

Statement of Consistency

Proposed SHD

**Lands at Cornelscourt Village,
Old Bray Road, Cornelscourt,
Dublin 18**

On behalf of

Cornel Living Limited

December 2019



Planning & Development Consultants

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1	INTRODUCTION	3
2	OVERVIEW	4
2.1	Ministerial Guidelines	4
2.2	Statutory Planning Documents.....	4
2.3	National Policy.....	4
3	MINISTERIAL GUIDELINES	5
3.1	Sustainable Residential Development in Urban Areas (2009) / Urban Design Manual (2009)	5
3.2	Delivering Homes Sustaining Communities (2007)	13
3.3	Guidelines for Planning Authorities on Childcare Facilities (2001)	14
3.4	The Planning System and Flood Risk Management (2009)	15
3.5	Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (2009).....	16
3.6	Design Standards for New Apartments (2018).....	17
3.7	Urban Development and Building Height Guidelines (2018)	23
4	STATUTORY PLANNING POLICY DOCUMENTS	32
4.1	The Core Strategy	32
4.2	Planning Policy	32
4.3	Zoning.....	38
4.4	Zone of Archaeological Influence	39
4.5	Height	39
4.6	Car Parking	39
4.7	Cycle Parking	42
4.8	Public Open Space.....	43
4.9	Private Open Space	44
4.10	Green Infrastructure Strategy.....	45
4.11	Density.....	46
5	CONCLUSION	48
6	APPENDIX 1 - DRAFT LEGAL COVENANT.....	49
7	APPENDIX 2 - CORRESPONDENCE WITH IAA AND DAA.....	55

1 INTRODUCTION

We, Brock McClure Planning & Development Consultants, 63 York Road, Dún Laoghaire, Co. Dublin, have prepared this Statement of Consistency on behalf of **Cornel Living Limited, Riverside One, Sir John Rogerson's Quay, Dublin 2**, for a proposed Build to Rent Strategic Housing Development (SHD) relating to a residential development of **468 Built to Rent** residential units, a café / restaurant, office space (for tenants) and residential tenant amenity space at site of c. 2.14 ha located on lands at Cornelscourt Village, Old Bray Road, Cornelscourt, Dublin 18.

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 Statement of Consistency outlines 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 Documents

In addition to the above, the relevant statutory policy for consideration in this case is the Dun Laoghaire Rathdown County Development Plan 2016-2022.

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

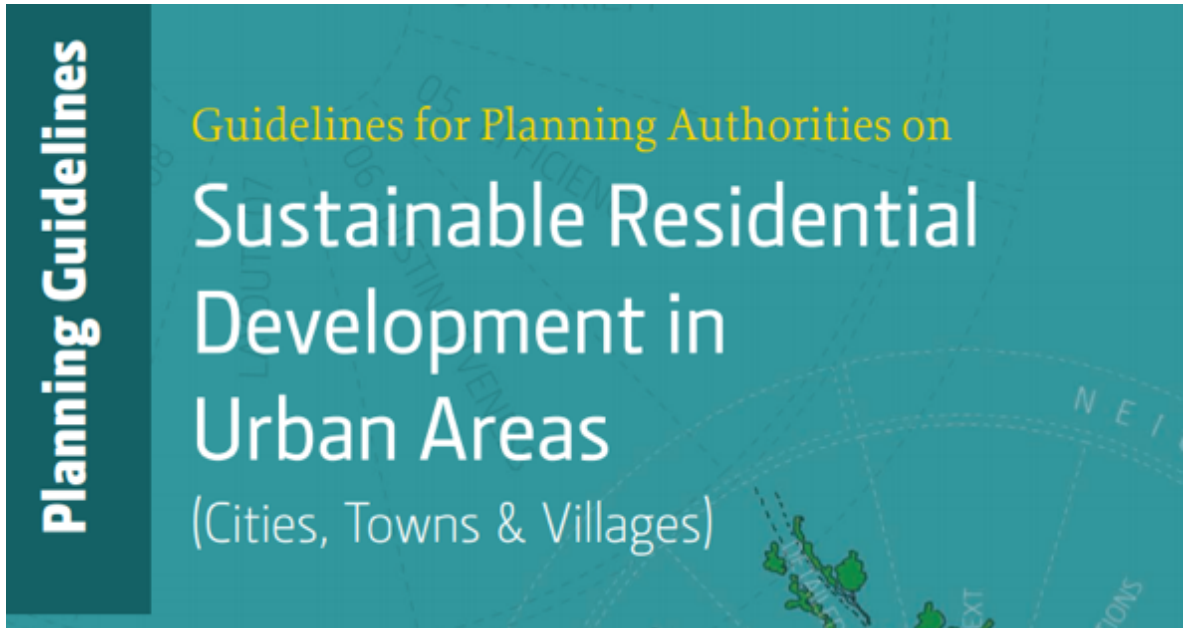
2.3 National Policy

The sole purpose and intent of the Statement of Consistency is to set out the compliance of the scheme with Section 28 Ministerial Guidelines and the relevant Development Plan. National Policy is therefore addressed under separate cover, namely the Planning Report prepared by Brock McClure, which is enclosed herewith.

3 MINISTERIAL GUIDELINES

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

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. 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 Cornelscourt (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 within this development and these heights are in compliance with performance criteria set out under the national Building Height Guidelines. We also refer An Bord Pleanála to the enclosed Building Height Report, which has been jointly prepared by Henry J Lyons and Brock McClure. This Height Report examines the context of the site and the design rationale behind the heights proposed.

Care has been taken in the placement of additional height at locations within the scheme which can successfully accommodate taller buildings. Notably, along the N11 there are 6, 9 and 12 storey elements proposed, which is considered an appropriate approach to height along a wide public transport corridor.

A more sensitive approach to the delivery of height is proposed along boundaries with Old Bray Road and Willow Grove. At these locations, heights of 1 and 2 storeys are proposed, which deliver a sympathetic transition in scale between existing single and 2 storey development and that of taller elements proposed within Blocks A-H of the proposed development.

- There are no cases of direct overlooking. Generous separation distances are maintained both within the development and to adjoining existing residential units. We note specifically that separation distances of c. 15-20m are delivered between the proposed 2 storey houses and existing units Willow Grove (Nos. 8-19). There are no first floor windows associated with the new 2 storey houses units and hence the potential for overlooking has been removed. In addition, there are distances of c.2 – 8m delivered between the proposed bungalows and existing cottages along Old Bray Road, which can be accepted on the basis that there are no levels of direct overlooking here between single storey units and given that there is appropriate boundary treatment delivered at this location, namely a 1.8m high blockwork wall with rendered finish.
- The design of the scheme has ensured that there is no significant overshadowing to adjoining properties on internally within the scheme.

We note that Chapter 17 of the EIAR enclosed herewith sets out that on the 21st March, the existing amenity rear gardens of properties at Willow Grove and Bray Road currently receiving 2 hours of sunlight for over half their area, will continue to do so with the proposed development operational. With regard to proposed amenity spaces, the analysis confirms that over half of the amenity spaces would receive at least 2 hours sunlight in line with BRE recommendations on 21st March.

With regard to daylight factors, 95% of the rooms in the new development are achieving Average Daylight Factor above BRE guidelines.

It is evident therefore from the above that there are no issues with overshadowing associated with the proposal.

- We refer An Bord Pleanála to the enclosed Traffic and Transport Assessment by DBFL Consulting Engineers, which sets out a detailed rationale in support of the car parking ratio of 0.58 spaces per unit. We note at this point that the provision is considered more than appropriate for the site given:
 - the location of the site adjacent to the N11 corridor;
 - the nature of the proposal as BTR;
 - the significant precedent offered by permitted BTR schemes; and
 - the current national policy mandate to reduce the level and provision of car parking at central and accessible urban locations.
- The delivery of a quality open space proposal and an exceptional landscape masterplan for the site has been a key objective for this proposal and planning application. Following the pre-planning stage of this project with An Bord Pleanála, the applicant considered the initial concerns set out by the Planning Authority and appointed Cameo & Partners Design Studio to prepare and deliver a new and innovative landscape concept for the site. The current design is exceptional and delivers generous and central open space areas with a permeable landscape layout, which will be accessible to all users. The quality of the open space now proposed coupled with the

quantum of open space delivered (c. 7,511 sq m) has ensured the delivery of a superior landscape masterplan.

- The access strategy for the site now delivers a high quality, coherent and permeable network for pedestrians, cyclists and those with disabilities. We note specifically the facilitation of a pedestrian and cyclist connection to the N11; and a pedestrian connection to Willow Grove and Cornelscourt Village, which are fundamental proposals within the current scheme. The proposed layout is also designed to promote pedestrian permeability both within the blocks and throughout the scheme. The development will be open to the public and the planning gains associated with this new permeable network cannot be underestimated.
- A café/ restaurant, office space (for tenants) and residential amenity facility are delivered within the scheme. These facilities are considered significant in their offer for both future residents and locals. The residential tenant amenity facilities are designed to address the needs of new tenants and comprise concierge facilities, a gym facility and reading room / lounge area. These facilities are centrally located within the site. At the entrance to the site a café/restaurant is proposed for the general public. Overhead offices are proposed for the use of tenants within the proposed development. Overall, these facilities are to be welcomed and are considered a significant planning gain for future residents.

Childcare

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

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

We refer An Bord Pleanála to the Community Infrastructure Statement enclosed herewith, which clearly sets out how the current proposal performs in relation to childcare requirements. Notably, this rationale was acknowledged as potentially appropriate at the pre-planning stage of the process given the nature of the current Build to Rent scheme; the capacity in the surrounding area; and mix proposed. Further analysis has been prepared to support this approach and is set out in the detailed Community Infrastructure Statement enclosed herewith.

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 229 units per ha is proposed at this site based on the delivery of 468 units on a 2.14ha site (overall gross site area). The EIAR submitted with this application sets out clear analysis that there is no significant impact from the development visually or from a daylight and sunlight and wind and microclimate perspective. In essence, the proposed densities coupled with increased heights are well founded at this location.

It is submitted that this is an appropriate approach to development at this location given the surrounding site context (proximity to the N11 and Cornelscourt Village) and given the build to rent nature of the development. 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:

^a "Demographic Drivers & Changing Housing Demands in Dublin over the coming decade", Future Analytics, February 2019

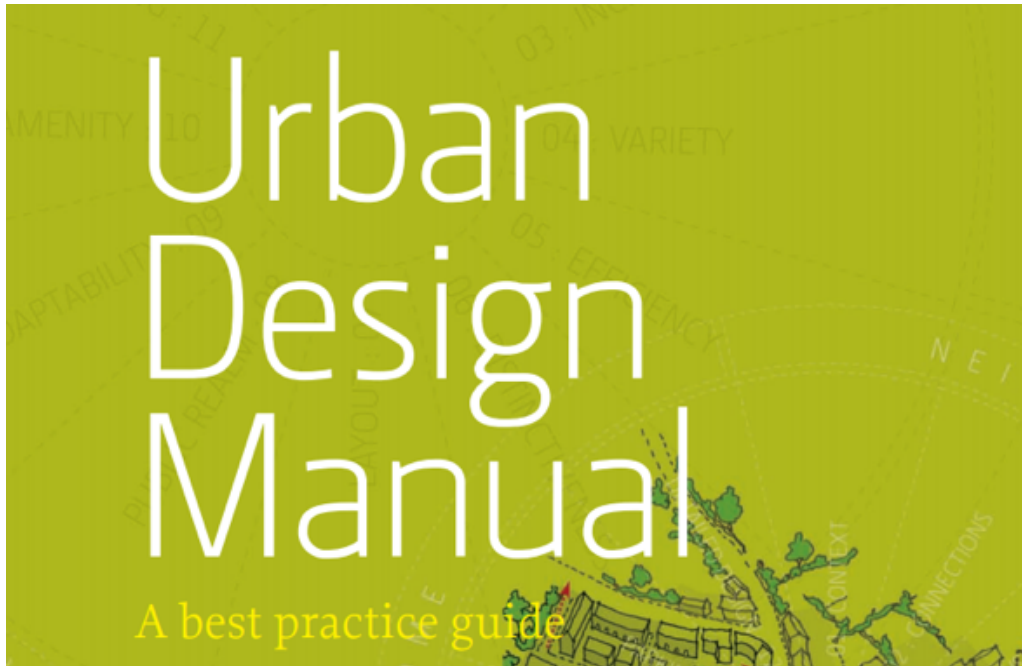
It is our considered view that there should be no upper limit to density for this site based on its location and type of accommodation delivered, subject to the following safeguards:

- Compliance with the policies and standards of 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.

In response to the above, we note the following:

- The current proposal exceeds the requirements of the apartment guidelines with regard to public and private open space provision. In considering public open space alone, standards are significantly exceeded. Details of this provision are set out in the enclosed Housing Quality Assessment prepared by Henry J Lyons and Planning Report prepared by Brock McClure Consultants. A unit by unit schedule has been included in this input.
- Careful attention has been given to respect existing levels of residential amenity along Willow Grove and Cornelscourt Cottages. As set out above, appropriate distances to boundary and heights are proposed at these locations.
- The Housing Quality Assessment enclosed herewith from Henry J Lyons Architects sets out the internal spaces standards of the development, which are considered to exceed the requirements set out in the Apartment Guidelines 2018. We note at this point that the proposed house units are based on the build to rent model but meet and mostly exceed the general apartment standards contained within the guidelines, which is an exceptional level of residential amenity.
- This report sets out how the development now proposed conforms with the Building Height Guidelines (2018). We refer specifically to Section 3.7 of this report. In addition, a Building Height Report has been prepared to address the matter of height specifically. This report has been prepared by Henry J Lyons and Brock McClure Consultants and is enclosed herewith.

Urban Design Manual



We draw the attention of An Bord Pleanála to the compliance of the scheme with the ‘sister’ document for Sustainable Residential Development in Urban Areas (2009) / Urban Design Manual (2009), namely, the ‘Urban Design Manual’. This planning application is accompanied by a Design Statement, prepared by Henry J Lyons Architects, which demonstrates how the proposed development has evolved in accordance with best practice in respect to urban design. The rationale behind the design now proposed is set out in detail.

For the purposes of this Statement of Consistency, compliance with the key requirements of the Urban Design Manual are set out 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 and natural boundaries presenting on the site including the N11, Willow Grove and Old Bray Road.</p> <p>It is submitted that any development for this site presents an opportunity for a strong road frontage along the N11 and appropriate heights and density are therefore proposed at this location.</p> <p>Due consideration has been given to existing residential density and height along the N11 together with recent national policy on building height and density. With this in mind, 6, 9 and 12 storey development is proposed in the form of Blocks A, B and C along the N11. This location has the potential to absorb additional height given that there are no site sensitivities at this location within the site. Rather, the site has responded to its existing more sensitive boundaries with Old Bray Road and Willow Grove by way of appropriate and sympathetic transitions in scale at these locations. Notably, bungalow style and 2 storey development is delivered to ensure an appropriate response to existing bungalow and 2 storey development along these boundaries.</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"> • 2 new pedestrian /cyclist connections are facilitated to the N11 (cycle /pedestrian connection) and Willow Grove (pedestrian connection). • A new vehicular access point will also provide vehicular access and pedestrian access to the scheme and Cornelscourt village. <p>These new connections provide direct access to a bus priority route along the N11 and to the local village centre at Cornelscourt and local residential areas. New pedestrian access to</p>

	<p>Cornelscourt Village provides for an integrated design promoting activity at street level.</p> <p>Lastly, a new café / restaurant is proposed for general public use, which is considered a significant planning gain and offers an opportunity to deliver active street frontage at this location within Cornelscourt village area.</p>
<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"> • A key deliverable for the current proposal in terms of the inclusivity of the scheme are the proposed residential amenity tenant facilities. The material enclosed herewith confirms that a café/ restaurant, office space and residential amenity facility are delivered within the development. These facilities are considered significant in their offer for both future residents and locals. The residential tenant amenity facilities are designed to address the needs of new tenants and comprise concierge facilities, a gym facility and reading room / lounge area. These facilities are centrally located within the site. At the entrance to the site a café/restaurant is proposed for the general public. Overhead offices are proposed for the use of tenants within the proposed development. Overall, these facilities are to be welcomed and are considered a significant planning gain for future residents. • New cyclist/pedestrian connections and linkages to the surrounding areas are facilitated (to the N11, Willow Grove and Cornelscourt). • The proposed development will provide a range of apartment unit types including studio, 1, 2 and 3 - bedroom units. Furthermore, new bungalow and 2 storey housing is delivered, which adds diversity to the unit mix and typology offered by the development. • The majority of dwellings will have exceptional views towards the Dublin Mountains / Dublin Bay and 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 apartment and house units, which delivers an attractive residential option for a currently underutilized N11 site. These units respond to young professionals or the elderly wishing to downsize to a smaller residential unit. Provision is also made for families in the 28 no. 3 bed units provided.</p> <p>Variety in the development is also provided through a range of design proposals in both the built environment and in the landscaping layout as follows:</p> <p>In the built environment, there are 8 new residential apartment blocks proposed, which will deliver a range and variety of apartment styles, layouts and heights. In addition, a variety of bungalow and semi - detached units are proposed along the site boundary. Unit Types vary from studio, 1, 2 and 3 bedroom apartments to bungalow and semi-detached house units, all of which are designed with adaptability in mind for a variety of occupants. A café/restaurant and residential amenity space are also proposed, which ensures that residents have a diverse range of amenities available to them on site.</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 play facilities and pedestrian walkways and loops are delivered. A number of key character areas are delivered within the scheme. A comprehensive landscape concept has been prepared by Cameo & Partners and we refer the competent authority to the Design and Access Statement prepared by Cameo’s in their review of landscape proposals.</p>
<p>EFFICIENCY</p> <p>How does the development make appropriate use of resources including land?</p>	<p>National Planning Policy seeks to deliver densification of suburban infill sites at appropriate locations. This scheme has a residential density of c. 229 units per ha with heights of 1-12 storeys proposed. The site is considered opportunely located to maximise on residential density and height as proposed and is considered an efficient use of a key residentially zoned site along the N11.</p> <p>The development integrates with the existing built environment through scale and layout. Particular care and attention has been given to developments at Willow Grove and Cornelscourt</p>

	<p>Cottages and as set out previously in this report, appropriate heights and separation distances are proposed at these locations to ensure sympathetic transition in scale.</p>
<p>DISTINCTIVENESS</p> <p>How do the proposals create a sense of place?</p>	<p>The design intent from the outset of the project has been to create a sense of place and space built around high quality, high density development with well - defined and landscaped open spaces and play areas. The proposal will have a strong presence and frontage onto the N11 whilst ensuring a sensitive approach along site boundaries, where house typologies are delivered to ensure an appropriate transition in scale. An exceptional landscape plan has been prepared by Cameo & Partners and the quality of the overall landscape masterplan coupled with the quantum's of public open space delivered (7,511 sq m) ensures a quality proposal is delivered.</p> <p>The proposal includes a central residential amenity area, which will encourage social integration through the creation of a local sense of community. At the entrance to the site a new concierge area and café/restaurant are delivered to provide a sense of arrival and space. The site also delivers a high - quality pedestrian and cyclist network, with key pedestrian/cycle connections to the N11, Willow Grove and Cornelscourt neighbourhood centre.</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. The over - arching objective from the outset of the design was to remove 'the car' from surface level at the entrance to the site. This has been successfully achieved by way of immediate access to basement level, thus removing the car (with the exception of a drop off area) from the wider development.</p> <p>There is a mix of apartment types (studios and 1, 2 and 3 bed units) and house types, which provides a balance of accommodation in a variety of formats.</p> <p>There are proposals to facilitate pedestrian/cycle links to the Old Bray Road / Cornelscourt Village, the N11 and the adjoining Willow Grove development, which will deliver exceptional pedestrian connectivity. Provision is also made for a cyclist connection to the N11. The current design delivers a central open space area and permeable landscape layout which will be accessible to all users.</p> <p>The landscape plan has been designed to provide for a new relationship between the proposed buildings, internal and external spaces and the connection to the garden. The landscape masterplan delivers on both active and passive uses with specific zones identified in layout. These areas include courtyard gardens, arrival spaces, lounge and hub area, central spaces and active zones.</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 future tenants and members of the public. The development will not be gated.</p> <p>The lighting proposals delivered together with the passive surveillance offered by the apartments and public open space areas 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 located at basement level are designed to be safe and secure.</p> <p>Key placemaking feature include:</p> <ul style="list-style-type: none"> • The creation of a sense of place and identity for residents. • The provision of strong links and permeability along the perimeter of the site. • Integration between existing / adjoining developments and the new development. • The creation of a hierarchy of 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. The mix proposed has evolved as a direct response to detailed studies into the local demographic profile.</p> <p>All apartments are sizeable and comply with Build to Rent Standards as set out in the Apartment Guidelines. In fact, the units generally comply with higher guideline standards for PRS schemes, which is a welcome addition to the development in terms of adaptability. The quality of the units is considered exceptional to enable adaption over time depending on residential needs. We note specifically the inclusion of both apartment and house units, which ensures that a variety in mix is delivered. Furthermore, the material from Cameo & Partners enclosed herewith sets out how</p>

	<p>the mobility impaired can access all areas within the site.</p> <p>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 and this is appended to the rear of this document as Appendix 1.</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. These areas will comply and in the majority of cases exceed the standards contained within the apartment guidelines for standard apartment units, albeit the proposal is a BTR model, which allows for flexibility in delivering these higher standards. House units are afforded with a private rear or side garden.</p> <p>The development also delivered on the communal open space requirements of the Apartment Guidelines as part of the development. A café/restaurant and residential amenity space is also proposed, which are key residential amenities associated with the scheme. The residential amenities and services provided are considered key to the delivery of the Build to Rent concept.</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>A reduced rate of 0.58 spaces per unit is delivered in line with the guidance on parking offered by way of the Apartment Guidelines. Notably, a default reduction is applied to such proposals and particularly those that are well located in terms of public transport. This coupled with the BTR nature of the scheme and proximity of the site to the N11 supports this reduced car parking ratio.</p> <p>Bicycle storage is delivered in compliance with national guidance and is located at designated safe and secure areas at basement level and surface level.</p> <p>In addition, provision is made for motorcycle parking at basement level.</p>
<p>DETAILED DESIGN</p> <p>How well thought through is the building and landscape design?</p>	<p>We refer the Bord to the Design Statement prepared by Henry J Lyons Architects, the Landscape material by Cameo & Partners and the Planning Report prepared by Brock McClure for further details on landscape design.</p>

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 Bord 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 *Delivering Homes Sustaining Communities* policy statement is accompanied by Best Practice Guidelines entitled 'Quality Housing for Sustainable Communities'.

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. These standards generally relate to house units, 16 no. of which are proposed within the current scheme, given that the new Apartment Guidelines set clear guidance and standards for apartment style units.

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 housing mix proposed (semi - detached and bungalow style properties). The one factor for consideration here is that the scheme delivered is based on the Build to Rent Model and promotes an alternative form of residential development to address clear gaps in the current market. The house units proposed are included in this model.
- An exceptional level of pedestrian permeability is facilitated both within the scheme and to the wider area. 2 new connections are facilitated within the development, namely a cycle and pedestrian connection to the N11 and pedestrian connection to the adjoining Willow Grove development. These connections ensure that future tenants and local patrons have direct access to both the N11 and local village centre at Cornelscourt.
- All public open spaces are safe and benefit from the passive surveillance of apartments houses. An exceptional landscape masterplan has been prepared for the overall development. Notably, a clear and coherent network of spaces is proposed throughout the scheme and we refer the competent authority to the material enclosed from Cameo and Partners in this regard.
- 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 Henry J Lyons Architects and is submitted with this application. We invite An Bord Pleanala to consider this assessment for full details on the extent of proposals.

We note specifically the following quantitative requirements of the Guidelines for House Units.

Unit Type	Standard	Houses Proposed
3 Bed/5 Person/2 storey	92	120 sq m
1 Bed/2 Person/1 storey	44	54.8

Table 2 - Standards and Provision

Evidently, the house units proposed far exceed minimum floor area requirements.

We submit 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**.

It is submitted that the nature of the current Build to Rent development, together with the local demographic profile for the area and unit mix proposed yields a low childcare demand. As outlined above, the scheme is predominantly studio, 1 and 2 bedroom units with only 28 x 3 bedroom units (10 houses and 18 apartments) delivered as part of the proposal. We refer the competent authority to the Community Infrastructure Statement enclosed herewith, which sets out the demographics associated with the proposal in support of this position.

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 therefore direct An Bord Pleanála to the attached Flood Risk Assessment prepared by DBFL, which concludes by stating:

The Site-Specific Flood Risk Assessment for proposed development at Cornelscourt Village, Old Bray Road, Dublin 18 was undertaken in accordance with the requirements of “The Planning System and Flood Risk Management, Guidelines for Planning Authorities” and its Technical Appendices.

Following the Flood Risk Assessment, it has been determined that the site is located in Flood Zone C as defined by the Guidelines.

It is concluded that the;

- Proposed residential development is appropriate for the site’s flood zone category.
- The sequential approach outlined in Planning System and Flood Risk Management Guidelines has been adhered to and that the ‘Avoid’ principal has been achieved.

In conclusion the proposed development is considered to have the required level of flood protection up to and including the 100 year return event.

Overland flow paths have been identified for pluvial flooding exceeding the capacity of the proposed surface water drainage network.

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 2000 site (i.e. SAC or SPA) must be subject to an Appropriate Assessment. This requirement is also detailed under in the Planning and Development Acts (2000 - 2010).

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 prepared by Openfield. This assessment concludes with the following statement:

“This project has been screened for AA under the appropriate methodology. It has found that significant effects are not likely to arise, either alone or in combination with other plans or projects to any SAC or SPA (page 18)”

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 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 468 Build to Rent residential units and this statement of consistency sets out the compliance of the proposal with the SPPRs and other standards contained within the Guidelines.

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 (appended to this report as Appendix 1).

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

Please find enclosed detailed floor plans and schedules from Henry J Lyons, which set out the particulars of the residential tenant amenity facilities proposed.

The development provides for a lounge area / reading room, gym facility and reception area, all of which are located centrally within the scheme. In addition, concierge and residential support facilities are located at the entrance to the scheme. A new café/restaurant area is also delivered within the scheme with overhead office space for future use by residents.

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

The applicants have undertaken significant research with regard to the type of facilities that should be delivered within a BTR scheme and the current provision is deemed viable and appropriate to the model being delivered.

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)

468 units are proposed with Dwelling Mix as follows:

- 41 x studio apartment units (8.7%)
- 257 x 1 bed apartment units (55%)
- 136 x 2 bed apartment units (29%)
- 18 x 3 bed apartment units (3.9%)

- 10 no. 3 bed house units (2.1%)
- 6 no. 1 bed house units (1.3%)

The proposed dwelling mix is considered to comply with the exemptions for a build to rent model. More importantly, the mix delivered responds to local demographic trends in the area and specifically decreasing household sizes. Notably, the average household size in Dublin was 2.73 persons per household in 2016. This is down from 2.99 in 1996 and 3.94 in 1971. Furthermore, the proportion of adults living alone in Dublin has increased to 23.9% between 1996 and 2016^b.

The applicants in this case have undertaken significant research in terms of what an appropriate unit mix is for this site. Analysis confirms that the market requires smaller sized rental units and thus the current proposal is lodged as a direct response to current and future market trends and demands.

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

Applicant Response to SPPR8 (ii)

Private Open Space, Communal Open Space and Storage provision is set out on the enclosed Housing Quality Assessment from Henry J Lyons Architects. The private open space and public open space provision identified exceeds the standard requirements set out in the Apartment Guidelines.

Specifically, we note that the design has not sought to avail of reduced standards for Build to Rent accommodation with all units meeting the higher minimum requirements set out by the Guidelines.

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

Applicant Response to SPPR8 (iii)

A car parking ratio of 0.58 spaces per unit is proposed for this proposal, which is considered to align with the recommendations of the apartment guidelines; the proximity of the site to adjoining public transport nodes; the level of bicycle parking provided; and the BTR nature of the proposal.

We note at this point that a number of developments located in key transport corridors have been granted planning permission with relatively low car parking ratios being proposed. The BTR nature of these sites, the public transport offering, and the generous provision of cycle parking spaces provided within these developments has allowed for reduced car parking provision at these locations. The applicant has taken a similar approach in this case. We note the following examples of permitted car parking ratios for BTR development for comparison purposes.

^b "Demographic Drivers & Changing Housing Demands in Dublin over the coming decade", Future Analytics, February 2019

ABP Ref no.	Location	County Council	Number of Units	Parking Provided	Parking Ratio
ABP- 303306-18	The junction of Belgard Road and Belgard Square North, Tallaght, Dublin 24	South Dublin County	438	129	0.25 per unit
ABP-303358-19	Swords Road and School House Lane, Santry, Dublin 9.	Dublin City Council	101	34	0.33 per unit
ABP-303435-19	Former Dulux Factory site, Davitt Road, D12	Dublin City Council	265	119	0.44 per unit
ABP-304196-19	Clarehall, Malahide Road, Dublin 17.	Dublin City Council	132	79	0.59 per unit
ABP-304346 -19	Former Chivers Factory Site, Coolock Drive, Coolock, Dublin 17.	Dublin City Council	495	396	0.8 per unit
ABP-304383-19	Lands at Concorde Industrial Estate, Naas Road, Walkinstown, Dublin 12	Dublin City Council	492	244	0.42 per unit
ABP- 304068-19	Roselawn and aberdour, Stillorgan Road, Foxrock, Dublin 18	Dun Laoghaire Rathdown County Council	142	91	0.64 per unit
ABP - 305176-19	Stillorgan Leisureplex, Old Dublin Road, Stillorgan	Dun Laoghaire Rathdown County Council	232	162	0.41 per unit

Table 3 - Planning Precedent for Car Parking

It is clear from the above that permitted BTR development is delivering between 0.25 spaces per unit and 0.8 spaces per unit. This is clear planning precedent and should be duly noted in review of car parking ratios and proposals.

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

1. Central and/or Accessible Urban Locations
2. Intermediate Urban Locations
3. Peripheral and/or Less Accessible Urban Locations

The subject site can be identified as a Central and / or Accessible Urban Location in that its location can be categorised as being **“within easy walking distances (i.e. 5minutes or 400-500m) to/from high frequency urban bus services.”** For this category, the Guidelines state that the default policy is for car parking to be minimised, substantially reduced or wholly eliminated in certain circumstances.

It is in consideration of the above key points that the current provision for 0.58 spaces per unit is considered appropriate and relative to the site, its context and national guidance on provision.

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

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

Applicant Response to SPPR8 (iv)

Standard Floor Areas are proposed. We refer the competent authority to the enclosed Housing Quality Assessment from Henry J Lyons Architects for further details, which confirms that all minimum floor areas are delivered and the majority of units deliver on the additional 10% requirements. This is considered an exceptional level of residential amenity for a BTR model and affirms the high quality nature of the proposal now under consideration.

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

Applicant Response to SPPR8 (v)

The number of apartment units per core varies and aligns with the SPPR exemption for BTR apartments per floor per core. 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 and are followed with a compliance response for the current proposal.

Specific Planning Policy Requirement 4

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

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

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

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

Applicant Response to SPPR4

The policy requirements set out by SPPR4 are intended for Build to Sell apartment developments rather than Build to Rent apartment developments. The current site is defined as a central and accessible location on the basis of its location adjacent to an existing quality bus corridor and so the 33% dual aspect requirement applies to this site as a minimum for build to sell development.

Notwithstanding the exemption to these standards for Build to Rent development, the current proposal delivers 55.2% dual aspect units (259 of 468 residential units). This is an exceptional level of dual aspect for a BTR model and again reaffirms the high quality nature of the proposal.

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. We refer the competent authority to the floor plans enclosed herewith and detailed Housing Quality Assessment enclosed from Henry J Lyons on compliance with Apartment Guidelines standards.

Part V

The Part V provision in this case is identified as 23 x 1 bed units, 21 x 2 bed units and 3 x 3 bed units.

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 47 units on site.

The Part V booklet enclosed herewith prepared by Henry J Lyons outlines the details of the Part V proposal submitted. We note specifically the inclusion of the following to address validation requirements for this pre-planning 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.”

It is submitted that the nature of the current Build to Rent development will not require significant childcare demand given the number of studio and 1 bed units proposed (304 units) and the small number of 2 and 3 bed units delivered (164). We refer the competent authority to the Community Infrastructure Statement enclosed herewith, which sets out the demographics associated with the proposal and the provision in the area.

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. The proposed scheme is fully compliant with the provision of these guidelines and we direct the attention of An Bord Pleanála to the detail below in review of this matter.

Policy Context

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.
- It is our view that the current proposal accords with the Building Height Strategy of the Dun Laoghaire Rathdown County Development Plan (2016-2022). Section 4.5 of this report refers. We note however that there was some disparity between the Planning Authority and the applicant on this matter and so a Material Contravention Statement is enclosed herewith, which sets out the material contravention position of the scheme as it relates to the Building Height Strategy.

Specific Planning Policy Requirements

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

SPPR1

“In accordance with Government policy to support increased building height and density in locations with good public transport accessibility, particularly town/ city cores, planning authorities shall explicitly identify, through their statutory plans, areas where increased building height will be actively pursued for both redevelopment, regeneration and infill development to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height.”

Applicant Response to SPPR1

The subject site is considered a suitable site for increased height on the basis that:

- It has significant site frontage onto the N11 transport corridor. The size of the site at 2.14 ha and the greenfield nature of the site is particularly notable in this case.
- The site is considered a key suburban infill site and one of the last remaining sites for development along the N11. The site is also proximate to Cornelscourt Village and the application site offers a suite of new pedestrian/cyclist linkages to the N11, Cornelscourt village and to adjoining developments.

- The site has excellent accessibility to public transport nodes. Most notably, the site is located adjacent to an existing Bus Priority Route along the N11 and ancillary bus routes along Old Bray Road. The site is also located in proximity to the Green Luas Line (1.8km) and the DART service (4.5km). The site is therefore well placed in terms of exceptional public transport accessibility.
- The current proposal is a BTR scheme and increased densities and heights are a fundamental requirement for this model.

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 has been clearly set out in the Planning Report enclosed.

Development Management Criteria

We refer An Bord Pleanála to the enclosed Height Report prepared by Henry J Lyons Architects, which addresses in detail the matter of height vis a vis the development management criteria below. For the purpose of this statement of consistency, a detailed compliance response is set out below to demonstrate the performance of the scheme with the relevant criteria.

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:

- The site is situated immediately adjacent to an existing bus priority route/quality bus corridor at the N11 with bus services to the city centre running every 6 minutes on average. The N11 route also features dedicated cycle tracks connecting to the wider cycle network throughout the county. The mobility management plan enclosed from DBFL sets out that the site is a highly accessible location for both existing public transport nodes and future improvements for proposals. We also note that the current proposal delivers direct access to the N11 by way of a new cycle link, which is a significant planning gain in terms of the accessibility of the site to bus services at the N11.

- 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 i.e. along the N11. Building Height is intentionally sensitive at locations adjacent to the existing Willow Grove and the cottages at Cornelscourt Village to ensure an appropriate and sympathetic transition in scale.

The heights of the proposed blocks are in keeping with both the prevailing heights of existing development along the N11 and the nature of the topography of the site. We note specifically the following developments:

- 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)

These developments are outlined below:

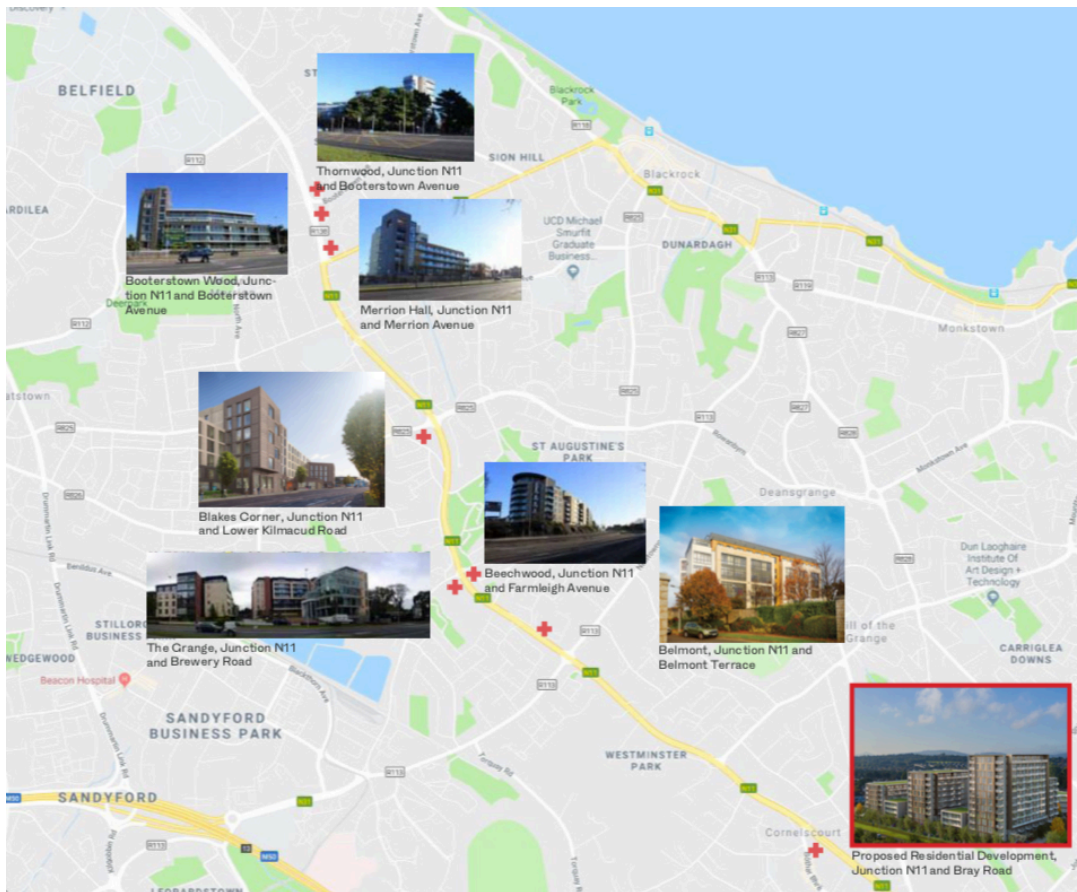


Figure 1 - Height Context along the N11

A recent application at Stillorgan Leisureplex has also granted heights of 2-8 storeys.

A Landscape and Visual Impact Assessment (LVIA) has been prepared by Mitchell & Associates in compliance with the above criteria and is enclosed as Chapter 12 of the EIAR submitted herewith.

Visually, a total of 33 views are considered within the LVIA and we refer An Bord Pleanála to the detailed assessment of the views enclosed herewith for further detail on the visual impact of the proposal.

In summary however, we note the following comments in terms of the effects of the proposal on the landscape character of the area:

“The proposed development is well-researched and will provide a substantial volume of living accommodation within a relatively small space, complete with a range of associated recreational and social facilities and communal landscaped external spaces - a living environment of high quality which is both sustainable and durable. The scheme itself is designed in a manner which is respectful of its broader urban context and of the design details and fabric that sustain it. Whilst the higher rise elements of the scheme clearly contrast with its surrounding built context, it forms one of a series of higher rise elements already built, permitted or planned along the Stillorgan Road, signalling through its landmark scale, the location of Cornelscourt village on this main route into Dublin city. The development provides for public permeability into and through the site. The proposed development includes proposals to provide a significant quantum of new specimen trees throughout the scheme, to assist in the early integration of the new development into its existing context. In terms of its effects on landscape character and social and cultural amenity, it will provide moderate positive effects, which will be long term.”

- With regard to the contribution of the proposal to placemaking, we note that the proposal offers the potential to complete street frontage along Old Bray Road. The addition of a café/element at this location will deliver activity at street level and will encourage permeability to the new development and to Cornelscourt village from the proposal and beyond.

The landscape masterplan proposed will deliver a superior public realm. A series of character areas and the additional of active and passive open space areas delivers a sense of place to the development. The proposal offers up a significant quantum of public open space at 7,511 sq m and is considered exceptional in terms of provision.

Massing and height has been given significant attention within the proposal. Careful placement of additional height along the N11 boundary has ensure that additional height can be accommodated within the site without compromising on the character of the local area. Specifically, a more sympathetic transition in scale is offered along existing boundaries with Old Bray Road and Willow Grove. This ensures the delivery of an integrated scheme in terms of maintaining existing heights along these boundaries. Similarly, the café element and overhead offices along the entrance to the site maintain the character of Cornelscourt village.

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.

- Appropriate use of materials and fenestrations details and a coherent site height strategy are proposed by Henry J Lyons Architects to deliver appropriate massing and scale. We refer An Bord Pleanála to the Henry J Lyons drawings and design statement enclosed herewith for further details. Long, uninterrupted walls are avoided and appropriate fenestration is delivered on elevations.
- There is no inland waterway or marine frontage within the current proposal. We can confirm that a Flood Risk Assessment prepared by DBFL Consulting Engineers 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. This document concludes that the proposal is appropriate for the site's flood zone category C.
- The development utilises a strategic site along the N11, improving the streetscape and sense of place of the area. Internally, the site facilitates pedestrian/cyclist connectivity to both the surrounding area (new cycle connection and pedestrian connection delivered to the N11; a new pedestrian connection to Willow Grove and Cornelscourt Village). These linkages will significantly improve the permeability of the site and immediate area and will also include the connectivity of the site and Cornelscourt Village to the N11 and beyond.
- An appropriate mix of units types and sizes are incorporated into the development proposal. The following mix is delivered in this regard.

468 units are proposed with Dwelling Mix as follows:

- 41 x studio apartment units (8.7%)
- 257 x 1 bed apartment units (55%)
- 136 x 2 bed apartment units (29%)
- 18 x 3 bed apartment units (3.9%)
- 10 no. 3 bed house units (2.1%)
- 6 no. 1 bed house units (1.3%)

Importantly, a mix of studio, 1, 2 and 3 bed apartments together with bungalow and semi – detached houses are delivered. As set out previously in this document, the applicant has undertaken significant research into the local demographic profile and the mix delivered is a direct reflective of current and future forecast market demands.

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:

- 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 there is no significant impact in terms of overshadowing.

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

We note that Chapter 17 of the EIAR enclosed herewith sets out that on the 21st March, the existing amenity rear gardens of properties at Willow Grove and Bray Road currently receiving 2 hours of sunlight for over half their area, will continue to do so with the proposed development operational. With regard to proposed amenity spaces, the analysis confirms that over half of the amenity spaces would receive at least 2 hours sunlight in line with BRE recommendations on 21st March.

With regard to daylight factors, 95% of the rooms in the new development are achieving Average Daylight Factor above BRE guidelines.

It is evident therefore from the above that there are no issues with overshadowing associated with the proposal.

- Due regard has been given to 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' and we refer further to Chapter 17 of the enclosed EIAR for further details on this issue.
- There is no requirement for compensatory design solutions.

Specific Assessments

The guidelines set out that 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:

- From the outset, we confirm that a full Environmental impact Assessment Report (EIAR) is submitted with this application. This is a comprehensive approach to the assessment of the impact of the development and specifically the building height on the surrounding context.
- Given the heights proposed within the development, impact assessment of the micro-climate effects is considered required in this case. A full and comprehensive microclimate assessment is included in the EIAR. The following conclusions are notable from Chapter 11 of the EIAR:

Standing Criterion

“The standing criteria applies to locations where leisure standing can occur for a long duration of time. Major locations for such criteria are balconies and public amenity spaces. Activities that would fall under standing would be waiting while walking the dog and conversations between residents.

Most of the locations – balconies and public amenity spaces show good compliance.

Marginal compliance was observed in the space between blocks A and F, and between block H and the semi-detached houses. These locations experience slight acceleration of wind due to the reduction in width of the passage as air travels through. However, it is below 10% of the year, so the locations remain usable for a major proportion of the year.”

Sitting Criterion

“The sitting criterion applies to locations where prolonged seating will occur. Such locations include public gardens, cafes and roof terraces. Sitting activities also are likely to occur in warmer conditions like spring to autumn rather than winter. Further popular times for sitting activities are the afternoon and evenings rather than early mornings or late night.

As such we have looked at these most optimum sitting times for the analysis.

The balconies of all blocks show excellent compliance with the requirements of the sitting criterion. Most of the courtyard also shows good compliance with the sitting criterion. The only locations where the criterion is exceeded is the space between blocks A and F, and between block H and the semi-detached houses.

As seen with the standing criterion results, these locations experience slight acceleration of wind due to the reduction in width of the passage as air travels through. However, both locations may be classed more as locations of people movement rather than static locations. So marginal compliance would not be a concern.”

- The appointed ecologists, Openfield have confirmed that the matter of collision for bird or bat species is not a significant phenomenon known in Ireland.
- 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.

- The applicant has contacted 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:

“I can confirm that from an Air Traffic Management(ATM) perspective, the proposed project at Cornelscourt does not have an impact on air navigation.”

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

“I can confirm that the proposed development does not give rise to any concerns for DAA in relation to Dublin Airport.”

Correspondence is appended to the rear of this report, which confirms the above engagement.

- A Design Statement has been prepared and submitted by Henry J Lyons Architects. It is worth highlighting that there are no sensitivities associated with the site in terms of built heritage.
- An Appropriate Assessment Screening Report has been prepared and submitted by Openfield.

The following conclusions are notable as set out in Chapter 6 of the EIAR:

“After mitigation, no significant residual effects are likely to arise to biodiversity arising from this project during the operation phase.”

It is in consideration of the above that the current proposal for 1-12 storeys in height fully complies with the provisions of the building height guidelines. The planning documentation, supporting material and the EIAR submitted herewith support the proposed development as lodged.

We are confident that the proposed development has addressed the specific development criteria requirements of the Guidelines and is in compliance with the key SPPRs. Most notably the site's 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 STATUTORY PLANNING POLICY DOCUMENTS



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 makes an important contribution to meeting/addressing some of this deficit housing demand, while providing much sought after residential accommodation through densification of serviced land within an existing settlements. The current proposal also offers up a new form of residential accommodation in the form of the build to rent model, which will bridge a significant gap in rental market in the wider Dublin 18 area.

BTR development is an essential solution to addressing falling household sizes, demographic change and an increasing population. It is not intended to replace the traditional house ownership model, but provides an attractive option to a certain cohort of the population. The subject BTR proposal is an exceptionally well considered scheme, based on the models of international best practice, with ready access to excellent amenities such a resident lounge, gyms, reading areas, concierge facilities and immediate access to frequent public transport at the N11

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.

Policy Ref.	Policy	Applicant Response
Res 2	<p><i>“It is Council policy to facilitate the implementation and delivery of the Interim Housing Strategy 2016 - 2022.”</i></p>	<p>The proposed development is in line with the Housing Strategy as it provides 468 new residential units, which will bridge the deficit in residential accommodation required.</p> <p>Furthermore, the proposal delivers 47 Part V social and affordable residential units, which is considered a significant contribute to the social and affordable housing market in the Cornelscourt locality.</p>
Res 3	<p><i>“It is Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development. In promoting more compact, good quality, higher density forms of residential development it is Council policy to have regard to the policies and objectives contained in the following Guidelines:</i></p> <ul style="list-style-type: none"> • <i>'Sustainable Residential Development in Urban Areas' (DoEHLG 2009).</i> • <i>'Urban Design Manual- A Best Practice Guide' (DoEHLG 2009).</i> • <i>'Quality Housing for Sustainable Communities' (DoEHLG 2007).</i> • <i>'Irish Design Manual for Urban Roads and Streets' (DTTaS and DoECLG, 2013).</i> • <i>National Climate Change Adaptation Framework: Building Resilience to Climate Change' (DoECLG, 2013)."</i> 	<p>The gross residential density in this case is identified as 229 units per ha (468 units on a site area of 2.05 ha - development site area excluding pedestrian connection along the N11), which is considered appropriate given proximity of the site to an existing Bus Priority Route along the N11 and future proposals for public transport improvements. This is considered an efficient and sustainable use of a key infill site along the N11.</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 and the nature of the build to rent concept offered. Notably, the proposal successfully delivers on all relevant development management standards set out by the Apartment Guidelines and provides for an exceptional level of residential amenity.</p> <p>Careful attention has been given to the layout and position of development and taller elements within the development proposal. The density delivered is achieved through appropriate 6, 9 and 12 storey elements along the N11 and a more conservation approach to height along boundaries that must respect adjoining development.</p> <p>The proposed residential development is also 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 Section 3 of this report.</p>
Res 4	<p><i>“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.”</i></p>	<p>The proposed residential development is also 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 Section 3 of this report.</p>
Res 7	<p><i>“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.”</i></p>	<p>The proposed development provides a variety of housing mixes which support a range of households. Notably, studio, 1, 2 and 3 bed apartments and a range of houses in the form of bungalows and semi-detached units area proposed. As set out previously in this report, the unit ix proposed is a direct reflection of research into local demographic profiles and current and future market demand analysis. The mix proposed is considered appropriate to the site on the basis that current average household sizes are decreasing and the proportion of 1 and</p>

		<p>2 person households within the Dublin suburban areas are increasing.</p> <p>The mix proposed is as follows:</p> <ul style="list-style-type: none"> • 41 x studio apartment units (8.7%) • 257 x 1 bed apartment units (55%) • 136 x 2 bed apartment units (29%) • 18 x 3 bed apartment units (3.9%) • 10 no. 3 bed house units (2.1%) • 6 no. 1 bed house units (1.3%) <p>This proposal is considered appropriate and in line with both policy RES7 and national guidance.</p>
Res 8	<p><i>“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’.”</i></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. The current proposal for Part V units is 47 units in the form of 23 no. 1 beds, 21 no. 2 beds and 3 no. 3 beds.</p> <p>We refer An Bord Pleanála to the Henry J Lyons 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><i>“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.”</i></p>	<p>We note that the proposal provides for studio, 1, 2 and 3 bed apartments and houses on a site that is proximate to Cornelscourt Village and public transport facilities. These units are accessible to all. It is therefore submitted that the proposal is appropriate for an ageing population and or the mobility impaired. We refer the competent authority to the enclosed disability access site layout prepared by Cameo & Partners contained on Page 15 of the Design and Access statement.</p> <p>Most notably, the incorporation of bungalow style and semi-detached housing as part of the build to rent scheme is considered a welcomed approach to an alternative housing typology for the build to rent concept.</p>
Res 14	<p><i>“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 accompanying ‘Urban Design Manual – A Best Practice Guide’. In all new development growth areas, and in existing residential communities it is policy to ensure that proper community and neighbourhood facilities are provided in conjunction with, and as an integral component of, major new residential developments and proposed renewal/redevelopment areas, in accordance with the concept of sustainable urban villages outlined under Policy RES15.”</i></p>	<p>Section 3.1 of this report sets out clear compliance with the provisions of the guidelines referenced.</p> <p>In addition, we note that a café/restaurant and residential tenant amenity space are proposed to service the future needs of the residents. These are welcomed additions to the proposed and will ensure that there are appropriate facilities available to future residents and the immediate locality.</p>
UD 1	<p><i>‘It is Council policy to ensure that all development is of high quality design that assists in promoting a ‘sense of place’. The Council will promote the guidance principles</i></p>	<p>The proposed development takes into account the Urban Design Manual and Design Manual for</p>

	<p>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>urban roads and streets in order to help develop a sense of place.</p> <p>We refer specifically to Section 3.1. of this report and the enclosed DMURs report from DBFL Consulting Engineers, which demonstrate compliance with the documents referenced.</p> <p>Table 1 of this report sets out the compliance of the proposal with site context, connectivity, inclusivity, variety, efficiency, distinctiveness, layout, public realm, adaptability, privacy and amenity, parking, wayfinding and detailed design.</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 Henry J Lyons Architects.</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 delivery of a quality open space proposal and an exceptional landscape masterplan for the site has been a key objective for this proposal and planning application. Following the pre-planning stage of this project with An Bord Pleanala, the applicant considered the initial concerns set out by the competent authorities and appointed Cameo & Partners Design Studio to a new and innovative landscape masterplan for the site.</p> <p>The current design delivers generous and central open space areas with a permeable landscape layout, which will be accessible to all users. The quality of the open space now proposed coupled with the quantum of open space delivered has ensured the delivery of a superior landscape masterplan.</p> <p>Significant new linkages are delivered within the scheme (to the N11, to the adjoining Willow Grove development and to Cornelscourt Village). These new linkages are significant and deliver a major planning gain for both the connectivity of the site and local village to the wider area.</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). This is the predominant context under which the matter of development heights should be considered and assessed.</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 as part of the EIAR prepared.
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. We refer the competent authority to the enclosed disability access site layout and detail prepared by Cameo & Partners contained on Page 15 of the Design and Access statement.
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 Pleanála to the Building Lifecycle Report and Estate Management Strategy Report (prepared by Aramark) included herewith for further detail on the management of facilities proposed.
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 café/restaurant, office accommodation and residential tenant facilities are proposed to service the future needs of the residents.
SIC 7	<i>“It is Council policy to ensure that proper community infrastructure and complementary neighbourhood facilities are provided concurrently with the development of new residential growth nodes in the County.”</i>	These facilities are an exceptional offering in catering for both the requirements of future tenants but also the general public. Furthermore, we note that there are new linkages proposed to the village centre of Cornelscourt, which offers an array of additional services for the future population of the development.
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 is not considered to yield a demand for childcare spaces. This statement is made on the basis of the nature of the BTR model proposed, the number of, studio, 1 and 2 bedroom units proposed (440 no) and the available capacity in the local area. Full details on compliance with childcare requirements are set out in the attached Community Infrastructure Statement prepared by Brock McClure.
ST 5	<i>“It is Council Policy to secure the development of a high quality walking and cycling network across the County in accordance with relevant Council and National policy and guidelines.”</i>	The proposed development facilitates walking and cycling link both within the development and to Cornelscourt Village and the N11. The applicant has considered the cycle network contained in Map T1 of the Development Plan and the site will have direct access to the radial cycle route along the N11 by way of a new connection at the north of the site to the N11.
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 mobility management plan has been submitted by DBFL as part of this application.
ST 27	<i>“It is Council policy to require Traffic and Transportation Assessments and/or Road Safety Audits for major developments – in accordance with the TII Traffic and Transport</i>	We confirm that DBFL have engaged with Transportation Department direct on the Traffic and access strategy for the proposed

	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.”	development. We can confirm that a Traffic and Transport Assessment is now enclosed herewith in compliance with this policy.
EI 18	“It is Council policy to co-operate with other agencies, to plan, organise, authorise and supervise the disposal of hazardous waste.”	A Construction Waste and By Product Management Plan and Operational Waste Management Report has been provided as part of this application by Byrne Environmental.
LHB 20	“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.”	An Environmental Impact Assessment Report has been co-ordinated by Brock McClure Planning and Development consultants as part of this application. In addition, an Appropriate Assessment Report has been prepared by Open Field is submitted herewith to address the requirements of this policy.

Table 4 - Compliance with Development Plan Policy

4.3 Zoning

The site zoning is identified below:



Figure 2 - 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, Traveller's Accommodation."*

A residential development and associated tenant amenity space is therefore permitted in principle under this zoning objective.

In addition, we note that and ***'Tea Room/Café'*** uses are uses open to consideration under the zoning.

We note also that office space of 200 sq m is also open to consideration under the 'A' zoning governing the site. The current proposal delivers on 149 sq m of office space, which is in compliance with this requirement. We confirm for the planning file that the office use is considered ancillary to the residential accommodation delivered in that this space will cater for the requirements of future tenants.

All other concierge and tenant amenity spaces (gym and reading areas) are also considered ancillary to the main use of the site for residential development.

A portion of the site (along the existing entrance road to the site) is zoned 'NC' - ***to protect, provide for and / or improve mixed use neighbourhood centre facilities.***

This section of the site provides for access to the new residential development. Residential development is permitted in principle under the 'NC' zoning.

There is a portion of the site (along the N11), which is not zoned for development. This portion of the site provides for a pedestrian connection only as part of the proposal

4.4 Zone of Archaeological Influence

The site does not include but is located proximate to a Record of Monuments and Places (For areas of Archaeological Potential). Ref. 023-028.

We confirm that Archer Heritage Planning have been appointed to address all matters of archaeological and cultural heritage and we refer the competent authority to Chapter 16 of the EIAR enclosed herewith for further detail on the matter of archaeology.

4.5 Height

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

“(ba) where specific planning policy requirements of Guidelines referred to in sub-section 2(aa) differ from the provisions of the Development Plan of a planning authority, then those requirements shall, to the extent that they so differ, apply instead of the provisions of the Development Plan.”

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

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

In consideration of the above, we consider the Building Height Guidelines to be the predominant context for assessment of building heights in this case. This report has clearly set out the compliance of the proposal with the requirements of these Ministerial Guidelines.

We note the enclosure of a Material Contravention Statement herewith for consideration on the matter of height.

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

Houses

- 1 space per 1 and 2 bed unit
- 1.5 spaces per 2 beds
- 2 spaces per 3 beds+

Café/Restaurant

- 1 space per 15 sq m GFA

Office

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

Notwithstanding these requirements, there is clear provision within the Development Plan (Section 8.2.4.5), which sets out that reduced car parking standards for any development (residential or non-residential) 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 itself is directly bounded by the N11 Quality Bus Corridor or Bus Priority Route to the north with bus services to the City Centre running every 6 minutes on average. The N11 route also features dedicated cycle tracks connecting to the wider cycle network throughout the county.

Luas - The nearest LUAS stop is located at Carrickmines Park & Ride (c. 1.8km).

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

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

As set out earlier in this report, our review of these 3 categories above has 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 5 minutes or 400-500m) to / from high frequency (i.e. min 10 minute peak hour frequency) urban bus services. (page 5 of the Guidelines)”**

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). Notably, the site delivers a direct connection to the N11 from the subject site, which is a key factor for consideration in this case. 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 site 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.

This provision is supported for the BTR model and there is emerging precedent on the matter as set out below:

ABP Ref no.	Location	County Council	Number of Units	Parking Provided	Parking Ratio
ABP- 303306-18	The junction of Belgard Road and Belgard Square North, Tallaght, Dublin 24	South Dublin County	438	129	0.25 per unit
ABP-303358-19	Swords Road and School House Lane, Santry, Dublin 9.	Dublin City Council	101	34	0.33 per unit
ABP-303435-19	Former Dulux Factory site, Davitt Road, D12	Dublin City Council	265	119	0.44 per unit
ABP-304196-19	Clarehall, Malahide Road, Dublin 17.	Dublin City Council	132	79	0.59 per unit
ABP-304346 -19	Former Chivers Factory Site, Coolock Drive, Coolock, Dublin 17.	Dublin City Council	495	396	0.8 per unit
ABP-304383-19	Lands at Concorde Industrial Estate, Naas Road, Walkinstown, Dublin 12	Dublin City Council	492	244	0.42 per unit
ABP- 304068-19	Roselawn and aberdour, Stillorgan Road, Foxrock, Dublin 18	Dun Laoghaire Rathdown County Council	142	91	0.64 per unit
ABP - 305176-19	Stillorgan Leisureplex, Old Dublin Road, Stillorgan	Dun Laoghaire Rathdown County Council	232	162	0.41 per unit

Table 6 - Planning Precedent for Reduced Car Parking Ratios

It is clear from the above that BTR development has had ratios of between 0.25 spaces per unit and 0.8 spaces per unit granted in terms of planning precedent.

It is in consideration of the above planning policy and precedent that a total of 274 car parking spaces are proposed (273 at basement level and 1 at surface level) at a ratio of 0.58 spaces per unit. This provision is assigned as follows:

- **247** no. basement car parking spaces are allocated for the 452 no. apartments (including visitor spaces and 10 no. mobility impaired spaces);
- **26** no. car parking spaces are allocated, at basement level, for the 10 no. 3 bed semi-detached houses and the 6 no. one bed bungalows;
- 11 no. car parking spaces will be reserved as dedicated mobility impaired spaces as specified by the DLRC requirements for 4% of the overall car parking provision;
 - 1 no. space will be at surface level by the development entrance;
 - 10 no. spaces will be at basement level;
- 28 no. electric vehicle charging points have been assigned as per DLRC requirements; and
- 4% will be allocated as spaces for car sharing clubs (11 no. car parking spaces)

We note at this point that the entirety of car parking proposals are dedicated to the residential use of the scheme. The residential amenity facilities (gym, lounges office space) are considered ancillary uses to the residential nature of the scheme and are not considered to warrant a separate car parking provision. In addition, we note that the café proposed is considered a village centre use and is not considered to warrant a separate car parking provision in this case.

In support of the proposed car parking proposals, we refer An Bord Pleanála to the material prepared and submitted by DBFL Consulting Engineers.

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

The above applies to both houses and apartments.

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 (for apartments only)

- Studio (41 x 1 = 41)
- 1 Bedroom (257 x 1 = 257)
- 2 Bedroom (136 x 2 = 272)
- 3 Bedroom (18 x 3 = 54)

A total of 624 long stay cycle spaces are required.

Short Stay

A total of 452 apartment units are proposed. Therefore, a total of 226 short stay spaces are required.

A total of 850 cycle spaces are therefore required for the 452 apartment units proposed within the scheme.

As set out by DBFL Consulting Engineers, a total of 616 no cycle spaces are proposed to serve the development. The Traffic and Transport Assessment and specifically Section 4.2.2.8 confirms that recent experience in the determination of an appropriate provision for bicycle parking would suggest that the provision for the site should be between the local authority and Department requirements. Local Authority requirements are set out as 543 spaces in this case and the divergence in requirements is set out in detail below:

Parking Type	DLRCC Standard	DHPLG Standard	Units (beds)	DLRCC Requirement	DHPLG Requirement
Long Stay	1 / unit	1 / bed	452	452	624
Short Stay	1 / 5 units	1/ 2 units	(624)	91	226
Total				543	850

Figure 3 - Extract from DBFL Section 4.2.24

Having considered this, DBFL have deemed that the current provision of 616 cycle spaces is appropriate for this site and development proposal. Of this provision, 512 no. long stay cycle spaces will be delivered at basement level and 104 no. short stay spaces will be delivered at surface level.

Additional 12 no. motorcycle spaces are proposed within the development.

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 20,500 sq m = 10% Public Open Space requirement is **2,050 sq m.**

This requirement is based on the development site area of 2.05 ha, which excludes the pedestrian and cyclist connection to the N11. The site area increased to c. 2.14 ha if these elements are included, which increases the 10% requirement to 2,140 sq m.

Apartment Guidelines Standards

Communal Open Space Requirements for apartments is:

4 sq m for studios - 41 x 4 sq m = 164 sq m

5 sq m for 1 beds - 257 x 5 sq m = 1,285 sq m

7 sq m for 2 beds - 136 x 7 sq m = 952 sq m

9 sq m for 3 beds - 18 x 9 sq m = 162 sq m

Total Communal Open Space required for 452 apartment units = 2,563 sq m

We note also the Development Plan requirements for house units (cited above) and note the following requirements:

10 x 3.5 = 35 x 15 sq m = 525 sq m

6 x 1.5 = 9 x 15 sq m = 135 sq m

Total Open Space required for 16 house units = 660 sq m

Total requirement for Apartments and Houses combined is 3,223 sq m.

A total of 7,511 sq m of public open space is proposed at this location. This provision is significantly over and above requirements of the relevant Development Plan and the Apartment Guidelines and is considered an exceptional level of public open space provision given the density proposed. The public open space proposals have been the subject of a high quality design by Cameo & Partners and details on this provision are further set out in Section 9.10.

It is our view that public open space proposals are exceptional in provision.

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 amenity space, which take precedent over Development Plan standards in this regard.

We note the following requirements and can confirm that all units proposed meet with the 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 Henry J Lyons 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.

In addition to the above we note that there are 16 no houses proposed as part of this development. Development Plan requirements for house units are as follows:

- For 1 and 2 bedroom units, a figure of 48 sq m may be acceptable where there is good quality open space delivered.
- For 3 bedroom units, a minimum garden space of 60 sq m is required.

We confirm the following provision for house units proposed:

House Type	DLR Requirement	Provision
1 Bed	48 sq m	48-57 sq m
3 Bed	60 sq m	95-228 sq m

Table 7 - Private Open Space

In terms of gardens depths, we note that the 2 storey units deliver distances of between c. 6.4 and c. 15m. Separation distances with adjoining dwellings at Willow Grove at delivered at 15.2 - 20.4m. Notably, the 10 2 storey house units proposed have no windows to the rear at first floor level, alleviating any potential concerns for overlooking.

Gardens associated with the bungalow units are mostly to the front and side of units. Bungalow units are located c. 1.2-2.4m from the adjoining boundary. This arrangement is considered appropriate on the basis of the single storey nature of the units proposed and the nature of the Build to Rent development typology proposed.

4.10 Green Infrastructure Strategy

Appendix 14 of the Development sets out a Green Infrastructure Strategy. The subject proposal has considered the spirit and intent of this strategy and is considered to assimilate well into the spatial framework strategy of this document.

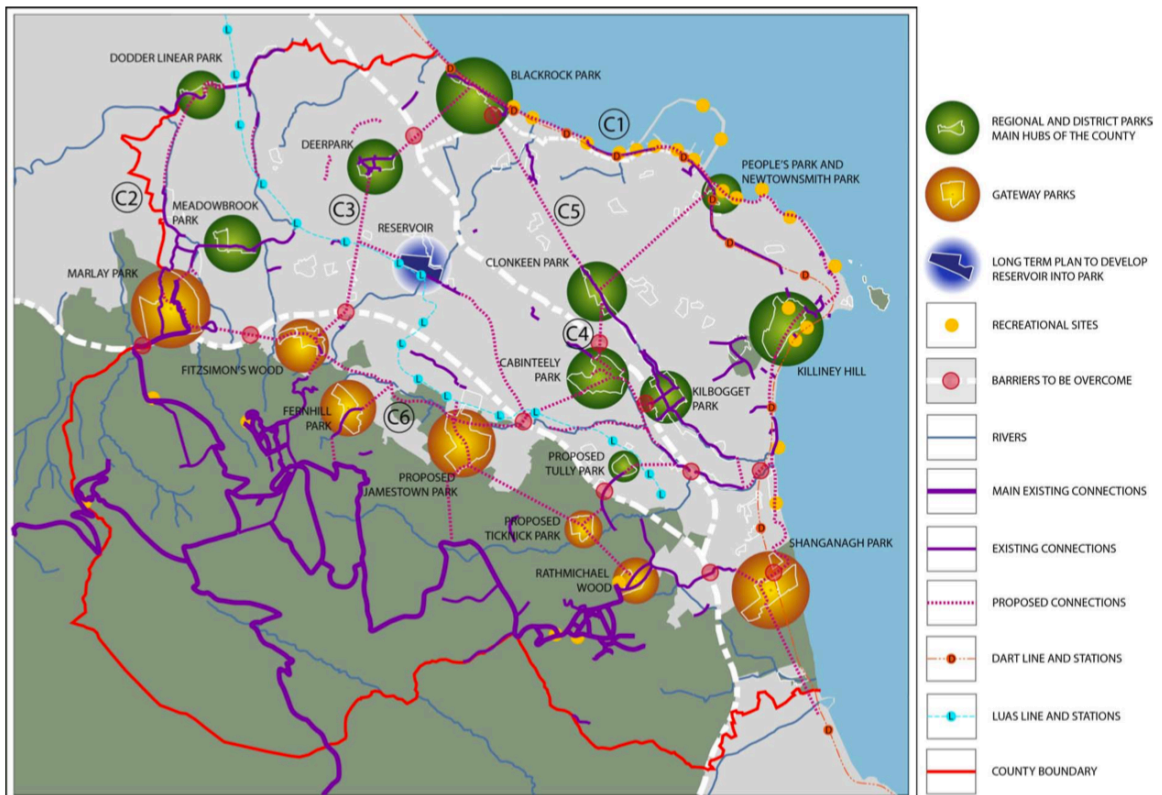


Figure 4 - Spatial Framework Strategy

The subject site contributes to the delivery of a green infrastructure strategy through the delivery of a permeable layout with connections to the N11 radial cycle route and the delivery of a hierarchy of public open spaces within the development.

The site is also located within Corridor 4 and 5 of the Green Infrastructure Strategy (Dun Laoghaire to the Mountains and intra Urban) and offers up a cycle connection from the N11 to Old Bray Road, and from within the development to the N11 and Willow Grove, which provides an increased level of permeability across a currently vacant site.

4.11 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’, ‘G’ 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.”

We can confirm that a total of 468 units are proposed on a c.2.05 ha site (development site area excluding pedestrian connection along N11), which provides for a residential density of 229 units per ha. This is considered appropriate and achievable at this location given the quality of the scheme proposed; the proximity of the site to public transport; and the protection of existing levels of residential amenity both within the scheme and at sensitive locations bounding the lands.

We submit that the proposed residential density can be positively considered in light of the Apartment Guidelines 2018, which generally encourage higher density development in central and/or accessible urban locations. Section 2.4 of that document defines central and/or accessible urban locations as follows:

1. Sites within walking distance (i.e. up to 15 minutes or 1,000- 1,500m), of principal city centres, or significant employment locations, that may include hospitals and third-level institutions;
2. Sites within reasonable walking distance (i.e. up to 10 minutes or 800-1,000m) to/from high capacity urban public transport stops (such as DART or Luas); and
3. Sites within easy walking distance (i.e. up to 5 minutes or 400-500m) to/from high frequency (i.e. 10 minute peak hour frequency) urban bus services.

The current site meets requirements 1 and 3 given its proximity to UCD and surrounding employment areas given the proximity of the site to the high frequency N11 Bus Priority Route. Notably, a new and direct cyclist connection is delivered to the N11, which is a significant planning gain in terms of accessibility to public transport.

We note the following density precedents for consideration of the 229 units per ha figure current proposed:

ABP Ref no.	Location	County Council	Number of Units	Scheme Type	Density Permitted
ABP-303358-19	Swords Road and School House Lane, Santry, Dublin 9	Dublin City Council	101	BTR	235 units per ha
ABP-303435-19	Former Dulux Factory site, Davitt Road, D12	Dublin City Council	265	BTR	311 units per ha
ABP-305176-19	Stillorgan Leisureplex, Old Dublin Road, Stillorgan	Dun Laoghaire Rathdown County Council	232	BTR	294 units per ha
ABP-301428-19	Carmanhall, Sandyford	Dun Laoghaire Rathdown County Council	495	Private	295 units per ha
ABP-304068-19	Roselawn and aberdour, Stillorgan Road, Foxrock, Dublin 18	Dun Laoghaire Rathdown County Council	142	BTR	166.5 units per ha

Table 8 - Density Precedent

Lastly, it should be highlighted that the subject proposal and extent of residential density and height proposed in this case has largely been informed by the assessment of the scheme in terms of its performance with daylight and sunlight, microclimate and landscape and visual impact assessment. The proposed development has delivered on all guideline requirements in terms of performance and it is on this basis that the current proposal for 229 units per ha is considered highly appropriate to the site and context.

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 strategic planning policy documentation and we trust that the Bord will now accept that the key objectives of each of the documents cited in this report have been met.

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

6 APPENDIX 1 - DRAFT LEGAL COVENANT

DATED

2019

Cornel Living Limited

and

Dun Laoghaire-Rathdown County Council

DRAFT / Section 47 Agreement

Build to Rent Premises at Cornelscourt, Dublin 18

McCann FitzGerald
Solicitors
Riverside One
Sir John Rogerson's Quay
Dublin 2
BNMS\32595497.2

Draft 1: 15 July 2019

MEMORANDUM OF AGREEMENT made on the 2019

BETWEEN:

- (1) Cornel Living Limited of Riverside One, Sir John Rogerson's Quay, Dublin 2, D02 X576 (the "Developer") of the one part; and
- (2) Dun Laoghaire-Rathdown County Council (the "County Council") of the other part.

RECITALS:

- (A) The Developer applied to An Bord Pleanála for Strategic Housing Development for permission under the Planning and Developments Acts 2000 to 2018 ("Planning Acts") to develop a 469 no. Build-To-Rent apartments which application was dated [•] ("Development") at lands Cornelscourt, Dublin 18 ("Development Site").
- (B) An Bord Pleanála granted permission, Register Reference [•] dated [•] ("Planning Permission") pursuant to the Planning Acts for the Development subject to certain conditions as described in the Planning Permission, a copy of which is included at Appendix A.
- (C) The Developer and the County Council, as planning authority for the functional area in which the Development Site is located, have agreed to enter into this agreement pursuant to condition no. [insert condition number] of the Planning Permission and Section 47 of the Planning Acts in relation to the use of the 469 no. Build-To-Rent apartments ("Relevant Development").

NOW THEREFORE IT IS AGREED AND DECLARED as follows:

1. The application for planning permission of the Developer dated the [•] (the plans, drawings and documents referred to therein) and the Planning Permission, are hereby incorporated in this Agreement and shall be read and construed therewith.
2. This Agreement shall bind the Developer and its Assignees and Successors in title and all persons claiming through or under it in accordance with the provisions of Section 47 of the Planning Acts.

Section 47 of the Planning Acts

3. In accordance with condition no. [insert condition number] of the Planning Permission and in accordance with Section 47 of the Planning Acts and in accordance with Section 5.0 of the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments published March 2018, the Developer hereby covenants and agrees with the County Council to restrict and regulate the Relevant Development for the period of 15 (fifteen) years¹ from the date of the Planning Permission (the "Term") as follows:
 - (a) the Relevant Development shall remain owned and operated by a single entity;²
 - (b) no individual residential unit may be sold separately³ (save to a group company of the said single entity within the definition of holding company or subsidiary company under sections 7 and 8 of the Companies Act 2014 and/or any financial institution which provides debt funding to the said single entity in respect of the Relevant Development);

¹ The period specified in SPPR 7 of the Apartment Guidelines.

² The requirement explained at paragraph 5.3 and required by SPPR 7 of the Apartment Guidelines.

³ The requirement explained at paragraph 5.3 and required by SPPR 7 of the Apartment Guidelines.

Draft 1: 15 July 2019

- (c) no individual residential unit may be sub-let separately;⁴
 - (d) upon expiry of the Term, any of the individual residential units may be sold individually or collectively without the need for any further planning permission;⁵ and
 - (e) **[if necessary, any other conditions or matters to be agreed as part of the planning process]**
4. Nothing in Clause 3 of this Agreement shall prohibit:
- (a) sale of the entire of the Relevant Development to a single entity;⁶
 - (b) leasing of units in accordance with section 96(3)(b)(iva) of the Planning Acts, to satisfy the requirements of the County Council under Part V of the Planning Acts;⁷ or,
 - (c) the owner of the Relevant Development from leasing individual residential units as part its investment in the Relevant Development as a long term commercial rental undertaking.⁸
5. Upon expiry of the Term, the Developer shall be discharged from its obligations under this Agreement. Upon the written request of the Developer, the County Council shall provide an acknowledgment in writing of the satisfactory compliance by the Developer with its obligations under this Agreement.

⁴ The requirement explained at paragraph 5.3 and required by SPPR 7 of the Apartment Guidelines.

⁵ The requirement explained at paragraph 5.11 of the Apartment Guidelines.

⁶ The requirement explained at paragraph 5.3 and required by SPPR 7 of the Apartment Guidelines.

⁷ The requirement explained at paragraph 5.12 of the Apartment Guidelines.

⁸ The requirement explained at paragraph 5.3 of the Apartment Guidelines.

Draft 1: 15 July 2019

Appendix A
Planning Permission

Draft 1: 15 July 2019

In witness whereof the parties have executed this Deed the day and year first above written.

Present when the common seal of Cornel
Living Limited was affixed to this deed and
this deed was delivered:

[Director]

[Director/Secretary]

**[County Council to confirm form of
execution clause]** Present when the common
seal of County Council was affixed to this
deed and this deed was delivered:

[Director]

[Director/Secretary]

7 APPENDIX 2 - CORRESPONDENCE WITH IAA AND DAA

From: MACCRIOSTAIL Cathal <Cathal.MacCriostail@IAA.ie>

Subject: RE: Proposed SHD Development at Cornelscourt Village, Old Bray Road, Cornelscourt, Dublin 18

Date: 3 October 2019 at 09:44:07 IST

To: Linda McEllin <linda@brockmclure.ie>

Cc: HUGHES John <John.HUGHES@IAA.ie>, Katie Waters <katie@brockmclure.ie>, Suzanne McClure <suzanne@brockmclure.ie>, Nigel Somerfield <nigel.somerfield@daa.ie>

Dear Linda,

With thanks to Nigel for forwarding your email below, I can confirm that from an Air Traffic Management(ATM) perspective, the proposed project at Cornelscourt does not have an impact on air navigation.

Please don't hesitate to contact me if needed if anything further is needed.

Kind regards,

Cathal

Cathal Mac Criostail

Údarás Eitlíochta na hÉireann / Irish Aviation Authority


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

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🌐 www.iaa.ie

 [Do you really need to print this?](#)

From: Linda McEllin <linda@brockmclure.ie>

Sent: Wednesday 2 October 2019 15:37

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

Cc: HUGHES John <John.HUGHES@IAA.ie>; MACCRIOSTAIL Cathal <Cathal.MacCriostail@IAA.ie>;

Katie Waters <katie@brockmclure.ie>; Suzanne McClure <suzanne@brockmclure.ie>

Subject: Re: Proposed SHD Development at Cornelscourt Village, Old Bray Road, Cornelscourt, Dublin 18

Thanks Nigel.

I can confirm that we sent the query in to FOD@IAA.ie and trust that the matter will be reviewed by the relevant personnel there.

Thanks for copying the relevant contacts.

Linda

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

linda@brockmcclure.ie
brockmcclure.ie

[+353 87 630 1678](tel:+353876301678)

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

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

Date: Wednesday 2 October 2019 at 15:35

To: Linda McEllin <linda@brockmcclure.ie>

Cc: 'John Hughes IAA' <john.hughes@iaa.ie>, Cathal MacCriostail <Cathal.MacCriostail@IAA.ie>

Subject: RE: Proposed SHD Development at Cornelscourt Village, Old Bray Road, Cornelscourt, Dublin 18

Dear Linda

Thank you for message.

I can confirm that the proposed development does not give rise to any concerns for DAA in relation to Dublin Airport.

You mention that you wish to engage with the IAA also – in case you have not made contact separately, I am copying this message to Mr John Hughes (IAA-SRD) and Mr Cathal MacCriostail (IAA-ANSP), who may be able to provide you with further confirmation, if required, in relation to safe air navigation.

Regards

Nigel Somerfield

Aerodrome Standards Manager

T: [00353-1-814 4349](tel:00353-1-8144349) email: nigel.somerfield@daa.ie

Document Classification: Class 1 - General

From: Linda McEllin <linda@brockmcclure.ie>

Sent: Tuesday 1 October 2019 11:15

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

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

Subject: Proposed SHD Development at Cornelscourt Village, Old Bray Road, Cornelscourt, Dublin 18

Dear Nigel,

On behalf of our client, **Cornel Living Limited**, we are preparing a Strategic Housing Development planning application for lodgement to An Bord Pleanála shortly. The proposal is located at Cornelscourt village, Old Bray Road, Cornelscourt, Dublin 18 and provides for a new residential development of 468 residential units, a café/restaurant, office space and residential tenant amenity facilities.

Heights of up to 12 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 12 storeys – Block A), 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 A is the tallest building with an overall height of 36.725m above ground level of 52.250m.

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.

Thanks,

Linda McEllin

Brock McClure

Planning and Development Consultants

63 York Road,

Dun Laoghaire,

Co. Dublin

linda@brockmcclure.ie
brockmcclure.ie

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SÉANADH: Tá an fhaisnéis sa ríomhphost seo agus i gceangaltáin ar bith faoi rún agus tá sé d'aird agus d'úsáid an Fhreagróra (na bhFreagróirí) dá bhfuil sé ceaptha amháin. Más rud é nach tusa an freagróir (na freagróirí) dá bhfuil an ríomhphost seo ceaptha, ní cheadaítear duit an teachtaireacht, an ceangaltá(i)n nó cuid ar bith dó a úsáid, a nochtadh, a chóipeáil, a scaipeadh nó a choinneáil. Má chreideann tú go bhfuair tú an ríomhphost seo trí earráid, bheimis buíoch dá gcuirfeá é sin in iúl dúinn láithreach. Scríos gach cóip den ríomhphost seo agus ceangaltá(i)n ar bith ó chóras do ríomhaire chomh maith le do thoil.

Mura bhfuil sé luaite go sainráite, níl sé beartaithe leis an ríomhphost seo caidreamh conarthach ar bith a chruthú. Murar seoladh an ríomhphost seo i gcúrsaí fhostaíocht an tseoltóra nó i gcomhlíonadh a dhualgas/a dualgas ní ghlacfaidh daa dliteanas ar bith as ábhar na teachtaireachta nó ceangaltá(i)n ar bith.

daa cpt. Oifig Chláraithe: Aerfort Bhaile Átha Cliath, Co. Bhaile Átha Cliath. Uimhir Chláraithe: 9401 Éire.

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