- Ensuring that the **Build to Rent** nature of the development is clearly outlined in the enclosed public notices accompanying the SHD application to An Bord Pleanala.
- Enclosing a draft legal Section 47 covenant (presented by the applicant) as part of this full SHD planning application to An Bord Pleanala.

Specific Planning Policy Requirement 7 (b)

This SPPR relates to Residential Amenities within BTR development.

“A BTR development must be:

(b) Accompanied by detailed proposals for supporting communal and recreational amenities to be provided as part of the BTR development. These facilities to be categorised as:

(i) Resident Support Facilities - comprising of facilities related to the operation of the development for residents such as laundry facilities, concierge and management facilities, maintenance/repair services, waste management facilities, etc.

(ii) Resident Services and Amenities - comprising of facilities for communal recreational and other activities by residents including sports facilities, shared TV/lounge areas, work/study spaces, function rooms for use as private dining and kitchen facilities, etc.”

Applicant Response to SPPR7b

An Bord Pleanala are referred to the enclosed detailed floor plans and schedules of areas from MOLA Architecture, which set out the particulars of the residential tenant amenity facilities proposed.

In addition further details relating to the residential amenities are set out in the Architectural Design Statement prepared by MOLA Architecture.

This BTR proposal is an exceptionally well considered scheme, based on the models of international best practice (many of which the applicant has visited in order to inform the proposal). The future residents of the proposed development will have the benefit of access to excellent residential amenities facilities (summaries below) and immediate access to frequent public transport services at Salthill Monkstown DART station, Dun Laoghaire DART station and Dublin Bus stops in the vicinity of the subject site.

In terms of residential amenities and support facilities (as identified on the enclosed Architectural drawing prepared by MOLA Architecture) the proposals include residential services and amenities as well as residential support facilities the proposed development provides for a:

- gym,
- multi-functional atrium/reception amenity area,
- residential amenity areas,
- residential support facilities – including maintenance and laundry facilities
- sky lounge facility with external terrace.

All of the above are located centrally within the scheme. These facilities are considered significant in their offer for both future residents.

A central atrium will provide a unique and collegiate central space for residents to circulate, meet and congregate. The applicant considers that this is a distinctive feature of the proposed building and marks it from other BTR schemes which generally have individual lift/stair cores that are unconnected.

The residential tenant amenity facilities are designed to address the needs of new tenants. In addition to the above, the proposals also provide for a retail unit and co-working office space which will add to the vibrancy of the proposed development and the surrounding streetscape. The applicant envisages that the aforementioned facilities will be available/open for public use.

As noted in the Guidelines, (Section 4.6), communal facilities in such developments should be subject to negotiation and agreement with the developer and should not be imposed upon by the Planning Authority. The Guidance recognises that the provision of such facilities is likely to have significant implications for management and maintenance costs for future residents.

In addition to the above, we refer to the Building Life Cycle Report/ Estate and Common Area Strategy Report enclosed herewith from Aramark, which sets out the details of the operational management of the overall Build to Rent facilities.

Specific Planning Policy Requirement 8

This SPPR relates to BTR development standards.

“For proposals that qualify as specific BTR development, in accordance with SPPR8:

- (i) No restrictions on dwelling mix and all other requirements of these Guidelines shall apply, unless specified otherwise;***

Applicant Response to SPPR8 (i)

The applicant and design team note the specific wording of SPPR8 (i).

In response 146 units are proposed with Dwelling Mix as follows: 34 x Studio Units (23.3%), 77 x 1 Bedroom Units (52.7%), 35 x 2 Bedroom Units (24%)

The proposed dwelling mix is considered to comply with the exemptions for a build to rent model.

The mix delivered responds to local demographic trends in the area and specifically decreasing household sizes. Notably, the average household size in Dublin was 2.73 persons per household in 2016. This represents a decrease from 2.99 in 1996 and 3.94 in 1971. Furthermore, the proportion of adults living alone in Dublin has increased to 23.9% between 1996 and 2016^b.

Analysis confirms that the market requires smaller sized rental units and thus the current proposal is presented as a direct response to current and future market trends and demands.

- (ii) Flexibility shall apply in relation to the provision of the storage and private amenity space associated with individual units as set out in Appendix 1 and in relation to the provision of all the communal amenity space as set out in Appendix 1, on the basis of the provision of alternative, compensatory communal support facilities and amenities within the development. This shall be at the discretion of the planning authority. In all cases the obligation will be on the project proposer to demonstrate the overall quality of the facilities provided and the residents will enjoy and enhance overall standard of amenity;***

Applicant Response to SPPR8 (ii)

Full details of the Private Open Space, Communal Open Space and Storage provision is set out on the enclosed Housing Quality Assessment document prepared by MOLA Architecture.

The private open space and communal open space provision identified meets the requirements set out in the Apartment Guidelines.

Due to the predominantly north facing orientation of 16no. units (accounting for 11% of the scheme), it is proposed that the required private amenity space for these 16no. units will be allocated in the form of dedicated private communal terraces, additional to the terraces provided for all Residents. As the specific units overlook a significant amenity (Dun Laoghaire Harbour) it is prudent for environmental concerns (orientation / wind) that dedicated private communal terraces are a more appropriate design solution for these 11% of units. Refer to Schedule of Accommodation.

^b “Demographic Drivers & Changing Housing Demands in Dublin over the coming decade”, Future Analytics, July 2021

In addition please note that 10no. of these 16no.units are oversized thus providing additional amenity for the residents over and above the proposed communal amenity areas.

Having regard to the above the applicant notes that the Guidelines provide for flexibility in relation to the provision of private amenity spaces associated with individual units on the basis of the provision of alternative, compensatory communal support facilities. It is considered that the provision of an alternative to a balcony for specific north facing units and the allocation of a well designed, landscaped communal terrace area for these residences is an appropriate attractive alternative (which is supported by the Guidelines). Furthermore, the subject units will benefit from the exceptional amenity arising from direct views over Dun Laoghaire harbour.

- (iii) ***There shall be a default minimum or significantly reduced car parking provision on the basis of BTR development being more suitable for central locations and/or proximity to public transport services. The requirement for a BTR scheme to have a strong central management regime is intended to contribute to the capacity to establish and operate shared mobility measures;***

Applicant Response to SPPR8 (iii)

A car parking ratio of c.0.3 spaces per unit is proposed for this proposal, which is considered to align with the recommendations of the apartment guidelines; the proximity of the site to adjoining public transport nodes; the level of bicycle parking provided; and the BTR nature of the proposal.

An Bord Pleanála has permitted a number of developments located in key transport corridors with reduced car parking ratios proposed (refer to the table below). The BTR nature of these sites, the public transport offering, and the generous provision of cycle parking spaces provided within these developments has allowed for reduced car parking provision at these locations.

The applicant has taken a similar approach in the case of the former Ted Castles site. We refer An Bord Pleanála to the following examples of permitted car parking ratios for BTR development for comparison purposes.

ABP Ref no.	Location	County Council	Number of Units	Parking Provided	Parking Ratio
ABP- 303306-18	The junction of Belgard Road and Belgard Square North, Tallaght, Dublin 24	South Dublin County	438	129	0.25 per unit
ABP-303358-19	Swords Road and School House Lane, Santry, Dublin 9.	Dublin City Council	101	34	0.33 per unit
ABP-303435-19	Former Dulux Factory site, Davitt Road, D12	Dublin City Council	265	119	0.44 per unit
ABP-304383-19	Lands at Concorde Industrial Estate, Naas Road, Walkinstown, Dublin 12	Dublin City Council	492	244	0.42 per unit
ABP-308157-20	Marmalade Lane, Dundrum, Dublin 16	Dun Laoghaire Rathdown County Council	628	276	0.4
ABP- 304068-19	Roselawn and aberdour, Stillorgan Road, Foxrock, Dublin 18	Dun Laoghaire Rathdown County Council	142	91	0.6 per unit

Table 3 - Planning Precedent for Car Parking

It is evident from the above that permitted BTR developments are delivering between 0.25 spaces per unit and 0.6 spaces per unit. This is clear planning precedent and regard should be had to this in assessment of the application.

Furthermore, we note that the Apartment Guidelines define accessible locations as falling into 3 categories:

- ⇒ Central and/or Accessible Urban Locations
- ⇒ Intermediate Urban Locations
- ⇒ Peripheral and/or Less Accessible Urban Locations

The subject site at the former Ted Castles site can be identified as a Central and / or Accessible Urban Location in that its location can be categorised as being:

“Sites within reasonable walking distances (i.e. up to 10 minutes or 800-1000m) 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 10 minutes peak hour frequency) urban bus services”

For this category, the Guidelines state that the **default policy is for car parking to be minimised, substantially reduced or wholly eliminated in certain circumstances.**

It is in consideration of the above key points that the provision for c.0.3 spaces per unit is considered appropriate and relative to the site, its context and national guidance on provision.

We refer An Bord Pleanala to the enclosed Traffic and Transport Assessment from DBFL Consulting Engineers, which sets out a further and detailed justification for car parking provision.

- (iv) ***The requirement that the majority of all apartments in a proposed scheme exceed the minimum floor area standards by a minimum of 10% shall not apply to BTR schemes;***

Applicant Response to SPPR8 (iv)

The applicant notes the relaxation of this standard in relation to BTR proposals. Having regard to SPPR8(iv) the apartment sizes meet the standards set out in the Guidelines.

We refer An Bord Pleanala to the enclosed Housing Quality Assessment prepared by MOLA Architecture for further details of the areas of the proposed apartments.

- (v) ***The requirement for a maximum of 12 apartments per floor per core shall not apply to BTR schemes, subject to overall design quality and compliance with building regulations.”***

Applicant Response to SPPR8 (v)

The number of apartment units per core varies and aligns with the SPPR exemption for BTR apartments per floor per core.

An Bord Pleanala are referred to the floor plans enclosed prepared by MOLA Architecture for further details.

Other Specific Planning Policy Requirements

The other SPPRs considered relevant for consideration in this case are set out below and are followed with a compliance response for the current proposal.

Specific Planning Policy Requirement 4

“In relation to the minimum number of dual aspect apartments that may be provided in any single apartment scheme, the following shall apply:

(i) A minimum of 33% of dual aspect units will be required in more central and accessible urban locations, where it is necessary to achieve a quality design in response to the subject site characteristics and ensure good street frontage where appropriate.

(ii) In suburban or intermediate locations it is an objective that there shall generally be a minimum of 50% dual aspect apartments in a single scheme.

(iii) For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, planning authorities may exercise further discretion to consider dual aspect unit provision at a level lower than the 33% minimum outlined above on a case-by-case basis, but subject to the achievement of overall high design quality in other aspects.”

Applicant Response to SPPR4

The policy requirements set out by SPPR4 are intended for Build to Sell apartment developments rather than Build to Rent apartment developments.

The former Ted Castles site is defined as a central and accessible location on the basis of its location adjacent to an existing public transport services (namely the DART and Dublin bus routes) and so the 33% dual aspect requirement is an appropriate benchmark for this site, notwithstanding the exemption to these standards for Build to Rent development. The subject scheme delivers c.44.5% dual aspect units (65 of 146 residential units). The dual aspect units are clearly marked in the Housing Quality Assessment prepared by MOLA Architects and have been further assessed by KPMG Future Analytics.

Specific Planning Policy Requirements 5

“Ground level apartment floor to ceiling heights shall be a minimum of 2.7m and shall be increased in certain circumstances, particularly where necessary to facilitate a future change of use to a commercial use. For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, planning authorities may exercise discretion on a case-by-case basis, subject to overall design quality.”

Applicant Response to SPPR5

MOLA Architecture can confirm (as set out in the Architectural Design Statement) that the ground floor of the proposed development provides floor to ceiling heights which range from 2.7m to 3.0m. This complies with SPPR5.

Further details are set out in the enclosed Architectural Design Statement prepared by MOLA Architecture.

Specific Planning Policy Requirements 6

“A maximum of 12 apartments per floor per core may be provided in apartment schemes. This maximum provision may be increased for building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, subject to overall design quality and compliance with building regulations.”

Applicant Response to SPPR6

SPPR 8 (v) is the predominant policy on the number of apartments per core relating to Build to Sell schemes.

SPPR6 does not apply to Build to Rent proposals (such as this SHD planning application).

SPPR6 is superseded by **SPPR8 (v)** which states:

“The requirement for a maximum of 12 apartments per floor per core shall not apply to BTR schemes, subject to overall design quality and compliance with building regulations”

For clarity the applicant’s response to SPPR8(v) is set out on page 21.

Part V

The Apartment Guidelines set out that Part V requirements under the Planning Act (as amended) apply to Build to Rent developments. It is set out that the particular circumstances of a Build to Rent project may mitigate against the putting forward of acquisition or transfer of units and land options outlined above and the leasing option may be more practicable in such developments.

The Guidelines recommend that Build to Rent project promoters engage closely with the planning authority in coming to a mutual agreement on the best way to discharge their Part V obligations, before lodging any planning application.

Applicant’s Response

For the purposes of delivering on Part V obligations, without prejudice to future Part V discussions and agreement, the applicant can confirm that the initial proposals for the provision of 15 no. units onsite have been discussed with Dun Laoghaire Rathdown County Council.

The indicative Part V proposals in this case are provided in the form of studios, 1 bed and 2 bed apartments.

Part V drawing and the associated Part V schedule prepared by MOLA Architects are enclosed within the Architectural Design Statement for the benefit of An Bord Pleanala.

The applicant can confirm the inclusion of the following to address validation requirements for this pre-planning submission to An Bord Pleanala:

- Location of the Units
- Floor Plans
- Elevations
- Schedule of Accommodation
- Detailed Costings set out by the applicant

A Part V letter from the Housing Department, Dun Laoghaire Rathdown County Council dated 16 August 2021 is enclosed as part of this SHD planning application to An Bord Pleanala.

Childcare Facilities

The apartment guidelines require the provision of one childcare facility for every 75 dwelling units, subject to the proposed development mix and existing local childcare facilities.

It is also stated that *“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.”*

In addition to this it clarifies that *“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.”*

Applicant’s Response

The Childcare Guidelines (2001) recommendation for new housing developments is the provision of 1 facility providing for a minimum 20 childcare places per approximately 75 dwellings. The relevant guidelines state that if it’s assumed 50% of units will require childcare in a new housing area of 75 dwellings, approximately 35 will need crèche provision. However, one bedroomed units are not

considered to contribute to the childcare provision under the new apartments guidelines. This may also apply in part to the provision of 2 bedroom units.

The proposed development is comprised of 146 build to rent units. **Studio units and one bedroom units are not considered to contribute to the childcare provision under the Apartment Guidelines.** In addition, it is suggested in the Apartment Guidelines that some 2 and 3 bedroom units will not require childcare.

The overall development mix is as follows:

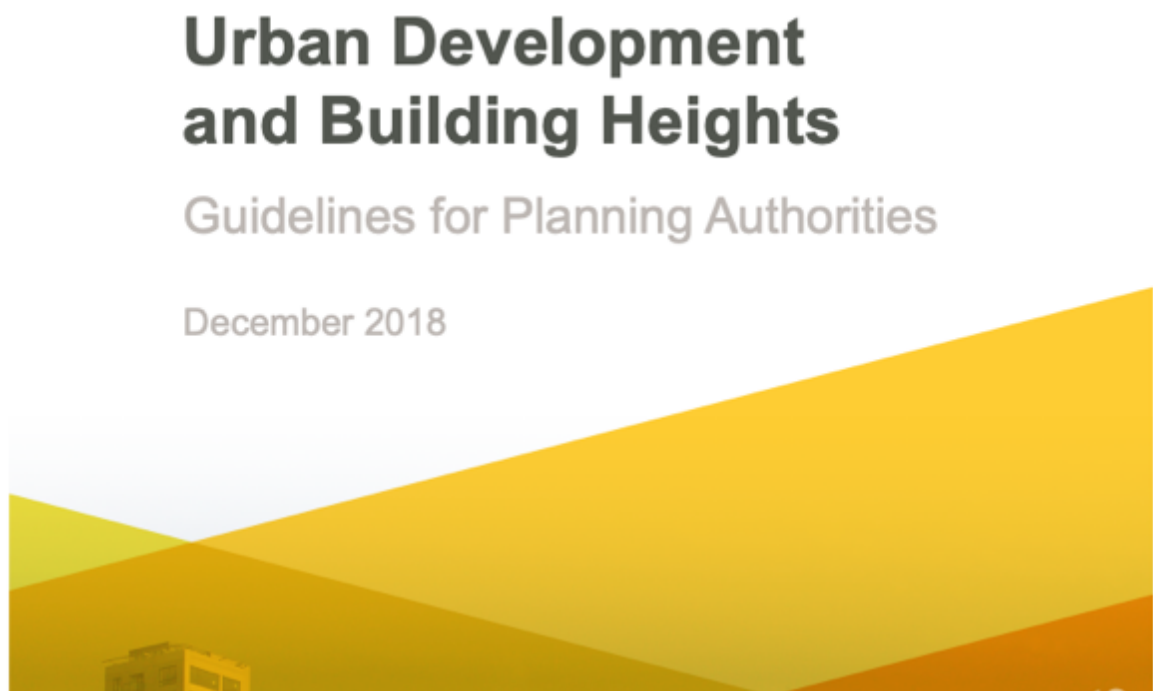
- 34x Studio Units (23.3%)
- 77 x 1 Bedroom Units (52.7%)
- 35 x 2 Bedroom Units (24%)

It is submitted that the nature of the Build to Rent development will not require significant childcare demand given the number of studio and 1 bed units proposed (111 units in combination) and the small quantum of 2 bed units delivered. The following requirements are therefore identified:

- 50% of all 2 bed units proposed = $35/2 = 18$ units
- 18 units - 1 facility required for every 75 units = $18/75 = 0.24$
- childcare spaces required for every 75 units = $20 \times 0.24 = 5$ spaces are required to address the requirements of the proposed scheme.

A Community Infrastructure Statement is submitted as part of this SHD planning application to An Bord Pleanála. It identifies that there is sufficient creche capacity within the existing facilities in the area to meet the needs arising from the proposed development.

3.6 Urban Development and Building Height Guidelines (2018)



The 'Urban Development and Building Heights, Guidelines for Planning Authorities (2018)' which were issued in December 2018 under Section 28 of the 2000 Act set out national planning policy guidelines on building heights in relation to urban areas. These guidelines post-date the adoption of the Dún Laoghaire Rathdown County Development Plan 2016-2022.

Under section 3.1 of the Guidelines, three following broad principles or criteria must be applied in considering development proposals for buildings taller than prevailing building heights in urban areas in pursuit of these guidelines:

- *Does the proposal positively assist in securing National Planning Framework objectives of focusing development in key urban centres and in particular, fulfilling targets related to brownfield, infill development and in particular, effectively supporting the National Strategic Objective to deliver compact growth in our urban centres?*

As set out in Section 3.2.1 above, the proposal secures the relevant objectives of the National Planning Framework. The location of the proposed development is on a brownfield infill site and is considered a unique opportunity for the delivery of strategic housing and the delivery of compact growth in accordance with national strategic planning policy.

- *Is the proposal in line with the requirements of the development plan in force and which plan has taken clear account of the requirements set out in Chapter 2 of these guidelines?*
- The Statement of Consistency enclosed herewith has also set out how the current proposal complies with the provisions of the Dún Laoghaire Rathdown County Development Plan 2016-2022. Whilst, the Development Plan is currently the subject of a review process, the plan has not yet been formally adopted or amended with a view to implementing the requirements of Chapter 2 of the Building Height Guidelines.
- *Where the relevant development plan or local area plan pre-dates these guidelines, can it be demonstrated that implementation of the pre-existing policies and objectives of the relevant plan or planning scheme does not align with and support the objectives and policies of the National Planning Framework?*

With regard to existing policies and objectives of the Dún Laoghaire Rathdown County Development Plan 2016-2022, there is a clear misalignment with the National Planning Framework with to height. We note specifically that the National Planning Framework provides for an increased residential density in settlements through a range of measures including increased building heights. National Policy Objective 35 refers. Development Plan policy and objectives on height by comparison are restrictive in that there are particular locations earmarked for building height and blanket limits are set for all other areas unless a set of exceptional circumstances in the form of upward and downward modifiers are met.

Notwithstanding the above, SPPRs (as stated in the Building Heights Guidelines) take precedence over policies and objectives of development plans and local areas plans. Where such conflicts arise, Section 9(3)(b) of the 2016 Act, as amended, provides that to the extent that they differ from the provisions of the Development Plan or Local Area Plans, the provisions of SPPRs must be applied instead. Section 9(3) provides:

“(3)(a) When making its decision in relation to an application under this section, the Board shall apply, where relevant, specific planning policy requirements of guidelines issued by the Minister under section 28 of the Act of 2000.

(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.

(c) In this subsection “specific planning policy requirements” means such policy requirements identified in guidelines issued by the Minister to support the consistent application of Government or national policy and principles by planning authorities, including the Board, in securing overall proper planning and sustainable development.”

In addition section 1.14 of the Guidelines published, reflecting the statutory position as set out below, states:

*“Accordingly, where SPPRs are stated in this document, **they take precedence over any conflicting, policies and objectives of development plans**, local area plans and strategic development zone planning schemes. Where such conflicts arise, such plans/ schemes need to be amended by the*

relevant planning authority to reflect the content and requirements of these guidelines and properly inform the public of the relevant SPPR requirements.”

Specific Planning Policy Requirements

The following SPPRs are considered particularly relevant to the current site context and compliance of the current scheme with same should be considered in assessment of building heights proposed.

SPPR 3A of the Urban Development and Building Heights Guidelines 2018 requires applicants for planning permission to set out how the proposal complies with the “*criteria above*”. This refers to the Development Management criteria at Section 3.2 of the Guidelines, which are discussed below.

If the Board is satisfied that the criteria under section 3.2 have been met, it “*may approve such a development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise*”. The paragraph introducing SPPR 3 itself is set out below for ease of reference, following which, each of the criteria (denoted by italics) are considered in turn:

“Where the relevant planning authority or An Bord Pleanála considers that such criteria are appropriately incorporated into development proposals, the relevant authority shall apply the following Strategic Planning Policy Requirement under Section 28 (1C) of the Planning and Development Act 2000 (as amended).

SPPR 3 (A)

“It is a specific planning policy requirement that where;

(A) 1. an applicant for planning permission sets out how a development proposal complies with the criteria above; and 2. the assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines; then the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise.”

The performance of the proposal vis a vis the building height criteria is further assessed below in sub-section ‘Development Management Criteria’. The consistency of the proposal with the National Planning Framework has been considered above.

Development Management Criteria

The Guidelines clearly set out that in the event of making a planning application, the applicant shall demonstrate to the satisfaction of the Planning Authority/An Bord Pleanála, that the proposed development satisfies a number of criteria. The relevant criteria are set out in bold below, followed by the applicant’s response:

At the scale of the relevant city/town:

- ***“The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport.***

The site is well served by public transport being located 300m from the Salthill/Monkstown DART Station and 900m from Dún Laoghaire DART Station. It is located on the Coastal Mobility Cycle Route which provides a safe dedicated route for cyclists between Dún Laoghaire and Blackrock. There are high frequency bus stops (namely bus no. 7, 46A and 111) located proximate to the subject site.

Development proposals incorporating increased building height, including proposals within architecturally sensitive areas, should successfully integrate into/ enhance the character and public realm of the area, having regard to topography, its cultural context, setting of key landmarks, protection of key views. Such development proposals shall undertake a landscape and visual assessment, by a suitably qualified practitioner such as a chartered landscape architect.

A Landscape and Visual Impact Appraisal and a Report on the Architectural/Historic Significance of Dun Leary House and observations on the Potential Impact of the Proposed Works are enclosed as part of this SHD planning application.

Careful consideration has been given to the successful integration of the proposed scheme into the existing character and topography of the site and area. We note the LVIA commentary as follows:

The design of the proposed development aims to provide a high-quality build-to-rent development with interface elements at ground floor level which provide an active frontage at the Old Dunleary Road/Cumberland Street junction, which will be complimentary to the commercial elements across the road. The scale of the proposed development overall is also broadly in keeping with the adjacent residential developments along the seafront. This, and its proposed lighter-toned finishes, offer continuity and harmony to the full complement of seafront buildings along this part of the town, as evidenced by the views looking back from the harbour area. The subject site is eminently suitable for such development, however in addition, the proposed design will provide a gateway to the town, of appropriate scale and of significant architectural quality.

The proposed scale, height and massing presented by MOLA Architecture responds to its status within the Urban Core of Dun Laoghaire and surrounding buildings.

An exceptional landscape plan has been prepared by Cameo & Partners Landscape Architects and the quality of the overall landscape masterplan coupled with the articulation of the built form by MOLA Architecture will ensure a quality proposal is delivered at this important underutilized brownfield site.

A distinctive sense of place will be created by the provision of extensive public realm improvements and the provision of a wide range of residential amenity facilities, which will encourage social integration through the creation of a local sense of community. The central Atrium will provide a unique and collegiate central space for residents to circulate, meet and congregate.

- ***On larger urban redevelopment sites, proposed developments should make a positive contribution to place-making, incorporating new streets and public spaces, using massing and height to achieve the required densities but with sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape."***

The proposed development is considered to make a positive contribution in terms of place-making through the provision of new public realm spaces, pedestrian and traffic safety improvements and the integration of DunLeary House and boundary into the scheme.

The proposed scheme presents in a series of new residential blocks which are focused on placemaking. The architectural language responds to the context of the surrounding buildings, in particular the Victorian terraces, and provides 3No. terraced building linked by the central circulation atrium.

The integration of DunLeary House and associated boundary into the scheme retains the original streetscape character and cultural context.

The proposed development will deliver a strong presence whilst ensuring a sensitive approach along site boundaries, particularly where the subject site adjoins existing residential development to ensure an appropriate transition in scale.

At the scale of district/ neighbourhood/ street:

- ***"The proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape.***

The proposal responds to the natural and built environment for the reasons set out under the response to 'at the scale of the relevant city/town' above. Careful consideration has been given to the proposal in regard to how it addresses the existing surrounding development and local topography.

Appropriate use of materials and fenestrations details and a coherent site height strategy are proposed by MOLA Architecture to deliver appropriate massing and scale

- ***The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials / building fabric well considered.***

MOLA Architecture has ensured that long, uninterrupted walls are avoided and appropriate fenestration is delivered on all proposed elevations. The proposal will provide a vibrant urban edge and a focal point at the prominent corner of Old Dunleary Road and Cumberland Street thereby significantly improving the legibility of the area. The proposal provides for a mix of uses (retail, office, residential and residential amenity) appropriate to the Neighbourhood Centre zoning on the subject site as well as providing a range of dwelling typologies.



- ***The proposal enhances the urban design context for public spaces and key thoroughfares and inland waterway/ marine frontage, thereby enabling additional height in development form to be favourably considered in terms of enhancing a sense of scale and enclosure while being in line with the requirements of “The Planning System and Flood Risk Management – Guidelines for Planning Authorities” (2009).***

As set out above, the proposal offers significant enhancement to the local public realm by way of new public realm spaces, pedestrian and traffic safety improvements and the integration of DunLeary House and boundary into the scheme, new retail unit and office space providing activity and animation at key corners.

There is no inland waterway or marine frontage within the current proposal. We can confirm that DBFL Consulting Engineers have completed a Flood Risk Assessment Report, which confirms that there will be no inappropriate flood risk as a result of the proposal.

- ***The proposal makes a positive contribution to the improvement of legibility through the site or wider urban area within which the development is situated and integrates in a cohesive manner.***

Legibility and integration are delivered by way of a comprehensive landscape plan. Extensive public realm improvements will in combination with the proposed quality Architecture contribute to the creation of a distinctive development at this location.



The proposal positively contributes to the mix of uses and/ or building/ dwelling typologies available in the neighbourhood.”

An appropriate mix of units types and sizes are incorporated into the development proposal. As set out previously in this document, the applicant has undertaken significant research into the local demographic profile and the mix delivered is a direct reflective of current and future forecast market demands.

The retail unit proposed on the main corner along Old DunLeary Road will add animation and benefit directly from the public realm upgrades with increased pedestrian space and landscaping.

The incorporation of DunLeary House into the scheme retains the established character of the local landmark and provides a viable use in the form of coworking office space that will be an attractive option to residents within the scheme and in the wider locality. The office space will be centrally managed and will be available to the general public.

At the scale of the site/building:

- ***“The form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light.***

The application is accompanied by a Daylight and Sunlight Analysis prepared by O Connor Sutton Cronin Consulting Engineers, which confirms that there are excellent levels of access to natural daylight and that there is no significant impact in terms of overshadowing.

As set out earlier in this report, the design of the scheme has ensured that there is no significant overshadowing to adjoining properties or internally within the scheme.

- ***Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment’s ‘Site Layout Planning for Daylight and Sunlight’ (2nd edition) or BS 8206-2: 2008 – ‘Lighting for Buildings - Part 2: Code of Practice for Daylighting’.***

The Daylight and Sunlight Analysis submitted herewith has regard to the provisions of the ‘Building Research Establishment’s ‘Site Layout Planning for Daylight and Sunlight’ (2nd edition) or BS 8206-2: 2008 – ‘Lighting for Buildings - Part 2: Code of Practice for Daylighting’.

- ***Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design***

solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution.”

It is evident from the enclosed assessment that the scheme performs very highly in relation to the relevant benchmarks for sunlight/daylight/shadow impact. There is a 98.9% compliance rate for daylight to the proposed apartments, using an ADF benchmark of 2% for living/kitchen spaces. Of the 291 rooms that comprise the development, only 3 fall slightly short of the BRE Guidelines and BS 8206 recommendations, therefore a 98.9% compliance rate is achieved across the development.

In order to demonstrate that excellent levels of daylight are achieved in those units falling slightly short of compliance, OCSC provide the following image (on page 29 of the Assessment) which illustrates the ADF levels being achieved throughout the ‘worst case’ living room/kitchen located in Level 01. OCSC note that daylight levels are excellent within close proximity to the external wall and begin to drop off as you move towards the kitchen area which are typically located to the rear of the open space. It must be noted that the apartments within the Ted Castles development contain a kitchen which is designed to be used mainly for food preparation rather than occupants spending a long time sitting in the kitchen area. Instead, occupants are expected to spend most of their time in the living room area, where daylight penetration will be more appreciated. Therefore, it can be stated that even though some rooms fall slightly short of the compliance target set, they will still receive excellent levels of daylight within the zone closest to the external wall, where sitting areas are located and where occupants are expected to spend the majority of their time.

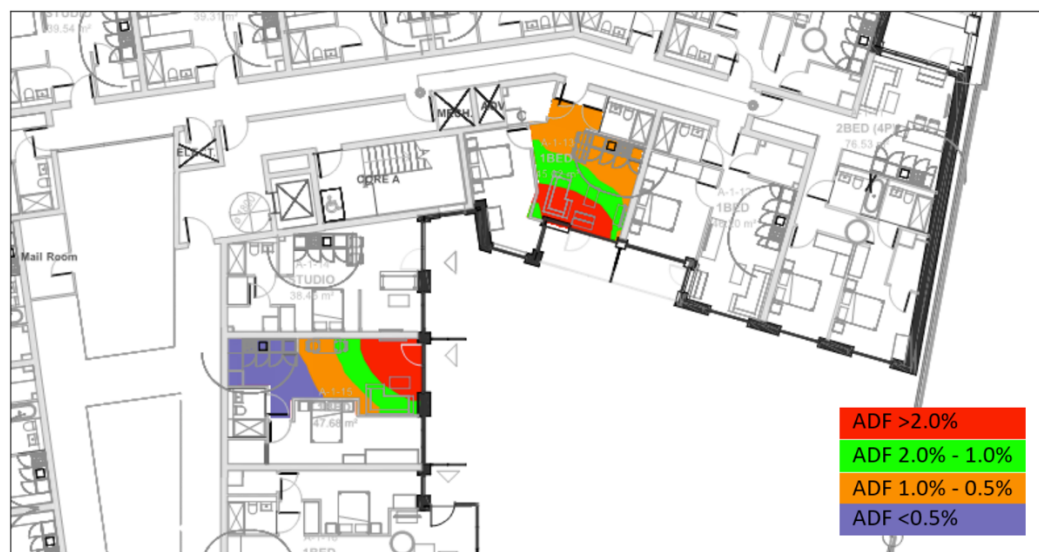


Figure 14 – Level 01 – ‘Worst Case’ Living/ Kitchen Rooms – Assessment with ADF Contours

In line with the above objective, the proposed development seeks to balance ADF compliance with quality urban design, regeneration of a brownfield site and the provision of new streetscapes. The proposed development seeks to deliver a high quality living environment through the provision of a high quality courtyard and roof top terraces, which residents can enjoy immediately adjacent to their homes. Additionally, the proposed development provides quality external private open space to all residential units, ensuring maximum opportunities to enjoy their residential living environment.

There is a notable planning gain associated with the proposed development – a long underutilised centrally located urban site is being developed to provide much need new homes and active commercial uses, an existing building is being regenerated to provide new co-working

space for the general public to avail of and 3 new vibrant streetscapes are being provided. The scheme will positively contribute to the immediate area and we trust the Board will grant permission on this basis.

Specific Assessments

The guidelines set out that in order to support proposals at some or all of these scales, specific assessments may be required, and these may include:

- ***“Specific impact assessment of the micro-climatic effects such as down-draft. Such assessments shall include measures to avoid/ mitigate such micro-climatic effects and, where appropriate, shall include an assessment of the cumulative micro-climatic effects where taller buildings are clustered.***

We refer the Board to the enclosed Pedestrian Comfort Wind Assessment prepared by O Connor Sutton Cronin which concludes that overall the proposed development will be a high quality comfortable environment for occupants throughout the year.

- ***In development locations in proximity to sensitive bird and / or bat areas, proposed developments need to consider the potential interaction of the building location, building materials and artificial lighting to impact flight lines and / or collision.***

The appointed ecologists, Openfield have confirmed that the matter of collision for bird or bat species is not a significant phenomenon known in Ireland in terms of the buildings of the height proposed. For this reason, the potential impact of height is not addressed in the Ecology Reports submitted.

The building materials used contain less reflective materials, which further supports the reduction in potential for bird collision.

We can confirm that the impact of lighting on bats has been formally assessed as appropriate.

- ***An assessment that the proposal allows for the retention of important telecommunication channels, such as microwave links.***

An assessment has been prepared by Independent Site Management, a specialist property telecom consultant. The assessment concludes that the proposed development will not impact on existing microwave links or radio coverage. We refer to the enclosed assessment for further details.

- ***An assessment that the proposal maintains safe air navigation.***

In preparation of this planning application, the applicant has entered into pre-planning discussions with the IAA who had no significant comment to make on the proposal. As identified in the appendix to the rear of this report, the IAA in their review conclude that *“Based on the information provided, it is likely that only general observations would be issued during the planning process relating to the construction process and the notification of proposed crane operations with at least 30 days notification to the Authority.”*

- ***An urban design statement including, as appropriate, impact on the historic built environment.***

A comprehensive Design Statement has been prepared by MOLA Architecture and is enclosed. This statement addresses the site context and proposed design in urban design terms and sets out in clear detail the design rationale for the current proposal submitted.

The impact of the proposed development on the historic built environment has been specifically assessed as part of the Report on the Heritage Impact of the Proposed Development prepared by Slattery Conservation Architects.

The report concludes with the following statement:

The proposed redevelopment of this underutilised subject site, as per the proposals set out in MOLA Architecture’s drawings, will enhance the amenity, character and quality of the streetscape to Dunleary Hill and the surrounding area. MOLA Architecture and Cameo’s documentation describe a

high quality design response to the site which will significantly enhance the interface with the public realm and streetscape value at a very important and prominent site. The retention of the proposed protected structure and the reinstatement and restoration of historic features including brick and granite cleaning, repointing and repair, replacement of PVC windows with historic, timber, multi-pane sash windows and reinstatement of signage and ironwork will all significantly enhance the character of the streetscape.

The impacts of the proposed development with regard to the historic architectural character of the neighbouring Monkstown Architectural Conservation Area, De Vesci Gardens and Terrace Candidate Architectural Conservation Area and Dun Laoghaire Harbour Candidate Architectural Conservation Area, as well as on the protected viewpoints noted in the Dun Laoghaire Rathdown County Development Plan 2016-22 have been assessed. It is found that the development will have a slight, and in some cases imperceptible, impact when viewed from these areas and that this impact will be neutral.

- **Relevant environmental assessment requirements, including SEA, EIA, AA and Ecological Impact Assessment, as appropriate.”**

The relevant environmental assessments have been considered. We note as per the EIAR Screening Statement enclosed herewith that an EIAR is not required.

It is in consideration of the above that this proposal for a development ranging in height 6 storeys (with set backs from 4th & 5th storey) addressing Dun Leary Hill, to 5 and 8 storeys (with set back from 7th storey) addressing Old Dun Leary Road and 6-7 storeys (with set backs at 8th storey) in height fully complies with the provisions of the Building Height Guidelines. The planning documentation, supporting material and the EIAR screening report submitted herewith support the proposed development as lodged.

The applicant’s design team are confident that the proposed development has addressed the specific development criteria requirements of the Guidelines and is in compliance with the key SPPRs.

Most notably the site’s strategic location and attributes are considered to address the very spirit and intent of the Guidelines, that being a site which is proximate to quality public transport facilities with high frequency services. Based on the above, the subject site is therefore appropriate for increased building height and residential densities.

4 STATUTORY PLANNING POLICY DOCUMENTS



The Dun Laoghaire Rathdown County Development Plan 2016-2022 is the relevant statutory planning context for the subject site.

We acknowledge that the Dún Laoghaire Rathdown County Development Plan for 2022-2028 is currently being prepared with a Draft published in January of 2021. Submissions on the Draft Plan closed on 16th of April 2021. This section refers in brief to the key provisions of this document for consistency. However, we

acknowledge that the pre-dominant context for the assessment of the subject scheme is the currently adopted Development Plan for 2016-2022.

The consistency of the proposed development with the key policies, objectives and standards of the County Development Plan is set out below.

4.1 The Core Strategy

The core strategy of this plan aims to create a coherent settlement strategy based on National and Regional population targets and associated requirements for housing land, alongside appropriate employment and retail development. A key strand of the overall settlement strategy focuses on the continued *“promotion of sustainable development through positively encouraging consolidation and densification of the existing urban/ suburban built form.”*

The subject site fulfils this requirement given its infill development within a serviced existing urban area.

It is set out in the strategy that between 2016 and 2022, the regional planning guidelines have allocated approximately 19,850 housing units to be built in the Dun Laoghaire Rathdown area. That is roughly 3,300 a year. However, due to a lack of housing provisions between 2006 and 2013 there is a deficit of housing which now requires 3,800 units per annum.

The subject development makes an important contribution to meeting/addressing some of this deficit housing demand, while providing much sought after residential accommodation through densification of serviced land within an existing settlements. The current proposal also offers up a new form of residential accommodation in the form of the build to rent model, which will bridge a significant gap in rental market in the wider Dun Laoghaire area.

BTR development is an essential solution to addressing falling household sizes, demographic change and an increasing population. It is not intended to replace the traditional house ownership model, but provides an attractive option to a certain cohort of the population.

The BTR proposal for the former Ted Castles site is an exceptionally well considered scheme, based on models of international best practice (that have been examined by the applicant), with ready access to excellent residential amenities, services and support facilities such a gym, work space/meeting area, multifunction reception space, Sky Lounge facilities, maintenance and laundry facilities and immediate access to frequent public transport services (DART and Dublin bus).

4.2 Planning Policy

This section of the report reviews the compliance of the scheme with the Dun Laoghaire Rathdown Development Plan 2016-2022 policy as per the table set out below.

Policy Ref.	Policy	Applicant Response
Res 2	<i>“It is Council policy to facilitate the implementation and delivery of the Interim Housing Strategy 2016 - 2022.”</i>	The proposed development is in line with the Housing Strategy as it provides Social Housing under Part V (15 units). The residential accommodation will be energy efficient, good quality and accessible for those with specific needs. This has been demonstrated in the objectives addressed below.
Res 3	<i>“It is Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development. In promoting more compact, good quality, higher density forms of</i>	The density is considered appropriate given proximity of the site to 2 no. DART stations and Dublin bus routes. This is considered an efficient and sustainable use of a key underutilised brownfield site at a prominent location in Dun Laoghaire.

	<p>residential development it is Council policy to have regard to the policies and objectives contained in the following Guidelines:</p> <ul style="list-style-type: none"> • 'Sustainable Residential Development in Urban Areas' (DoEHLG 2009). • 'Urban Design Manual- A Best Practice Guide' (DoEHLG 2009). • 'Quality Housing for Sustainable Communities' (DoEHLG 2007). • 'Irish Design Manual for Urban Roads and Streets' (DTTaS and DoECLG, 2013). • National Climate Change Adaptation Framework: Building Resilience to Climate Change' (DoECLG, 2013)." 	<p>The proposed residential density is supported by national policy and guidance and can be favourably considered. This is particularly the case given the quality of the proposal submitted and the nature of the build to rent concept offered. The proposal successfully delivers on all relevant development management standards set out by the Apartment Guidelines and provides for an exceptional level of residential amenity.</p> <p>The proposed residential development is in compliance with 'Sustainable Residential Development in Urban Areas', 'Urban Design Manual- A Best Practice Guide', and 'Quality Housing for Sustainable Communities' as has been demonstrated above. The proposal also complies with the 'Irish Design Manual for Urban Roads and Streets.' as outlined in the DMURS Compliance Statement prepared by DBFL Consulting Engineers</p>
Res 4	<p>"It is Council policy to improve and conserve housing stock of the County, to densify existing built-up areas, having due regard to the amenities of existing established residential communities and to retain and improve residential amenities in established residential communities."</p>	
Res 7	<p>"It is Council policy to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided within the County in accordance with the provisions of the Interim Housing Strategy."</p>	<p>The proposed development provides a variety of apartment typology which support a range of households.</p> <p>The unit mix proposed is a direct reflection of research into local demographic profiles and current and future market demand analysis.</p> <p>This mix is considered appropriate and in line with ministerial guidance contained within the 2020 Apartment Guidelines. Given the specific requirements of the development plan in relation to mix, the Contravention Statement enclosed herewith further details on the mix proposed vis a vis the Development Plan requirements. We note that the Apartment Guidelines are the overriding documents in terms of guidance on development mix and the proposal, as set out in the preceding sections of this document, complies in full with these guidelines.</p>
Res 8	<p>"It is Council policy to promote the provision of social housing in accordance with the projects outlined in the Council's Interim Housing Strategy and Government policy as outlined in the DoECLG 'Social Housing Strategy 2020'."</p>	<p>The Part V proposal is based on the provision of 10% of the units. These units are identified in Part V booklet prepared by MOLA Architecture.</p> <p>We also refer An Bord Pleanála to the DLRCC Validation Letter and Cover Letter and Costings document enclosed.</p>
Res 9	<p>"It is Council policy to support the concept of independent and/or assisted living for older people and people with disabilities/mental health issues. In this regard the Council will support the provision of specific purpose-built accommodation, or adaptation of existing properties, and will promote opportunities for elderly householders to avail of the option of 'downsizing' within their community."</p>	<p>The proposed apartment units are accessible to all.</p> <p>It is therefore submitted that the proposal is appropriate for an ageing population and/or the mobility impaired.</p> <p>We refer the competent authority to the enclosed universal access statement set out within the MOLA Architects Architectural Design Statement.</p>
Res 14	<p>"It is Council policy to plan for communities in accordance with the aims, objectives and principles of 'Sustainable Residential</p>	<p>Section 3.1 of this report sets out clear compliance with the provisions of the guidelines referenced.</p>

	<i>Development in Urban Areas’ and the accompanying ‘Urban Design Manual – A Best Practice Guide’. In all new development growth areas, and in existing residential communities it is policy to ensure that proper community and neighbourhood facilities are provided in conjunction with, and as an integral component of, major new residential developments and proposed renewal/redevelopment areas, in accordance with the concept of sustainable urban villages outlined under Policy RES15.”</i>	<p>Extensive residential tenant amenity spaces are proposed to service the future needs of the residents.</p> <p>In addition, retail unit and co-working office space</p> <p>A distinctive sense of place will be created by the provision of extensive public realm provisions.</p> <p>Overall the proposed development and its associated public realm proposals will create a vibrant sustainable development on appropriate zoned lands at the former Ted Castles site.</p>
UD 1	<i>‘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.”</i>	<p>The proposed development takes into account the Urban Design Manual and Design Manual for urban roads and streets in order to help develop a sense of place.</p> <p>We refer specifically to Section 3.1. of this report and the enclosed DMURs compliance statement from DBFL Consulting Engineers, which demonstrate compliance with the documents referenced.</p> <p>An Architectural Design Statement prepared by MOLA Architecture is enclosed with further details on context, connectivity, inclusivity, public realm, adaptability, privacy and amenity, parking, wayfinding and detailed design items.</p>
UD 2	<i>“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).”</i>	<p>An Architectural Design Statement prepared by MOLA Architecture is enclosed as part of this SHD planning application request submission to An Bord Pleanála.</p> <p>The Design Statement sets out response to the 12 no. Urban Design Manual criteria.</p>
UD3	<i>“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.”</i>	<p>The proposed development delivers significant public realm improvements, including:</p> <ul style="list-style-type: none"> ⇒ The provision of footpath upgrades, ⇒ A signalised junction on Old Dun Leary Road and Cumberland Street including pedestrian crossings on all arms, , ⇒ Landscaping ⇒ On street Bike and Car Parking <p>All of the above is articulated within the enclosed documents and drawings prepared by:</p> <ul style="list-style-type: none"> • Cameo & Partners Landscape Architects • MOLA Architecture, and • DBFL Consulting Engineers

		The public realm proposals were the subject of discussions and agreement with Dun Laoghaire Rathdown County Council.
UD 6	<i>“It is Council policy to adhere to the recommendations and guidance set out within the Building Height Strategy for the County.”</i>	<p>The proposal is in keeping with the National Planning Framework and the provisions of the Urban Development and Building Height, Guidelines for Planning Authorities (2018).</p> <p>This is the predominant context under which the matter of development heights should be considered and assessed.</p> <p>the Material Contravention Statement enclosed herewith has addressed the matter of height as a potential material contravention of the Development Plan. We refer An Bord Pleanala to this document for further details.</p> <p>An analysis of the impact of building height and positioning of buildings has been carried out through specific assessment criteria in the form of Daylight and Sunlight analysis and Pedestrian Comfort Wind Assessment (both by O Connor Sutton Cronin Consulting Engineers), both of which demonstrate that the design proposals are appropriately considered to ensure that no adverse or negative impact arises.</p>
SIC 3	<i>“It is Council policy to promote and support universal design whereby all environments can be used to the greatest extent possible by all people, regardless of age, ability or disability.”</i>	<p>The proposed development is accessible universally.</p> <p>We refer the competent authority to the enclosed Universal Access Statement (prepared by OHAC) included within the MOLA Architectural Design Statement.</p>
SIC 6	<i>“It is Council policy to support the development, improvement and provision of a wide range of community facilities distributed in an equitable manner throughout the County.”</i>	In compliance with the Neighbourhood Centre zoning the proposal includes a range of complementary facilities as well as public realm proposals which are well positioned in order to create a vibrant streetscape- A retail unit, co-working office space, and extensive residential tenant facilities are proposed.
SIC 7	<i>“It is Council policy to ensure that proper community infrastructure and complementary neighbourhood facilities are provided concurrently with the development of new residential growth nodes in the County.”</i>	These facilities are an exceptional offering in catering for both the requirements of future tenants but also the general public.
SIC 11	<i>“It is Council policy to encourage the provision of affordable and appropriate childcare facilities as an integral part of proposals for new residential developments and to improve/expand existing childcare facilities across the County. In general at least one childcare facility should be provided for all new residential developments subject to demographic and geographic needs. The Council will encourage the provision of childcare facilities in a sustainable manner to encourage local economic development and to assist in addressing disadvantage.”</i>	<p>The current scheme is not considered to yield a high demand for childcare spaces.</p> <p>This statement is made on the basis of the nature of the BTR model proposed, the number of studio and 1 bedroom apartments (122 in total) and the quantum of 2 bedroom units proposed (35 in total) and the available capacity in the local area.</p> <p>Full details on compliance with childcare requirements are set out in the enclosed Community Infrastructure Statement.</p>

ST 5	<i>“It is Council Policy to secure the development of a high quality walking and cycling network across the County in accordance with relevant Council and National policy and guidelines.”</i>	The proposed development facilitates walking and cycling by providing extensive public realm improvements including: ⇒ The provision of footpath upgrades, ⇒ A signalised junction on Old Dun Leary Road and Cumberland Street including pedestrian crossings on all arms, , ⇒ Landscaping ⇒ On street Bike and Car Parking
ST 20	<i>“It is Council policy to require the submission of Travel Plans for developments that generate significant trip demand. Plans should seek to reduce reliance on car based travel and encourage more sustainable modes of transportation over the lifetime of a development.”</i>	A Traffic and Transport Assessment and a Mobility Management Plan prepared by DBFL Consulting Engineers are enclosed as part of this SHD planning application.
ST 27	<i>“It is Council policy to require Traffic and Transportation Assessments and/or Road Safety Audits for major developments – in accordance with the TII Traffic and Transport Assessment Guidelines 2014 - to assess the traffic impacts on the surrounding road network and provide measures to mitigate any adverse impacts - all in accordance with best practice guidelines.”</i>	A Traffic and Transport Assessment prepared by DBFL Consulting Engineers is enclosed herewith in compliance with this policy.
EI 18	<i>“It is Council policy to co-operate with other agencies, to plan, organise, authorise and supervise the disposal of hazardous waste.”</i>	An Operational Waste Management Plan and a Construction and Demolition Waste Management Plan have been prepared by AWN Consulting Engineers
LHB 20	<i>“It is Council policy to ensure the protection of natural heritage and biodiversity, including European sites that form part of the Natura 2000 network, in accordance with relevant EU Environmental Directives and applicable National Legislation, Policies, Plans and Guidelines.”</i>	An EIAR Screening Report & Regulation 299B Statement has been prepared by Enviroguide. In addition, a Screening Report for Appropriate Assessment has been prepared by Openfield.

Table 4 - Compliance with Development Plan Policy

4.3 Zoning

Within the Dun Laoghaire Rathdown County Development Plan 2016-2022, the site is zoned 'NC' or 'neighbourhood centre'.

The objective of this zoning is "to protect, provide for and-or improve mixed-use neighbourhood facilities".

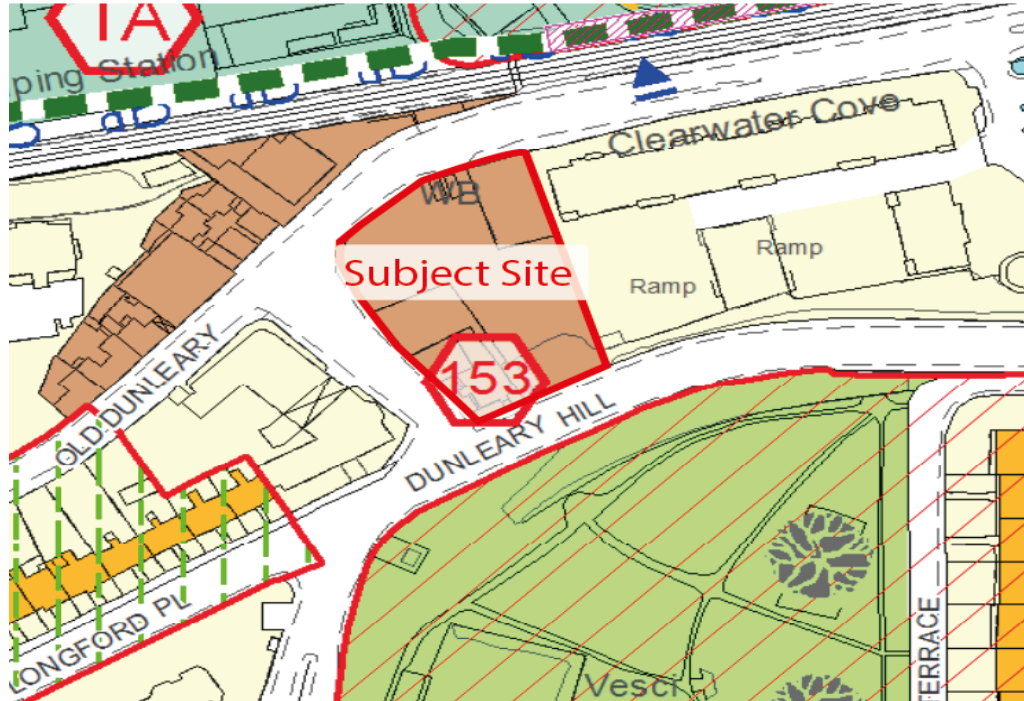


Figure 2 - Zoning Map with former Ted Castles site outlined in Red

NC zoning - uses that are permitted in principle:

Advertisements and Advertising Structures, Assisted Living Accommodation, Betting Office, Carpark, Community Facility, Craft Centre/Craft Shop, Childcare Service, Cultural Use, Doctor/ Dentist etc., Education, Embassy, Enterprise Centre, Funeral Home, Garden Centre/Plant Nursery, Guest House, Health Centre / Healthcare Facility, **Offices less than 300 sq.m.**, Open Space, Petrol Station, Public House, Public Services, **Residential**, Residential Institution, Restaurant, Service Garage, **Shop-Neighbourhood**, Sports Facility, Tea Room/ Café, Veterinary Surgery.

Within the NC zoning the following are open for consideration:

Cash and Carry/Wholesale Outlet, Home Based Economic Activities, Hotel/Motel, Household Fuel Depot, Motor Sales Outlet, Nightclub, Off-License, Office Based Industry, **Offices less than 600sq.m.**, Place of Public Worship, Shop-Specialist, Shop District, Travellers Accommodation

Applicant's comment on Zoning:

In accordance with the zoning the proposal at the former Ted Castles site provides for:

- ⇒ residential uses and ancillary residential amenity facilities
- ⇒ A retail unit
- ⇒ Co-Working Office Space

Overall the proposed development will provide active frontage and contribute to the creation of enlivened animated neighbourhood centre uses at:

- Dun Leary Road (in the form of a corner retail unit)
- Cumberland Street - in the form of a corner retail unit as well as the main entrance to the residential units via a vibrant multi-functional amenity/reception area and
- Dun Leary Hill – integration of DunLeary House and boundary as co-working office space

In addition to the above the proposals provide for extensive public realm improvements in order to create a sense of place and enhance the street frontage on all sides of this high profile site.

The proposed development will:

- Provide a varied mix of neighbourhood centre uses at the former Ted Castles site
- Create a new vibrant community with an extensive range of residential support facilities, services and amenities for the proposed residents of the scheme itself
- Provide a café/retail/commercial unit which will be open to the public
- Significantly improve the public realm provisions around the subject site - improving links to the nearby DART stations

All of the above is in compliance with the NC – neighbourhood centre zoning.

Objective 153 – Dun Laoghaire Rathdown Development Plan 2016-2022

It is noted that there is an overall objective relating to the general area signified by the hatched red line on the Development Plan zoning map – it is referenced as Objective 153.

Objective 153 states that:

“The Dunleary House (Yellow Brick House) and associated boundary be retained in situ and renovated”.

Applicant’s response:

It is clear that the architectural value of the existing building and boundary is the contribution of its two principle elevations to the streetscape at this corner of DunLeary Hill. This streetscape value is retained and enhanced by way of the subject scheme.

The works proposed to DunLeary House are appropriate and necessary in order to knit the building into the new development. There will be some removal of the existing building in order to incorporate it successfully into the new development.

DunLeary House is to be given a new lease of life, with each floor being developed as co-working office suites available for use by the general public. This land use echoes the original purpose of the building and will provide animation and activity to the corner streetscape.

The original boundary condition at the corner of DunLeary Hill/Cumberland Street is to be retained and incorporated into the development. This approach accords with SLO 153 of the County Plan and acknowledges the architectural value of this building is its relationship with the street.

Transitional Zoning

The subject site is bounding a residential zone at Clearwater Cove. Section 8.3.2 of the Development Plan sets out that:

“The maps of the County Development Plan show the boundaries between zones. While the zoning objectives and development management standards indicate the different uses and densities, etc. permitted in each zone, it is important to avoid abrupt transitions in scale and use in the boundary areas of adjoining land use zones. In dealing with development proposals in these contiguous transitional zonal areas, it is necessary to avoid developments which would be detrimental to the amenities of the more environmentally sensitive zone. For instance, in zones abutting ‘residential areas’ or abutting residential development within mixed-use zones, particular attention must be paid to the use, scale and density of development proposals in order to protect the amenities of these residential properties.”

In consideration of the above provision, we are of the view that the current proposal for residential development along the shared boundary is an appropriate land use with no perceived negative impact on adjoining residential land use.

4.4 Zone of Archaeological Influence

The former Ted Castles site is not located within a Zone of Archaeological Interest, however given the former Industrial use (as a Coal Merchants) an Archaeology & Cultural Heritage Statement was commissioned by the applicant.

An Bord Pleanála are referred to the enclosed report entitled “Ted Castles site, Old Dunleary Road – Archaeology and Cultural Heritage” prepared by Archers Heritage Planning Ltd. of for further detail on the matter of archaeology.

The Record of Monuments and Places (RMP) is a statutory inventory of archaeological sites protected under the National Monuments Acts 1930-2004 (Section 12, 1994 Act), compiled and maintained by the Archaeological Survey of Ireland (ASI).

The inventory concentrates on pre-1700 AD sites and is based on a previous inventory known as the Sites and Monuments Record (SMR) which does not have legal protection or status (see www.archaeology.ie.) The Archers report identifies that there are no RMP sites in or adjacent to the subject site. In addition, it states that there were no obvious areas of archaeological potential noted during the site visit.

4.5 Height

The Dun Laoghaire Rathdown County Development Plan 2016-2022 contains a Building Height Strategy (Appendix 9 of the Plan). However, ‘Building Height Guidelines’ entitled ‘Urban Development and Building Heights - Guidelines for Planning Authorities December (2018)’ supersede the requirements of the Building Height Strategy. Section 34(2)(ba) of the 2000 Act, provides in effect that the requirements of an SPPR will take precedence over any conflicting provisions of the Development Plan:

“(ba) where specific planning policy requirements of Guidelines referred to in sub-section 2(aa) 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.”

We note also that this is reflected in the terms of section 1.14 of the Building Height Guidelines, which specifically states:

“1.14 Accordingly, where SPPRs are stated in this document, they take precedence over any conflicting, policies and objectives of development plans, local area plans and strategic development zone planning schemes. Where such conflicts arise, such plans/ schemes need to be amended by the relevant planning authority to reflect the content and requirements of these guidelines and properly inform the public of the relevant SPPR requirements.”

In consideration of the above, we consider the Building Height Guidelines to be the predominant context for assessment of building heights in this case and we direct An Bord Pleanála to Section 3.2 of the Material Contravention Statement enclosed herewith, which clearly demonstrates compliance of the scheme with the provisions of this document.

Notwithstanding the above, it is considered appropriate to consider the development vis a vis the objectives and general principles of the Building Height Strategy under the current Statement of Consistency. The sections below deliver this review.

In this regard, the subject site may be considered to fit into two of the categories listed in the Building Height Strategy as follows:

- **Dun Laoghaire**
- **Coastal Fringe**

In relation to Dun Laoghaire Section 3.2 of the height strategy identifies:

- The coastal County town of Dun Laoghaire is designated as a Major Town Centre.
- Traditional building heights range from 2-4 storey, with some post war developments of 4-5 storey and more recent schemes up to 7 storeys.

- An Urban Structure Plan is included within the County Development Plan as an interim measure in the absence of a Local Area Plan for Dun Laoghaire
- The Urban Structure Plan aims to ensure that new development should be contextual, should seek to re-establish streetscapes, should be appropriately scaled and be rich in materials and detail consistent with the existing typology of the Town Centre.
- It is entirely appropriate, however, to provide landmark buildings at strategic points throughout the Town Centre.
- The specific wording of the Urban Framework Plan which states *“There is however, no implications that a “landmark building” should be interpreted as having to be a higher building than its surrounding”*
- The Height Strategy states that *“The Victorian -era floor to ceiling heights of many of the terraces along the shorefront of Dun Laoghaire results in a built form that can be significantly taller than modern apartment schemes.”*

Within the Dun Laoghaire Urban Framework Plan the subject site is identified as an “Opportunity Site” though there are no specific height limits noted within Section 3.2 of the Height Strategy relating to Dun Laoghaire nor in the Dun Laoghaire Framework Plan (Appendix 12 of the Development Plan).

The site is also located within an area identified as the ‘Coastal Fringe’ in the Building Height Strategy. This is indicated to be a ‘downward modifier’ which may require a reduction in height of new buildings. The strategy states:

“In order to retain and protect this outstanding coastline and its distinct skyline, this Building Height Strategy sets a 500m ‘Coastal Fringe Zone’ following the coastline. Where development is proposed within this zone which would exceed the height of its immediate surroundings, an urban design study and impact assessment study may be required to demonstrate that the scheme will not harm and will protect the particular character of the coastline including, where appropriate, views from the sea/pier”.

The Height Strategy also states that: ***“There will be occasions where the criteria for Upward and Downward Modifications overlap and could be contradictory for instance: when in close proximity to both a DART station yet within the Coastal fringe. In this kind of eventuality, a development’s height requires to be considered on its own merits on a case-by-case basis.”***

Whilst it is acknowledged that the Building Height Strategy does not place a numerical height limit on new development in the Dun Laoghaire area, it is noted that the ‘Coastal Fringe’ designation may impede the delivery of an appropriate scale of development at the subject site. It is therefore respectfully submitted that the objectives in the Building Height Strategy as they relate to the subject site may seek to limit the building height at this site to 3-4 storeys, and it may be concluded that the subject proposal (with a max height of 8 storeys) would give rise to a Material Contravention in respect of building height.

Whilst the Board may reach this conclusion, it is considered that a grant of permission is appropriate in circumstances where Section 9 (3) (b) of the Planning and Development (Housing) and Residential Tenancies Act 2016) of the 2000 Act, provides **that the requirements of a specific planning policy requirement (SPPR) take precedence over any conflicting provisions of a Development Plan.** This issue is addressed further in the material contravention statement.

4.6 Housing Mix

The Development Plan requires a mix of no more than 20% 1 bed units and a minimum of 20% of units over 80 sqm (Section 8.2.3.3 (iii)). The proposed development does not comply with this requirement. The proposed development will be comprised of:

- 34 x Studio Units (23.3%)
- 77 x 1 Bedroom Units (52.7%)
- 35 x 2 Bedroom Units (23.9%)

However, the Development Plan itself points out that the requirements in relation to a mix of apartments has been superseded by the Apartment Guidelines. The following statement contained in the Development Plan appears to exclude **Section 8.2.3.3.(iii)** as referred to above.

*“Sustainable Urban Housing – Design Standards for New Apartments’ DoECLG(2015) ADVISORY NOTE 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.”*

It is our opinion that the guidance contained in the Apartment Guidelines take precedence over Development Plan requirements for mix. In summary and as set out earlier in this statement, the proposal will meet the 2020 Apartment Guidelines requirements of up to 50% 1 bed or studio units (no more than 20-25% of total studios) and no minimum for 3 bed or more units.

Therefore the above mix is considered appropriate and in line with the guidance. We refer An Bord Pleanála to the Material Contravention Statement enclosed herewith further justifying this proposed mix.

4.7 Car Parking

It is stated in the Development Plan that quantitative Car Parking Standards should comply with Development Plan requirements which are as follows:

Apartment:

- 1 space per 1 bed units
- 1.5 spaces per 2 bed units
- 2 spaces per 3 bed+ units

Retail Unit

- 1 space per 15 sq m GFA

Office

- 1 space per 100 sq m GFA to include for visitors

Notwithstanding these requirements, there is clear provision within the Development Plan (Section 8.2.4.5), which sets out that reduced car parking standards for any development (residential or non-residential) in light of the proximity of the proposed development to public transport.

For clarity, the applicant can confirm the following distances to public transport:

c.300 m from Salhill/Monkstown DART Station

c.900m from Dun Laoghaire DART Station

c. 250m walking distance from High Frequency Dublin Bus stop (46A)

Based on the above, it is our contention that there is allowance made within the Development Plan to reduce car parking standards that apply to this particular site

In addition, it is noted that the Apartment Guidelines (2020) provides for a reduced quantum of car parking for sites which are within the Central and/or Accessible Urban Locations category.

Furthermore, the following policy provision of the Apartment Guidelines:

“Specific Planning Policy Requirement 8:

For proposals that qualify as specific BTR development, in accordance with SPPR:....

(iii) There shall be a default minimal or slightly reduced car parking provision on the basis of BTR development being more suitable for central locations and/or proximity to public transport services. The requirement for

BTR scheme to have a strong central management regime is intended to contribute to the capacity to establish and operate shared mobility measures....”

It is in consideration of the above planning policy that a total of 52 car parking spaces are proposed (44 at basement level 00 and 8 on street at Cumberland Street). In addition, a Go Car facility is provided.

The car parking allocation is set out in the enclosed Parking Strategy Report and Traffic and Transport Assessment Report prepared by DBFL Engineering Consultants.

4.8 Cycle Parking

Residential Development

The Dun Laoghaire Rathdown standards for ‘Cycle Parking and associated Cycling Facilities for New Developments (January 2018)’ are acknowledged. These standards require the following provision for residential use:

- Long Stay: 1 space per unit.
- Short Stay: 1 space per 5 units

The above applies to both houses and apartments.

As the proposal is for 146 units, therefore 175 no. spaces are required under the DLR standards.

Notwithstanding the above, we note that Section 4.15 of the ‘Design Standards for New Apartments – Guidelines for Planning Authorities (2020)’ require the provision of 254 cycle parking spaces.

The table below (extracted from DBFL Consulting Engineers Traffic and Transport Assessment report) identifies the quantum of bicycle parking spaces required under the Dun Laoghaire Rathdown County Council Standards, the Apartment Standards (2020) and the quantum proposed by way of this development.

Standard/Proposed	Type	Apartments
DLRCC Standards	Short	29
	Long	146
	Total	175
DHPLG Standards	Short	73
	Long	181
	Total	254
Proposed	Short	94
	Long	183
	Total	277

An overall total of 277 parking spaces are provided, some 23 in excess of the Guidelines standard. It is proposed that the excess spaces will serve the retail unit and co-working office space.

4.9 Private Open Space

The Development Plan requires that all apartments and houses have direct access to private open space and minimum standards are stipulated. ‘The Sustainable Urban Housing: Design Standards for New

Apartments Guidelines for Planning Authorities (2020)' also sets out minimum floor areas for private amenity space, which take precedent over Development Plan standards in this regard.

We note the following requirements:

- 4 sq m for studios
- 5 sq m for 1 beds
- 6 sqm and 7 sq m for 2 beds (based on 3 person/4 person occupancy)

Applicant's Response

We refer An Bord Pleanala to the Housing Quality Assessment prepared by MOLA Architecture for full details on private open space provision and other residential amenity requirements set out by the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2020)'. An Bord Pleanala will note that all proposals are consistent with the specific requirements relating to Build to Rent proposals.

As set out in the enclosed Housing Quality Assessment report, there are 16 units of the 146 that are not provided with a balcony (11% of scheme).

It is proposed that the required private amenity space for these 16no. units will be allocated in the form of dedicated private communal terraces, additional to the terraces provided for all Residents.

As these specific units overlook a significant amenity (Dun Laoghaire Harbour) it is prudent for environmental concerns (orientation / wind) that dedicated private communal terraces are a more appropriate design solution for these 11% of units.

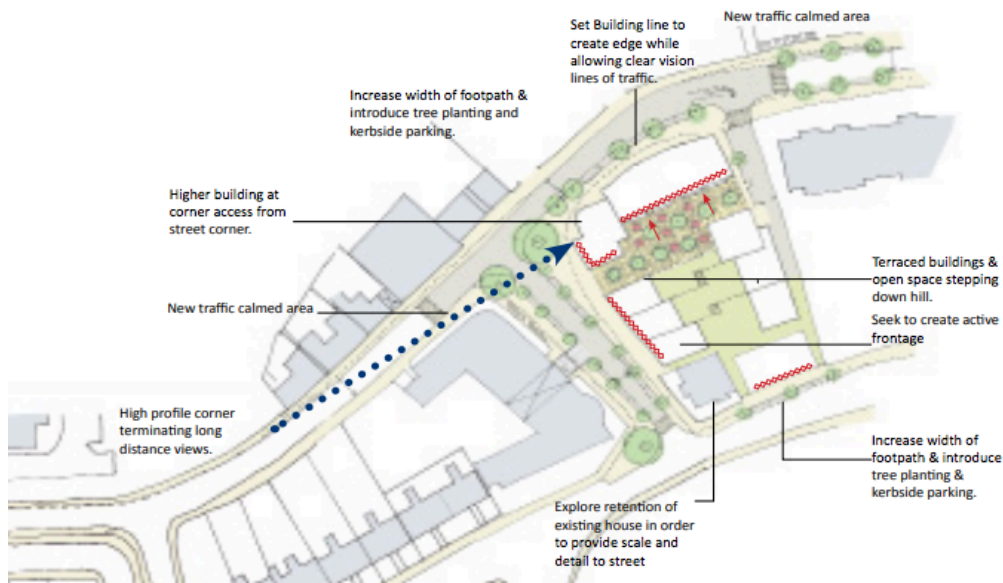
Having regard to the above the applicant notes that the Guidelines provide for flexibility in relation to the provision of private amenity spaces associated with individual units on the basis of the provision of alternative, compensatory communal support facilities.

It is considered that the provision of an alternative to a balcony for specific north facing units and the allocation of a well designed, landscaped communal terrace area to these residences is an appropriate attractive alternative (which is supported by the Guidelines).

4.10 Dún Laoghaire Urban Framework Plan

The Dun Laoghaire Rathdown County Development Plan 2016-2022 highlights this site as an opportunity site for potential development.

The *Dun Laoghaire Urban Framework plan (Appendix 12 of the Development Plan)* includes 'ideas' for the Ted Castles site, including this image as set out within the Plan:



The indicative “ideas” for the subject site include:

- Public realm improvements including traffic calming
- Seeks to create enlivened street frontage
- Suggestion to “Explore retention” of existing house

Applicant’s Response

It is submitted that the subject proposal delivers on all 3 ‘ideas’ for the site:

- ⇒ Extensive public realm improvements and traffic calming
- ⇒ Active frontages on all elevations
- ⇒ Retention and integration of DunLeary House and associated boundary into the development.

Please refer to MOLA Architecture Design Statement & Brock McClure Planning Application Report for discussion and details on the above.

4.11 Green Infrastructure Strategy

Appendix 14 of the Dun Laoghaire Rathdown County Council Development Plan 2016-2022 sets out a Green Infrastructure Strategy. The subject proposal has considered the spirit and intent of this strategy and is considered to assimilate well into the spatial framework strategy of this document.

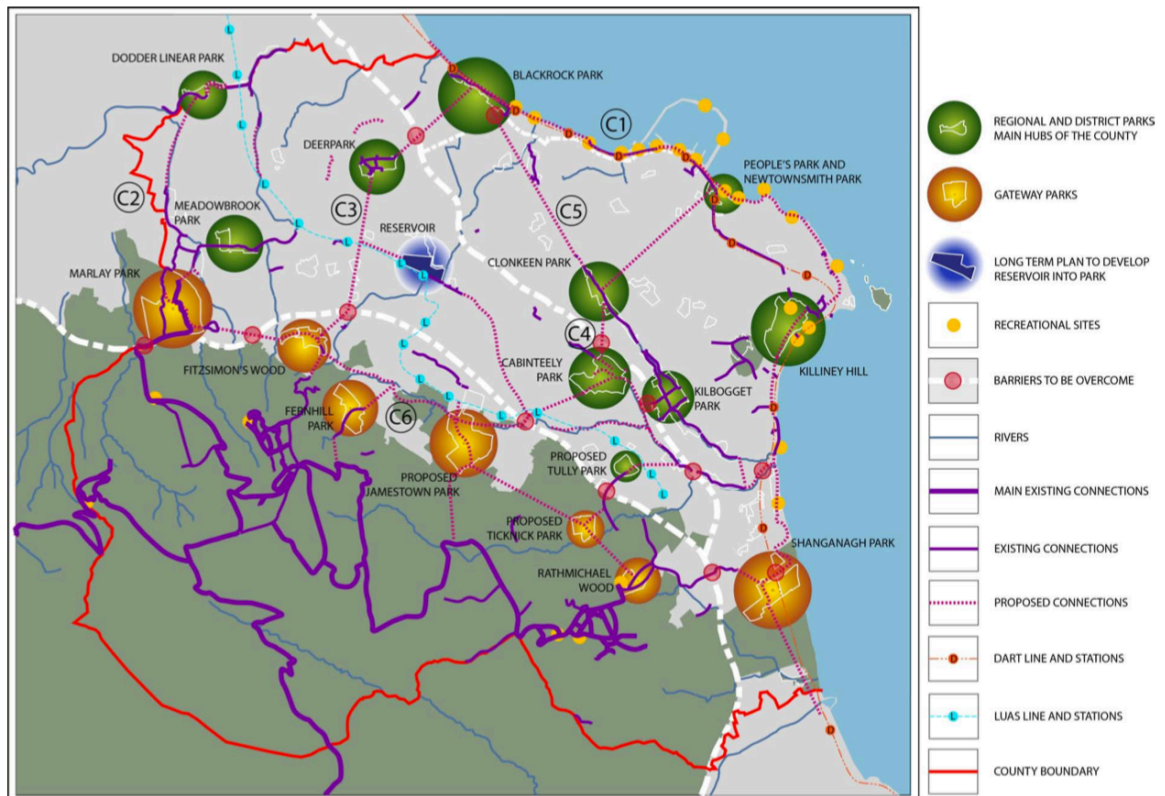


Figure 4 - Spatial Framework Strategy

Applicant's Response

The subject site contributes to the delivery of a green infrastructure strategy through the delivery of significant landscaping and planting throughout the scheme as well as the provision of a green roof as well a landscaped courtyard and landscaped terraces.

Full details of the landscaping provisions are set out in the enclosed Landscape Design Statement prepared by Cameo & Partners Landscape Architects.

The former Ted Castles site is located in close proximity to Corridor 1 (C1) of the Green Infrastructure Strategy (refer to Figure 4 above).

4.12 Density

Policy RES3 of the County Development Plan refers to Residential Density:

"It is Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development..."

*"Where a site is located within circa 1 kilometre pedestrian catchment of a rail station, Luas line, BRT, Priority 1 Quality Bus Corridor and/or 500 metres of a Bus Priority Route, and/or 1 kilometre of a Town or District Centre, **higher densities at a minimum of 50 units per hectare will be encouraged.**"*

Applicant's Response

By way of response, we confirm that the site is located 300m (5 min walk) from the Salthill/Monkstown DART Station. It is also 900m from Dún Laoghaire DART station, a significant public transport interchange serving the Town Centre. On this basis that the site is considered to qualify for a higher residential density.

We also note Section 8.2.3.2 states:

“In general the number of dwellings to be provided on a site should be determined with reference to the Government Guidelines document: ‘Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities’ (2009). As a general principle, and on the grounds of sustainability, the objective is to optimise the density of development in response to type of site, location and accessibility to public transport. However, the overriding concern should be the quality of the proposed residential environment to be created and higher densities will only be acceptable if the criteria which contribute to this environment are satisfied. Higher residential density will not be appropriate in every circumstance and qualitative built form can sometimes be a more important determinant. Higher densities should have regard to surrounding dwellings and should be achieved in tandem with the protection of the amenity of the future residents of the proposed development (Refer also to Policy RES3 in Section 2.1.3.3).”

By way of response, it is set out that the proposal currently before An Bord Pleanála provides for an exceptional level of quality. We note specifically the following points:

- The layout and heights proposed have ensured that existing levels of residential amenity associated with the neighbouring development at Clearwater Cove is maintained.
- A quality proposal is delivered with the majority of units providing for in excess of the 10% uplift in floor areas.
- Significant public realm upgrades are provided with this development:
 - large corner plaza area for pedestrian amenity and additional traffic calming measures
 - Wider footpaths on Cumberland Street, road alignment and improved traffic junctions
 - New and improved signalised pedestrian crossing on Old Dunleary Road to support pedestrian access to DART
 - Cumberland Street narrowed for road safety
 - Landscape measures in order to create a distinctive sense of place.
- The daylight and sunlight analysis enclosed herewith sets out that the scheme performs exceptionally well in terms of daylight access to new units and existing residential development and also in terms of sunlight access to key areas of open space and adjoining properties.

Give the high quality of the architectural proposals and the associated residential amenity space, private open space provision and communal space provision it is considered that the proposed Built to Rent Scheme will deliver a quality attractive residential development. A density of this nature is supported by national policy which is aiming to deliver increased height and densities at appropriate locations.

5 Draft Dún Laoghaire Rathdown Development Plan 2022-2028

The applicant received notification on 15 January 2021 that it is proposed to “include the House at Dunleary House, Old Dunleary Road, Dún Laoghaire, Co. Dublin in the Record of Protected Structures (Appendix 4) in the Draft County Development Plan 2022-2028”. The letter does not provide any rationale for inclusion of the building on the RPS, as required by the Architectural Heritage Protection Guidelines.

The Chief Executive’s Report on the Draft County Development Plan (July 2021) recommended a material amendment to the Draft Plan to delete Dun Leary House from the Record of Protected Structures. In October 2021, the Elected Members voted against the Recommendation of the Chief Executive and at the time of writing, the building is a Proposed Protected Structure. We note that the proposed amendments to the Draft Plan that are now on public display (November 2021) propose to amend the wording of the listing of this building as follows:

(351) Amend an item listed in Table 4.1 ‘Record of Protected Structures’ (page 152) of Appendix 4 as follows:

Dunleary House		Old Dunleary Road, Dún Laoghaire, Co. Dublin	Former House (excluding later 20th Century extensions)	2131	3
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Fig 1: Extract from proposed amendments to Draft County Development Plan 2022-2028

We note therefore that it is most likely that the final Development Plan, when adopted, will include the main ‘yellow brick’ building as a Protected Structure.

It is submitted that the works proposed to DunLeary House are appropriate and necessary in order to knit the building into the new development. There will be some removal of the existing building in order to incorporate it successfully into the new development. The full details of the proposed works are clearly set out in the Design Statement and drawings by MOLA Architects and the Architectural Heritage Impact Assessment prepared by David Slattery Historic Building Consultants.

6 CONCLUSION

This Statement of Consistency is prepared to accompany this SHD planning application for a Build to Rent scheme to An Bord Pleanála and has identified the compliance of the scheme with relevant strategic planning policy documentation and we trust that the Bord will now accept that the key objectives of each of the documents cited in this report have been met.

7 APPENDIX A – CORRESPONDENCE WITH THE IAA

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Date 24th June 2021

Ms Suzanne McClure
Brock McClure
Planning and Development Consultants
63 York Road,
Dun Laoghaire,
Co. Dublin

Development: *Strategic Housing Development Planning Application for lodgement to An Bord Pleanála shortly. The proposal is located at a site at the former Ted Castles yard and Dun Leary House, Old Dun Leary Road, Cumberland Street and Dun Leary Hill, Dun Laoghaire and provides for a new residential development of 146 Build To Rent residential units, residential amenity space, a Retail unit and office space etc. Heights of between 5 and 8 storeys are proposed at Cumberland St, Dun Laoghaire.*

Dear Ms. McClure

Thank you for your email and the attached drawings relating to the proposed SHD Development at the Former Ted Castles yard and Dun Leary House, Old Dun Leary Road, Cumberland Street and Dun Leary Hill, Dun Laoghaire.

Based on the information provided, it is likely that only general observations would be issued during the planning process relating to the construction process and the notification of proposed crane operations with at least 30 days notification to the Authority.

Yours sincerely

PP: Audrey Rafferty

Deirdre Forrest
Corporate Affairs

Bord Stiúrthóirí/Board of Directors
Rose Hynes (Cathaoirleach/Chairman),
Peter Kearney (Príomhfhidhmeasach/Chief Executive)
Cian Blackwell, Marie Bradley, Ernie Donnelly,
Gerry Lumsden, Joan McGrath, Diarmuid Ó Conghaile,
Eimer O'Rourke

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