

Statement of Consistency

Proposed SHD

Lands adjacent to The Grange,
Brewery Road/Stillorgan Road,
Stillorgan, Blackrock,
Co. Dublin

On behalf of

KW PRS ICAV acting for and on behalf of
its sub-fund KW PRS Fund 10

September 2019



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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 on behalf of **KW PRS ICAV acting for and on behalf of its sub-fund KW PRS Fund 10, 94 St. Stephen's Green, Dublin 2, D02 FD40** for a proposed Strategic Housing Development (SHD) relating to a Build to Rent (BTR) residential development of 287 residential units, a crèche facility and residential tenant amenity space, all at site of c. 1.8 ha, on lands adjacent to **The Grange, Brewery Road/Stillorgan Road, Stillorgan, Blackrock, Co. Dublin.**

This Statement of Consistency is prepared as an accompanying document, which is lodged with An Bord Pleanála in compliance with Part 2 Section 4 (1) and 5 (1) of the Planning & Development (Housing) and Residential Tenancies Act 2016.

This report should be read as part of a wider suite of reports and we refer An Bord Pleanála 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. Delivering Homes, Sustaining Communities (2008)**
 - a. Best Practice Guidelines - Quality Housing for Sustainable Communities**
- 3. Guidelines for Planning Authorities on Childcare Facilities (2001)**
- 4. The Planning System and Flood Risk Management (2009)**
- 5. Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (2009)**
- 6. Sustainable Urban Housing - Design Standards for New Apartments (2018)**
- 7. 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 Policy

In addition to the above, the relevant statutory policy for consideration in this case is:

- Dun Laoghaire Rathdown County Development Plan 2016-2022

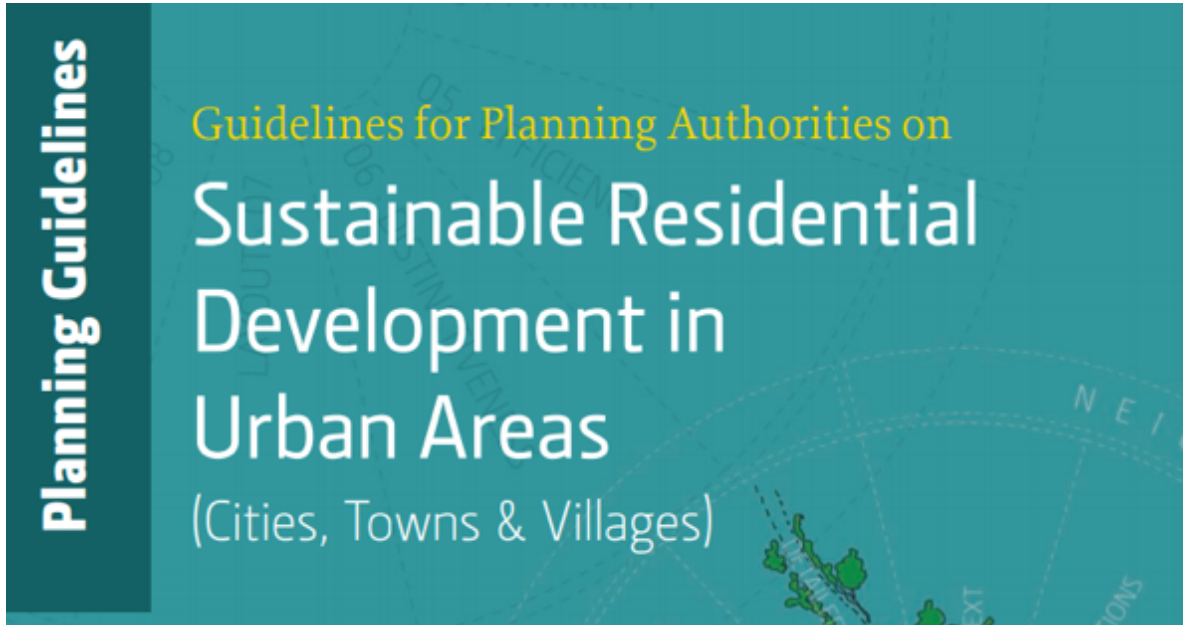
The subject site and proposal are examined in compliance with each of the documents in Section 4 of this Statement.

3 MINISTERIAL GUIDELINES

Each of the relevant strategic policy documents is now considered below in relevance to the context of the site.

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

Guidelines



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. High quality design is recommended in the development management process. 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. It is our view that Stillorgan (within Dun Laoghaire) falls under the category larger towns in the Guidelines given that population here is over 5,000 (19,840) which appropriately defines larger towns.

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

Design

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

- Acceptable Building Heights
- Avoidance of Overlooking/Overshadowing
- Provision of adequate public and private open space
- Internal Space in Apartments
- Suitable parking provision
- Provision of ancillary facilities including childcare

The current proposal has been designed in the context of the above and we note the following in this regard:

- Appropriate building heights are proposed in accordance with performance criteria under the Building Height Guidelines Section 3.7 of this report.
- There are no cases of direct overlooking and minimum separation distances maintained. We refer An Bord Pleanála to the opinion responses prepared by Brock McClure and O'Mahony Pike Architects for further detail on this matter.
- Overshadowing is not considered an issue in this case and we note the submission of a Daylight and Sunlight Analysis herewith prepared by ARC to further elaborate on this matter.
- Quality and spacious apartment units are proposed with the majority of the units meeting the +10% floor space requirement as per the Apartment Guidelines. The proposal also complies with all specific Build to Rent Development standards.
- An adequate level of on street parking is delivered with primary parking delivered at basement level. All parking is proximate to units and is considered safe and secure.
- Public open space is located to optimise access for the development and utilise existing mature trees.
- A coherent and permeable network of open spaces is proposed.
- Pedestrian access and permeability is key across the site and specific attention has been given to accessibility and the connectivity of the site with surrounding streets and the adjacent Leopardstown Oaks Park.
- A creche and residential amenity facility are delivered within the scheme.

Childcare

The Guidelines also reference the provision of childcare facilities for larger towns and notes 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 in this case has engaged with the Planning Authority on the matter of the provision of a childcare facility and it has been agreed to deliver a facility within the scheme and specifically within Block P. The childcare facility will cater for the demand arising from the existing Grange development, the current proposal (phase 1) and any future phase 2 proposal.

For consistency, this report outlines the consistency of the proposal with the requirement for a childcare facility at Section 3.6.4 below.

Density

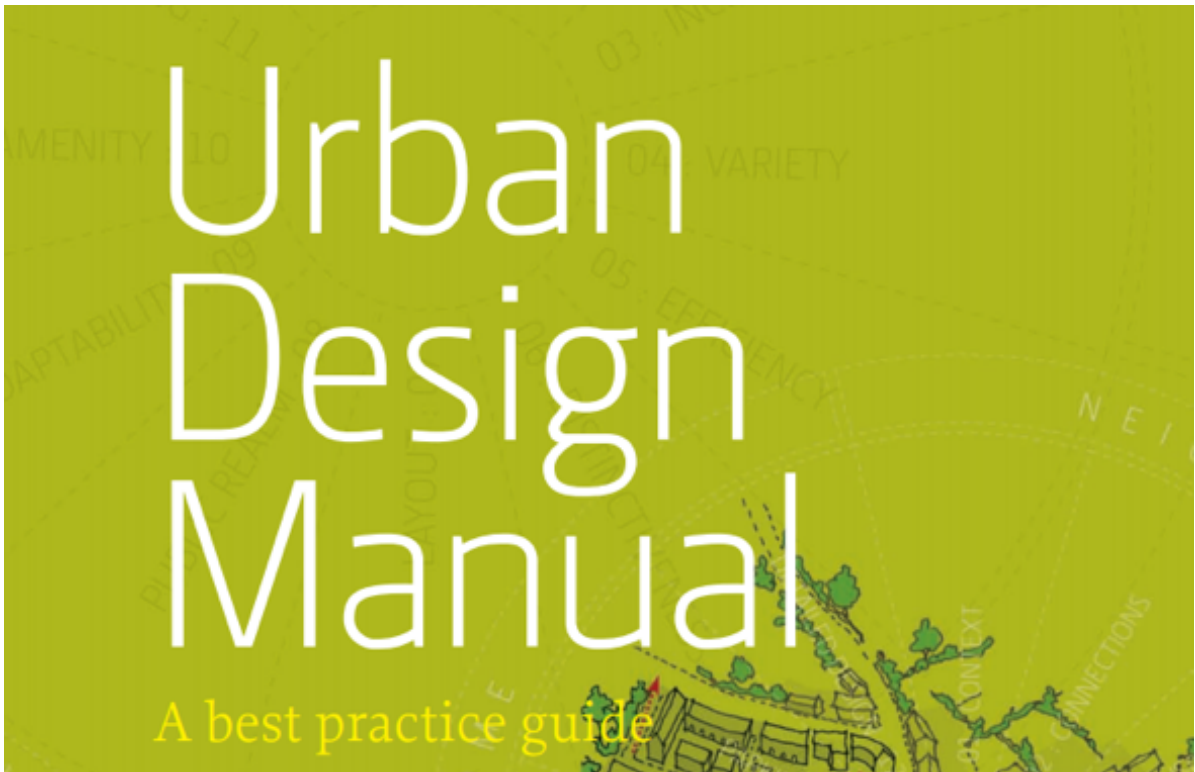
The proposed development aims to deliver an appropriate density and form of residential development on this predominant site along the N11.

A density of 159.4 units per ha is proposed at this site. It is submitted that this is an appropriate approach to development at this location given the surrounding site context. The site context is considered a 'city and town centre site' and the guideline for density here refers to there being no upper limit subject to the following safeguards:

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

It is considered that the proposed development is located on suitably zoned land for residential purposes. The density requirement set out by the current County Development Plan and national guidance has been taken into consideration when designing the scheme. The site layout maximises permeability through appropriate block sizes, block heights, connectivity and limited use of cul-de-sacs. Careful consideration has been given to adjoining levels of residential amenity and compliance with all Development Plan standards has been achieved.

Urban Design Manual



Aside from the above, we draw the attention of An Bord Pleanála to the compliance of the scheme with the ‘sister’ document for these guidelines, the ‘Urban Design Manual’. This planning application is accompanied by a Design Statement, prepared by OMP Architects, which demonstrates how the proposed development has regard to and has been developed in accordance with best practice in respect to urban design.

The Design Statement should be read in conjunction with this Statement of Consistency and the Planning Report and with the plans and particulars accompanying this planning application.

For the purposes of this Statement of Consistency, compliance with the key requirements of the Urban Design Manual are noted below:

CRITERIA	PROPOSAL RESPONSE
<p>CONTEXT</p> <p>How does the development respond to its surroundings?</p>	<p>The development of site has been shaped by surrounding development in the area, with particular reference to height and density of development. The density of The Grange and Beechwood has formed a sense of place around the N11 and these key buildings form a landmark space. The continued development of this through the subject application aims to further solidify the high density and high-quality residential living at the junction of Brewery Road with the N11. This in turn creates an efficiently designed and well serviced community proximate to Stillorgan Village.</p> <p>The development has also been cognisant of existing residential units at Brewery Road and at No. 1 The Grange Cottages. Parameters for height, massing and scale have all been set following a series of studies prepared at the early design stage of the project. The proposal has</p>

	<p>been tested on wind and microclimate and in terms of daylight and sunlight access and successfully meets all guidelines requirements. The separation distances delivered comply with Development Plan standards and appropriate provision is also made for public open space.</p> <p>Significant re-design throughout the pre-planning process and specifically a revised set back treatment along Brewery Road has further enhanced proposals vis a vis the existing context and the current proposal is brought forward on this basis.</p>
<p>CONNECTIONS</p> <p>How well is the new neighbourhood/site connected?</p>	<p>The proposal delivers on the following in terms of connections:</p> <ul style="list-style-type: none"> • The proposal is proximate to an existing bus priority route along the N11. • The proposal is within 1km of Stillorgan Village Centre. • The proposal is located 1.1km from the nearest Green Luas line stop at Sandyford. • The proposal is within 2km of Sandyford, South County and Central Business Parks. • There is an appropriate pedestrian / cyclist network both within the site and in relation to adjoining existing developments and the wider public realm. • A legible and permeable road network allows for ease of access throughout the scheme is delivered. Significant consideration was given to permeability throughout the scheme following the issue of the An Bord Pleanala opinion for the scheme and the current proposal delivers quality permeability and access for all. The ABP response document from O'Mahony Pike Architects contains further details on this element of the proposal • A crèche and residential amenity facility are proposed to service the needs of the proposed residential development. These are welcome residential amenities and provide for a more connected and integrated development.
<p>INCLUSIVITY</p> <p>How easily can people use and access the development?</p>	<p>We note the following in terms of usability and access to and within the scheme:</p> <ul style="list-style-type: none"> • Pedestrian access and linkages into the site are provided with large areas of open space punctuating the scheme. Significant access to Brewery road, the N11, neighbouring open space and the existing Grange development is delivered through new permeable pedestrian paths. • Pedestrian access is further enhanced within the development with 'pedestrian priority' given to the shared spaces and restricted vehicular access. • The OMP ABP response document contains significant detail on the accessibility of the scheme and the following proposals are considered key: <ul style="list-style-type: none"> ○ The scheme has been reconfigured from pre-planning stage. The central area of open space has been dropped by c. 2m to improve accessibility to and through this space. ○ The east west spine now provides level access through the site. ○ The ground level relationship to existing cottages has been improved. ○ Open space is gently sloped from Brewery Road to the central open space area. ○ Lifts and ramps to the central open space areas are proposed from Brewery Road. ○ Connections to the exiting Grange Development have been improved. • The proposed development will provide a range of apartment unit types including studio, 1 and 2 bedroom units, which is to be welcomed. • The majority of dwellings will have exceptional views towards the Dublin Mountains, Dublin Bay or will overlook proposed open spaces. • The scheme provides for inviting spaces and avoids physical and visual barriers with attractive boundary treatments and passive surveillance.

<p>VARIETY</p> <p>How does the development promote a good mix of activities?</p>	<p>Firstly, the proposal delivers Build to Rent Apartments which delivers an attractive residential option for a key N11 site. These units response to young professionals or the elderly wishing to downsize to a smaller residential unit. The proposal offer significant residential amenity facilities and a creche facility for those units, which may have a requirement for childcare.</p> <p>Furthermore, variety in the development is provided through a range of design proposals in both the built environment and in the landscaping layout.</p> <p>In the built environment, there are 5 new residential blocks proposed, which will deliver a range and variety of apartment styles and layouts. Unit Types vary from studio, 1 and 2 bedroom apartments, all of which are design with adaptability in mind for a variety of occupants.</p> <p>The design proposed is a quality one, with appropriate apartment layouts, amenity space and separation distances delivered between all new residential buildings. The scheme is delivered around a central garden which provides a focal point for apartments. The overall layout of the development is permeable and well connection. All resident parking is covered at basement.</p> <p>The landscaped elements are divided between hard landscaping and soft 'green areas'. A further layer of street furniture and street trees define the overall setting. The mix of apartments and orientation allow for an interesting and broken elevational treatment eliminating any stretches of blank walls. Passive security is designed to provide total surveillance. Appropriate playground facilities and pedestrians' walkways and loops are delivered. A series of landscaped character areas are delivered and include a meadow, an urban forest, a walled garden, a courtyard and central garden area, a park edge and gardens along Brewery Road.</p>
<p>EFFICIENCY</p> <p>How does the development make appropriate use of resources including land?</p>	<p>The current national policy mandates seeks to deliver densification of suburban infill sites at appropriate locations. The current scheme delivers a residential density of c. 159.4 units per ha with height of 1-11 storey's proposed. The site is considered opportunely located to maximise on residential density and height as proposed and is considered an efficient use of significant opportunity site.</p> <p>The development also integrates with the existing built environment of the neighbouring development. This allows the entire development to benefit from the existing green space and passive surveillance that is present. The established public transport routes of the QBC and nearby Luas station allow the development to prioritise public transport and this is combined with basement level parking in order to create a more open and attractive landscape.</p>
<p>DISTINCTIVENESS</p> <p>How do the proposals create a sense of place?</p>	<p>The design intent from the outset of the design process has been to create a sense of place and space built around high quality, high density apartment blocks with well - defined and landscaped open spaces and play areas.</p> <p>The proposal includes a residential amenity area which will encourage social integration through the creation of a local sense of community. The site also delivers a high - quality pedestrian and cyclist network, with key connections to Brewery Road, the N11 and the adjoining Leopardstown Oaks Park.</p> <p>The design strategy also delivers a distinctive approach to height; ta new interface to Brewery Road; a new front door to the development; and permeability and accessibility throughout the design. The form of the proposed development also allows for logical and seamless connection to potential additional phase 2 development should the remaining cottage become available for development.</p> <p>We refer the competent authority to the Design Statement and ABP Response document prepared by OMP Architects for further details on design.</p>
<p>LAYOUT</p> <p>How does the proposal create people-friendly streets and spaces?</p>	<p>There are no 'through roads' within the new development proposal and the objective is to reduce car speeds to a minimum. Cars are removed from surface level shortly after entering the site and this is a welcome approach to development.</p> <p>Traffic speeds are controlled by design and layout. The nature of the proposed internal road network is the principle element that enhances the setting for this development. As it allows for the promotion of the public realm over that of vehicular access. Existing vehicular access is upgraded as part of proposals.</p>

	<p>The Brewery Road Entrance will be updated to promote greater prominence and accessibility. A pair of gateway buildings are proposed and positioned either side of an entrance plaza. The existing access road is realigned to provide greater clarity and enhance the public open space.</p> <p>The new concierge, residents amenity and creche will be accessed from this entrance. A set down area is proposed along the new concierge and resident amenity space.</p> <p>There are pedestrian links to both the N11, Brewery Road, the adjoining park and existing Grange Development, which will deliver exceptional pedestrian connectivity. The current design delivers a central open space area and permeable landscape layout which will be accessible to all users.</p> <p>Furthermore, the layout of the buildings is the result of a detail design process that has given significant consideration to existing levels of residential amenity at Brewery Road and The Grange Cottages and appropriate set back distances along Brewery Road. The configuration of buildings has been designed to deliver a comfortable microclimate environment.</p> <p>Evidently, the design has been focused around the concept of placemaking and residential amenity.</p>
<p>PUBLIC REALM</p> <p>How safe, secure and enjoyable are the public areas?</p>	<p>The public areas within this development are accessible to all users, with an exceptional landscape proposal which ensures enjoyable and connected open space. The lighting provision in conjunction with the passive surveillance of the apartments creates a secure space. The lack of through traffic and surface parking within the development also helps to ensure the development is safe and secure.</p> <p>Furthermore, all bicycle and waste storage areas are secure and safe.</p> <p>Key placemaking features include:</p> <ul style="list-style-type: none"> • The creation of a sense of place and identity for residents • The provision of strong links and permeability along the perimeter of the site <ul style="list-style-type: none"> • Integration between the existing and new development • The creation of a hierarchy of places and circulation space • The creation of multifunctional spaces, legible and clear pedestrian routes
<p>ADAPTABILITY</p> <p>How will the buildings cope with change?</p>	<p>The units proposed in this case are considered appropriate for a mix of end users. All apartments are sizeable with the majority of units over and above the 10% increase in floor area required by the Apartment Guidelines. The layout of the units is considered appropriate to enable adaption over time depending on residential needs. The applicant is committed to a 15 year Build to Rent model and the proposal is considered to provide for an adaptable layout for any future requirements that may arise. A draft legal covenant is appended herewith for clarity.</p> <p>The phasing of this development will absorb some of the possible change necessary at its time of development. As the development is part of a larger overall development there is greater space and scope for change within the larger development in the future.</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/terrace.</p> <p>The development provides public and private open space as part of the development. As part of the development a creche and dedicated residential amenity space.</p> <p>The proposal provides for a quality Build to Rent development and provides for versatile unit layouts.</p>
<p>PARKING</p> <p>How will parking be secure and attractive?</p>	<p>Car parking spaces will be provided in the development at basement level and will be well maintained, safe and secure.</p> <p>Bicycle storage is delivered in compliance with national guidance and is located at designated areas at basement level.</p> <p>In addition, provision is made for motorcycle parking at basement level.</p> <p>Sustainable modes of transport, such as cycling and walking are promoted within the scheme through the delivery of 596 cycle spaces and the creation of a permeable layout for residents.</p>

<p>DETAILED DESIGN</p> <p>How well thought through is the building and landscape design?</p>	<p>We refer the Bord to the Architectural and Master planning Design Statement prepared by OMP, the Landscape Masterplan by Mitchell & Associates and the Planning Report prepared by Brock McClure for further details on design.</p>
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Table 1 - Compliance with Urban Design Manual

The above table clearly outlines how the development proposal is envisaged to deliver on the key provisions of the Urban Design Manual.

We submit to the An Bord Pleanála that the current proposal is supportive of the objectives of the Sustainable Residential Development in Urban Areas (2009) / Urban Design Manual.

3.2 Delivering Homes Sustaining Communities (2007)



The Department’s policy on housing provides the overarching policy framework for an integrated approach to housing and planning and notes that demographic factors will continue to underpin strong demand for housing. This in turn presents challenges for the physical planning of new housing and associated services. The quality of the housing environment is central to creating a sustainable community.

The *Delivering Homes Sustaining Communities* policy statement is accompanied by Best Practice Guidelines entitled ‘Quality Housing for Sustainable Communities’ and these are the focal point in terms of the consistency of the current proposal.

Quality Homes for Sustainable Communities (2007)



The purpose of these Guidelines is to promote high standards in design and construction and in the provision of residential development and services in new housing schemes.

It is our considered view that the proposal for the site has delivered on the key principles of this document by delivering the following:

- Diversity in the unit type and mix proposed (studio, 1 and 2 bedroomed apartments).
- Pedestrian Access is prioritised within the scheme.
- All public open spaces are safe and benefit from passive surveillance. A clear and coherent network of spaces is proposed throughout the scheme.
- There are appropriate play areas delivered across the scheme with the theme of natural play spaces evident throughout the network of open spaces. Play Areas ensure security and benefit from passive surveillance.

A Housing Quality Assessment has been prepared by O'Mahony Pike Architects and submitted with this planning application. We direct the Bord to consideration of this assessment for full details on the extent of proposals.

We submit to the Bord that the current proposal is supportive of the objectives of the Delivering Homes Sustaining Communities (2007) and the associated Best Practice Guide 'Quality Housing for Sustainable Communities'.

3.3 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 each 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.

We can confirm that the current proposal provides for a crèche facility of c. 658 sq m. This facility has been designed to cater for any existing childcare demand, the current proposal and any potential future phase of development at this site. Section 3.6.4. below sets out how the development complies with the the 2018 guidelines on the provision of crèche facilities.

We submit to the Bord that the current proposal is therefore in compliance with the key objectives of the Guidelines for Planning Authorities on Childcare Facilities (2001) as amended by the Apartment Guidelines of 2018.

3.4 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.

We direct An Bord Pleanala to the enclosed Flood Risk Assessment prepared by Waterman Moylan for full details on the assessment carried out in line with the above guidelines. The key conclusion of this document is as follows:

“The subject site has been analysed for risks from tidal flooding from the Irish Sea, fluvial flooding from the Carysfort Maretime, pluvial flooding, groundwater and drainage system failures due to human error or mechanical system failure. As the flood risk from all sources can be mitigated, reducing the flood risk to low or very low, the proposed development is considered acceptable in terms of flood risk.”

3.5 **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 200 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).

We can confirm that on review of the NPWS website, the application site is not located proximate or adjacent to a Natura 2000 site. We note however that the proposal is accompanied by an Appropriate Assessment Screening Statement Report prepared by Scott Cawley is now enclosed herewith.

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.

3.6 **Design Standards for New Apartments (2018)**

Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities



'Sustainable Urban Housing: Design Standards for New Apartments 2018' 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 current proposal provides for 287 Build to Rent residential units and this statement of consistency sets out the compliance of the proposal with the key build to rent policy requirements and standards as follows:

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 application documentation confirms the 'build to rent' nature of the development. Specifically the 'Build to Rent' nature of the development has been outlined in the public notices accompanying this planning application to An Bord Pleanála.

We can also confirm that a draft legal Section 47 covenant accompanies this planning application and is appended to the rear of this report as Appendix 2.

The applicant is also amenable to a planning condition attached to any potential grant of permission which may issue that requires the development to remain a 'build-to-rent' development for a period up to 15 years.

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

We refer An Bord Pleanála to the detailed floor plans and schedules enclosed with this application, prepared by O'Mahony Pike Architects, which provide details of residential amenity facilities. We note specifically that provision is made for a gym, lounge/reading area, reception area and concierge and residential amenity support facilities within the development.

As noted in the Guidance Document, (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.

The applicants have undertaken significant research in this regard and the current proposal is considered appropriate and viable and is a direct response to the objective to provide affordable residential accommodation.

We refer to the Estate & Common Area Strategy Report enclosed herewith from Aramark, which further details the operational management of the overall facilities.

Specific Planning Policy Requirement 8:

This SPPR relates to BTR development standards.

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

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

Applicant Response to SPPR8 (i)

Overall, 287 Build to Rent units are proposed with Dwelling Mix as follows:

- 19 x Studio Units (6.6%)
- 125 x 1 Bedroom Units (43.6%)
- 143 x 2 Bedroom Units (49.8%)

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

- (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)

Private Open Space, Communal Open Space and Storage provision is set out on the enclosed Housing Quality Assessment from O'Mahony Pike Architects. Provision complies with the requirements set out in the Apartment Guidelines and for public open space also complies with the higher requirements of the Dun Laoghaire Rathdown County Development Plan 2016-2022. We confirm that there are no deviations from the required minimums as set out by the Guidelines, thus ensuring the delivery of high quality sizeable residential units.

- (iii) ***There shall be a default minimal 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)

With regard to the reduced car parking exemption, we note that a ratio provision of 0.32 car is proposed to service the current scheme. This equates to the provision of 100 new car parking spaces for 287 residential units. Justification for this provision is set out in accompanying Waterman Moylan Consulting Engineers material and specifically the Car Parking Strategy and Mobility Management Plan.

- (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)

Standard Floor Areas are proposed. We refer the competent authority to the enclosed Housing Quality Assessment from O'Mahony Pike Architects for further details, which confirms that all minimum floor areas are delivered and the majority of units deliver on the additional 10% requirements.

- (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 policy requirements at 6-12 per core. We refer the competent authority to the floor plans enclosed herewith.

Other Specific Planning Policy Requirements

The other SPPRs considered relevant for consideration in this case are set out below following by 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. Notwithstanding, this it is identified that the current proposal delivers 50.9% dual aspect units (146 of 287 units). This fully accords with the Apartment Guidelines, which requires a minimum of 33% dual aspect in more central and accessible urban locations.

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

We can confirm that the ground floor of the proposed scheme provides floor to ceiling heights of 2.7 No. metres in compliance with the above policy requirements.

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. However, we can confirm that the number of apartment units per core varies and aligns with policy requirements at 6-12 per core. We refer the competent authority to the floor plans enclosed herewith.

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.

We note at this time that initial discussions with the Planning Authority have confirmed that a final agreement on Part V shall be reached following any potential grant of permission that may issue. For the purposes of delivering on Part V obligations, we note that the current proposal delivers on 29 units on site.

The Part V booklet enclosed herewith prepared by O’Mahony Pike Architects outlines the details of the Part V proposal submitted. We note specifically the inclusion of the following to address validation requirements for this planning application submission.

- Location of the Units
- Floor Plans
- Elevations
- Schedule of Accommodation
- Detailed Costings

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.”

A crèche facility of 658 sq m is proposed to serve both the development now proposed (287 residential units), the existing Grange development and any potential future phase of development. The unit breakdown for the existing, current proposal and potential future development is set out below for An Bord Pleanala:

Phase	Studio	1 Bed	2 Bed	3 Bed	Total
Existing	-	137 (27.1%)	309 (61.1%)	60 (11.8%)	506
Proposed Phase 1	19 (6.6%)	125 (43.6%)	143 (49.8%)	-	287
Indicative Phase 2	17 (8.8%)	67 (34.7%)	109 (56.5%)	-	193
Overall Total	36 (3.6%)	329 (33.4%)	561 (56.9%)	60 (6.1%)	986

Table 2 - Existing, Phase 1 and Phase 2 development

The following indicative summary mix is identified for a total of 967 units:

- 36 x studio apartment units
- 329 x 1 bedroom apartment units
- 561 x 2 bedroom apartment units
- 60 x 3 bedroom apartment units

It is noted that the 2 and 3 bed units should only be considered as contributing to a requirement for childcare in accordance with the provisions of the Apartment Guidelines of 2018. **A total of 621 units therefore have the potential to require childcare facilities.** We note the following calculations based on these uppermost requirements.

The Childcare Guidelines (2001) have identified that only 50% of units will require childcare. The following requirements are therefore identified:

- 50% of all 2 and 3 bed units = $621/2 = 310.5$
- 310.5 units - 1 facility required for every 75 units = $310.5/75 = 4.14$
- 20 childcare spaces required for every 75 units = $20 \times 4.14 = 82.8$ spaces required are required to address the requirements of the existing Grange Development, the current proposal and any potential further proposal for development.

A floor area figure of 2.32 sq m is generally applied per child space with extraneous areas delivered in addition. A standard facility of 192 sq m (+additional areas) is therefore required to serve the full extent of the existing Grange development (506 units), the current proposal (287 units) and potential future development (c. 193 indicative units).

This is based on a calculation of 2.32 sq m x 82.8 spaces required.

We note that extraneous areas such as kitchens, toilets, sleeping and other ancillary areas are deemed to be separate.

Having considered the above, the current proposal for a crèche facility of 658 sq m is considered acceptable in addressing the requirements of the existing Grange Development, the current proposal and any potential further proposal for development.

The policy basis on which the above calculations are applied are set out further in the Statement of Consistency enclosed herewith.

3.7 Urban Development and Building Height Guidelines (2018)



The recently adopted '**Urban Development and Building Heights, Guidelines for Planning Authorities (2018)**' are intended to set out national planning policy guidelines on building heights in relation to urban areas. These guidelines are the most recent form of guidance from the Minister on the matter of building height and were formally adopted in December of 2018. The competent authorities are now obliged to consider the content of these guidelines in consideration of the matter of building height.

Section 1.14 of the document sets out the following:

*“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.*

Notwithstanding, the content of the Building Height Strategy (Appendix 9) of the Dun Laoghaire Rathdown County Development Plan 2016-2022 and specifically Section 5 'General Principles', which the current proposal complies with, the Urban Development and Building Height Guidelines are the predominant context for assessment of height in this case.

From the outset, it is noted that the Building Height Guidelines (2018) expressly seek to increase building heights at appropriate urban locations and adjacent to key public transport corridors.

Policy Context

Furthermore, we note that the Guidelines states that *in relation to the assessment of individual planning applications and appeals, it is Government policy that **building heights must be generally increased in appropriate urban locations. There is therefore a presumption in favour of buildings of increased height in our town/city cores and in other urban locations with good public transport accessibility. Planning authorities must apply the following broad principles 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?*
- *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?*
- *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?*

As a response to the above criteria, we note the following:

- As set out in the accompanying planning report, the proposal secures the relevant objectives of the National Planning Framework.
- The proposal accords with the Building Height Strategy of the Dun Laoghaire Rathdown County Development Plan (2016-2022). Section 4.5 of this report refers.

Specific Planning Policy Requirements

The following Specific Planning Policy Requirements are considered particularly relevant to the current site context and the compliance of the scheme with these SPPRs is set out below.

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.”

Applicant Response to SPPR 3A

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 is set out in the Planning Report enclosed.

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, followed by an applicant response is set out below to clearly set out for An Bord Pleanála that the current proposal qualifies as a site that can accommodate additional building height:

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.***
- ***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.***
- ***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.”***

Applicant Response:

- As set out above, the site is well served by public transport with high capacity, frequent service and good links to other modes of public transport. Note the following in this regard:
 - Bus - The site is located adjacent to the N11 public transport corridor, which is a quality bus corridor/bus priority route. Distances to the nearest bus stops are less than 5 mins walk. Travel time to St. Stephen’s Green is 25 mins.
 - Luas - The Sandyford LUAS stop is a 14min walk from the proposed development. This stop is on the Green Luas line and journey time to St. Stephen’s Green is 26 minutes.
- The proposal is not located within an architectural sensitive area. However, careful consideration has been given to the successful integration of the scheme into the existing character and topography of the site and area. We note specifically that additional height is only proposed at locations where topography and existing site characteristics are favourable and in keeping within the surrounding development of the area. Development at Beechwood and within the exiting Grange development is the immediate context in terms of prevailing heights.

Building Height is intentionally sensitive at locations adjacent to the existing Grange Cottages. Furthermore, the extent of height proposed in this case has been determined by a number of studies (wind and microclimate, landscape and visual impact and daylight and sunlight analysis), which have informed the extent of development appropriate to the site at Brewery Road specifically. We refer the competent Authority to the relevant chapters of the EIAR submitted herewith for further detail on this matter.

The heights of the proposed blocks are in keeping with the prevailing heights of existing blocks and specifically Block G (Jade). The development also proposes a podium level within the development, which responds to the change in topography across the site and specifically between Brewery Road and the centre of the site.

It is worth highlighting that the enclosed landscape and visual impact assessment (Chapter 12 of the EIAR, prepared by ARC Architectural Consultants, sets out the following conclusion:

“The impact of the proposed development on the visual environment is likely to be largely restricted to the local area surrounding the application site, from elevated locations, across open foregrounds or at the ends of streets aligned towards the application site. Where streets or urban spaces are aligned towards the site, and where the buildings at the end of these alignments are relatively modest in height, there is a potential for taller elements of the development to be visible above lower intervening buildings. This potential increases with the length of the alignment, but reduces with distance from the site. It follows, that for tall structures¹ to be openly visible in a built up area, they must be seen across an open foreground or at the end of a long vista or alignment. Where visible, the potential impact of

¹ Taller structures meaning structures taller than the prevailing height of the surrounding built environment, which in the case of the wider Stillorgan area is two storeys.

the proposed development is likely to be consistent with emerging trends for development on the application site and along the N11 National Primary Route, particularly given that the site already accommodates a ten storey structure (page 13 of Chapter 12 of the EIAR)"

Evidently careful attention has been given to the assimilation of the development to the existing site context and we refer the competent authority to supporting documentation enclosed herewith for further detail on the design rationale associated with the proposal.

- The proposed scheme is present in a series of new residential blocks which are focused on placemaking. There is visual relief within the centre of the site with the inclusion of a series of courtyards for the future use of residents. The site delivers appropriate pedestrian and cyclists links to the N11, Brewery Road and adjoining Leopardstown Oaks Park, which are significant planning gains in terms of the connectivity and permeability of the surrounding area. Lastly, the scheme provides for residential tenant amenity facilities, which will deliver a sense of place and integration within the development.

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 is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials / building fabric well considered.***
- ***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).***
- ***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.***
- ***The proposal positively contributes to the mix of uses and/ or building/ dwelling typologies available in the neighbourhood."***

Applicant Response:

- 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 at Brewery Road and along No. 1 The Grange Cottage and properties along Brewery Road. The high quality design submitted provides an appropriate transition between the neighbouring dwellings and the existing Grange Development, whilst delivering on appropriate street frontage along Brewery Road. There is clear national guidance for the densification of appropriate infill sites in close proximity to public transport and the subject site is one which recognises the very spirit and intent of such guidance. The supporting documentation enclosed herewith includes detailed assessment on the impact to local levels of residential amenity including landscape and visual impact assessment, daylight and sunlight analysis and wind and microclimate considerations. The enclosed ABP response document from O'Mahony Pike Architects also clearly addresses any concerns in terms of residential amenity of properties along Brewery Road.
- Careful consideration has been given to ensure that a monolithic appearance is avoided. A number of design re-iterations have progressed to address any blank gable walls. Appropriate use of materials and fenestration details as proposed by Mahony Pike Architects has ensured that the building fabric is well considered. We refer An Bord Pleanála to the O'Mahony Pike drawings and the Design Statement enclosed herewith for further details.
- There is no inland waterway or marine frontage within the current proposal. We can confirm that a Flood Risk Assessment prepared by Waterman Moylan Consulting has been prepared as

appropriate and we defer An Bord Pleanála to this document for further detail on the matter of flooding as it relates to the site.

- The development utilises an important corner site along the N11, improving the streetscape and delivering a new identity to the area. The high quality design proposed will ensure that the development will be legible and attractive when viewed from Brewery Road. Internally, the site provides pedestrian linkages to both the surrounding area, the existing Grange site and the N11. These linkages will be shaped by public open space, creating links and a hierarchy of interconnected spaces.
- An appropriate mix of units types and sizes are incorporated into the development proposal. Notably, 19 studio units (6.6%), 125 one bedroom units (43.6%) and 143 two bedroom units (49.8%) are proposed within the current development. In addition to this a mixture of uses are incorporated into this development with a creche and residential amenity space all included. This mix is compliant with the requirements of the Apartment Guidelines for Build to Rent Development.

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.***
- ***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’.***
- ***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.”***

Applicant Response:

- A detailed design rationale for the form, massing and height of the proposed development is set out in the enclosed Design Statement by O’Mahony Pike Architects.
- The current proposal is accompanied by a Daylight and Sunlight Analysis, which confirms that there are acceptable levels of access to natural daylight and that overshadowing is minimised. In this regard, appropriate consideration has been given to the relevant guidance documents and specifically ‘Site Layout Planning for Daylight and Sunlight’ (2nd edition) or BS 8206-2: 2008 - ‘Lighting for Buildings - Part 2: Code of Practice for Daylighting’.
- There is no requirement for compensatory design solutions.

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.***

- ***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.***
- ***An assessment that the proposal allows for the retention of important telecommunication channels, such as microwave links.***
- ***An assessment that the proposal maintains safe air navigation.***
- ***An urban design statement including, as appropriate, impact on the historic built environment.***
- ***Relevant environmental assessment requirements, including SEA, EIA, AA and Ecological Impact Assessment, as appropriate.”***

Applicant Response:

- Given the heights proposed within the development, impact assessment of wind and microclimate effects is required to ensure there is no undue impact. We refer An Bord Pleanála to the enclosed Environmental Impact Assessment Report enclosed herewith and specifically Chapter 11, which examines in detail the impacts of the proposed development in terms of Wind and Microclimate. We note the following general conclusions in terms of impact:
 - *“The proposed Grange Development will produce a high quality environment that is attractive and comfortable for pedestrians of all categories.*
 - *The surrounding environment, development and mitigation trees properly shields all paths/walkways around and within the development. Pedestrian footpaths are always successfully shielded and comfortable.*
 - *The development Courtyard is generally suitable for long term sitting, short term sitting, standing, walking and strolling activities.*
 - *Shielding conditions in the South-West, South-East, North-East and North-West areas are always acceptable.*
 - *Balconies within the development are comfortable for pedestrian sitting, standing, walking and strolling.*
 - *The proposed development does not impact or give rise to negative or critical wind speed profiles at the nearby adjacent roads, or nearby buildings.*
 - *Pedestrian comfort assessment, performed according to the Lawson criteria, identified the areas that are suitable for different pedestrian activities in order to guarantee pedestrian comfort. In terms of distress, no critical conditions were found for “Frail persons or cyclists” in the surrounding of the development. No critical conditions have been found for members of the “General Public”.*
 - *During Grange Development construction phase the predicted impacts are classified as negligible.”*
- The appointed ecologists, Scott Cawley have confirmed that the matter of collision for bird or bat species is not a significant phenomenon known in Ireland. For this reason, the potential impact of height is not addressed in the Biodiversity Chapter of the Environmental Impact Assessment enclosed herewith. We can confirm that the impact of lighting on bats will be formally assessed as part of any final planning application that may progress.
- OCSC has advised that microwave links used by the telecoms companies use direct “line-of-sight” to connect from one point to another, so if a tall building is placed along that line it could block the signal path. In this case, this matter is not considered to pose a risk.

OCSC further advised that there are two types of links, the main trunk routes which typically use tall masts and high sites to avoid obstructions, and the smaller mini-links that connect from one mobile phone site to another and are at lower levels.

It is more likely that buildings would interfere with a mini-link, but this wouldn't be regarded as an "important telecommunication channel" as it can be re-directed and an alternative route found.

The most likely interference with a main microwave link would be in the city where there are a smaller number of tall masts operating.

It is in consideration of the above, we are satisfied that the proposal allows for the retention of telecommunications channels.

- Prior to the submission of any formal planning application, the applicant has engaged with the Irish Aviation Authority (IAA) and the Dublin Airport Authority (DAA) to ensure that the current proposal maintains safe air navigation.

The following advice was issued from the IAA in respect of the proposed development:

"It is the observation of the Irish Aviation Authority that in the event of planning consent being granted, the application should engage with the Property Management Branch of the Department of Defence and Weston Aerodrome management to ensure that any crane operations do not impact on flight procedures of the aerodromes. Should permission be granted, the applicant should be condition to contact the Irish Aviation Authority of intention to commence crane operations with a minimum of 30 days prior notification of their erection."

The relevant correspondence is enclosed as an appendix to this report for clarity.

We can confirm that the applicant shall comply with the above requirements and is amendable to the attachment of a planning condition as set out above.

The following advice was issued from the DAA in respect of the proposed development:

"I can confirm that daa has no concerns in relation to this development".

- A Design Statement has been prepared and submitted by O'Mahony Pike Architects.
- An Appropriate Assessment Screening Report has been prepared and submitted by Scott Cawley. An Environmental Impact Assessment Report has also been co-ordinated by Brock McClure Planning Consultants and is enclosed herewith to assist An Bord Pleanála in their review of environmental impact assessment associated with the development.

It is in consideration of the above that the current proposal for 1-11 storeys in height can be positively considered by the competent authority. Specifically, the proposal has addressed the specific development criteria requirements of the Guidelines and is in compliance with the key SPPRs. Most notably the site's location is considered to address the very spirit and intent of the Guidelines that being one proximate to a public transport corridor with high frequency services. The current site is therefore appropriate for increased building height and residential densities.

4 DUN LAOGHAIRE RATHDOWN DEVELOPMENT PLAN 2016-2022



The Dun Laoghaire Rathdown County Development Plan 2016-2022 is the relevant statutory planning context for the subject site. This Plan will remain valid for 6 years, subject to any review, variations, extensions or alterations made during the lifetime of the permission.

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 ascertains to meet some of this deficit housing demand, while providing housing through densification of serviced land within existing settlements.

4.2 Planning Policy

This section of the report reviews the compliance of the scheme with Development Plan policy as per the table set out below.

Matters of compliance with Zoning, Key Development Objectives and Management Standards have been set out in detail in the accompanying Planning Report, prepared by Brock McClure Planning Consultants.

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 (29 no.). The housing provided overall is energy efficient, good mix of good quality housing and is 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</i>	The gross residential density in this case is identified as 159.4 units per ha, which is considered appropriate given proximity of the

	<p>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 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>site to an existing Bus Priority Route along the N11 and given that Stillorgan Village and Sandyford Business park are within 1km and 2km of the site respectively. This is considered an efficient and sustainable use of a key infill site along the N11 with a variety of amenities and facilities.</p> <p>Furthermore, it is our view that this proposed residential density is supported by national policy and guidance and can be favourably considered at this time. This is particularly the case given the quality of the proposal submitted. Notably, the proposal successfully delivers on all relevant development management and provides for an exceptional level of residential amenity.</p> <p>The proposed residential development is in keeping with 'Sustainable Residential Development in Urban Areas', 'Urban Design Manual- A Best Practice Guide', 'Quality Housing for Sustainable Communities' and 'Irish Design Manual for Urban roads and streets.' This has been outlined in chapter 4.</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 housing mixes which support a range of households. We refer the Planning Authority to the proposed residential mix enclosed herewith, which is outlined in the development summary section at the rear of the OMP Brochure.</p> <p>This mix is considered appropriate and in line with guidance. Furthermore, there is a large provision of residential amenity space as part of this development, along with a creche, which helps to establish a sustainable community.</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 on plan and schedules submitted herewith. Block N specifically delivers 29 Part V residential units.</p> <p>We refer An Bord Pleanála to the OMP Part V Brochure enclosed herewith, which details the location of the Part V units; the floor plans, elevations and layouts for the units; and the appropriate costings.</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>We note that the proposal provides for studio, 1 bed and 2 bed apartments on a site that is proximate to Stillorgan Village and public transport facilities. It is therefore submitted that the proposal is appropriate for an ageing population.</p>
Res 14	<p>"It is Council policy to plan for communities in accordance with the aims, objectives and principles of 'Sustainable Residential Development in Urban Areas' and the</p>	<p>A childcare facility and residential amenity space are proposed to service the future needs of the residents. The Kennedy Wilson product is further</p>

	<p>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."</p>	<p>set out in the planning report enclosed herewith and we note that the quality of the tenant facilities provided is exceptional.</p>
UD 1	<p>"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."</p>	<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. The development takes the context of its surrounding developments into account to develop a high-density design in keeping with its surroundings. The layout and public realm elements of the development prioritise pedestrian linkages and amenity in order to best utilise the transport amenities in the immediate facility. This is carried out by placing parking at a basement level in order to yield priority to people-friendly spaces.</p>
UD 2	<p>"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)."</p>	<p>A Design Statement has been prepared and submitted by OMP.</p>
UD3	<p>"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."</p>	<p>The proposed development would reinstate a strong edge to the site, creating passive surveillance along Brewery road and the N11. The development would add to the existing Grange development and Beechwood opposite. This would help to develop a sense of place along the road and better define the junction as being an area of landmark height and high-quality residential development along a transport corridor.</p>
UD 6	<p>"It is Council policy to adhere to the recommendations and guidance set out within the Building Height Strategy for the County."</p>	<p>The proposal is in keeping with the National Planning Framework and the provisions of the recently adopted Urban Development and Building Height, Guidelines for Planning Authorities (2018).</p> <p>The compliance of the proposal with the Building Height Strategy is examined further in the Brock McClure Planning Report enclosed herewith.</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 sunlight and daylight access analysis and landscape visual impact assessment, both of which demonstrate that the design proposals are</p>

		appropriately considered to ensure that no adverse or negative impact arises. These assessments are submitted as part of this application.
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>	The proposed development is accessible universally.
SIC 5	<i>“It is Council policy to support, as resources allow, the continued delivery of Estate Management structures and programmes in areas identified with a high proportion of Council-owned properties.”</i>	We refer An Bord Pleanala to the Building Lifecycle Report (prepared by Aramark) included herewith for further detail on management matters for the residential proposal.
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>	A childcare facility and residential amenity space are proposed to service the future needs of the residents. The Kennedy Wilson product is further set out in the planning report enclosed herewith and we note that the quality of the tenant facilities provided is exceptional.
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>	
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>	The current scheme delivers on a childcare facility of 658 sq m located in Block P of the proposal. The creche proposed is contained within a non-residential block, build with the purpose of facilitating the childcare unit. There are also 8 surface car parking spaces in relation to this facility. This facility is in addition to the creche in the existing Grange development.
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 provides walking and cycling links between the existing Grange Development and within the new development. In addition to this, the development provides network links between Brewery road, the N11 and Leopardstown Tennis Club.
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 has been submitted by Waterman Moylan as part of this application. In addition, the site is located in proximity to an existing Bus Priority Route along the N11.
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>	We confirm that Waterman Moylan have engaged with Transportation Department direct on the Traffic and access strategy for the proposed development and proposals submitted herewith have been accepted in principle by the Transportation Department.

<p>El 18</p>	<p>“It is Council policy to co-operate with other agencies, to plan, organise, authorise and supervise the disposal of hazardous waste.”</p>	<p>An Operational Waste Management Report has been provided as part of this application by AWN.</p>
<p>LHB 20</p>	<p>“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.”</p>	<p>An Environmental Impact Assessment Report has been co-ordinated by Brock McClure Planning and Development consultants as part of this application.</p> <p>In addition, an Appropriate Assessment Screening Report prepared by Scott Cawley is submitted herewith to address the requirements of this policy.</p>

Table 3 - Policy Compliance

4.3 Zoning

The site zoning is identified in Figure 1 below:



Figure 1 - Zoning Map with site outlined in Red

The subject site is primarily zoned ‘A’ - **“To Protect and/or improve residential amenity”**.

Uses permitted in principle under this zoning include:

“Assisted Living Accommodation, Open Space, Public Services, Residential, Residential Institution, Travellers Accommodation.”

A residential development and associated tenant amenity space is therefore permitted in principle under this zoning objective. In addition, we note that a **‘Childcare Service’** is a use open to consideration under the zoning. We trust that the Planning will therefore review proposals for the creche facility and café on merit.

A portion of the site is also zoned ‘F’:

“To preserve and provide for open space with ancillary active recreational amenities”.

Generally, we note that lands zoned 'F' are kept free from development. Block P is located adjacent to 'F' zoned lands and this building provides for a creche facility only at this location. We confirm for the competent Authority that this block and residential proposal contained therein does not contradict the 'F' zoned lands and the OMP brochure enclosed herewith examines this further by way of an overlay map. This is highlighted below for consistency:



Figure 2 - Overlay Map

4.4 Tree Preservation & Landscape

There is also an objective on the site ***“To protect and preserve Trees and Woodlands”***.

The design team have from the outset of the project considered the key implications arising from this objective and have appointed The Tree File as part of the design team to provide specialist advice. The advice received from The Tree File has directed the design of the proposal now submitted, which is a wholly welcomed approach at this the initial stage of the development process.

In addition to the above, we note that the Landscape Plan prepared by Mitchell & Associates fully considers the Tree Preservation Objective and will provide an enhanced landscaped setting for both the existing and proposed development.

It is also worth noting at this point, that the indicative proposals for landscape design are considered exceptional both in concept and design and are to be welcomed at this initial stage of the process.

Page 44 of this report has set out and quantified the level of tree loss and replacement planting proposed as part of this planning application and we trust that due consideration will be given to the condition of the trees proposed for removal as part of this application.

4.5 Height

The Development Plan contains a Building Height Strategy (Appendix 9), which is considered of particular relevance to the subject site. However, the recently published '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 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 the enclosed Statement of Consistency, which clearly demonstrates compliance of the scheme with the provisions of same.

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

General Context

The general context for building height along the N11 is set out in Section 1 of the Building Height Strategy. Section 1.2 specifically states that *“In the larger development sites such as Stepaside, Carrickmines, Cherrywood, Sandyford and along the N11 corridor heights greater than six storeys have been permitted. This trend reflects the change in national policy, driven by the Residential Density Guidelines (1999) and the subsequent Sustainable Residential Development in Urban Areas (2008) which required local authorities to promote higher residential densities in appropriate locations.”*

Section 3.3. of the Building Height Strategy also goes on to state that *“The N11 corridor has seen a pattern of taller apartment schemes constructed at key corner sites along its route through the County. As such schemes are restricted from taking access directly from the N11, corner sites at junctions between the N11 and the larger side roads have been the most common location for intensification of development.”*

Section 3.3. further states that *“the width of the corridor, at over 40m, provides an opportunity for taller buildings to enclose this space”* It is also stated that *The higher residential densities that have been realised in this area in the last few years were as a result of policies in the 2004 County Development Plan which promoted higher densities within a 500 metre catchment of a QBC and also allowed for consideration of higher densities on large development sites, in excess of 0.5ha.”*

Furthermore and as set out in the OMP Brochure, we note that the recent context along the N11 is changing in terms of building height and we note specifically the following developments, which have been developed or permitted along the N11:

- Thornwood (8 storeys)
- Booterstown Wood (8 storeys)
- Merrion Hall Apartments (7 storeys)
- Beechwood Court (7-8 storeys)
- The Grange Apartments (9-10 storeys)

- Blakes Development (5-9 storeys)

The above confirms the position of the height strategy that development along the N11 has delivered additional building height. It is therefore evident that the existing context along the N11 is one where taller buildings at corner sites is a common approach to development at this strategic corridor.

A Policy Approach

Section 4.8 of the Building Height Strategy sets out a policy approach for residual suburban areas not included within Cumulative Areas of Control as set out in the Building Height Strategy.

It is stated that apartment or town-house type developments or commercial developments in the established commercial core of suburban areas to a maximum of 3-4 storeys may be permitted in appropriate locations - for example on prominent corner sites, on large redevelopment sites or adjacent to key public transport nodes - providing they have no detrimental effect on existing character and residential amenity.

This maximum height (3-4 storeys) for certain developments **clearly cannot apply in every circumstance. There will be situations where a minor modification up or down in height could be considered. The factors that may allow for this are known as 'Upward or Downward Modifiers'. Additional height increases or decreases associated with the modifiers are considered to be one or possibly 2 floors.**

The height strategy however also refers to certain exceptional circumstances, where a case may be made for additional height at certain locations. Particular importance will be placed on downward modifiers in these cases.

The Proposal

In summary, we note the following provisions for height across the scheme:

- Block H (7 - 11 storeys from Brewery Road)
- Block J (5 - 10 storeys from Brewery Road)
- Block M (4 - 9 storeys from podium)
- Block N (6 - 7 storeys from Brewery Road)
- Block P (3 storeys)
- Block Q (1 storey)

These proposals are now considered below with regard to upward and downward modifiers and the general principles that should be applied by the competent authority in assessment of proposals for height.

Upward Modifiers

It is stated within Appendix 9 that a proposal **must meet more than 1 upward modifier** in order to qualify as a location suitable for additional building height.

The modifiers in question are as follows:

- The development would create urban design benefits.
- The development would provide major planning gain.
- The development would have civic, social or cultural importance.
- The built environment or topography would permit high development without damaging the appearance or character of the area.
- A development would contribute to the promotion of higher densities in areas with exceptional public transport. Notably, the Building Height Strategy references that Areas with exceptional

public transport accessibility are defined as areas within a 500m walkband on either side of the Luas corridor, a 500m walkband around the DART stations, a **500m walkband on either side of the N11** and 100m walkband on either side of a QBC). Densities should be higher adjacent to these corridors and nodes and grade down towards neighbouring areas so that they are lower in close proximity to residential areas.

- The size of the site is more than 0.5 ha.

We request the Bord to consider the following vis - a - vis the subject site and upward modifier criteria:

- The development site is c.1.6 ha and is well in excess of the 0.5 ha requirement.
- The proposal is located directly adjacent to the N11 QBC and is proximate to the Green Luas Line (700m) and particularly the Sandyford Luas line stop and is therefore well placed in terms of exceptional public transport accessibility.
- The proposal provides for a key connection to the adjoining open space area to the south. A high quality design is also proposed.
- The proposal will further complement the existing urban grain along the N11 and will add legibility at street level and further develop the character established by the existing Grange Development and the Beechwood development to the north of the N11.
- The scheme will deliver a new and improved frontage to the N31 and N11 on a site that is currently underutilised in a key suburban location.
- An exceptional level of residential amenity is proposed within the scheme, design by award winning architects O'Mahony Pike Architects.

It is in considering the compliance of the scheme with upward modifiers that we submit the proposals for height in this case to be acceptable. It is our view specifically that the proposal now submitted protects existing levels of residential amenity and enables higher densities proximate to public transport nodes. The Brochure enclosed by OMP provides further detail on separation distances maintained and the retention of existing levels of residential amenity.

It is our view that additional height can be positively considered at this site in consideration of the above.

Downward Modifiers

The applicant is also obliged to consider downward modifiers, where a decrease in height may be required where a proposal would adversely affect:

- Residential living conditions through overlooking, overshadowing or excessive bulk and scale.
- An Architectural Conservation Area (or candidate ACA) or the setting of a protected structure.
- Strategic protected views and prospects.
- A planning or social objective, such as the need to provide particular types of housing, employment or social facility in an area.
- An Area of Particular character including a coastal fringe or mountain foothills

As a response, we note the following:

- The material enclosed herewith from O'Mahony Pike Architects and ARC Architectural Consultants has clearly demonstrated that there is no adverse impact posed by the development by way of overlooking or overshadowing or excessive bulk and scale.
- The site is not located in or proximate to an Architectural Conservation Area or Protected Structure.
- The proposal does not affect any strategic protected views or prospects.
- The proposal is consistent with national guidance on the types of housing to be delivered.

- The proposal is not located in an area of particular character including a coastal fringe or mountain foothill.

Evidently from the above, none of the downward modifiers apply to the subject site.

General Principles

Notwithstanding the consideration given to upward and downward modifiers as they relate to the site, it is our submission that the pre-dominant section of the Building Height Strategy which applies to the subject site is the General Principles section contained in Section 5 of the Strategy.

The general principles, should be applied by the competent authority in assessing appropriate building heights throughout the County. The general principles referenced are set out below:

- To protect the residential amenities of the County.
- To protect the County's built heritage and natural areas of exceptional beauty.
- To promote high densities and allow for increased densities around public transport nodes and centres of activity.
- To encourage higher densities and also to allow for increased building heights at appropriate locations along public corridors.
- To promote high density through in-fill development.
- To allow for landmark buildings in the right places.

It is our submission that the current proposal of 1-11 storeys in height:

- Will protect existing levels of residential amenity in the area, as demonstrated in the material enclosed herewith from OMP Architects and ARC Architectural Consultants. Specifically, we note that the OMP ABP Response document has addressed in detail all residential amenity considerations associated with proposals for height. In addition, ARC have concluded that there are no significant impacts posed from the development in terms of overshadowing, with appropriate levels of access to daylight and sunlight maintained in the surrounding area and within the development proposal.
- Does not impact on the County's built heritage and natural areas of exception beauty, given the significant removal of the site from such locations. Notably, the site is not located in or adjacent to an Architectural Conservation Area, nor does the site contain a protected structure.
- Promotes an appropriate level of infill residential density to allow for increased densities adjacent to the N11 public transport corridor on a key corner site location i.e. a density of 159.4 units per ha. This principle of development is supported in national policy and the site is considered a unique opportunity to deliver appropriate building heights and residential densities along the N11 strategic corridor.

It is having considered the policy approach on height; the general principles that are applied when considering new proposals for development; and the existing permitted context along the N11 that we consider the proposal submitted herewith to be acceptable in terms of building height.

We refer the competent authority to the enclosed Statement of Consistency which sets out the compliance of the development proposal with the provisions of the Building Height Guidelines entitled 'Urban Development and Building Heights - Guidelines for Planning Authorities December (2018)'.

We note specifically that this statement has set out the consistency of the development proposal with the performance criteria of the Building Height Guidelines. It is submitted that there is a sufficient policy context to grant permission for the proposed development in line with the compliance of the scheme vis a vis SPPR 3A.

4.6 Car Parking

It is stated in the Development Plan that quantitative Car Parking Standards should comply with Development Plan requirements. We note generally that the requirements detailed under the Development Plan are as follows:

Apartments:

- 1 space per 1 bed
- 1.5 spaces per 2 beds

Creche Facility:

- 1 space per staff member

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) may be acceptable dependent on the proximity of the proposed development to public transport. For clarity, we can confirm the following distances to public transport:

- Bus - The site is located adjacent to the N11 public transport corridor, which is a quality bus corridor. Distances to the nearest bus stops are less than 5mins walk. Travel time to St. Stephen's Green by QBC is 25 mins.
- Luas - The Sandyford LUAS stop is a 14min walk from the proposed development. This stop is on the Green Luas line and journey time to St. Stephen's Green is 26 minutes.

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

Notwithstanding the above, we note that the DOE Apartment Guidelines (2018) generally encourage reduced standards of car parking and the content of these Guidelines supersede Development Plan requirements. As such, the DOE Apartment Guidelines are the predominant context for the provision of car parking.

The document defines accessible locations as falling into 3 categories:

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

Our review of these 3 categories identified that the site can be categorized as a Central and/or Accessible Urban Location. This categorization is made on the basis that the site is "within easy walking distance (i.e. up to 5minues or 400-500m) to / from high frequency (i.e. min 10 minute peak hour frequency) urban bus services. (page 5)"

With regard to car parking, the Apartment Guidelines set out the following requirements for Central and / or Accessible Urban Locations:

"Central and/or Accessible Urban Locations:

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

*These locations are most likely to be in cities, especially in or adjacent to (i.e. within 15 minutes walking distance of) city centres or centrally located employment locations. **This includes 10 minutes walking distance of DART, commuter rail or Luas stops or within 5 minutes walking distance of high frequency (min 10 minute peak hour frequency) bus services.***

We can confirm that the subject site is located directly adjacent to an existing bus priority route at the N11 (a key city centre arterial route). The very intention of the guidelines is to minimise, substantially reduce

or wholly eliminate car parking for Central and/or Accessible Urban Locations. It is submitted that the subject sites is a prime location for this principle to be applied.

Furthermore, we note the following policy provision of the DOE 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 an/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....”

As set out previously, the subject site is a Build to Rent Development at a central location with exceptional access to key public transport corridors. In consideration of the above, a reduced car parking standard should be regarded as acceptable for the subject site.

In light of the above, the key consideration in terms of car parking at this site as to what reduced car parking standard or ratio is appropriate to the site.

We also note the following breakdown generally with regard to car parking currently proposed across this Phase 1 development:

PARKING NUMBERS		CAR	BICYCLE	MOTORBIKES
Residential				
	Required	0.5/unit	574	
Level 00		84	518	5
Surface		8	58	0
Residential Total		92	576	5
Creche				
	Required	N/A	17	0
Surface		8	20	0
Creche Total		8	20	0
OVERALL PARKING TOTAL		100	596	5

Figure 3 - Parking Breakdown

A total of 100 car parking spaces are proposed. 84 spaces are located at basement level and 16 at surface level.

The 84 spaces at basement level and 8 additional spaces at surface level (identified as designated visitor parking) will cater for the residential element of the scheme (287 units) at a ratio of 0.32 spaces for each unit proposed. The remaining 8 spaces proposed at surface level spaces will accommodate the creche proposal in terms of drop off and staffing requirements.

We can also confirm that there are an additional 100 residential spaces available to the development in the existing basement of the Grange. All considered, a total of 192 spaces are available to the new development (92 proposed residential spaces and 100 existing spaces in the basement). The total 192 spaces available to the residential development would uplift the car parking ratio to 0.66 spaces per unit.

Whilst the applicant considers the ratio of 0.32 spaces per unit as proposed (92 spaces for 287 residential units) appropriate to serve the development, given the accessible nature of the site and proximity to key public transport nodes, the ratio of 0.66 units per unit alleviates any potential for concern over the provision of parking. The enclosed car parking strategy report from Waterman Moylan and Section 12.4 of this report sets out further justification for this provision.

In support of the proposed car parking proposals, we note that Waterman Moylan has set out a clear and detailed rationale behind the provision of car parking at this site as set out in the Car Parking Strategy and Mobility Management Plan, which should be duly considered by An Bord Pleanala. The key points of this rationale are summarized in 'Section 5 – Conclusion' as follows:

- The proposed development is a Build to Rent Scheme operated by Kennedy Wilson who are an experienced and professional developer and operator of BTR schemes
- Kennedy Wilson currently operate over 28,000 units worldwide and approximately 2400 units in Ireland with an average parking demand of 0.32/unit.
- Kennedy Wilson schemes are all located in close proximity to key transport nodes, where sustainable modes of traveling are actively promoted including walking, cycling and public transport.
- The proposed development is well located in proximity to high quality public transport; less than 5 minutes walking of a QBC with services direct to the City Centre and less than 15min walk to Sandyford Luas.
- The proposed development is well located within 15min walk and 5min cycle to Sandyford Business Park, a Major Employment Centre.
- The proposed development is well located within 15min walk and 5min cycle to excellent amenities and services in Stillorgan Village.
- There is excellent cycle infrastructure in the area with dedicated cycle lanes along the N11 Stillorgan Road and N31 Brewery Road.
- The proposed development will provide 576 No. cycle parking spaces, including secure and safe cycle parking.
- Nearby census data suggests that green modes of transit are more popular for commuting among local apartment residents than private cars, which highlights the accessibility to good quality Public Transport.
- The proposed development will provide 5 No. Car Club/Car Sharing spaces which will provide residents with access to a car when they need one.
- Kennedy Wilson control 275 car parking spaces in the adjoining Phase 1 development where they currently have 100 vacant/unused spaces. These spaces could be used in the event that parking demand in excess of 0.32/units arises. If you take into account the existing vacant/unused spaces together with the proposed spaces (100+84), then the parking ratio would increase to 0.66/unit. Even if you assume that only 50% of the vacant spaces are available the ratio would equate to 0.5/unit.

It is in consideration of the above that we consider the current proposals for car parking to comply with national planning policy on car parking requirements.

4.7 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

Notwithstanding the above, we note that Section 4.15 of the 'Design Standards for New Apartments – Guidelines for Planning Authorities (2018)' require the following provision:

- Long Stay: 1 Cycle storage space per bedroom
- Short Stay (visitor): 1 space per 2 units

The Apartment Guidelines are more stringent in terms of requirements overall and we note the following demand on this basis:

Long Stay

- Studio (19 x 1 = 19)
- 1 Bedroom (125 x 1 = 125)
- 2 Bedroom (143 x 2 = 286)

A total of 430 long stay cycle spaces are required.

Short Stay

A total of 287 units are proposed. There 143.5 short stay spaces are required.

A total of 573.5 or 574 cycle spaces are therefore required for the residential element of the scheme.

Creche

In addition, we note that the 'Cycle Parking and associated Cycling Facilities for New Developments (January 2018)' require the following provision for Childcare Services:

- Long Stay: 1 space per 5 staff
- Short Stay (visitor): 1 space per 10 children.

There are 23 staff proposed for the facility and 115 child spaces are delivered.

A total of 17 cycle spaces are therefore required for the creche element of the scheme.

Combined, the cycle parking requirements for the development are 592 spaces (574 for residential and 17 for the creche).

We can confirm that a total of 596 spaces are delivered for the current proposal. 518 spaces are proposed at basement level and 78 are proposed at surface level to server the overall development.

The breakdown in cycle spaces provides for 576 spaces to serve the residential component and 20 spaces to serve the crèche facility.

4.8 Public Open Space

With regard to open space requirements the Development Plan provides for the following:

Section 8.2.8.2 of the Plan states that a requirement of **15 sq m - 20 sq m of Open Space per person** shall apply based on the number of residential/housing units. This is assumed on an occupancy rate of 3.5 persons in the case of dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms.

The Development Plan however clearly sets out that the Planning Authority shall require **an absolute default minimum of 10% of the overall site area for all residential developments to be reserved for use as Public Open and/or Communal Space irrespective of the occupancy parameters set out in the previous paragraph.**

Notwithstanding, the clear Development Plan policy set out on public open space requirements, we note that the Apartment Guidelines of 2018 set out standards for communal open space provision as follows:

- 4 sq m for studios
- 5 sq m for 1 beds
- 7 sq m for 2 beds

In considering the above, we note the following proposal and calculations for public open space vis - a - vis Development Plan and the Apartment Guidelines standards:

DLR Standards

10% of the total site area - Site Area 18,163 sq m = 10% Public Open Space requirement is **1,816.3 sq m**.

Apartment Guidelines Standards

Communal Open Space Requirements:

4 sq m for studios - 19 x 4 sq m = 76 sq m

5 sq m for 1 beds - 125 x 5 sq m = 625 sq m

7 sq m for 2 beds - 143 x 7 sq m = 1,001 sq m

Total Communal Open Space required = 1,702 sq m

A total of 10,465 sq m of public open space is proposed at this location. This provision is over and above requirements of the relevant Development Plan and the Apartment Guidelines.

We note specifically that 57.6% of the total site area is dedicated as public open space, which is significant for a key suburban location, proximate to public transport nodes.

It is our view that proposals are therefore sufficient in addressing requirements of both the Apartment Guidelines and the Development Plan.

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 (2018)' also sets out minimum floor areas for private open space, which take precedence over Development Plan standards in this regard.

We note the following requirements:

- 4 sq m for studios
- 5 sq m for 1 beds
- 7 sq m for 2 beds

We refer An Bord Pleanála to the Housing Quality Assessment prepared by O'Mahony Pike Architects 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 (2018)'. An Bord Pleanála will note that all proposals are consistent with requirements.

4.10 Density

Policy Res 3 of the Development Plan generally promotes higher residential densities subject to the reasonable protection of residential amenity and the established character of the area. In addition, we note that section 2.1.3.3. of the Development Plan states the following with regard to Residential Density:

*"As a general rule the minimum default density for new residential developments in the County (excluding lands on zoning Objectives 'GB', 'C' and 'B') shall be 35 units per hectare. **This density may not be appropriate in all instances, but will serve as a general guidance rule, particularly in relation to 'greenfield' sites or larger 'A' zoned areas.**"*

“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.”

As set out previously the site has the benefit of access to both a Bus Priority Route and Luas line. The following details are relevant in this regard:

- Bus - The overall site is located adjacent to the N11 Bus Priority Route / Quality Bus Corridor. Distances to the nearest bus stops are less than 5mins walk. Travel time to St. Stephen's Green by bus is 25 mins.
- Luas - The Sandyford LUAS stop is a 14min walk from the proposed development. This stop is on the Green Luas line and journey time to St. Stephen's Green is 26 minutes.

Given the accessibility of the proposal to public transport nodes, the site is considered appropriate to propose a residential density higher than 50 units per ha.

We can confirm that a total of 287 units are proposed on a site of c.1.8 ha, which provides for a residential density of 159.4 units per ha. This is considered appropriate and achievable at this location given the quality of the scheme proposed and subject to the protection of existing levels of residential amenity both within the scheme and at sensitive locations along Brewery Road and The Grange Cottages.

The documentation submitted herewith from OMP Architects outlines the how the proposal addresses existing and proposed levels of residential amenity.

5 CONCLUSION

This Statement of Consistency is prepared to accompany a formal SHD application to An Bord Pleanála and has identified the compliance of the scheme with relevant section 28 Ministerial Guidelines 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.

We direct the attention of the Bord to other material submitted herewith for further detail on the context of the site within at Blackrock and a clear and concise development description.

APPENDIX 1 - CORRESPONDENCE WITH IAA AND DAA

Correspondence with the IAA

Irish Aviation Authority
The Times Building
11-12 D'Olier Street
Dublin 2, D02 T449,
Ireland

Údarás Éilíochta na hÉireann
Foigréamh na hAimann
11-12 Sráid D'Olier
Baile Átha Cliath 2, D02 T449,
Éire

T: +353 1 671 8656
F: +353 1 679 2934
www.iaa.ie



Date 02nd July 2019

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

Development: *The proposal is located on lands adjacent to The Grange, Brewery Road, Stillorgan, Blackrock, Co. Dublin and provides for a new residential development of 287 residential units, a crèche facility and residential amenity area. Heights of up to 11 storeys are proposed.*

Dear Linda

I refer to the pre planning permission details of which were received by the Irish Aviation Authority from your company.

It is the observation of the Irish Aviation Authority that in the event of planning consent being granted, the applicant should engage with the Property Management Branch of the Department of the Defence and Weston Aerodrome management to ensure that any crane operations do not impact on flight procedures of the aerodromes. Should permission be granted, the applicant should be conditioned to contact the Irish Aviation Authority of intention to commence crane operations with a minimum of 30 days prior notification of their erection."

Yours sincerely


Deirdre Forrest
Corporate Affairs

Bord Stiúrthóirí/Board of Directors
Peter Kearney (Príomhfoiréir/Chief Executive)
Marie Bradley, Emma Connelly, Pascal Fitzgerald,
Michael Norton

Oifig Chláraithe:
Foigréamh na hAimann, 11-12 Sráid D'Olier
Baile Átha Cliath 2, D02 T449, Éire
Uimhir Chláraithe: 211082. Air Chláraithe: Éire
Cuideachta Oifianaisí Theoranta

Registered Office:
The Times Building, 11-12 D'Olier Street
Dublin 2, D02 T449, Ireland
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Correspondence with the DAA

From: Nigel Somerfield <Nigel.Somerfield@daa.ie>

Date: Monday 29 July 2019 at 09:58

To: Linda McEllin linda@brockmcclure.ie

Cc: Suzanne McClure <suzanne@brockmcclure.ie>, Katie Waters katie@brockmcclure.ie

Subject: RE: Proposed SHD Development at The Grange, Stillorgan - Engagement with DAA

Hi Linda

My apologies for the delay, I was waiting for a review by our planners.

I can confirm that daa has no concerns in relation to this development.

Regards

Nigel Somerfield

Aerodrome Standards Manager

T: 00353-1-814 4349 **email:** nigel.somerfield@daa.ie

From: Linda McEllin <linda@brockmcclure.ie>

Sent: 23 July 2019 11:40

To: Nigel Somerfield Nigel.Somerfield@daa.ie

Cc: Suzanne McClure <suzanne@brockmcclure.ie>; Katie Waters katie@brockmcclure.ie

Subject: Re: Proposed SHD Development at The Grange, Stillorgan - Engagement with DAA

Hi Nigel,

Just following up on our correspondence below. Can you confirm that all is in order when you have a moment.

Thanks,

Linda McEllin

Brock McClure

Planning and Development Consultants

63 York Road,

Dun Laoghaire,

Co. Dublin

linda@brockmcclure.ie
brockmcclure.ie

+353 87 630 1678

[+353.1.559.3859](tel:+35315593859)

From: Linda McEllin <linda@brockmcclure.ie>

Date: Monday 1 July 2019 at 15:09

To: Nigel Somerfield <Nigel.Somerfield@daa.ie>

Subject: Re: Proposed SHD Development at The Grange, Stillorgan - Engagement with DAA

Nigel,

I issued your queries to our Design Architects. They have confirmed the responses below in red. Come back to me if there is anything further.

Thanks,

Linda McEllin

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

linda@brockmcclure.ie
brockmcclure.ie

+353 87 630 1678

[+353.1.559.3859](tel:+35315593859)



From: Nigel Somerfield <Nigel.Somerfield@daa.ie>

Date: Monday 1 July 2019 at 12:48

To: Linda McEllin <linda@brockmclure.ie>

Subject: RE: Proposed SHD Development at The Grange, Stillorgan - Engagement with DAA

Dear Linda

Please could you just clarify the terminology.

When you say "Block H is the tallest building with an overall height of +36.9m OD", it appears you mean 36.9m above ground level, and not 36.9m above Ordnance Survey datum (OD)? Is this correct? - **Yes. This is 36.9 above ground level as a worst case scenario**

In addition there are what appear to be ground levels shown on the drawing, eg 70.00, 70.10 etc. Please could you confirm whether these are metres above OS datum or some other measure (eg to a site datum). - **This refers to Malin Head datum.**

Regards

Nigel Somerfield

Aerodrome Standards Manager

T: 00353-1-814 4349 **email:** nigel.somerfield@daa.ie

From: Linda McEllin <linda@brockmclure.ie>

Sent: 01 July 2019 11:32

To: Nigel Somerfield <Nigel.Somerfield@daa.ie>

Cc: Suzanne McClure <suzanne@brockmclure.ie>; Katie Waters <katie@brockmclure.ie>; David Clarke <david@brockmclure.ie>

Subject: Proposed SHD Development at The Grange, Stillorgan - Engagement with DAA

Dear Nigel,

On behalf of our client, **KW PRS ICAV acting for and on behalf of its sub-fund KW PRS Fund 10 (Kennedy Wilson)**, we are preparing a Strategic Housing Development planning application for lodgement to An Bord Pleanala shortly. The proposal is located on lands adjacent to The Grange, Brewery Road, Stillorgan, Blackrock, Co. Dublin and provides for a new residential development of 287 residential units, a crèche facility and residential amenity area.

Heights of up to 11 storeys are proposed. I have attached a Site Location Plan and Site Layout Plan for information purposes.

As part of the planning application process and in line with new requirements published under the Urban Development and Building Height Guidelines of 2018, there is a requirement for us to assess if the proposal "*maintains safe air navigation*".

Whilst we do not consider the proposal to contain tall buildings (i.e. max height proposed is 11 storeys), we nonetheless wish to engage with the DAA and IAA to ensure that the appropriate consultation has taken place and that confirmation would be forthcoming from the DAA/IAA that the proposed development would not impact on "*safe air navigation*".

The site layout plan attached confirms that that Block H is the tallest building with an overall height of +36.9m OD.

I would appreciate if you could review the attached and revert to me at your earliest convenience confirming that the proposal would not impact on "*safe air navigation*".

I am available at the mobile below should you wish to discuss further.

Linda McEllin

Brock McClure

Planning and Development Consultants

63 York Road,

Dun Laoghaire,

Co. Dublin

linda@brockmcclure.ie

brockmcclure.ie

+353 87 630 1678

[+353 1 559 3859](tel:+35315593859)

APPENDIX 2 – DRAFT LEGAL COVENANT

WILLIAM FRY
DRAFT 30.08.19-11:20:00
WF-24901939-2

THIS AGREEMENT made the day of 20

BETWEEN:

KW PRS ICAV, acting on behalf of its sub-fund KW PRS Fund 10 having its registered office at 94 St Stephen's Green, Dublin 2 (hereinafter called the "Applicant") of the one part

and

[DUN LAOGHAIRE RATHDOWN CITY COUNCIL/AN BORD PLEANALA] ("Planning Authority") of [] the other part.

WHEREAS:

1. The Applicant is the owner of the property more particularly described in the Schedule hereto (the "Scheduled Property") being part of the property known as the Grange, Brewery Road, Stillorgan, Co. Dublin.
2. The Applicant has applied to An Bord Pleanala for a Grant of Planning Permission (the "Grant") for the development of a total of 287 no. Build-To-Rent apartment units (the "Residential Units") together with other works and associated site works (the "Development").
3. An Bord Pleanala have requested that the Applicant enter an agreement with the Planning Authority to which the conditions of which may be attached to any grant to ensure that the Development is carried out in accordance with the Grant, once granted, and that the Residential Units remain in use as [Build to Rent] accommodation and imposes a requirement that the Residential Units, once completed, remains owned and operated by an [Institutional Entity] and that no individual Residential Unit within the Development be sold separately or rented separately, upon completion of the Development, for a minimum period of at least 15 years.

NOW THIS INDENTURE WITNESSETH that in consideration of the Grant of Planning Permission register reference [] and in compliance with condition [] thereof it is hereby AGREED and DECLARED as follows:-

Upon completion of the construction of the Development upon the Scheduled Property, the Residential Units shall be used as [Build to Rent] accommodation and shall remain owned and operated by an [Institutional Entity] and furthermore no Residential Unit within the Development shall be sold or

rented separately TO THE INTENT AND PURPOSE that this Agreement shall bind the Applicant for a period of 15 years from the date of practical completion of the Development.

The parties to this Agreement acknowledge that the Applicant is an umbrella fund with segregated liability between sub-funds established pursuant to the Irish Collective Asset-management Vehicles Act 2015 and notwithstanding any term or provision of this Agreement or any rule or principle of law, the Applicant's liability under or in connection with this Agreement shall be irrevocably and unconditionally limited to those assets as may from time to time be comprised within the KW PRS Fund 10 and on no account whatsoever or howsoever arising shall the Planning Authority be entitled to seek, whether by way of proceedings or otherwise, any recourse or remedy against KW PRS ICAV which has any affect whatsoever on any assets of the Applicant save those comprised from time to time within the KW PRS Fund10.

IN WITNESS WHEREOF the undersigned have duly executed this Agreement as of the day and year first above written

SCHEDULE

Scheduled Property

[]¹

¹ Detailed description of property or map to be inserted

Executed and delivered as a deed by
KW PRS ICAV acting for and
on behalf of its sub-fund
KW PRS FUND 10
acting by its
director

Director

in the presence of:

Signature of Witness

Name of Witness

Address of Witness

Occupation of Witness

SIGNED and DELIVERED as a DEED by:

[]

On behalf of:

[]

In the presence of:

[]

WF-24901939-2